

# **The Treasury**

## **Release of Submissions: Consultation on the Waitangi Tribunal's “Shares Plus” Proposal**

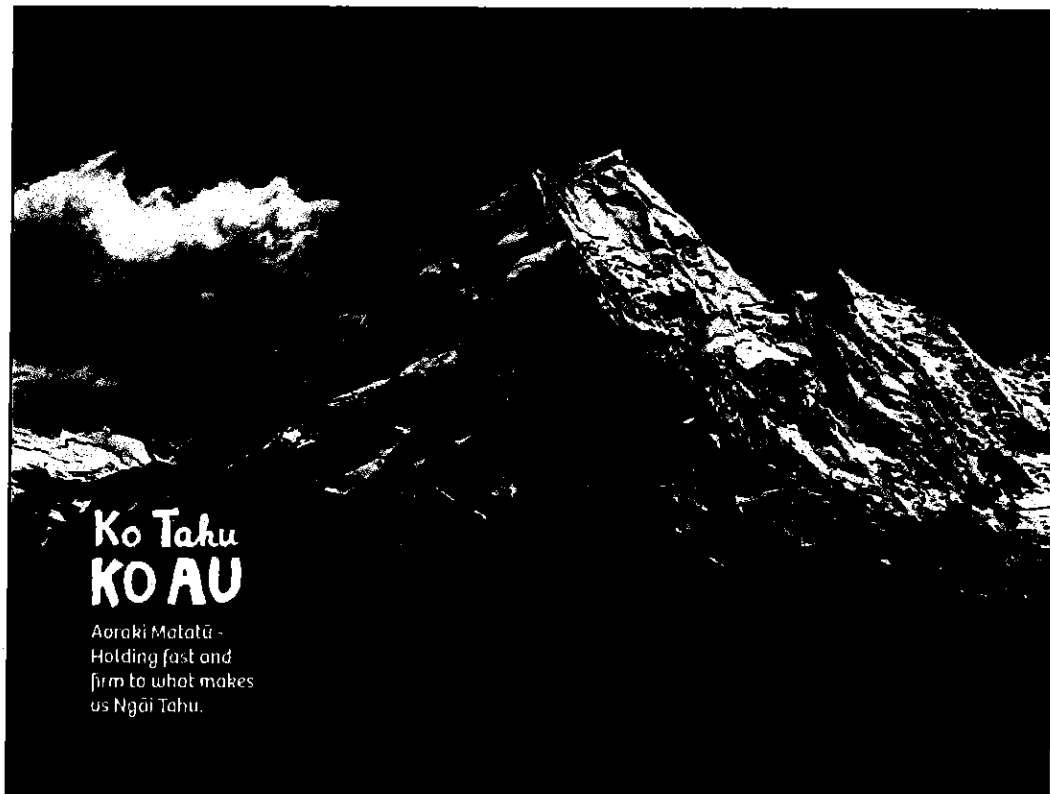
### **Release Document**

**November 2012**

**[www.treasury.govt.nz/publications/reviews-consultation/sharesplus/submissions](http://www.treasury.govt.nz/publications/reviews-consultation/sharesplus/submissions)**

Certain personal contact information in this document may have been withheld to protect the privacy of natural persons, including deceased people.

Where personal contact information has been withheld, a light grey box masks the content.



Mihimihi

Thank you for coming and for giving Ngāi Tahu a chance to speak to you in person about the concept of "Shares Plus".

But before we get to "Shares Plus" I want to take some time to put this discussion into a Ngāi Tahu context.

In my view the decision taken by the Government to partially sell down some State Owned assets, three of which happen to be power companies, has diverted our attention away from the bigger picture.

We need to be discussing how every iwi, and all of their rūnanga, hapū or marae can have an equitable opportunity to participate at all levels relating to the control, management and use of all of the waterbodies in their areas.

If we focus on only those waterbodies that happen to have a state owned power station associated with the waters then we are neglecting our duty to look after all of our water bodies.



When we ask the question – who is Ngāi Tahu the answer is simple but it has many layers.

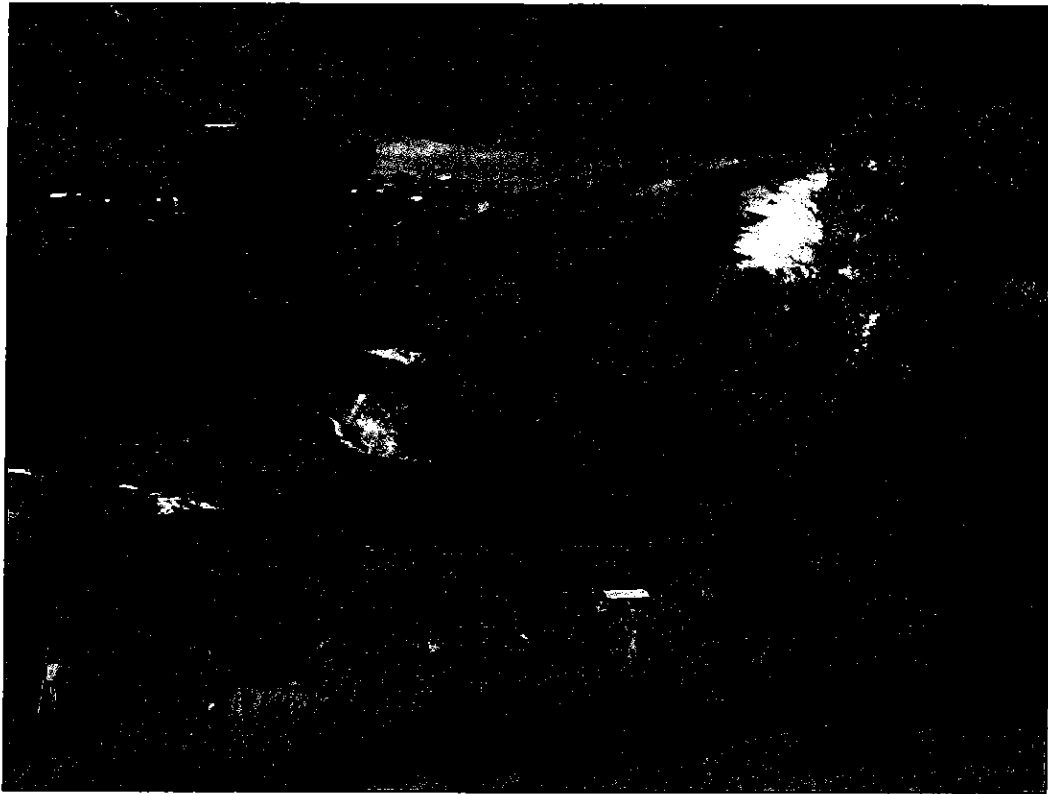
We are the uri of our tupuna – we are the people of Te Waipounamu – we have inherited a whakapapa relationship to our lands, our waterways and all of the natural resources within our takiwā.

These resources have sustained past generations of Ngāi Tahu, culturally, spiritually and economically – and it is our dream they will also sustain our future generations.

These whakapapa relationships come with both rights and responsibilities.

Ngāi Tahu is also the Treaty partner – and together we have the challenge of how to give effect to our collective rights and responsibilities in a modern context.

Our consideration of how to respond to that challenge may help us as an iwi to respond to the concept of “Shares Plus”.



I want to take you on a short journey.

The Ōaro River fed my family through the depression, through the war and still feeds us today.

My hapū is passionate about the river and we exercise our rangatiratanga in a way that is tangible for our people and involves everyone, from kaumātua to tamariki.

As an example, right now we are working with Environment Canterbury staff to restore the river mouth. It is one of many partnerships we are building.

It is aimed at a step-by-step improvement of our important mahinga kai and even involves wānanga where we work with ECan to discuss weed control and future maintenance for the area – so that skills are not lost – and knowledge, including new scientific knowledge, can be passed on.



### **Waituna Lagoon**

In the deep south Te Hāpua Waituna is another Ngāi Tahu taonga and a traditional source of mahinga kai, providing staple foods like pārerā (grey duck), tuna (eels) and hao (eel).

At Waitangi Day this year, Awarua Rūnanga ūpoko, Tā Tipene O'Regan told visitors to Te Rau Aroha Marae in Bluff that the ecological health of Te Hāpua Waituna was linked to the very core of our tribal health.

"If we didn't have wetlands like Te Hāpua Waituna, we wouldn't be able to put food on the table. It's not just about restoration of Mother Nature. These principles are a central component of who we are as a people."

Tipene made the point that Ngāi Tahu has gone to a lot of trouble to protect customary rights as guaranteed under the Treaty of Waitangi and it is important to continue to exercise those customary rights and mana over tribal taonga such as Waituna Lagoon.

Today our four Murihiku rūnanga and Environment Southland are leading the charge to prevent the lagoon from flipping into a toxic state.



### **Te Waihora**

Te Waihora is New Zealand's fifth largest lake. About 20,000 hectares, with approximately 75 kilometres of shoreline.

The ancient name for Te Waihora is 'Te Kete Ika o Rākaihautū'— meaning the 'fishing basket of Rākaihautū, our exploring ancestor.

It is a Ngāi Tahu taonga.

Sadly, Te Waihora is also New Zealand's most polluted lake. 150 years of poor land drainage, land use management and development practice has degraded Te Waihora to its current state.

One of our kaumātua (elders) Aunty Ake grew up at Te Waihora and she has witnessed the dramatic change that has happened in just one lifetime. Aunty Ake is 87-years-old and when she was a child she could see all the fish in the water. "Now you can't see anything in the lake, the water is too murky and it smells."

But things are looking up for our Te Waihora whānau.

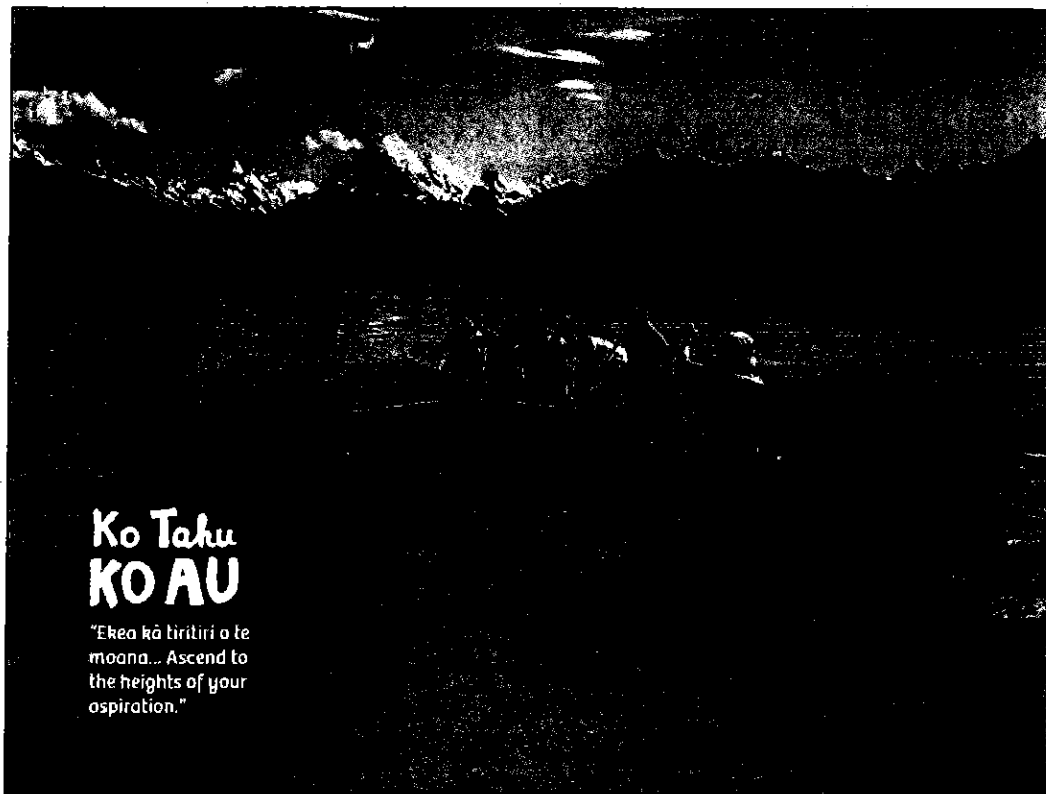


We have now signed a co-governance relationship with Environment Canterbury to shape a model to begin making changes to improve the health of the lake.

The co-governance model is designed to be a committed, enduring and quality relationship which is resilient enough to weather the short-term political cycles that can undermine the effectiveness of many organisations today.

There has been funding from the Crown to begin our work, but we were working before the new money and we will keep working even when that is all gone.

It will be our people on the ground who make the greatest difference, it will be their energy, their determination at every step that sees a turn for the better in the health of Te Waihora.



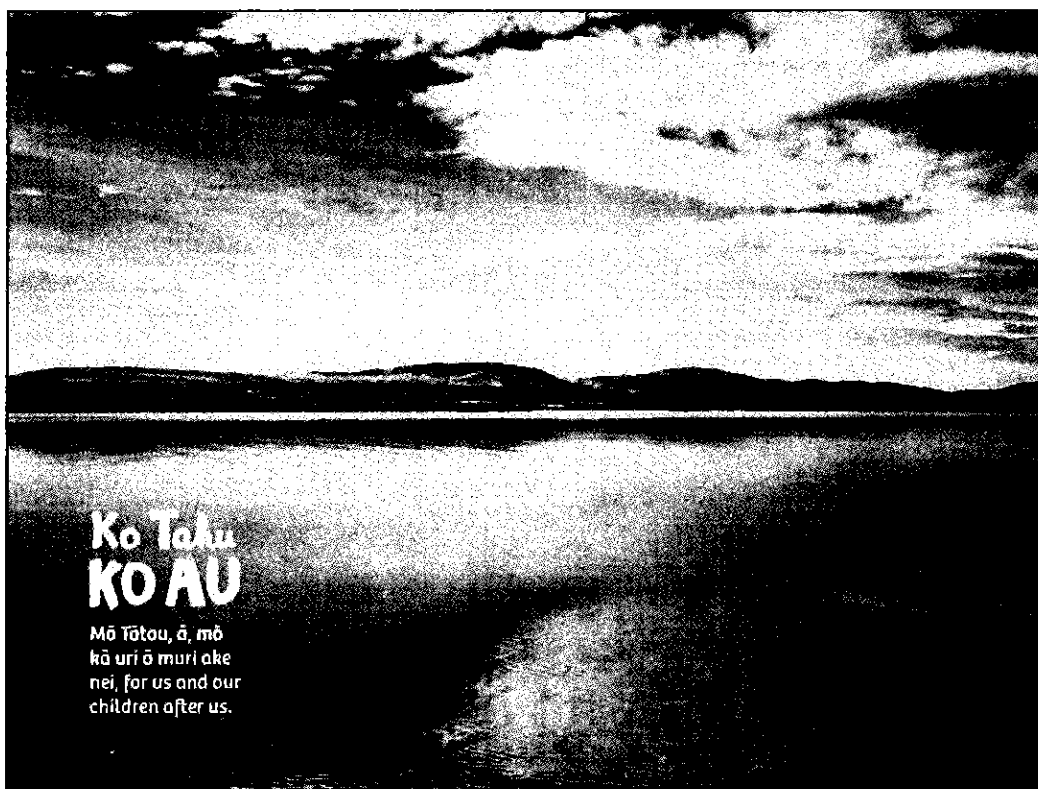
Turning now to "Shares Plus".

It is a seductive idea that via a "Shares Plus" regime Ngāi Tahu could have something akin to a veto right over how Meridian and/or Genesis operate within the Ngāi Tahu Takiwā – clearly they operate in areas of significant importance to Ngāi Tahu.

But we have hundreds if not thousands of examples of waterbodies within our takiwā each with their own stories – none of the examples I have covered tonight have a State Owned power company anywhere in sight and that is true for most of our waterbodies.

There are tens of thousands of resource consents that affect our waters – there are other power generators, irrigators and on it goes....



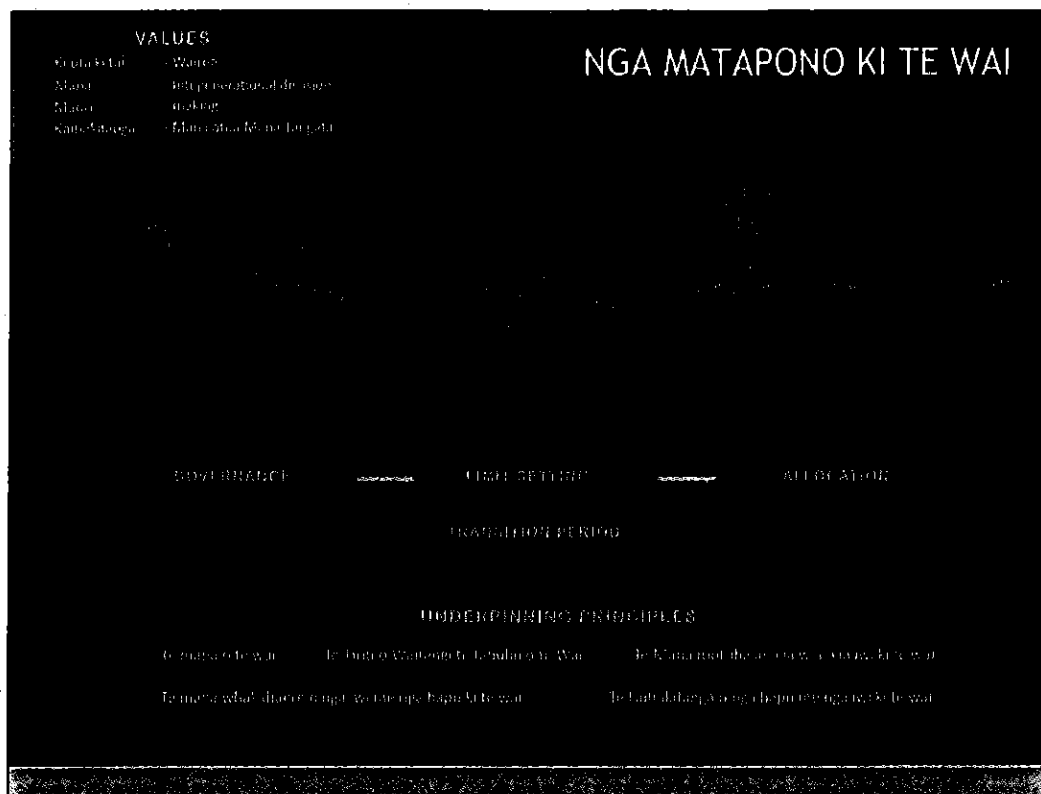


The key issues for Ngāi Tahu continue to be: water quality; sustainable use; sensible regime for allocation; retention/restoration of customary waterways; fair and equitable consideration for iwi when it comes to economic benefits; appropriate Treaty partner influence over management/governance of freshwater.

So our questions are how would "Shares Plus" be of benefit to Te Waihora, Ōaro or Waituna? Or for that matter any of our other precious water taonga that I have not had time to mention?

How would "Shares Plus" recognise the kaitiaki role of our Papatipu Rūnanga - who today are in partnership with many organisations throughout the takiwā on the restoration programme for our streams, rivers and lakes?

Our issue is that we do not see how the supposed benefits of "Share Plus" could give effect to rights and interests of Ngāi Tahu whānui across our takiwā.



Te Rūnanga supports the pursuit of our rights and interests through direct engagement with the Crown via the Iwi Leaders Group and the Land and Water Forum. These discussions are not about historical breaches of the Treaty, they are about establishing the platform for the future.

As was stated by Sir Tumu Heuheu at the recent hui at Tūrangawaewae, *"... the engagement we are having with the Crown is not just about our rights, it is also about our responsibilities, and it is about the mechanisms by which we can give effect to our responsibilities – to exercise kaitiakitanga – now and into the future."*

*The solutions we are seeking must be capable of being meaningful to the people of every marae and for waters of importance to them. This means that there must be a range of mechanisms which are capable of being applied to every water body whether it is a spring, aquifer, river, lake swamp – whether that water body is in Te Tai Tokerau or in Murihiku.*

*What the iwi leaders group have been advocating for is the tools which our people need to give effect to the concepts of Mana Atua – Mana Tangata – first we look after the water and then the well-being of the people will follow."*



**Ko Tahu  
KO AU**

Mō Tātou, ā, mō  
hā uri ā muri oke  
nei, for us and our  
children after us.

For Ngāi Tahu we continue our work with our partners here in Te Waipounamu to clean-up our local waterways, lakes and lagoons.

We work with our communities and our councils for win-win outcomes.

At a national level we are working with others in the Land and Water Forum process as well as via the Iwi Leaders' engagement with the Crown.

Ngāi Tahu has placed our faith in these processes – we are expecting enduring outcomes that befit the mana ki te mana outcomes that come from a respectful dialogue between Treaty partners.