31 October 2019

Ministry for the Environment
Environment House
WELLINGTON
By email: consultation.freshwater@mfe.govt.nz

NGĀI TŪ AHURIRI RŪNANGA – SUBMISSION ON ACTION FOR HEALTHY WATERWAYS DISCUSSION DOCUMENT

1 This submission is made on behalf of Ngāi Tū Ahuriri Rūnanga (the Rūnanga) on the Ministry for the Environments’ 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 Rūnanga is based in Canterbury at Tuahiwi and has important ancestral connections to waterways included the Waimakiriri River, the Ashley River and Taranaki stream, and Tutaepatu Lagoon.

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.

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.
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.

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.

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.

For example, the poor water quality of Tutaepatu Lagoon has significantly affected the ability of rūnanga members to exercise their ancestral mahi ki kai rights with regards to eeling. Eel takes have been in huge decline due to the water quality in the lagoon. Other mahi ki kai sites such as the Ashley river have also been impacted by polluted water. Water cress smells and tastes like cow excrement, and whitebait takes are also down on the Ashley. Algal blooms are a very real concern for rūnanga members trying to exercise mahi ki kai rights.

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.

For the reasons above, the Rūnanga does not support any 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.

Yours Sincerely,

Upoko
Ngāi Tūāhuriri

Personal details removed