

APPENDIX 2: INHERENT RIGHTS PROTECTION

Purpose

To achieve the objectives of the inherent rights of Ngāi Tahu Whānui and, using rights-based leverage, to achieve the practical and effective expression of social, cultural, economic, environmental and political outcomes for Ngāi Tahu Whānui.

To ensure Ngāi Tahu maintains a prominent position in national policy reform concerning key kaupapa to preserve and enhance the rights and interests of Ngāi Tahu, and;

To facilitate and create opportunity to enhance cultural, social, environmental and economic outcomes of Ngāi Tahu Whānui.

1.1 Freshwater and RMA Reforms

Freshwater and RMA Reforms
<p>Key updates</p> <ul style="list-style-type: none"> ○ The Southland Water and Land Plan was the first in the takiwā to incorporate reference to Te Mana o te Wai. Midway through the Plan hearing last year, amendments to the National Policy Statement for Freshwater Management (Freshwater NPS) came into effect, including the new Te Mana o te Wai objective. ○ Papatipu Rūnanga and Te Rūnanga appealed the plan decision, which eroded some key platforms in the notified plan that could assist whānau aspirations and expression of Te Mana o te Wai. In particular, the role of physiographics as a basis for identifying land types suited for certain land uses has diminished. ○ Through the Court process, there is potential to establish how the planning provisions support or detract from recognising Ngāi Tahu rights and interests and providing for Te Mana o te Wai.

Freshwater and RMA Reforms – cont'd	
Key updates	
<ul style="list-style-type: none"> ○ Wai Māori Rōpu <ul style="list-style-type: none"> ● The Wai Maori Rōpu hui was held on the 31 August, in Otautahi. The items covered included the draft tribal interpretation of Te Mana o te Wai, whitebait and Freshwater Fisheries Amendments and the Wai Maori Project. ○ Wai Maori 1997- Now Project <ul style="list-style-type: none"> ● The Wai Māori Rōpu has commissioned a piece of work to gain a comprehensive picture of change in waterways across the whole of the Ngāi Tahu takiwā since the Ngāi Tahu Deed of Settlement in 1997 to today. This assessment will be based on the indicators that have been identified by mana whenua. ● Outcomes from the Project will support tribal level and Papatipu Rūnanga level actions that give effect to the new tribal position statements and whānau aspirations. ● Phase One (of three) is currently underway and is focussed on early framework development, including identification and collation of indicators and data sources. ○ Te Mana o te Wai <ul style="list-style-type: none"> ● Te Mana o Te Wai is a formal requirement of the National Policy Statement for Freshwater Management (NPS-FM), but there has been confusion amongst whānau and councils as to its interpretation. ● Therefore, S&I have created a draft tribal Ngāi Tahu specific interpretation of Te Mana o te Wai, built from the collective aspirations contained within Iwi Management Plans. It is designed to be consistent with the new tribal position statements. While the Pou Taiao Iwi Leaders Group have provided a national level interpretation of Te Mana o te Wai, a specific interpretation for use within the Ngāi Tahu takiwā is necessary. ● Once finalised and endorsed by tribal leaders, this document can be utilised throughout the takiwā in council processes as a consistent Ngāi Tahu expression. This mahi follows requests from whānau for a primary reference that describes Ngāi Tahu expectations for how Te Mana o te Wai is to be understood and implemented. At the upcoming Wai Māori Rōpū hui (31 August) this draft will be discussed further. 	
Points for Discussion	
○ None	
Recommendations and next steps	Risk Indicator
Note the report and its contents	No/Low Risk 

1.2 Climate Change/ETS/5IAP

Climate Change/ETS/5IAP	
Key updates	
<ul style="list-style-type: none"> ○ Kaimahi have had some discussions with the Ministry for the Environment (MfE) team developing the Zero Carbon Bill, along with members of the Pou Taiao Iwi Leaders Group (ILG) and Federation of Māori Authorities (FOMA) however engagement has stalled. Pou Taiao ILG have called on the Minister to honour his agreement to enable iwi input into the design of the Bill, in support of strengthening Treaty partnership elements within the Bill. ○ Companion reforms to the ETS have been announced and are currently out for consultation. These include reforms to the whole of the ETS framework as well as reform to the rules governing forestry. Incorporation of agriculture will be left to advice from the new Climate Change Commission and is expected to be a part of consultation in 2019. The proposed reforms are highly technical nature and are of primary interest to Ngāi Tahu Farming, particularly in relation to the forestry estate. ○ Ngāi Tahu Holdings (NTHC) held a wānanga of CEs and chairs during which kaimahi present to the group on climate change kaupapa, including elements of the newly approved tribal climate change strategy, which was well received. ○ The final report of the Productivity Commission on transitioning to a low emissions economy inquiry will have been released ahead of the Te Apārangi hui. Kaimahi will review and look for amendments since the draft version, which we responded to with key messages around affordable electricity being a foundation for transition. ○ By the time of this hui, Manaaki Whenua will have completed changes to the report commissioned for Ngāi Tahu on human impacts of climate change, including resources to support adaptation. This will be shared during communication of the tribal climate change strategy, to help inform climate change response plans within the tribal structure. ○ The Climate Change & Business Conference is scheduled for 9-10 October 2018 in Auckland, with the theme of <i>Solutions – Planning the Transition: Tying Adaptation and Mitigation Together</i>. This year's theme is a foundation of tribal climate change response and is therefore likely to have relevance for tribal actions. 	
Points for Discussion	
○ None	
Recommendations and next steps	Risk Indicator
Note the report and its contents	No/Low Risk 

1.3 Beehives

Beehives	
Key updates	
<ul style="list-style-type: none"> ○ A meeting was held with Karl Beckert and Arna Litchfield from the Department of Conservation (DOC) on 16 August to determine the process for advancing DOC's consideration of the application by Te Runanga for beehive concessions on DOC lands. There are two categories of sites in the application: the 52 areas remaining from DOC's original concession tender process, which are relatively straightforward, and the additional areas identified by Watson and Sons, which will require more detailed assessment against DOC's criteria. 	
Points for Discussion	
<ul style="list-style-type: none"> ○ None 	
Recommendations and next steps	Risk Indicator
Note the report and its contents	Moderate Risk 

1.4 Marine Protected Areas

Trans-Tasman Resources – Iron Sand Mining	
Key updates	
<ul style="list-style-type: none"> ○ Ngāti Ruanui have succeeded in overturning a Board of Inquiry decision under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act) that granted rights for Trans-Tasman Resources (TTR) to mine iron sands off the south Taranaki coast. The original panel decision granted marine consent as a result of a casting vote by the Chair, while the remaining four panel members were divided in their views on whether the activity should be enabled. ○ The High Court decision sets precedent and is the first of the marine consent decisions to go through an appeal process. Previous decline decisions in relation to the Chatham Rock Phosphate proposal and the first TTR application process were not appealed by the applicants for fear of setting adverse precedents in the High Court. A panel decision cannot bind future decisions. This latest High Court ruling in favour of Ngāti Ruanui can bind future panel decisions and is a genuine benefit to all iwi seeking to work with the EEZ Act and marine consent processes. 	
Points for Discussion	
<ul style="list-style-type: none"> ○ None 	
Recommendations and next steps	Risk Indicator
Note the report and its contents	Moderate Risk 

1.5 Takutai Moana

Takutai Moana	
Key updates	
<ul style="list-style-type: none"> ○ The priority now to progress the Takutai Moana application is to engage with Papatipu Rūnanga, Ngāi Tahu landowners and other groups, to explore with them the opportunities and advantages of securing Customary Marine Title under the Takutai Moana legislation for coastal marine areas in their rohe. ○ Strategy & Influence maintain a watching brief over the Waitangi Tribunal Inquiry (WAI 2660) which seeks to address two main questions: <ul style="list-style-type: none"> • To what extent, if at all, are the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act) and Crown policy and practice inconsistent with the Treaty in protecting the ability of Māori holders of customary marine and coastal area rights to assert and exercise those rights? • Do the procedural arrangements and resources provided by the Crown under the MACA Act prejudicially affect Māori holders of customary marine and coastal area rights in Treaty terms when they seek recognition of their rights. <p>Te Rūnanga has filed an application to be an interested party in this Tribunal Inquiry.</p>	
Points for Discussion	
○ None	
Recommendations and next steps	Risk Indicator
Note the report and its contents	Moderate Risk 

2. PUBLIC POLICY

Policy	Summary
Mental Health and Addiction Inquiry	S&I and Oraka responded to the Commission of Inquiry on Mental Health and Addiction in August. The response emphasises the systemic inequity which reflects the disproportionately poor outcomes of Ngāi Māori in mental health and addiction, and recommendations advocate for region-focused access and integration of services to remedy this.
NHI and the Consumer Health Identity Standard	S&I and Oraka responded to the NHI consultation, seeking the introduction of an Iwi Standard in the NHI in order for Ngāi Tahu health strategies to be informed by iwi-specific data.
Whānau Ora Review	S&I responded to the Whānau Ora review in support of the continued resourcing and development of whānau ora, emphasising the need for long-term commitment by the Crown in order to produce meaningful change for whānau.

2.1 Legislative Reform

Legislation	Summary
There have been no responses to legislation since the last Te Apārangi hui.	

2.2 The Tax Working Group

Tax Working Group
Updates
<ul style="list-style-type: none"> ○ Following on from S&I's response to the Tax Working Group, Ngāi Tahu Holdings presented to the Tax Working Group on behalf of Te Rūnanga. ○ Some of the key issues raised during this presentation included: <ul style="list-style-type: none"> ○ The taxation treatment of Māori authorities; ○ The taxation treatment of Charities; and ○ The potential introduction of a Capital gains and land tax.
Focus for the Quarter
<ul style="list-style-type: none"> ○ This is on hold awaiting the release of the Crown's formal report. The report is expected to be released in the coming months.

APPENDIX 3: WHĀNAU ORA

Purpose

Developing, leveraging and implementing policies and strategies that promote the ability for Ngāi Tahu households to participate, and pursue economic independence including:

- *Increasing home ownership for Ngāi Tahu Whānui*
- *Increasing employment pathways: mentoring, educational advancement, building careers*
- *Improved educational achievement*
- *Enterprise development: supporting social and/or commercial enterprise, growing ideas and generating employment*
- *Asset Management: money management, savings and equity building.*

1. Canterbury Earthquake Recovery

Canterbury Earthquake Recovery	
Key updates	
<ul style="list-style-type: none"> ○ A meeting was held with Neville Reilly, CDEM Canterbury Regional Director, on 15 August to explore alignment of communications with Papatipu Rūnanga around emergency preparedness with the hui for the Climate Change Strategy. 	
Points for Discussion	
<ul style="list-style-type: none"> ○ None 	
Recommendations and next steps	Risk Indicator
Note the report and its contents	No/Low Risk 

2. Local Government

Mana Whakahono a Rohe	
Key updates	
<ul style="list-style-type: none"> ○ Initial discussions occurred with the West Coast Regional Council on 5 September to explore the process of establishing a Mana Whakahono a Rohe agreement. There is currently no relationship agreement in place between Poutini Ngāi Tahu and local councils, which provides a 'blank slate' to work with. There is a strong, positive working relationship between Papatipu Rūnanga and councils on the West Coast, with the regional council signalling early that they would like to be one of the first councils in the country to establish a Mana Whakahono a Rohe agreement. ○ A menu of options has been created which will be shared with Papatipu Rūnanga in the morning, ahead of meeting with West Coast Regional Council. From this first step, a path towards establishing agreement will be formed. Intention is to align with the evolving Freshwater NPS processes, including the setting of freshwater management units (FMUs) for planning purposes. 	
Points for Discussion	
<ul style="list-style-type: none"> ○ None 	
Recommendations and next steps	Risk Indicator
Note the report and its contents	Moderate Risk 

APPENDIX 4: RELATIONSHIP MANAGEMENT

Purpose

To develop, maintain and enhance relationships with key stakeholders.

Identify key relationships with private sector entities in order to maximise outcomes for Ngāi Tahu.

To maintain existing and forge new meaningful relationships with Iwi at mana and mahi levels.

1. INTER-IWI RELATIONSHIPS

1.1 The National Iwi Chairs Forum

<i>The National Iwi Chairs Forum</i>
Updates
<ul style="list-style-type: none"> ○ The Office is currently preparing for the upcoming Iwi Chairs Forum that will be held in Dunedin on 31 October – 2 November 2018. ○ The strategy session will be held at Ōtākou Marae. The Iwi Chairs Forum will be held at Otago University.
Focus for the Quarter
<ul style="list-style-type: none"> ○ Prepare agenda. ○ Organise Iwi Chairs seating arrangements and name tags. ○ Events team organising project manager and catering/venue requirements. ○ S&I and Events team to meet bi-weekly.

1.2 Te Tau Ihu

<i>Te Tau Ihu</i>
Updates
<ul style="list-style-type: none"> ○ The upcoming Te Waka a Māui is likely to be held on 29 or 30 October 2018. The hosting iwi has yet to confirm a venue. It is likely that this information will become available in the next month.
Focus for the Quarter
<ul style="list-style-type: none"> ○ S&I will provide support to those attending on behalf of Te Rūnanga o Ngāi Tahu. Once the agenda is received an assessment what this support might look like will be drafted.

1.3 Waikato – Tainui

Waikato-Tainui
Updates
<ul style="list-style-type: none"> ○ The last meeting between both respective iwi regarding the MoU was in May 2017. ○ The Kaiwhakahaere met with the Chairperson of Te Aratāura (Waikato-Tainui Governance) to discuss the possibility of re-engaging and continuing discussions on the MoU. ○ Both iwi have agreed to meet sometime in the near future. It is anticipated that the hui will be held at Te Whare o Te Waipounamu.
Focus for the Quarter
<ul style="list-style-type: none"> ○ Continued engagement through the MoU between both iwi.

2. GOVERNMENT DEPARTMENTS

3.1 Crown/Māori Relations

Crown/Māori Relations
Updates
<ul style="list-style-type: none"> ○ In August the Māori Affairs Select Committee released a very short report on the Crown/Māori Relations portfolio. This report outlines 'key messages received from nationwide hui' on the establishment of this new portfolio, within the Ministry of Justice. ○ The Committee notes consultation on the establishment of the portfolio resulted in 200 online submissions, 20 hui and 10 focus group meetings. ○ "A common theme of the hui was the desire of iwi to be involved in decision making. This was particularly true for issues relating to the environment and local government. Concern about the education system was another common theme. Those attending the meetings supported an education system that respects Māori history and language. ○ Many iwi called for a shift in the culture of the public sector so that the public entities consult Māori as a matter of course. State entities should also develop a better understanding of when to seek advice about decisions that may affect iwi. Participants expressed concern about the inconsistency between requiring referenda on Māori wards and not others." ○ There is uncertainty at the moment about how any of the issues above will be addressed.
Focus for the Quarter
<ul style="list-style-type: none"> ○ S&I will keep a watching brief on this kaupapa.

3.2 Land Information New Zealand

LINZ	
Key updates	
<ul style="list-style-type: none"> ○ A meeting was held with Edward Ellison, Jamie Kerr and Sarah Metwell of LINZ on 20 August 2018 to discuss the significance of the high country to Ngai Tahu and to advise LINZ on how best to proceed in their engagement with the Papatipu Rūnanga regarding future management options for these lands. 	
Points for Discussion	
<ul style="list-style-type: none"> ○ None 	
Recommendations and next steps	Risk Indicator
Note the report and its contents	Moderate Risk 

APPENDIX 5: RISK INDICATOR KEY

RISK INDICATOR	
	No/Low Risk - Risk assessment completed and there are no known risks or all known risks have been mitigated.
	Moderate Risk - Risk assessment completed and some major risk may be impacting the work stream and needs to be resolved, which we expect to achieve.
	Major/High Risk - Risk assessment completed and some major risk has occurred or is likely to occur which will prevent the work stream from reaching identified milestones.