



Submissions

To

MINISTRY OF ECONOMIC DEVELOPMENT

Regarding the following matters:

1. The proposed competitive tender process for Northland
2. The proposed changes to the Crown Minerals Act 1911

Date: 02 May 2012

Submitter: Abraham Witana

Organization: Te Rūnanga o Te Rarawa

Number of Individuals we represent: Approximately 15,000.¹

Postal Address: PO Box 361, Kaitaia.

Phone (daytime): (09) 408 1971

Mob: 027 408 0100

Fax: (09) 408 1998 **Email:** abe@terarawa.co.nz

¹ Based on the 2006 Census iwi population count. However, on our own iwi estimations our iwi population is nearer to 30,000.

1. INTRODUCTION

Te Runanga o Te Rarawa is the iwi authority representing the interests of the marae and hapu that make up the iwi of Te Rarawa. The Runanga is made up of one Trustee and one alternate Trustee for each of the affiliated marae in the rohe of Te Rarawa. Currently there are 23 marae affiliated. The traditional rohe of Te Rarawa is described as the area from Hokianga to Maungataniwha, down through Victoria Valley river to Maimaru, across from Awanui Bridge west to Te Oneroa a Tohe (the Ninety Mile Beach) at Hukatere, then down to Mitimiti and Hokianga².

The Runanga meets every month on the third Wednesday at Toka Tumoana, Kaitaia. It elects an Executive that oversees the day-to-day operations of the Runanga. The Executive meets in between monthly Runanga meetings to govern the operations of the Runanga working alongside the Executive Officer. It reports back to the Runanga each month and prioritises issues to bring to each meeting. The Runanga offices are based in Kaitaia and it employs more than 50 staff.

2. BACKGROUND

The Ministry of Economic Development have sought input and participation to the following consultations:

- The Proposed Competitive Tender Process for Tai Tokerau
- The Proposed Changes to the Crown Minerals Act 1991

This submission reinforces the previous submissions submitted to the Ministry of Economic Development regarding these matters.

3. ACKNOWLEDGEMENTS

We wish to acknowledge the Ministry of Economic Development for granting an extension of time to Te Runanga o Te Rarawa to consult with or whanau and hapu regarding these consultations.

We wish to acknowledge and support the combined submissions made by Te Runanga o Ngati Ruanui Trust, Taranaki Iwi Trust, Te kaahui o Rauru, Te Runanga o Ngaati Mutunga and Te Atiawa Iwi Authority who have had extensive experience in these matters.

- That these submissions are to be read in conjunction with historical submissions made by Te Runanga o Te Rarawa.
- That Te Runanga o Te Rarawa supports all submissions made to these consultations.

² Refer to Appendix 1: Te Rarawa Area of Interest

5. The Proposed Competitive Tender Process

Correspondence received from the Ministry of Economic Development has given notice of the government's proposal to hold a competitive tender offer for permits to explore for metallic minerals, located onshore within Te Tai Tokerau.

The Proposed Area

The proposal area of interest affects the following area with the rohe of Te Rarawa:

- Motuti north to Herekino State Forest inland to Kaitaia then south to Mangamuka then west back to Motuti³.
- Review of the Explore Northland Minerals booklet indicates that there are no known areas of metallic value.

Areas of Exclusion

Te Runanga o Te Rarawa supports the Ministers decision to exclude the following areas from the proposed area of interest:

- Te Rerenga Wairua
- Te Oneroa a Tohe
- Warawara Forest
- Waipoua Forest
- Trouson Park
- Other Schedule 4 sites

Te Runanga o Te Rarawa submits that the following areas are excluded from any future or potential mining activity:

- Te Pouahi
- Kahakaharoa
- Whanui

These areas are of utmost importance to Te Rarawa Manawhenua hapu of that area, known as "the birthplace of the nation" and "the landing place of our tupuna Kupe"; and that this area should be given iconic status and protected as part of the Korowai Model of the Te Rarawa Historical Treaty Settlement.

Proposed Tender Document

The proposed tender documentation does not provide any recognition for processes for engaging with Maori which would assist the Ministry during their assessment of applications, this would assist the Ministry in meeting the new proposed changes to the Crown Minerals Act 1991.

- Te Rarawa submits that there should be an extra section included into the “exploration permit application form” under attributes covering the following matters:
 - Maori Engagement Plan – detailing how the applicant will engage with Iwi during the application
 - Maori Land Owner consultation Process – detailing how the applicant will consult with Maori Land Owners
 - Maori Liaison Officer/ Contact Person – has the applicant got a dedicated contact person
 - Iwi Consultation Register – detailing which Iwi group or groupings have been engaged or consulted.

6. The Proposed Changes to the Crown Minerals Act 1991

This submission covers two aspects of the CMA Review which are:

- Purpose of the review
- Engagement with Iwi

Purpose of review

The review addresses all parts of the Crown Minerals Act 1991 (“**CMA**”) including the minerals programmes and associated regulations. In particular it looks at policies and procedures, compliance issues, royalties and reporting obligations. The paper also progresses the petroleum Action plan and gives effect to decisions already made by the Crown about mining on the conservation estate. It also investigates coordination with other related regulations. This comprehensive review is endorsed.

The Crown does not propose changes to three fundamental positions:

- Crown ownership;
- The right of the Crown to be the ultimate decision maker; and
- The right of the Crown to collect royalty payments.

The absence of discussion on these fundamental positions is disappointing and in effect undermines the usefulness of the Discussion Paper from a Te Rarawa perspective. The purpose of a discussion paper is to encourage ideas, new ways of thinking and new ways of operating and creating opportunities. In particular, this Discussion Paper provided an opportunity to explore joint and collective decision making models with iwi.

- It is submitted that the Crown develop an engagement plan or process with Iwi to allow such exploration to occur regarding joint and collective decision making.

Statements of Position

Te Runanga o Te Rarawa reiterates our position as stated in our submission:

1. **Crown Maori Relationships:** Te Runanga o Te Rarawa is a partner not a stakeholder
2. **Treaty Settlements:** There is to be no more discussions in Te Rarawa until the completion of the Te Rarawa Historical Treaty Settlement⁴.
3. **Natural Resources:** Te Rarawa hapu are the owners of their natural resources in Te Rarawa.
4. **Kaitiakitanga:** Te Rarawa hapu are the Kaitiaki and decision makers of their natural resources in Te Rarawa..

Engagement with Iwi

The Discussion Paper has a dedicated chapter relating to iwi engagement. Its placement in the document at Chapter 3, after discussion on detailed initiatives relating to HSE and annual work programme review meetings, is notable in that the fundamental debate about iwi engagement should precede all chapters which include specific review details.

The content of Chapter 3 is very broad and the key proposed approach in respect of iwi engagement is to ensure:

- That iwi are confident that they have the opportunity to input their local knowledge to Crown decisions on petroleum and minerals policy and permits; and
- There are clear opportunities for iwi to participate through investment in the minerals sector from an economic development perspective.

Te Rarawa submits that the approach, of iwi influencing decision making and being given opportunities to participate from an economic perspective, is positive.

Areas of Concern

The areas of concern are largely centred on two issues - discussion around active participation in decision making and pushing the commercial players to engage with iwi – which are good starting points.

Iwi are concerned that the open and inclusive approach described in the previous section, is constrained by the Minister's view expressed in the Discussion Paper:

Iwi are not convinced that if these principles remain, the ability to debate and achieve satisfactory outcomes on the issues raised will be more difficult and in effect the options become limited.

⁴ Letter received by Te Runanga of Te Rarawa from the Minister of Economic Development 4 August 2011

The Discussion Paper also constrains further discussion by stating the three fundamental positions which the Crown will not change, have not engaged with iwi on and do not intend to engage with iwi on.

The Discussion Paper does represent a positive move in the right direction, but the key will be how these proposals are implemented and where iwi are engaged through the review process. It appears that the Ministry is clearly indicating that further discussion with iwi will occur and state:

“As discussions with iwi and affected Māori about petroleum and minerals issues are at an early stage, this discussion document does not set out any specific options. Rather, government is looking to develop specific options through further discussions with iwi and affected Māori”.

The timeframe for responding to the document has relatively short, mid-April, although an extension of time was granted, it is unclear what further process the Ministry will apply to engage substantively with iwi.

- This cannot be supported until further information is provided by the Ministry.

The Discussion Paper does further discuss the possibility of developing good practice guidelines to help iwi and industry to work together. This is unlikely to be a suitable solution to satisfy the engagement and inclusive principles, set out at the front of the Discussion Paper.

Some Iwi have already engaged in practices and approaches with industry. For example; engagement and development of direct relationship agreements with companies, standard models for engagement and decision making for permit applications and resource consents and consent monitoring protocols.

- It is submitted that on this basis, the Discussion Paper appears out of date and ignores the opportunity to build on models and practices that are already been operating in the Taranaki region.

Conclusion

We acknowledge the Ministry of Economic Developments obligations under section 4 of the Crown Minerals Act 1991 that all persons exercising functions and powers under this Act shall have regard to the principles of the Treaty of Waitangi.

We look forward to the Minister’s response to our submissions, should the opportunity arise Te Runanga o Te Rarawa wishes to speak to our submission.