



FORM 3:

Submission on Proposal for National Policy Statement for Freshwater Management

Section 49 of the Resource Management Act 1991.

To: the Chairperson
Board of Inquiry

This is a submission on the following proposed national policy statement (the proposal):

Proposed national policy statement for freshwater management.

The specific provisions of the proposal that my submission relates to are:

Objective 3 – improving water quality

Objectives 5 and 9 (freshwater degradation and monitoring and reporting)

My submission is:

I support the objectives listed in the draft. I submit a change in emphasis is required.

I seek the following changes to the proposal:

Improving quality of fresh water: the primary rule should be that maintenance of water quality and quantity is the *overriding* objective.

To effect this objective, legislation is required authorising a moratorium on water right applications so as to preserve the remaining resource. This was done in Montana,¹ after it became clear that the amount of water sought by applicants exceeded the available resource. The same position pertains in New Zealand today, justifying such a response.

In this context, an analogy can be drawn with family law. Under section 4 of Care of Children Act 2004, the welfare of the child is the first and paramount consideration in the administration and application of the Act. The same should apply to water resource law.

If that means some farmers miss out, that's too bad. Water resources are finite and no-one owes farmers a living. Many are effectively farming with the benefit of an environmental subsidy. In addition, New Zealand cannot afford the luxury of unrestricted irrigation schemes, which are just another form of land speculation.

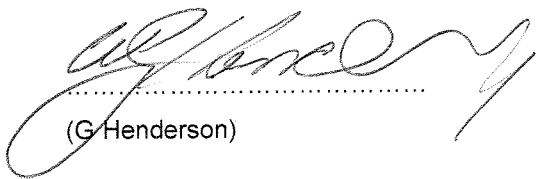
Freshwater degradation/monitoring and reporting: ineffective law enforcement and risible penalties have meant large corporate dairy farmers have operated as a law unto themselves. Any new sustainable water rules should be drafted on the same model as the Income Tax Act, and enforced in the same way. To inculcate a culture of respect for water resources, there should be:

¹ See the Basin Closure Law described in *Montana Trout Unlimited and ors v Montana Dept of Natural Resources and Conservation*, Supreme Court of Montana, 11 April 2006 (No 05-069), available on the Internet.

- strong incentives for compliance, eg programmes to encourage sustainable land use which does not damage rivers and streams, and funding for environmental protection schemes
- very heavy penalties for offenders.²

Without prioritisation of water quality and quantity, the proposed sustainable water plan will become mired in endless compromises between the competing demands of water abusers (rural industry) and passive users (anglers and other recreational groups).

I do not wish to be heard in support of my submission.



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(G Henderson)

Signature of submitter
(or signature of person authorised to sign)

16th Jan 2009
.....
Date

(A signature is not required if you make your submission by electronic means.)

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² See the annual report of the Inland Revenue Department for 2008, at p 32, for a discussion of effective enforcement.