

Draft JMA Scope Beyond Act

This paper documents all the additional scope not required by legislation to the Draft Joint Management agreement between the Tuwharetoa Maori Trust Board and the Taupo District Council and its underlying Act of Parliament the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 ('the Act').
(bold for emphasis on certain topics).

Link to the Act here: <https://www.legislation.govt.nz/act/public/2010/0119/latest/DLM2921819.html>

Draft JMA Section	Content Beyond Act	Notes
Part A – Shared Vision, Cultural Narrative (clauses 5–10)	Detailed <i>He Hononga Wai</i> and whakapapa-based narrative of water origins and spiritual significance.	The Act requires a purpose but does not require cultural narratives — these are added for partnership and context.
Legislative background (clauses 11–27)	Historical summary of deeds from 1926–2007, ownership history, and co-management context.	Not required by the Act; included for contextual grounding and to recognise Tūwharetoa's unique legal position.
Relationship principles (clause 35)	Values such as honesty, transparency, and partnership protocols.	The Act requires procedures but does not prescribe relationship principles.
Establishment of JMA Committee (clauses 36–42)	Six-member governance body, co-chairs, and meeting procedures.	The Act requires “arrangements for governance” (s 50) but does not specify composition or meeting structures — these are discretionary.
Reference to “Taupō Moana”	Expands beyond <i>Upper Waikato River</i> to include <i>Taupō Waters</i>.	Permitted under s 48, but not required. The draft uses broader terminology.
Clause 30(e)	Lists working through <i>RMA</i>, <i>LGA</i>, <i>Reserves Act</i> processes.	Only RMA is required under the Act; LGA and Reserves Act inclusions go beyond.

Clause 33(g–j)	Adds topics like capacity building, reform responses, s33 RMA transfers, economic development, infrastructure, and 3-year work plans.	None are required by the Act; all are discretionary extensions.
Part B (clauses 46–173)	Provides step-by-step operational detail for monitoring, enforcement, plan-making, consents, customary activities, etc.	The Act allows these topics (s 49) but does not prescribe process detail — e.g., joint working parties, commissioner selection, pre-application procedures.
Clauses 119–122 (Capacity & Capability Building)	Mutual staff training, wānanga, secondments.	Entirely outside statutory requirement; designed for relational development.
Clauses 123–125 (Reform Responses)	Joint submissions and advocacy on national policy and legislation.	Not envisaged by the Act — an operational and political extension.
Clauses 126–129 (Section 33 transfers)	Commitment to explore transfer of RMA powers.	The Act allows JMAs, not transfers — this refers to RMA s33 independently.
Clauses 130–132 (Economic Development)	Collaboration on investment projects.	Not part of the Act's environmental co-management scope.
Clauses 133–143 (Service Infrastructure Projects)	Early involvement in three waters, roads, reserves.	Beyond the Act — these are LGA functions, not RMA duties.
Clauses 144–155 (3-Year Work Plan)	Structured planning mechanism aligned with Council LTP.	Not required by the Act; voluntarily added to operationalise the partnership.
Clauses 156–159 (Review and Amendment)	Sets review frequency (5 years) and Minister notification.	The Act only requires notification to the Minister when amended — periodic reviews are discretionary.

Clauses 160–161 (Issue Resolution Process)	Multi-tier dispute resolution mechanism.	Not prescribed in the Act; voluntary governance enhancement.
Clauses 162–167 (Suspension, Termination, Waiver)	Procedures for suspension/termination of parts of the agreement.	Not required by the Act; adds practical governance tools.
Clauses 169–173 (Legal Framework)	Clarifies disapplication of RMA ss 36B–E, binding effect, emergencies.	The disapplication statement (169) is new — clarifies the legal hierarchy but not required.