

BEFORE THE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act
1991

AND

IN THE MATTER of the proposed Canterbury
Land and Water Regional Plan

**STATEMENT OF EVIDENCE OF TĀ MARK SOLOMON
ON BEHALF OF NGĀ RŪNANGA OF CANTERBURY, TE RŪNANGA O NGĀI
TAHU AND NGĀI TAHU PROPERTY LIMITED**

February 2013

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1. HE KUPU WHAKATAKI – INTRODUCTION

- 1.1 Kia ora koutou, my name is Mark Solomon and I am of Ngāti Kurī, Ngāti Mamoe, Ngāi Tūāhuriri, Ngāti Irakehu, Ngāti Huirapa and Ngāi Te Ruahikihiki descent. I am the Kaiwhakahaere (Chairperson) of Te Rūnanga o Ngāi Tahu, a position which I was elected to in 1998. As Kaiwhakahaere, I provide leadership for the tribe at a national level. I am also the elected representative on Te Rūnanga o Ngāi Tahu for Kaikōura Rūnanga, a position I have held since 1995.
- 1.2 I have been involved with the community in many capacities, including as a trustee of Takahanga Marae, a school board trustee and I was on the board of the Museum of New Zealand Te Papa Tongarewa from 2001-2007.
- 1.3 I currently hold directorships on Te Hapai Mauri Ltd, Te Pataka o Rauru and Ngāti Ruanui Group Holdings. I am also a Summit Member of the Hillary Institute.

Scope of Evidence

- 1.4 I will discuss the following matters in my submission:
- a. An overview of Ngāi Tahu Whānui, Te Rūnanga o Ngāi Tahu and the kaitiaki Papatipu Rūnanga;
 - b. The role of Ngāi Tahu as natural resource users generally;
 - c. Ngāi Tahu's position in relation to fresh water; and
 - d. Ngāi Tahu's expectations around consultation with the iwi authority in relation to fresh water management.

2. NGĀI TAHU WHĀNUI

- 2.1 Ngāi Tahu Whānui is the collective of individuals who descend from Waitaha, Ngāti Mamoe and the five primary hapū (sub-tribes) of Ngāi Tahu; namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki.
- 2.2 We use Waitaha in two ways. Firstly, Waitaha is used to describe collectively all the ancient groups who lived in Te Waipounamu (South

Island) prior to the migrations of Ngāti Mamoe from Heretaunga in the early 17th century.

- 2.3 Secondly, Waitaha is used to note a people of a particular whakapapa (genealogy) who descend from Waitaha, who himself was a descendant of Rākaihautū. Rākaihautū was the leader of the great voyaging waka, Uruao, which arrived upon the shores of Te Waipounamu at Whakatū (Nelson) in ancient times. Our traditions place him and his people as the first human settlers in Te Waipounamu.
- 2.4 When Rākaihautū landed the Uruao waka at Whakatū, he divided the new arrivals into two groups; his son, Rakihouia, taking one party to explore the coastline and himself leading another party to explore inland. Rākaihautū explored the canoe of Aoraki and carved out many of its lakes with his ko (Polynesian digging tool).
- 2.5 Ngāi Tahu and Ngāti Mamoe arrived in Te Waipounamu at different times from the eastern part of the North Island several centuries ago. By the time Ngāi Tahu arrived, Ngāti Mamoe, through a combination of inter-marriage and conquest, had already merged with the resident hapū of Waitaha. Again through warfare and inter-marriage Ngāi Tahu merged with the resident Waitaha and Ngāti Mamoe peoples. When we refer to ourselves as Ngāi Tahu we also refer to our Waitaha and Ngāti Mamoe links.

3. **TE RŪNANGA O NGĀI TAHU**

- 3.1 Te Rūnanga o Ngāi Tahu is the governing tribal council established by the Te Rūnanga o Ngāi Tahu Act 1996 ("the TRoNT Act").
- 3.2 Te Rūnanga o Ngāi Tahu is a body corporate established under section 16 of the TRoNT Act. Section 15(1) of the TRoNT Act states:
- Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui*
- 3.3 The Ngāi Tahu Takiwā is defined in section 5 of the TRoNT Act. In general terms it covers the majority of Te Waipounamu excluding a relatively small area in the Nelson/Marlborough region. It clearly covers the area which is the subject of this hearing.

- 3.4 An elected representative from each of the 18 Papatipu Rūnanga throughout Te Waipounamu makes up Te Rūnanga o Ngāi Tahu. Through this tribal council structure, Te Rūnanga o Ngāi Tahu is accountable to the tribal members.
- 3.5 In paragraph 7 of section 6 of the Ngāi Tahu Claims Settlement Act 1998 ("the Settlement Act"), which records the Crown's apology, Ngāi Tahu is recognised "as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui." It has therefore been clearly affirmed in statute that Te Rūnanga o Ngāi Tahu is the sole representative of Ngāi Tahu Whānui, the iwi that is tāngata whenua within the Ngāi Tahu Takiwā.
- 3.6 Te Rūnanga o Ngāi Tahu considers itself to be an important and active member both of South Island communities and of New Zealand society as a whole. In all its undertakings, including its participation in resource management processes, Te Rūnanga o Ngāi Tahu is dedicated to the sustainable management of resources and the achievement of sound environmental outcomes. Our overarching objective is to build a stronger environmental, economic, social and cultural base for Ngāi Tahu people.

4. **KAITIAKI PAPTIPU RŪNANGA**

- 4.1 Papatipu Rūnanga are regional collective bodies that were established by Kāi Tahu Whānui in the nineteenth century to assist the progress of Te Kerēme (The Kāi Tahu Claim) and today act as the governing councils of the traditional Kāi Tahu hapū and marae-based communities. There are 18 Kāi Tahu Papatipu Rūnanga and each Papatipu Rūnanga is responsible for protecting the tribal interests in their respective takiwā (area), not only on behalf of their own hapū but on behalf of the entire tribe.
- 4.2 The TRoNT Act and the Ngāi Tahu Settlement legislation give recognition to the status of the Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries. All of the people from these kaitiaki Rūnanga have a whakapapa right to Te Waihora, which is reflected in a modern sense in the representative nature of the Te Waihora Management Board.

- 4.3 Every Papatipu Rūnanga has their own respective takiwā, and there are several instances where Rūnanga boundaries overlap with one another. Each Rūnanga is responsible for protecting the tribal interests in their respective takiwā, not only on behalf of their own hapū but on behalf of the entire tribe.
- 4.4 Environment Canterbury's Proposed Regional Policy Statement affects the following kaitiaki Papatipu Rūnanga;
- a. Te Rūnanga o Kaikōura;
 - b. Te Ngāi Tūāhuriri;
 - c. Te Rūnaka o Ōnuku;
 - d. Wairewa Rūnanga;
 - e. Te Taumutu Rūnanga;
 - f. Te Rūnanga o Koukourarata;
 - g. Te Hapū o Ngāti Wheke;
 - h. Te Rūnanga o Arowhenua;
 - i. Te Rūnanga o Waihao; and
 - j. Te Rūnanga o Moeraki.

5. **NGĀI TAHU AS NATURAL RESOURCE USERS**

- 5.1 Ngāi Tahu are users of natural resources traditionally and today. Ngāi Tahu Seafoods Ltd, Ngāi Tahu Tourism Ltd, and Ngāi Tahu Property Ltd all rely on the use or development of natural resources to provide for the economic and social well-being of Ngāi Tahu whānui. Ngāi Tahu undertake the use of natural resources to a cultural and environmental code of ethics; recognising that our long-term economic, social and cultural well-being relies on the protection of our natural resource base for future generations. For Ngāi Tahu, that is the embodiment of kaitiakitanga.
- 5.2 Ngāi Tahu's interest in natural resource management does not start and stop with the identification and protection of sites of wāhi tapu or tāonga. It is a whole system of natural resource management that includes:

- a. Long-term sustainable use and development of natural resources;
 - b. Protection of natural resource capital;
 - c. Monitoring of the state of ecosystems and the use of cultural indicators of ecosystem health;
 - d. The development of natural resource policy with both central and local government; and
 - e. Working with other natural resource users.
- 5.3 One of our aspirations is to have Ngāi Tahu natural resource management values leading mainstream resource management. Part of the process is explaining Ngāi Tahu resource management values and systems and making them accessible and understandable for everyone. For this reasons we sought to rewrite the objectives of the proposed Land and Water Regional Plan ("pLWRP") to marry the concept of kaitiakitanga with the language and concepts of mainstream resource management. Some considerable effort was put into this exercise by ngā rūnanga representatives and Te Rūnanga staff.
- 5.4 One thing we have learned in our own resource management projects is the importance of taking the community with you. At the end of the day it is the resource users on the ground: the farmers, the hydro-electricity generators, business and industry, and even territorial local authorities with their sewerage, drainage and water infrastructure, that determine how natural resources will be used and any associated effects on people and the environment. Therefore, to achieve natural resource management objectives we need:
- a. The users of natural resources to recognise the importance of sustaining resources and maintaining environmental health;
 - b. To have resource management systems which are simple and practical for resource users to implement; and
 - c. A commitment from regulatory authorities to support that approach and to implement whatever management regime is developed.

In short – keep it simple and certain, and enforce it.

- 5.5 Ngā rūnanga representatives have expressed to me their concern that the Canterbury Regional Council is looking to develop some very complex processes and regimes for managing water quality in particular, while we still have yet to do some fundamental basics well, such as metering water takes and keeping livestock out of waterways.

6. **NGĀI TAHU'S INTERESTS IN FRESHWATER**

- 6.1 It will come as no surprise to you that Ngāi Tahu is involved in ongoing discussions with its Treaty partner around the future management of its interests in freshwater. I appreciate such discussions are not part of this process. However, it may be helpful for you to have some background to these discussions, in order to understand Ngāi Tahu's position on some matters raised in our submissions.
- 6.2 The health of a country can be measured, among other things, but the state of its waterways. We have seen how sub-standard management can affect our waterways and access to clean, freshwater. In our view it is time for a freshwater management framework in New Zealand which gives adequate provision for and recognition of iwi rights and interests across all aspects of the freshwater management and ownership framework. Ngāi Tahu believe this is best achieved through direct negotiation between the iwi leaders group and the Crown.
- 6.3 Ngāi Tahu's involvement in the Freshwater Iwi Leaders' Group is one part of this effort. This group has a mandate from the Iwi Chairs' Forum to engage directly with the Crown to resolve iwi rights and interests. Some iwi and Māori groups take a different view and the Māori Council is the most recent example of legal action taken. Ngāi Tahu was not part of this action, though we did file an affidavit with the High Court describing our role in the Freshwater Iwi Leaders' Group and the Iwi Chairs' Forum, to assist the Court. However, Ngāi Tahu respects the right of any iwi to take the action they deem appropriate to assert their mana.
- 6.4 Ngāi Tahu has also been actively involved in the Land and Water Forum and has been greatly encouraged by that forum's unequivocal statement that Māori rights and interests in freshwater must be

resolved by the Crown in order for any future water management regime to be durable.

6.5 Ngāi Tahu's interests in freshwater go beyond but are not easily divorced from the Resource Management Act 1991, particularly in the areas of setting environmental flow and water allocation regimes and managing water quality. For these reasons it is vitally important to Ngāi Tahu that its statutory right to be consulted, as the iwi authority, in the preparation of these environmental flow and allocation regimes is upheld. It is also vitally important that regional plans adopt consistent approaches to the management of freshwater across regions, including the development of environmental flow and water allocation regimes.

6.6 Tēnā koutou katoa.

Tā Mark Solomon

February 2013