

RM REFORM UPHOLDING SETTLEMENT – TE NEHENEHENUI

AGENDA AND NOTES

25 January 2024

3:30pm

Microsoft Teams

Attendees

Name	Role	Organisation
Samuel Mikaere	Chief Executive Officer	Te Nehenehenui
Tramaine Murray	Taiao Pou Manager	Te Nehenehenui
Maia Wikaira	Legal adviser to Te Nehenehenui	Whāia Legal
David Tapsell	Engagement Lead – Treaty Settlement Team	Ministry for the Environment
Jo Gascoigne	GM RM System	Ministry for the Environment
Craig Davidson	Senior Analyst, Water Allocation	Ministry for the Environment
Christine Lanham	Senior Policy Analyst, Treaty Settlements	Ministry for the Environment
Lisa Lamberton	Policy Analyst, Treaty Settlements	Ministry for the Environment
Hamony Karikari	Business Support Coordinator, Treaty Settlements	Ministry for the Environment
Rachel Ropiha	Kaiwhakatere	Ministry for the Environment

Items

1	Karakia
2	Mihimihi
3	Purpose
4	Overview
5	Discussion
6	Next steps
7	Whakakapi, karakia



Meeting notes

Discussion notes	D1	Karakia
	D2	Mihimihi
	D3	Purpose An opportunity for Te Nehenehenui and MfE to meet and discuss some key policy in Government 100-Day Plan.
	D4	Overview <ul style="list-style-type: none">• Thank you for meeting us at such short notice. The timeframes are very tight and we apologise for that. We have until 12th February to hear back from you with any further thoughts and ideas about what we're discussing today.• The Government has said Treaty settlements will be upheld. We don't have the detail for that yet as officials still working on it, but we will get this to you as soon as we can.• The Government is progressing its 100-Day Plan: Jo and Craig will provide further information on Fast-Track Consenting (FTC) and the National Policy Statement on Freshwater Management (NPS-FM) respectively.• Ministerial letter due to be sent to PSGEs shortly.• If further questions or feedback after receiving the letter - we can arrange another meeting.
	D5a	Discussion <u>Fast Track Consenting (FTC)</u> <i>Te Nehenehenui -</i> <ul style="list-style-type: none">• What is proposed and why, and how will it impact on whānau and the Maniapoto settlements and redress? Take a long view but also want to draw a very firm line in the sand. <i>MfE -</i> <ul style="list-style-type: none">• The Government has committed to upholding Treaty settlements. Do not have all the answers yet on impacts for Maniapoto and how they will be mitigated.• We are obtaining specialist legal advice to understand the landscape better and would like to have the opportunity to talk with you again.



- Letter on its way soon with information on FTC proposals and freshwater changes. Quite high level. We want you to be able to engage with this work.

Te Nehenehenui -

- Want to understand the metrics, and what justifies an individual having discretion to circumvent a process that the Crown has designed for everything else.

MfE –

- The Government is looking to progress regionally and nationally significant projects to take the economy forward. Could include infrastructure, housing, aquaculture. Still to work through criteria for meeting this threshold and interested in your views.
- New regime proposed to extend to approvals under other legislation as well, which may include Heritage New Zealand Pouhere Taonga Act 2014, Conservation Act 1987, Wildlife Act 1953 and/or Reserves Act 1977.

Te Nehenehenui -

- See our settlements as full and final. Would have an issue with proposals that challenge or circumvent that. This includes EEZ interests, would have concerns about projects there.
- Other legislation mentioned (e.g. Reserves Act) could also trigger Te Ture Whaimana in Ngā Wai o Maniapoto. Would want to review the content and comment on the draft Bill.
- Concern this may cut corners and elevate economic gains over environmental protections.

MfE –

- Re – Economic gains / environmental protection: Government clear that the economy is important. Have also signalled intent to use resources sustainably. Environmental protections to be designed.
- Acknowledge the complexity of other legislation in the mix. Will reflect your feedback in advice to Ministers.
- Doing analyses and getting further advice on TS landscape in relation to the policy as developing. At this point may be useful to touch base again.

Te Nehenehenui –



- The interim FTC regime included in a Schedule both an obligation to uphold Treaty settlements, and also a process to come into force in 9 months which contemplated Treaty settlement amendments. Why? Will this also be in a new FTC Bill?
- The Schedule process involving discussions to amend settlements, may be appropriate for a comprehensive RM reform change but not for a FTC regime, which should be narrow in scope. Concerning that an FTC regime might contemplate changing Treaty settlements. Concern also that this FTC process may become the new consenting process.

- Would like to see an equivalent of s6 of COVID FTC legislation lifted into the new regime.

MfE -

- Re interim FTC regime: the intention of providing for a process to amend settlements was a precaution in the event the interim regime was not replaced in the anticipated timeframe.
- The intention is that the proposed permanent regime would be limited in scope .

Te Nehenehenui -

- Consider adapting a system designed for a pandemic to something designed for economic benefit is very risky.
- Concern about whether there is time for a comprehensive discussion before changes proceed.

MfE -

- Intention is to have as much time to talk as possible within timeframes, and feedback this kōrero with Ministers. Important all understand the values that sit behind this feedback.

Te Nehenehenui -

- What are the triggers that define fast track process, approval process?
- More specifics around timeframes?

MfE –

- The criteria for projects will be key, still to be designed.



- Acknowledge the values Maniapoto place in the environment, ensuring settlements are upheld, and that all benefits are considered – not only economic.
- Re Timing – decision-points 5th and 13th Feb. [note: 12th Feb to hear back from Te Nehenehenui].
- 100-Day Plan: aiming to introduce bill 7th March
- Hui with Maniapoto and MfE: arrange asap for after 6th February.
- Email any further FTC queries.

Te Nehenehenui –

- A critical eye needs to be run over what is retained from NBA and Covid regimes.
- Recommendation to include a s 6 Covid FTC regime equivalent.
- Risk that some things could be missed. Will be important not to miss groups still to be established /going through settlement process.

MfE -

- Tautoko it's important the system needs to be able to keep evolving.

D5b

Out of scope



		Out of scope
	D6	Next steps <ul style="list-style-type: none">• The Government has confirmed Treaty settlements will be upheld.• Concerns expressed in hui will be passed on.• To arrange hui between 5th and 13th – will be in touch.
	D7	Karakia
Actions	A1	MfE to organise second hui with Te Nehenehenui for after 6 th February