



August 2021

Environment Select Committee Enquiry on the Natural and Built Environments Bill: Parliamentary Paper

Submission of Te Rūnanga o Ngā Toa Āwhina o Te Pūkenga Here Tikanga Mahi

“Manaaki Whenua”, Manaaki tangata, haere whakamua”

Care for the land, care for the people and go forward

Who we are

1. Over 80,000 people are members of Te Pūkenga Here Tikanga Mahi, the Public Service Association (PSA). More than 8500 PSA members are Māori, working in the Public Service, the wider State services, District Health Boards, Local Government and contracted Community Public Services in all parts of Aotearoa. Founded in 1913, the PSA is the largest trade union in New Zealand and is an affiliate of Te Kauae Kaimahi The New Zealand Council of Trade Unions, Public Services International and UniGlobal.
2. This submission has been prepared by Te kōmiti o [Te Rūnanga o Ngā Toa Āwhina](#), the body that represents and coordinates Māori members within the structures of the PSA as part of advancing the Te Tiriti o Waitangi principles of partnership, protection and participation in activities to achieve the purpose and objects of the union as they relate to the working lives of PSA members.
3. We are proud to share the way in which we have created Ngā Kaupapa as a framework for Māori by Māori that encapsulates the essence of Te Ao Māori within our union. These are the core values that Māori live by in our everyday lives as whānau, hapū and iwi. Rangatiratanga, Manaakitanga, Kotahitanga, and Whanaungatanga are a few of which are expressed by our members in dealing with their public service mahi.

This submission

4. We welcome this reform and agree with the Parliamentary Paper that the Resource Management Act “has not delivered on its desired environmental or development outcomes, nor have RMA decisions consistently given effect to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi (Te Tiriti/The Treaty).”
5. This submission comments on the reform objective: Give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori.

Giving effect to the Principles of Te Tiriti o Waitangi and providing greater recognition of Te Ao Māori including Matauranga Māori

6. We strongly support the need to ensure that the National Built Environments Act, Strategic Planning Act, Land Transport Management Act and the Climate Change Response Act are improved and provide greater recognition to the principles of Te Tiriti o Waitangi, and greater recognition to better reflect Te Ao Māori and Te Tiriti o Waitangi.
7. What is needed?
 - It must be a genuine engagement and partnership with Māori that must be inclusive.
 - We support the need to ensure that “Tikanga Māori” including relationships with Mana Whenua, iwi and hapuu are an integral part of the implementation of the Act.
 - Clear and consistent consultation processes with Māori should provide evidence as part of the process with Mana Whenua, Iwi and Hapuu.
 - Māori should have a more effective strategic role in the system including representation of mana whenua, iwi consultation and joint working agreements within regional areas.
 - A Māori National Advisory Board may be a way ensuring that these relationships are managed, guided and supported appropriately.

Clause 6 of the exposure draft Te Tiriti o Waitangi

8. We know that the previous RMA has not lived up to its promise and that it has left Māori out of critical key areas of decision-making processes. We believe that including clause 6 is a step in the right direction and strongly agree and support that the new clause including an obligation that all persons exercising powers and performing functions and duties under the NBA and MUST give effect to the principles of Te Tiriti o Waitangi. This must be reflected in the way in which the Crown carries out its obligations under Te Tiriti o Waitangi to engage with iwi and hapu in relation to the environment, its natural resources and marine coastal areas that affect hapuu and iwi.
9. We see the importance of a true and genuine treaty partnership with Māori particularly in the area of resource management. We also support the need to have the Te Tiriti o Waitangi clause at the forefront of the Act.
10. The Minister for the Environment will be required to give national direction on how the principles of Te Tiriti will be given effect through functions and powers. This should also include processes to oversee the application, assessment and monitoring compliance of giving effect to Te Tiriti o Waitangi. A National Māori Advisory Board would be a way of enabling this to support and guide these functions with a Te Ao Māori perspective in truly giving effect to Te Tiriti o Waitangi that is inclusive of full participation of Mana Whenua.
11. We also agree that the creation of a National Māori Advisory Board to advise central and local government on resource management from the perspective of mana whenua and an integrated partnership process between mana whenua and local government to address resource management issues at local government level but maintain compliance of enacting Te Tiriti o Waitangi should be part of this process.

12. We agree that giving effect to the principles of the Treaty will be create a stronger and more active duty for those with powers and functions in the new Act, but we support the need for the decision makers to have the capability to do so, and for agencies to be well resourced to achieve this.
13. Bipartite engagement by central and local government organisations with their Māori staff is also an essential part of giving effect to Te Tiriti obligations and will also encourage greater participation for Māori. Te Rūnanga o Nga Toa Āwhina as the Maori structure of Te Pūkenga Here Tikanga Mahi, which is the union for most people working in these organisations, is well placed to partner with agencies to help achieve this.

Other matters we recommend the Committee consider

14. The use, development and protection of natural and physical resources should exclude Māori land.
15. We maintain the Protection of Māori land and its natural resources.
16. Infrastructure funding – through councils – Papakainga funding must be made more accessible to Māori.
17. Māori resources are maintained – harakeke, fauna, etc.
18. If this is a way to fast-track resources and consent processes, we strongly suggest that due diligence is given regarding iwi and hapū interests as kaitiaki.
19. We provide the following examples of how Mana Whenua have not been fully engaged or consulted with;
 - Ihumātao
 - Pukekohe – greenlighted for housing development although that is the most fertile soil for kai production: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/development-strategy/future-auckland/Pages/what-pukekohe-look-like-future.aspx> . Local councils failed to to prevent this from happening: <https://www.stuff.co.nz/national/politics/local-democracy-reporting/300248860/eels-minced-by-hikurangi-swamp-pumps-dumped-at-council-offices>
 - “Wakefield said WDC had a management agreement with Ngā Kaitiaki o Ngā Wāi Māori to protect the tuna whakaheke. This was that the pumps would not be turned on for 12 hours after the first rains, allowing the tuna whakaheke to successfully start their migration”.
 - Forlong has apologised to hapū for what happened”: <https://www.stuff.co.nz/environment/102899980/shock-after-discovery-that-dead-eels-found-in-stream-were-rare-and-a-declining-species?rm=a>
 - Tauranga - Whareroa Marae - <https://www.rnz.co.nz/news/te-manu-korihi/444826/mount-maunganui-marae-still-on-quest-for-industrial-neighbours-to-move-kids-kaumatua-getting-headaches>

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