

FEDERATION *of* MĀORI AUTHORITIES

Me Uru Kahikatea

3 February 2014

Submission to: Ministry for the Environment / Water Reforms

Submitter: [withheld] (Chairman)
Federation of Māori Authorities
[withheld]

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Submission on the proposed changes to the National Policy Statement on Fresh Water Management

Purpose and context

1. This submission has been prepared by the Federation of Māori Authorities ('the Federation'). The purpose of this submission is to inform the Minister and officials of our views pertaining to proposed changes to the National Policy Statement on Freshwater Management.

Background information on the Federation

2. Established for twenty-six years, the Federation is an Incorporated Society and the collective representational arm of around 150 Māori authorities or entities. Our membership ranges from single farm businesses to broad-

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based enterprises that own and manage interests across the raft of primary industries.

3. The collective asset base of the Federation membership is estimated to be \$8 billion. Our members include agriculturalists, forestry owners, and mixed-use landowners. Membership comprises a variety of Māori entities as well as iwi and hapu entities along with other Māori landowners.
4. The Federation's purpose is to help its members prosper and grow. Its strategic goal is to promote sustainable economic prosperity; for our members, our communities and our country. In other words, we have a national advocacy role for Māori interests – that is mandated and clearly supported by Māori entities.
5. We also advise that Māori have significant land interests, the majority of which is regulated under Te Ture Whenua Māori (1993). There is circa 950,000 hectares of Māori land; the majority of which is governed by entities associated with the Federation. In our view, the sheer-size of our representative interest is significant and of note; and we would expect that to be reflected within the consideration of submissions.

Overall position

6. The Federation supports the majority of changes proposed for the Freshwater Management Policy Statement (FMPS); specifically the changes relating to how local authorities will be required to account for water usage and how water quality is monitored. That is, we agree;
 - with the inclusion of a National Objectives Framework as outlined in the consultation document;
 - with the proposed requirement for local authorities to identify key values relating to water within their communities, and manage water according to such priorities;
 - to the inclusion of the two proposed 'compulsory' values – eco-system health, and a minimum quality standard acceptable to human secondary contact.

7. Our area of concern with the proposals relates to the proposals pertaining to 'Te Mana o te Wai'. We do not agree with the proposal to make this a non-compulsory standard.

Te Mana o Te Wai

Lack of consultation

8. As the largest group of Māori land owners and water users, our initial concern is that officials have not adequately consulted with the Federation of Māori Authorities. This does not recognise the significant asset and natural resource interest of our membership, and is not in accordance with the principal of partnership guaranteed to our members under the Treaty of Waitangi. We are of the view that the process used to date – with Government determining a preferred regulatory pathway, and Māori not included in the design discussions, despite our significant interests, does not align with expect consultation protocols or the partnership principles of Treaty of Waitangi.
9. Please keep in mind, the regulations now being progressed will affect the land and water usage of members whose ancestors have held these land interests since before the Treaty of Waitangi – that is there is no entry or exit out of the regulatory framework being proposed for Māori land owners. It is simply being placed on us. For this reason, the Federation recommends that the proposed changes reflect the interests, unique characteristics and relationship Maori have with water.
10. We remind the Crown of recent cases whereby a similar type of breach has been brought to the attention of the Waitangi Tribunal: wānanga, kōhanga, the Māori Community Development Act, radio spectrum – and in all cases the Crown approach to consultation has been found wanting. Accordingly in relation to freshwater management the Federation is not convinced that officials have discharged their commitments to Māori to a level of professionalism required of consultation. To reiterate: Federation members are the main Māori users of water in Aotearoa and our interests extend in perpetuity. It is therefore unfortunate that direct consultation has not been held in a partnership manner that allows our members to participate.

11. In light of this the Federation asks that decisions on Te Mana o te Wai be deferred until after further and appropriate consultation has been held with the Federation and its members. If this is not afforded to us, the Federation will explore all avenues to ensure its members are properly consulted on such matters of national importance.

Status of Te Mana o Te Wai

12. The consultation document identifies that Te Mana o Te Wai is not currently adequately recognised within the National Policy Statement, meaning it is not given sufficient attention within the regional plans set by councils, which in turn results in reduced consideration within resource consent application processes.
13. Given this, the Federation is not convinced that including Te Mana o te Wai as an optional value, and/or including further preamble text, is a suitable solution. The problem will continue. Rather, while we support the preamble text, we request that Te Mana o Te Wai is included as another compulsory value within the statement. While this is raised within the consultation document, it is not proposed. We believe this fundamental change is required to address the issue that currently presents, and to better safeguard and improve New Zealand's freshwater. In short, the current proposal does not address the policy issue identified.
14. The Federation notes that if Te Mana o Te Wai is a compulsory value there will be a positive means for Councils and Māori to work through water management issues in partnership. We would expect such discussions will be harmonious in the vast majority of cases.
15. Remember Māori are users of water, and have environmental concerns the same as others. We would not expect litigation around this point, any more than other compulsory values are litigated. Further, if interpretation of this area were to occur within the Courts as may be speculated, then we suggest the focus would be on the ensuring the processes used, were correct – not legal definitions of Te Mana o Te Wai per se. We believe such concerns are specious and negligible.

16. In sum, Māori value water, it is strongly connected to our Mauri (life-force); our ability to fully participate in processes to oversee its usage will be forever important to Federation members. We cannot accept a regulatory framework which diminishes this.

Final comments

17. The Federation remains willing to discuss further, orally or in writing, any of the matters raised in this submission. Thank you

Nāku noa, nā

FEDERATION OF MAORI AUTHORITIES INC.

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Chairman