Tēnā koe,

ACTION FOR HEALTHY WATERWAYS – ESSENTIAL FRESHWATER REFORM PROPOSALS

Kei te Manatū Mō Te Taiao, toitū ki a koutou, toiora ki te wai Māori

The Māori Kiwifruit Growers Forum Incorporated (MKGFI) was established in 2016 and is proudly by Māori for Māori. The MKGFI Executive Committee is charged with exercising leadership across the industry, and advocating on behalf of, improving information dissemination to, and assisting and helping improve net returns for, Māori kiwifruit growers.

We refer to the Government’s current consultation on the Action for healthy waterways discussion document on our essential freshwater, and associated draft national direction documents.


As Māori kiwifruit growers, we acknowledge the unique place we hold as tangata whenua organisations within the industry. We attach a submission from MKGFI that touches on the Essential Freshwater Reform Proposals from that unique perspective.

Nāku iti nei,

Chairman
Māori Kiwifruit Growers Incorporated

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Our vision, purpose and values are as follows:

**Vision** He Whenua Rangatira - Authority, Wellbeing & Prosperity

**Purpose** To build and grow the Māori Kiwifruit business for current and future generations

**Values**
1. Kotahitanga - Te Iti, Te Rahi
2. Mana Whakahaere - Influence, Leadership, Leverage, Decision Making
3. Whai Hua - Opportunities, Value, Better Decisions

**The Kiwifruit Industry Position**

MKGFI support’s the submission of New Zealand Kiwifruit Growers Incorporated (NZKGI) on the Draft National Policy Statement for Freshwater Management and Draft National Environment Standard, two national direction documents that form a key part of the Essential Freshwater Reform Proposals. The submission provides important technical feedback on the reforms from an industry perspective.

The NZKGI submission also sets out two of the guiding principles of the kiwifruit industry’s Water Strategy, which have informed the kiwifruit industry response. Development of the guiding principles was led by MKGFI Executive Committee Members. Like Te Mana o te Wai, these principles draw on the wisdom of tikanga Māori to provide leadership and guidance in looking to fulfil the industry’s vision of collectively protecting and enhancing our water resources for our people, our environment, and our communities while enabling industry growth. Those two guiding principles are:

**He Taonga te Wai:**
*Water is a treasure*

- Water is precious and valuable
- Water has spiritual, environmental, physical and economic value
- Water is a resource to use, preserve and replenish
- Water is life

**Ko Tatou Katoa Nga Kaitiaki:**
*We are all guardians and caretakers*

- We take collective and personal responsibility to care for water resources
- We are accountable to future generations so they benefit from water resources like we do
- We will lift our knowledge of caring for and using water better

As Māori kiwifruit growers, we acknowledge the unique place we hold as tangata whenua organisations within the kiwifruit industry; particularly in respect of the depth of meaning and significance the principles ‘he taonga te wai’ and ‘ko tātou katoa ngā kaitiaki’ hold. Accordingly,
this submission provides our unique perspective on three issues that arise as a product of the Essential Freshwater Reform Proposals:

1. the elements of Te Mana o te Wai;
2. resolution of iwi and hapū rights and interests; and
3. water leadership that is effectively resourced.

The elements of Te Mana o te Wai

MKGFI strongly support the elevation of Te Mana o te Wai in the Resource Management planning framework to provide it with the weight required to direct transformative change in freshwater management in Aotearoa, and ensure it cascades down to key decision making points, most notably at regional council level.

MKGFI strongly support:

- **The hierarchy of obligations**: The hierarchy of obligations that emerges in giving effect to Te Mana o te Wai requires that the health of the water is the first priority; the second priority is providing for essential human health needs, such as drinking water; and the third priority is other consumption and use.
- **The core principles**: As an overarching framework for freshwater management the six core principles of Te Mana o te Wai (mana whakahaere – governance; kaitiakitanga – stewardship; and manaakitanga – care and respect) provide a bicultural lens that elevates and creates space for realising the unique whānau, hapū and iwi relationship with water in water management decisions.

MKGFI consider that there is a duality in the relationship between the hierarchy of obligations and the core principles. As Māori kiwifruit growers we sit across all three levels of obligation (as kaitiaki, as everyday users of water for essential needs, and as commercial water users) and use these core principles to navigate through the layers that we occupy. As both tangata whenua and water users our use is based on our reciprocal relationship as kaitiaki. Resource use must, as a minimum, be sustainable; but where preferable, be regenerative.

As Māori kiwifruit growers, informed by unique iwi and hapū values and interests, MKGFI consider that having Te Mana o te Wai as the overarching framework and provision for mahinga kai compulsory values in plan development, will allow positive and proactive Māori resource management contributions.

We acknowledge that Te Mana o te Wai is not a one size fits all approach. He mana tō ia iwi, tō ia hapū, and providing national direction that allows for local iwi and hapū circumstances is important.

Resolution of iwi and hapū rights and interests

MKGFI endorses the Wai 2358 Stage 2 Waitangi Tribunal Report on freshwater and geothermal resources. It makes a number of findings about the failings of the current freshwater management framework. It also offers a range of recommendations to address Māori rights and interests, including the provision of proprietary redress and developing a new allocation regime in partnership with Māori.

The various geographic locations of our growers, some very rural, provides our members with unique and diverse perspectives of the water autonomy challenges facing iwi and hapū. In the areas in which we operate, retaining autonomy regarding waterways and water bodies is not an abstract policy
discussion, but a key issue that plays out on the ground. We support iwi and hapū being able affect decisions about the wai in their areas.

We also support the Government working directly with iwi and hapū to confirm workable policy solutions. The rights and interests, and therefore the solutions, lie with iwi and hapū.

**Māori water leadership that is effectively resourced**

The kiwifruit industry Water Strategy, which represents a collective commitment to demonstrating leadership in managing wai together, has been the impetus behind the industry being able to jointly oppose the proposed exemption of irrigation regulations for farms or orchards of less than five hectares. A big part of the Māori kiwifruit portfolio falls within those orchards that would otherwise be exempt under the proposal, but as Māori kiwifruit growers – as tangata whenua water users – we agree that all kiwifruit growers have a part to play. Indeed, a two hectare orchard could potentially do just as much environmental harm as a 15 hectare orchard if it does not act in accordance with Te Mana o te Wai.

We also believe that the reforms need to recognise and provide for the relationship of tangata whenua with ancestral lands. The proposals must ensure that historic impediments to effective use of Māori land and associated contemporary effects do not provide a further impediment to tangata whenua making optimal use of our land, consistent with Te Mana o te Wai. Land relevant to this issue is land (under Māori or general title) that has multiple tangata whenua owners and land returned through Treaty of Waitangi settlement.

MKGFI consider that this is most appropriately addressed by ensuring access to funding and resources to support compliance, as there is no question that resourcing compliance (both financially and physically) will be an issue for Māori entities. In particular, Māori entities are less likely to have the skill, capability and financial resources to support compliance. To that end, central government needs to tag specific funds, both from its own resources and by re-directing council spend, to supporting compliance by Māori entities. Without this support, the contemporary effects of historic impediments to effective use of Māori land will be ongoing.

**He kupu whakakapi**

MKGFI welcomes the Essential Freshwater Reforms, and the Kiwifruit Industry’s response. We encourage other industries to respond in kind.

We trust our unique perspective as tangata whenua water users, both in relation to the duality of the central concepts that underpin Te Mana o te Wai, and the importance of effectively resourcing Māori water leadership, will prove valuable in refining the reform proposals.

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1 Historical impediments include customary tenure in the nineteenth century, public works, rating law, Te Ture Whenua Māori Act, and confiscation. Some impediments or their effects continue currently, including issues of governance, fragmentation and compliance with central and local government regulations such as regional and district plans.