

# **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)**

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**Tapuika Iwi Authority  
Te Puke**

10/4/2012

Tena koe e te Minita o the Whare Pāremata, ngā whakaaro mo tenei kaupapa o te wai-maori a Tapuika.

In accordance with the recent hui held at Wairakei, Taupo on the 19<sup>th</sup> September 2012, where attendees were informed to tender submissions no later than 5pm on Friday 5<sup>th</sup> October 2012, in regards to the Shares plus Consultation, please achieve our views on these issues.

Tapuika iwi Authority the mandated Authority to negotiate Treaty of Waitangi settlement with the Crown is scheduled to sign our Deed of Settlement by December 2012.

An integral component of our settlement is the establishment of a co-governance /co-management entity over the Kaituna River and its tributaries, which we understand will provide for better decision-making and ultimately protection of the significance of the waterways within our tribal boundaries.

Through the settlement process Tapuika have been able to express to the Crown the grievances which have restricted and undermined Tapuika mana-whenua and Tapuika mana-wai to say the least, however we are hopeful that the future may rectify past wrongs.

Therefore on that note; we submit our thoughts regarding the mixed ownership model, the share plus and in general our interests in the waters that are within the constraints of our tribal rohe (Te takapu o Tapuika).

Matters of importance for Tapuika and the Crown to deliberate in regards to the sale of the proposed 49 per cent of Mighty River Power shares.

- Tapuika have proven through the settlement process that we have proprietary interest in water resources and that these must be considered prior to the sale of Mighty River Power shares.
- Further consultation is required with Tapuika in regard to the Mighty River Interests on the Kaituna River, specifically giving regard to section 9 and section 27A-D; state owned enterprise Act.
- Tapuika are currently in the process of developing a relationship with Mighty River Power in regards to lands owned by MRP; with the desire to purchase these lands back in the future.

- In discussion with MRP there is a willingness from both parties to enter into a agreement to purchase, which would also include provisions for MRP to gain access; if determined a need to investigate hydro-power prospect. Tapuika would be the best option; as we would never on-sell lands traditionally significant.
- The Tapuika Deed of Settlement allows provision for the Iwi to consider matters associated to water rights and ownership as a contemporary claim, subject to future recognition and redress.
- As a co-claimant with the NZ Maori Council in the wai 2358; the Waitangi Tribunal suggested a shares-plus concept, which Tapuika supports in substance if this was to provide for a meaningful form of recognition of our interests. Secondly in the case of future development of hydro-power projects on the Kaituna River it would provide for a commercial recognition of rights.
- In regards to shares-plus offering a special right to Maori this is nonsense, what it could offer is acknowledgement of customary rights. Where the Crowns position is that no-one owns water, yet Iwi and hapu have proprietary rights, these statements are clearly opposed and there needs to be continued investigation at regional levels where the decisions are made as to the allocation of water.
- The Mixed Ownership Model allows for all New Zealanders generally investing into State Owned Enterprises, which then allows shareholders a say or vote, providing Iwi and Hapu interests are not affected through change; is why provision needs to be made to protect Iwi and hapu proprietary rights and interests.

#### General statement

Tapuika Iwi Authority's relevance in matters concerning water is predominately about protection and wellbeing. Within the takapu (tribal rohe) we provide kaitiakitanga over rivers, streams, springs, low temperature geothermal, lakes and coastal waters.

Tapuika as determined by the Government are an affected Iwi, and therefore in addition notify a continued consultation process (17)<sup>1</sup> "with those with a direct interest in water and geothermal resources used by Mighty River Power".

Naku noa na



Dean Terekaunuku Flavell  
Tapuika Iwi Authority

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<sup>1</sup> Office of Hon Bill English; mixed ownership Model Companies: consultation on Shares Plus proposal.