HOKONUI RŪNANGA – SUBMISSION ON ACTION FOR HEALTHY WATERWAYS DISCUSSION DOCUMENT

1. This submission is made on behalf of Hokonui Rūnanga (the Rūnanga) on the Ministry for the Environment’s Action for Healthy Waterways discussion document.

2. The Rūnanga is one of the 18 Papatipu Rūnanga that collectively make up Te Rūnanga o Ngāi Tahu. This submission is intended to be complimentary to the submission made by Te Rūnanga o Ngāi Tahu, which the Rūnanga supports.

3. The Te Rūnanga o Ngāi Tahu Act, 1996 and the Ngāi Tahu Claims Settlement Act, 1998 give recognition of the status of Rūnanga Papatipu as the repositories of the kaitiaki and manawhenua status of Ngāi Tahu whānui over the natural resources within their takiwā boundaries. Ngāi Tahu whānui are recognised in law as the descendants of those whānau who were members of the iwi alive in 1848, according to records held by the Māori Land Court.

3.1 Papatipu Rūnanga, representing mana whenua, and their respective takiwā are recorded in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001, including Hokonui Rūnanga whose takiwā is described as follows:

“The takiwā of Hokonui Runaka centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhitarere with other Murihiku Runanga and those located from Waihemo southwards.”

3.2 The total registered members for Hokonui Rūnanga as of the 05/08/2019 was 13,391.

3.3 The takiwā of Hokonui Rūnanga cloaks many catchments encompassing large and small watercourses historically and currently used by Murihiku tangata whenua. One of the main catchments within the takiwā of the Hokonui Rūnanga is the Mataura Catchment which includes the Mataura River and its tributaries.

—in accordance with the Te Rūnanga o Ngāi Tahu Act 1996, which established Te Rūnanga o Ngāi Tahu, the iwi authority, and enabled Ngāi Tahu to reach Settlement with the Crown for breaches of Te Tiriti o Waitangi.
3.4 The entire Mataura River is recorded in the Ngāi Tahu Claims Settlement Act 1998 (NTCSA) as a Statutory Acknowledgement Area (Schedule 42), establishing the cultural, spiritual, historic, and traditional associations of Ngāi Tahu with this river, from the mountains to the sea, ki uta ki tai. Mataura falls was a Pa Tuna gathering site owners by individual Whānau, similar to the concept of a modern-day whitebait stand. The Act summaries the Ngai Tahu association with the Mataura River stating:

"The area of the Mataura River above the Mataura Falls was traditionally used by the descendants of the Ngati Mamoe chief, Parapara Te Whenua. The descendants of Parapara Te Whenua incorporate the lines of Ngati Kuri from which the Mamaru family of Moeraki descend. Another famous tupuna associated with the river was Kiritekateka, the daughter of Parapara Te Whenua. Kiritekateka was captured by Ngai Tahu at Te Anau and her descendants make up the lines of many of the Ngai Tahu families at Otakou.... The Mataura was an important mahinga kai, noted for its indigenous fishery. The Mataura Falls were particularly associated with the taking of kanakana (lamprey)".

3.5 The Hokonui Rūnanga established New Zealand’s first freshwater Mātaitai Reserve along a 10km stretch of the Mataura River centred around the Mataura Falls and continue to develop a number of research initiatives to help manage the river.

3.6 According to Land Air Water Aotearoa (LAWA) the Mataura River is unsuitable for swimming with a high overall E.coli risk based on 3 years of data. A tributary of the Mataura River, the Waimea Stream;

"has one of the poorest water quality records of monitored Southland streams, and on occasion fish kills are reported in very dry summers. Ambient bacterial loadings are low in the upper Mataura but increase in the middle and lower reaches. However, the Waikaia River (main tributary of the Mataura) often has high bacterial levels exceeding MfE guidelines even in low flows. Water clarity decreases markedly between the upper and lower reaches of the Mataura”.

Submission

4 This submission generally addresses questions one to eight in the discussion document.

5 The Rūnanga supports the position of Te Rūnanga o Ngāi Tahu that:

5.1 Ngāi Tahu rights and interests in all water must be recognised and given effect to in any regulation and management of freshwater;

5.2 Ngāi Tahu must be enabled to protect freshwater ki uta ki tai (from the mountains to the sea); and

5.3 the Action for Healthy Waterways discussion document does not meet the Crown’s obligation to work with its Treaty Partner and is inconsistent with the acknowledgement of Ngāi Tahu’s rangatiratanga.

6 Flowing from its rangatiratanga and kaitiakitanga, the Rūnanga has a responsibility to protect and restore all of the waters in its takiwā. The current legislative and regulatory framework prevents the Rūnanga from acting on this responsibility.
Territorial Authorities uphold their statutory obligations by including tangata whenua in the consenting processes however little to no collaboration is sought with the Rūnanga on pre-developmental issues concerning water management strategies. A consensus is that territorial authorities in the takiwā of the Hokonui Rūnanga lack the understanding to carry out their statutory obligations to tangata whenua under Te Tiriti O Waitangi.

7 Until Ngāi Tahu rangatiratanga over freshwater is appropriately integrated into the management system, our waterways will not be healthy. Mana whenua must be involved in decisions within their takiwā.

8 The public engagement process for this proposed reform is not consistent with the requirement of Treaty partnership. The Rūnanga has not been provided with any appropriate opportunity to engage with the Ministry on the proposals. There has been no meaningful engagement with the Rūnanga and public sessions for engagement has been industry and agriculturally focused. At public information sessions our voice has not been heard due to this focus and a safe environment has not been accommodated for tangata whenua.

9 The proposed reform also fails to address the wider concerns around the Resource Management Act 1991 (RMA) and the role of iwi. As noted by the Waitangi Tribunal in its recent WAI 2358 Report, the RMA is currently not Treaty compliant. This is perpetuated by the proposals. The Rūnanga is concerned that the Crown is not seeking to address those concerns in good faith with its Treaty Partner in a clear and timely manner.

10 Ultimately, any proposal to amend the freshwater management system must address Ngāi Tahu rights and interests in freshwater. The freshwater crisis in our takiwā is concerned about water quality and allocation. Issues with water quality impact the ability of our hapū to exercise its rights and interests in water, including rangatiratanga and kaitiakitanga, as much if not more than issues with water allocation and over-allocation.

11 For example, increasing frequency of annual toxic cyanobacteria algal blooms within the Mataura River and its tributaries is prohibiting the use of gathering mahinga kai for many Hokonui Rūnanga members. Degraded and outdated water treatment and wastewater treatment facilities is contributing to the degradation of the entire catchment. Current industrial, urban and agricultural land-use practices are continuing to degrade the entire catchment. Due to these impacts tangata whenua have disconnected themselves from the whenua which is an inherent part of their identity.

12 The Rūnanga does not support the Ministry’s Kahui Wai Māori, who do not speak for the Rūnanga and its interests in and aspirations for freshwater. The Rūnanga does not support a number of the Kahui Wai Māori’s recommendations, including the establishment of a “Te Mana of Te Wai National Commission”. The Rūnanga does not support the concept of a national body to overseeing freshwater management in its takiwā and considers such a proposal an insult to its rangatiratanga.

13 The literal degradation of the environment by anthropogenic processes has caused the well-bring of an entire culture to degrade which is a clear violation of Te Tiriti O Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples. The health of our wai, tāonga species, whenua, and tangata whenua are currently at risk at with the current and future plans for waterway health management. The Hokonui
Rūnanga is focused on providing solutions to increase waterway health with collaborative partnerships.

The Hokonui Rūnanga support the spirit of change and effort that the Ministry are taking to address the waterway health issues, and will continue to support the Ministry on these specific initiatives however, for the reasons above, the Rūnanga does not support the substantive proposed freshwater reform unless and until the Crown engages meaningfully with Ngāi Tahu to advance takiwā-specific solutions that will address Ngāi Tahu rights and interests in water.

Nāhaku noa, nā

Personal details removed

Hokonui Rūnanga Kaiwhakahaere