
Ngati Tahu-Ngati Whaoa Runanga Trust (NTNWRT) would like to thank the Ministry of Business, Innovation & Employment for the opportunity to provide a submission on the Review of the Resource Management Act 1991 (RMA)

We make the following submission points on the issues contained in the discussion document “Transforming the resource management system: Opportunities For Change” for your consideration:

Issue 2: Purpose and principles of the Resource Management Act 1991

- The definition of “sustainable management” requires inclusion of the Maori world view through use of the concept of mauri. This encompasses the enhancement (and protection) of all four wellbeings rather than the management of them which by its wording promotes economic wellbeing above all others.

- The inclusion of a hierarchy of management obligations similar to that included in Te Mana o te Wai would also clarify and strengthen the expectations of what is required as part of the application process and by councils when making decisions.

- The wording in section 8 must be strengthened to “give effect to” Te Tiriti o Waitangi as the current wording to “take into account” Te Tiriti does not in itself require either the applicant nor any council to work in partnership with Maori to participate in decision making processes. This is not ground breaking for the Crown as it is already included in Section 4 of the Conservation Act 1987 so should be a simple rectification to make.

Issue 3: Recognising Te Tiriti o Waitangi and te ao Maori

- Many iwi have developed Iwi Environmental Management Plans which not only contain their environmental issues and concerns but also their values, goals and aspirations. Again, these documents are only required to be “taken into account” so do not carry any legal weight. Using the RMA to strengthen the reference to these documents, with a preference for “recognise and provide for” will provide guidance to applicants and councils on iwi expectations so consultation is more robust and useful.

- As previously mentioned, in recognising the principles of Te Tiriti o Waitangi, Maori must be treated as partners when participating in RMA matters and any clarification of iwi authority and hapu must still adhere to these principles. More weight should be given to those iwi authorities.

Ka ora te iwi – Ka ora te tangata
and hapu who hold mana whenua status during consultation versus those who are kaitiaki should it not be possible to all agree. It is a fact of life that there will be times when more than one iwi or hapu may wish to be consulted as an affected party so settlement agreements should be referenced when required to ensure the rights of these Maori groups are not eroded through inappropriate clarification of the meaning of these groups in this legislation.

- Also as previously mentioned, Te Ao Maori must be reflected throughout the document including the inclusion of mauri and matauranga where appropriate. This is already evident in the development of the National Policy Statements for Freshwater Management and Indigenous Biodiversity so should not create undue concern in this document but instead demonstrate more clearly the inclusion of the principles of Te Tiriti.

- Recent amendments to RMA legislation have seen changes such as the introduction of Mana Whakahono a Rohe to attempt to provide tools for Maori to force councils to engage. This demonstrates a lack of faith in local government by central government to perform their legislative duty towards Maori and as such has put the onus on Maori in demanding their rights be recognised. Central government should take responsibility for ensuring that local councils comply with current legislation by regularly auditing their performance against the principles of Te Tiriti o Waitangi rather than amend legislation that is already not being adhered to.

Issue 10: Allocation

- On the whole, “first in first served” as a means of freshwater allocation was sufficient to meet the needs of yesteryear when the resource was not under threat of over-allocation due to the limited demand. However this method has not been reviewed or amended even though demand has increased dramatically due to farm and industrial growth and use. There is also no method applied to ensure that water allocation is being used as intended and not held as a commodity to be traded in future. More focus is required by councils on catchment allocation to ensure that take and use are sustainable for the area rather than for each individual consent applicant or holder only. In our submission on the Essential Freshwater programme we supported the suggested change in legislation to allow councils to regularly review allocation based on catchment and still hold this viewpoint.

- It is accepted that Maori rights and interests in the allocation of freshwater is outside the scope of this review however this issue cannot continue to be ignored if the Crown plans to make robust and sustainable changes regarding all other aspects of water allocation.

Naku noa, na

Ngati Tahu-Ngati Whaoa Runanga Trust

Ka ora te iwi – Ka ora te tangata
Proactively released

Ka ora te iwi – Ka ora te tangata