



Freshwater Iwi Leaders

Regional Iwi Hui

April – May 2021

Sharing the vision of Kotahitanga



Purpose of our Hui



- Provide a summary of the previous work undertaken by the Freshwater ILG (which continues to guide our mahi)
- Ensure that iwi, hapū, marae & whānau are informed and provided with the most up to date information around the current Crown Law Reforms that will have a direct impact on our Taiao
- Outline the current Crown work programme in relation to:
 - Resource Management Reforms
 - Rights and Interests in Freshwater
 - Freshwater ILG engagement with the Crown and related work programme
 - Overview of key matters for your consideration; and
 - Seeking your feedback to continue guide our engagement



Background



- Freshwater Iwi Leaders Group (ILG) established in late 2007
- Mandated by the National Iwi Chairs Forum (ICF) to engage directly with Government on freshwater and resource management reforms
- Goal to ensure Government recognises and gives effect to the full range of iwi rights and interests in freshwater
- ILG does not usurp the mana of individual iwi and hapū regarding their waterways
- ILG is not negotiating a “national settlement”
- Any options identified and developed in the course of engagement with the Crown will be brought back to the motu for discussion with all iwi and hapū



Engagement Update



- In 2017, Te Kāhui Wai Māori were established as an Advisory Body to the Crown on Resource Management and Freshwater matters
- In November 2020, Freshwater ILG re-established engagement with the current Government
 - Bringing together wider interest Groups (Collective)
 - Government priorities for this term
 - Resource Management Reform (based on Randerson Report)
 - Rights & Interests in Freshwater
- In March 2021, Current parallel engagement process:
 - Collective (Kāhui Wai Māori, FOMA and NZMC); and
 - Freshwater ILG and Te Wai Māori Trust



FRESHWATER RIGHTS, INTERESTS AND RESPONSIBILITIES





Rights, Interests and Responsibilities

- The Crown is re-opening discussions on these matters.
- We would like to review the key matters that the Freshwater ILG worked on to set perimeters for conversations with the Crown in previous Governments.
- We are seeking your feedback on whether these frameworks are still relevant.



TE MANA O TE WAI

PROTECT

The first right, is the right of the wai to thrive without being degraded or overused by humans. It is our responsibility to make this our priority.

ENABLE

When the first right is being delivered, we as humans must then live within the limits set by the natural environment to sustain ourselves.

REGENERATE

We have damaged our current relationships with the wai. so we will need to take responsibility to invest in regeneration and restoration.





TE MANA O TE WAI

OUR CORE OBJECTIVE

NGĀ MATAPONO KI TE WAI

Values

- Ki Uta ki Tai
- Mana
- Mauri
- Kaitiakitanga
- Mo tatou mo nga Uri
- Mana Atua Mana Tangata

Principles

- Te Tiriti o Waitangi te tahuu o te wai
- Te Mana Motuhake o ia wai o ia Iwi ki te wai
- Te kaitiakitanga o nga hapu me nga Iwi ki te wai
- Te Mana Whakahaere o nga Iwi me nga hapu ki te wai



NGA MATAPONO KI TE WAI

KEY COMPONENTS

LOCAL AND REGIONAL GOVERNANCE

Over all matters including;

- Planning
- Limits
- Allocation
- Monitoring
- Enforcement
- Restoration
- Rentals/rating

National Direction on Water
Local Flexibility
Alignment with Te Tiriti
Settlements

LIMIT SETTING

- Giving effect to Te Mana o te Wai.
- Protecting all cultural uses of our Wai
- Enabling economic development *only* within robust environmental limits.
- Providing clean and safe drinking water.
- Protecting and enhancing Mahinga kai.

ALLOCATION

- Hapu and iwi allocation of water secured within their catchment.
- Allocation provided within robust environmental limits.
- Increased certainty
- Move to highest value use over time
- Inalienable
- Transferable
- Right to access water (not ownership)
- Additional interests may exist outside of this framework

TRANSITION

- Phase in over time to allow existing users to adjust
- Allocating water to iwi may take time in over/fully allocated catchments
- Length of transition critical to avoid 'shocks' by allowing existing users to adapt
- Create certainty for existing users on new regime
- Iwi and the community determine allocation objectives





Work Programme



- Based on Ngā Mātāpono ki te Wai framework
- To recognise and provide for the full range of iwi rights and interests in freshwater
- A model with national application while recognising mana whenua and mana wai in each catchment
- Key future work is *Water Allocation*
- RMA Review Panel Report makes recommendations about allocation of resources, but notes that iwi rights and interest were outside its terms of review
- However, RMA Panel expressed view that the early resolution of iwi rights and interests between Crown and iwi & hapū is essential to overcoming difficulties of water allocation and use rights



RESOURCE MANAGEMENT REFORM





Resource Management Reforms

- Overview of Crown processes
- Randerson report
 - Natural and Built Environments Act
 - Climate Change Adaptation Act
 - Strategic Planning Act
- Other key recommendations as proposed by the Randerson Report
- Initial response from Freshwater ILG (position paper) and subsequent discussion





Resource Management Reform: Randerson Report



- This review was conducted by the independent Resource Management Review Panel chaired by retired Court of Appeal Judge, Hon Tony Randerson, QC. Kevin Prime was the Māori representative .
- There was limited engagement with Iwi and hapū.
- The report's recommendations are leading the Crown's direction in replacing the RMA by December of this year.
- Randerson Report <https://www.mfe.govt.nz/rmreview>



Natural and Built Environments Act (NBA)



- This is the core piece of legislation to replace the RMA. The purpose of this Act is to enhance the quality of the environment to support the wellbeing of present and future generations.
- This would be achieved by:
 - promoting positive outcomes for both the natural and built environments
 - ensuring that use, development and protection of resources only occur within prescribed environmental limits
 - ensuring adverse effects of activities on the environment are avoided, remedied or mitigated.
- Under the Act, central government's proposed new National Planning Framework will provide a set of mandatory national policies and standards on specified aspects of the new system. These will include environmental natural limits, outcomes and targets.
- **This is proposed to be in place by December 2021**



Strategic Planning Act (SPA)



- This Act is proposed to provide a strategic and long-term approach to how planning occurs for using land and the coastal marine area.
- Long-term spatial strategies in each region would be developed to identify areas that:
 - will be suitable for development
 - need to be protected or improved
 - will need new infrastructure and other social needs
 - are vulnerable to climate change effects and natural hazards such as earthquakes.
 - The regional strategies would enable more efficient land and development markets to improve housing supply, affordability and choice, and climate change mitigation and adaptation.



Climate Change Adaptation Act (CAA)



- This Act would support New Zealand's response to the effects of climate change.
- It would address the complex legal and technical issues associated with managed retreat and funding and financing adaptation.



THREE WATERS REFORMS





Taumata Arowai Water Services Regulator Act 2020



- Passed in July 2020, establishes Taumata Arowai as a Crown Agent
- Provides for its objectives, functions, operating principles, and governance arrangements, including the appointment of an independent Board and a Māori Advisory Group.



Water Services Bill

- The Water Services Bill, is currently before the Health Select Committee for consideration.
- This omnibus Bill will implement the Government's decision to comprehensively reform the drinking water regulatory system, with targeted reforms to improve the regulation and performance of wastewater and stormwater networks.
- Impacts to our Marae infrastructure and requirements to meet new water quality standards



DISCUSSION





RM Reforms



- Reference to Te Tiriti o Waitangi (Tiriti clause) and ensuring we give this sufficient strength to enable significant change.
- Determining how best for iwi and hapū to be involved in setting national direction on Taiao matters.
- Involvement of Iwi and hapū in all levels of the resource management reform programme
- The use of Mana Whakahaere and Mana Whenua in the Bill.
- Te Mana o te Taiao



Te Mana o te Taiao



- Our connections to all spheres of Te Taiao comes inherently from our whakapapa, from the Atua to ourselves.
- Our distinct mātauranga and our tikanga is derived from these relationships and is unique to each iwi and hapu of Aotearoa.
- The current interpretation of Te Mana o te Taiao provided by the Randerson Report is unacceptable. It enables a universal approach which excludes Iwi Māori from our own relationship with Te Taiao and it does not give effect to our Te Tiriti partnership. In its current form, it is cultural appropriation.



Te Mana o te Taiao



- Te Mana o te Wai, was developed from our hapu and then consulted on widely with Iwi. That process had cultural rigor and integrity. The version of Te Mana o te Taiao being presented by the Crown, does not.
- However, the technical team feel there may be an opportunity to amend the use of Te Mana o te Taiao to better reflect our mana motuhake and kaitiakitanga.
- We are seeking your guidance on our current thinking.



Next Steps



- Summary Report following the Regional Hui
- RM reform – exposure draft Bill
- Rights and interests – Cabinet Paper on Scope and Options development
- Timeframes
 - 2021 – June, Sept, Dec – Cabinet decisions followed by engagement
 - 2022 – Introduced to the house and Select committee
 - 2023 – implementation

Regional Iwi Hui Schedule 2021



Date	Time	Venue and Location
12 April 2021	12pm-3pm	Pukenga Workshop, Wellington
21 April 2021	9am to 11am	Hastings-Confirmed
21 April 2021	2pm – 4pm	Turanga-Confirmed
22 April 2021	9am – 11am	Ruatoria-Confirmed
22 April 2021	4pm-6pm	Whakatane –Confirmed
23 April 2021	9am-11am	Tauranga Moana: Walter Calloway Room, 217 Maunganui Road, Mt Maunganui and zoom
23 April 2021	2pm-4pm	Rotorua: Tangatarua Marae, Toi Ohomai Institute, Mokoia Drive, Rotorua and zoom
27 April 2021	9am-11am	Waikato: Waikato-Tainui Offices, 4 Bryce Street, Hamilton and zoom
27 April 2021	2.30pm-4pm	Te Kuiti-Confirmed-F2F/Zoom
28 April 2021		Taitokerau
28 April 2021		Wairarapa
29 April 2021		Nelson/Blenheim
29 April 2021	5.30pm – 7.30pm	Te Whanau a Apanui-Confirmed
4 May 2021	9am – 11am	Whanganui-Confirmed-F2F/Zoom
4 May 2021	1pm-3pm	Taranaki
5 May 2021	9am – 11am	Wellington *Beginning of Iwi Chairs



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