

## TE TAI O POUTINI PROPOSED PLAN (ONE PLAN).

### Kia ora tatou ka mema o te tepu.

My name is Hemi Meihana Retara/James Mason Russell.

I have been, elected by the shareholders, every three years, since 1981, to the Committee of Management of The Proprietors of Mawhera Incorporation (Mawhera Inc.).

I was elected deputy chairman in 1988 and elected chairman in 2016 the position which I hold today.

The properties that Mawhera Inc. own and manage are stated in our *Exposure Draft Submission* and our main submission.

I also state that through our Exposure Draft and following main submissions we use the Kai Tahu [Ngai Tahu] dialect of the 'K' for the 'Ng' and use 'Ng' where appropriate.

Through out this, our hearing document, we use Te Tiriti for The Treaty of Waitangi.

Thank you for the opportunity to address this commission on the 'One Plan' that will lay down the rules in law for the future management of our environment.

Naku noa na,

Hemi Meihana Retara.

## One Plan Hearing Submission

### Sites and Areas of Significance to Maori.

Kai Tahu Rohe of Te Tai o Poutini, as stated in the 1860 Arahura Deed of Purchase, is ancestral land. Land titlement is not an impediment to indigenous ancestral land concept. Kai Tahu entities recognise private freehold land ownership. Kai Tahu who have retained their rights of ownership to Te Tai o Poutini Maori Reserves from those individual Tipuna who were allocated to 57 Maori Reserves by the 1879 Smith Commission are endowed as the Kaitiaki of the ancestral land of Te Tai o Poutini.

The "One Plan" is proposing to sectionalise Te Tai o Poutini into Sites and Areas of Significance to Maori by only naming certain sites and areas of Te Tai o Poutini. Mawhera Inc. opposed the proposed sectionalising of Te Tai o Poutini ancestral land by the implementation to specific sites and areas. Further by the connotation of the reference "Maori" would allow any Maori in Aotearoa (New Zealand) who are not Takata Whenua of Te Tai o Poutini to say that a proposed "One Plan" Site of Significant is a Site of Significance to them also.

The proposed "One Plan" needs to state a reference to "Maori" means the Takata Whenua of Te Tai o Poutini who possess the ancestral manawhenua of Te Tai o Poutini.

### Te Tiriti

In 1840 Maori Rakatira and the English Crown signed Te Tiriti o Waitangi/The Treaty of Waitangi. Te Tiriti gave the Crown the right to govern but the Crown could only govern over lands that it acquired from Maori.

Te Tiriti gave Maori the right to 'tino Rakatirataka' [full exclusive authority and undisturbed possession] of their lands and estates, forest, fisheries and other properties that they may collectively or individually possess long as it is their wish and desire to retain the same in their possession).

### 1860 Arahura Deed of Purchase

By the 1860 Arahura Deed of Purchase the Crown purchased areas of Te Tai o Poutini land. Some 57 Maori Reserves and the bed of the Arahura river were not sold to the Crown, therefore, the Crown does not have a Te Tiriti right to govern over the lands that it has never acquired from Te Tai o Poutini Maori.

### Formation of Mawhera Incorporation

In 1976 owners of 36 Te Tai o Poutini Maori Reserves decided to amalgamate their interest and formed Mawhera Inc. The incorporation was established by the Mawhera Inc. 1976 Order in Council. Mawhera Inc. Te Tiriti entitlement of "tino Rakatirataka" is paramount as ownership of the reserves and the Arahura river that have never been sold to the Crown have been retained in Maori ownership since the signing of the Arahura Deed of Purchase on the 21 May 1860.

The Arahura river and the Maori Reserves that Mawhera Inc. has 'tino Rakatirataka' manawhenua and kaitiakitaka status over, extends from Okahu (Jackson Bay) in the south to Whakapoia (Heaphy river) in the north.

The "One Plan" needs to make a reference to Mawhera Inc. Te Tiriti entitlement right.

## Part 2: Sites and Areas of Significance to Maori

Overview states that ***“Councils acknowledge Poutini Kai Tahu as manawhenua”***. No reason is given of why councils acknowledge such when in Part 1 of the proposed plan it states that Poutini Kai Tahu means ***“the members of the two Kai Tahu hapu from the West Coast/ Te Tai o Poutini – Kati Waewae and Kati Mahaki”***. Councils also have a Mana Whakahono a Rohe comprised of Te Runaka o Kai Tahu, Te Runaka o Kati Waewae and Te Runaka o Makawhio that call themselves Poutini Kai Tahu that councils also acknowledge. So, the question arises, who is or are Poutini Kai Tahu ?. Is Poutini Kai Tahu the two hapu of Te Tai o Poutini or are Poutini Kai Tahu the exclusive members of the Mana Whakahono a Rohe that was formed without consultation as to Tikaka Maori with Te Tai o Poutini entities who have manawhenua status that councils do not acknowledge as councils have been misinformed about who possesses manawhenua status on Te Tai o Poutini. Where do the personal of the 13 other Kai Tahu Hapu who have Maori reserve land interest on Te Tai o Poutini stand. Are they excluded from being known as not having manawhenua status and therefore not recognised by councils ?.

Throughout the composition of the “One Plan” document reference [17 May 2022] it states that “identification of SASM has been undertaken by Poutini Kai Tahu”. Poutini Kai Tahu who ? The Runaka who refers to themselves as Poutini Kai Tahu or the Mana Whakahono a Rohe who also calls itself Poutini Kai Tahu.

Overview states that ***“Te Runaka o Kati Waewae and Te Runaka o Mahaki are the only elected and mandated bodies with authority to represent and administer to all Poutini Kai Tahu interests”***. The statement is a misnomer. The two Te Tai o Poutini Runaka have received no mandate from the Hapu members of Te Tai o Poutini as no consultation with the Hapu have been held as to Tikaka Maori. Therefore, they have no authority to represent and administer to any Poutini Kai Tahu entity that possesses their own interests and who have their own legislative authority.

Overview further states that ***“Councils also acknowledge Te Runaka o Kai Tahu as the Iwi Authority with jurisdiction over the West Coast/Te Tai o Poutini.”*** Another misnomer. As to Mawhera Inc. Te Tiriti entitlement Te Runaka o Kai Tahu has no jurisdiction over the Maori Reserves, Arahura river, Waitaiki Historic Reserve or the Pounamu within the catchment of the Arahura river that Mawhera Inc. owns. Therefore Kai Tahu is not an Iwi authority with jurisdiction over Te Tai o Poutini. Te Runaka o Kai Tahu authority extends only over Te Tai o Poutini assets that were gained from Kai Tahu WAI 27 Waitangi Tribunal Land Claim.

The 5<sup>th</sup> bullet point states that “Under the Pounamu Vesting Act, all Pounamu on the West Coast/Tai o Poutini is owned by Poutini Ngai Tahu.” The Pounamu Vesting Act 1997 by F. of the Preamble of the Act it states ***“to give effect to a recommendation of the Waitangi Tribunal, Te Runaka o Kai Tahu intends to execute a deed vesting in the Mawhera Incorporation all pounamu within the catchment area of the Arahura river”***. A deed was so executed on the 23 September 1997. This substantiates and highlights Mawhera Inc. ‘tino Rakatirataka’ manawhenua and kaitiaki status over the Te Tai o Poutini properties that it owns.

Overview, make’s reference to activities, cultural values, management, rules relating to different Sites and Areas of Significance to Maori identified in Schedule 3 which lists sites that are owned by Mawhera Inc. who at present, due to the incorporations, Te Tiriti right, manages those sites as it thinks appropriate as to the cultural values, customary harvest or any other cultural practices of benefit for the incorporation’s members.

Sites and Areas of Significance to Maori highlights who represents Kai Tahu interest on Te Tai o Poutini. The Runaka use Te Runaka o Kai Tahu Act 1976 to justify their stance of dictatorship that they think that they have over other Kai Tahu entities on Te Tai o Poutini by use of a phrase in the act stating "*for all purpose*" but such a statement is reference only for the management of the assets of Te Runaka o Kai Tahu gained from WAI. 27. The Tai Poutini Runaka are Incorporated Societies and only represent those members who are registered with the society.

**Section 42 A Officers Report. Sites and Areas Significance to Maori.**

Page 29 makes a reference to 'Victorian Titles. Mawhera Inc. is of the view that the Kai Tahu Pounamu Vesting Act 1997 supersedes any Victorian Title to Pounamu as Victorian Title is not mentioned in the Pounamu Vesting Act.

Page 82 Advice Notes: As to number 1. States "Under the Pounamu Vesting Act, all pounamu formely owned by the Crown is owned by Te Runaka o Kai Tahu", when on Page 29 it states "pounamu within the catchment of the Arahura river is vested in the Proprietors of Mawhera Incorporation", which is supported by the Officer of the report.

Page 169. Index 359 makes a statement relating to land sales "that there are no cultural values of these sites" (ie) lands sold. Statement is not correct. Land maybe sold due to economic or valuation factors. Cultural values still remain.

Thank you