

12 August 2019

Action on Agriculture Team
Ministry for the Environment
Aotearoa

Tēnā koutou,

RE: Action on Agricultural Emissions- Discussion Document

I refer to the Action on Agricultural Emissions discussion document (**the document**).

Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) welcome the opportunity to respond on this kaupapa.

Te Rūnanga support the intent of this kaupapa but wish to highlight certain matters the Ministry for the Environment should note as they progress this kaupapa.

Background

Te Rūnanga is statutorily recognised as the representative tribal body for Ngāi Tahu Whānui. As stated in the Crown Apology to Ngāi Tahu (attached as Appendix One), the Ngāi Tahu Claims Settlement marked a turning point, and the beginning for a new age of cooperation. The Ngāi Tahu takiwā (region) covers the largest geographic area of any tribal authority in New Zealand (a map of the Ngāi Tahu takiwā is attached as Appendix Two). Ngāi Tahu currently have in excess of 60,000 individuals registered with the iwi, most of who reside in Aotearoa.

Te Rūnanga o Ngāi Tahu Interest in the Proposal

Treaty Relationship

- Te Rūnanga o Ngāi Tahu have an expectation that the Crown will honour Te Tiriti o Waitangi (the Treaty) and the principles upon which the Tiriti is founded.
- As a Tiriti Partner to the Crown, Te Rūnanga expect an appropriate level of engagement on matters such as this. The Tiriti partnership is important to Ngāi Tahu, and elevates the relationship beyond that of a 'stakeholder'.

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, protecting taonga species and mahinga kai resources for future generations.
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī: "mō

tātou, ā, mō kā uri ā muri ake nei” (for us and our descendants after us).

Ngāi Tahu Farming

- Ngāi Tahu are heavily invested in agriculture. Tribal farming interests are varied, including dairy, intensive beef, forestry, and high-country sheep and beef.
- Ngāi Tahu Farming are charged with running a successful farming business that contributes to the aspirations of the iwi, as well as upholding Ngāi Tahu values.
- This responsibility drives Ngāi Tahu Farming to be leaders in the sector, and to drive positive improvement throughout the industry.

Proposals within the Discussion Document

Interim Option 1.

- Te Rūnanga are broadly supportive of Interim Option 1, understanding;
 - It will include a 95% free allocation.
 - An action plan will be developed to transfer livestock emissions obligations from processors to farmers in 2025.
 - That funds generated by the pricing of emissions will be then used to directly support the reduction of emissions within the sector.
- Te Rūnanga sees Interim Option 1 as providing certainty and clarity for the sector. The proposals made by the Agriculture Sector leaders (Interim Option 2) are compelling, however they do not demonstrate any certainty of outcome, and Te Rūnanga is mindful of the pressing urgency to act in order to mitigate climate change.
- The Interim Options need not be mutually exclusive. Proposals made in Interim Option 2 can sensibly be integrated into the transitional processes that will bring emissions obligations from processor to farm level.

Free Allocation

- Te Rūnanga are supportive of an output-based method for allocation of emissions units. The basis of this support is the ability to allow and recognise producers and processors for emissions reductions that exceed requirements or averages.
- Te Rūnanga agree that the percentage of free allocation available to the sector should not be entrenched at 95%, and that a mechanism for the assessment and appropriate adjustment of free allocation percentage must be legislated.
- The function of such a mechanism should carefully balance the need to limit the cost of free allocation to the taxpayer, drive emissions reductions within the sector, but also maintain investment confidence and certainty within the sector.
- Te Rūnanga also agree that emissions and allocation factors should be set to decline in line with anticipated business as usual improvements in emissions intensity.

Incentivising On-Farm Solutions

- Te Rūnanga strongly support incentives for landowners to offset their obligations through on-farm activities.
- As such Te Rūnanga encourage the government to investigate opportunities and barriers for on farm greenhouse gas mitigation as outlined in Proposal 5 of the document.
- When considering those opportunities, government should bear in mind the potential to support actions that deliver outcomes in more than just carbon sequestration. Small pockets of indigenous vegetation and healthy wetlands are not favoured by the Emissions Trading Scheme, but they sequester carbon while also supporting biodiversity and water quality outcomes. Biodiversity and water quality are an intrinsic part of the climate change conversation, and eco system wellbeing should be considered holistically in this sense.
- Te Rūnanga further encourage the government to consider how farmers operating on multiple properties can be recognised for reductions collectively, rather than on a farm by farm basis. This would give farmers motivation and flexibility to assess the best opportunities for offsetting on marginal land while potentially maintaining productivity in other areas.

Iwi/Māori Considerations

- The challenges faced by Māori landowners are well documented, and government efforts to alleviate these challenges and unlock the potential of a lot of Māori land has had mixed success.
- Te Rūnanga do not see this policy as having the scope to make significant inroads in many of the barriers faced by Māori landowners, however the settings related to incentivising new approaches to carbon offsetting through on farm vegetation have the potential to allow landowner groups to increase returns while promoting biodiversity and water quality while maintaining a non-intensive farming operation.
- Outside of this, Te Rūnanga encourage engagement at landowner level, in order to best understand the issues at hand.

Additional Comments on the Discussion Document

- The role of agriculture in regional economies cannot be underestimated.
- Revenue gathered through the pricing of agricultural emissions must remain within the sector at a regional level, to ensure that the wider economy is not unduly impacted.
- Te Rūnanga recommend that a high percentage of revenue is reallocated regionally, through performance-based incentives or through targeted assistance in upskilling and training.
- It is important that revenue is not simply put in a national fund, stripping local

economies with no guarantee of input.

If you have any questions related to the points made in this response, please contact Rebecca Clements, Rebecca.clements@ngaitahu.iwi.nz.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'RClements'.

Rebecca Clements
GENERAL MANAGER (ACTING), STRATEGY AND INFLUENCE

Encl. Appendix One: Text of Crown Apology
Appendix Two: Map of Ngai Tahu takiwā

APPENDIX One:Text of Crown Apology

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

The Crown apologises formally and will apologise publicly to Ngāi Tahu as follows:

1. Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna – tata atu ki 150 ngā tau i puta ai tēnei pepeha a Ngāi Tahu arā: ‘He mahi kai takata, he mahi kai hoaka’. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhukatanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā: Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kawana tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia orite ngā āhukatanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.
Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā reira i tū whakaiti atu ai i nāianei i mua i a rātou mokopuna.
2. E whakaae ana te Karauna ki tōnā tino heanga, tērā i takakino taruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i ana hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhukatanga i takoto ki roto i ngā pukapuka a-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tana hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētehi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.
3. E whakaae ana te Karauna tērā, i roto i tana takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.
4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i putake mai i te mana o te Karauna. Nā taua whakaaro kore a te Karauna i puaki mai ai tēnei pepeha a Ngāi Tahu: Te Hapa o Niu Tireni. E mōhio ana te Karauna i tana hē ki te kaipono i ngā āhukatanga whai oranga mō Ngāi Tahu i noho pohara noa ai te iwi ia whakatupuranga heke iho. Te whakataukāi i pūtake mai i aua āhukatanga: ‘Te mate o te iwi’.
5. E whakaae ana te Karauna tērā, mai rānō te piri pono o Ngāi Tahu ki te Karauna me te kawae pono a te iwi i a rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōnā ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.
6. E whakapuaki atu ana te Karauna ki te iwi whanui o Ngāi Tahu i te hohonu o te awhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtake mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. E whakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka a-herenga i tōnā hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhukatanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētehi tikanga e maru motuhake ai te

mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu taonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.

7. E whakapaha ana te Karauna ki a Ngāi Tahu mō tōnā heanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua a-rohe o Te Wai Pounamu, nā reira, i runga i ngā whakaritenga me ngā herenga a te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tangata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.
8. E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamarie i ngā hara kua whakina ake nei – otira, ērā e taea i nāiane-i i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka a-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei timatanga whai oranga i roto i te ao hou o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 Text in English

The text of the apology in English is as follows:

The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb ‘He mahi kai takata, he mahi kai hoaka’ (‘It is work that consumes people, as greenstone consumes sandstone’). The Ngāi Tahu understanding of the Crown’s responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu use, and to provide adequate economic and social resources for Ngāi Tahu.

The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu use and ownership of such of their land and valued possessions as they wished to retain.

The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying ‘Te Hapa o Niu Tīreni!’ (‘The unfulfilled promise of New Zealand’). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb ‘Te mate o te iwi’ (‘The malaise of the tribe’).

The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi

and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu loyalty and to the contribution made by the tribe to the nation.

The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu grievances.

The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

APPENDIX TWO: NGĀI TAHU CLAIMS AREA

