



TE MANA O TE WAI

MONITORING AND ENFORCEMENT

FACTSHEET 005



Purpose

The purpose of this fact sheet is to provide an introduction to Te Mana o Te Wai, its relationship to the National Objectives Framework, and potential approaches for participation in limit setting, monitoring and action plans.

What is the role of Hapu and Iwi and Te Mana o Te Wai?

Hapu and Iwi definitions of Te Mana o Te Wai can provide a powerful tool for strengthening freshwater management and improved environmental outcomes. Hapu and Iwi hold an inherited responsibility through whakapapa to manage their ancestral taonga in a way that balances Rangatiratanga (rights and interests) alongside Kaitiakitanga (obligations) for the benefit of current and future generations. Only Hapu and Iwi can speak with authority about their relationships with freshwater.

Te Mana o te Wai is a concept developed by Iwi as a way of describing the importance of freshwater within a Te Ao Maori framework. Throughout the motu, Hapu and Iwi are designing their own expressions of Te Mana o Te Wai that include their associations and expectations as to how freshwater is to be managed both now and in the future.

What is the role of Councils and Te Mana o Te Wai?

The National Policy Statement for Freshwater Management 2020 (NPSFW) which can be found at www.environment.govt.nz provides councils with updated direction on how to manage freshwater under the RMA.

Councils are required to give effect to Te Mana o Te Wai by engaging with Hapu and Iwi as part of Regional Plan making, implementation and across the whole water management system.

Councils must implement the NPSFW through their planning instruments as soon as reasonably practicable, but no later than 31 December 2024.

What are the main provisions of the NPSFM?

The NPSFM provides for Te Mana o Te Wai as a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It is designed to support the protection of the mauri of wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Councils are required to ensure that collaborative processes can demonstrate compliance with the Principles and Hierarchy set out in the NPSFM.

The role of monitoring and Te Mana o Te Wai

Monitoring approaches designed by tangata whenua are a practical expression of kaitiakitanga and provide an important tool in evaluating the effectiveness of Te Mana o Te Wai.

Common elements of monitoring approaches

While the design and methodology of Monitoring tools applied will vary across takiwā, common elements include:

- Design of monitoring tools led by matauranga Maori must only be led by the mana whenua of those takiwa. It cannot be carried out by those without whakapapa to the wai without the express support and permission of the mana whenua group.
- Combinations of assessment methods using both Mātauranga and western science where appropriate
- Mechanisms to collate and assess Mauri states in relation to sites and specific activities
- Identifying and setting clear targets for key species including taonga/mahinga kai

The benefits provided by monitoring information:

Monitoring approaches will reflect the specific priorities identified by tangata whenua. The ongoing review, trialing, testing, and refining of monitoring approaches will enable tangata whenua to:

- Build robust, accessible and defensible information
- Provide useful information to assess the effectiveness of plans and consent monitoring
- Monitoring information can also inform decisions about key issues as well as opportunities for improvement and specific recommendations for action.
- Make better decisions on how to give effect to Te Mana o Te Wai in future
- Engage more effectively with external agencies including Councils.
- Grow the capacity and capability of hapu and iwi in matauranga focused fields.

Examples of Monitoring Tools to inform approaches within Takiwa

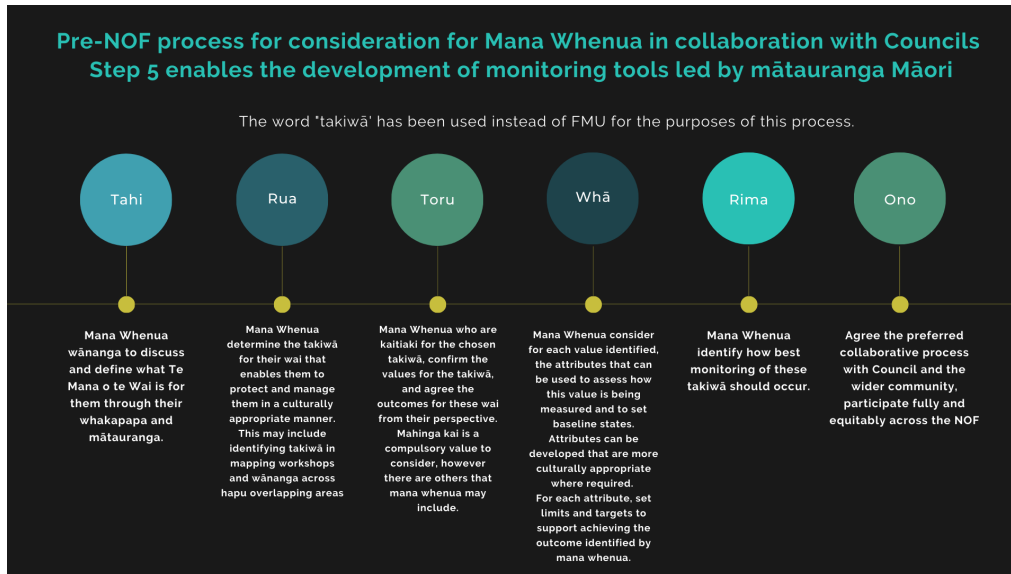
- Takiwa (State of the Takiwa - SOT) - <https://www.takiwa.org.nz/pages/reports.html>
- Mauri Compass - <http://www.mauricompass.com/>
- Cultural Opportunity Mapping, Assessment and Response (COMAR) - <http://comar.co.nz/>
- Wai Ora Wai Maori App - <https://www.landcareresearch.co.nz/news/wai-ora-wai-maori-app-launched/>

What is the role of Councils and Te Mana o Te Wai?

The National Policy Statement for Freshwater Management 2020 (NPSFW) provides Councils with updated directions on how to manage freshwater under the Resource Management Act (1991). Councils are now required to give effect to Te Mana o Te Wai by engaging with hapu and iwi as part of regional plan making and implementation.

This includes the requirement to actively involve mana whenua in developing and implementing matauranga Maori and other monitoring. The process diagram demonstrates in the process where this can occur.

Councils must implement the NPSFM through their planning instruments as soon as reasonably practicable, but no later than 31 December 2024. This means that Hapu and Iwi who want to engage in this process will need to develop their own approaches to Te Mana o Te Wai in readiness for engagement with Councils who will lead the development of Regional Plans under the NPSFW.



Councils' monitoring and enforcement responsibilities

The NPSFM requires regional councils to establish methods for monitoring. Monitoring of Freshwater Management Units (FMU's) will be a key component of the approach.

Freshwater monitoring regimes are to be developed at the regional level and will include various sampling methods and indicators. Councils may use enforcement methods that discourage and penalise non-compliance with rules and/or resource consents. These tools may be punitive (formal written warning, infringement, notice, prosecution) and directive (letter of direction, abatement notice, enforcement order). Non-statutory options such as written warnings and letters of direction are also available.

Councils are also required to develop approaches to monitoring that include measures of mātauranga Māori. This will be particularly important in terms of monitoring areas where there are freshwater values that have been identified by tangata whenua including mahinga kai.

Councils play a critical role in supporting tangata whenua to implement monitoring of Te Mana o Te Wai. Mechanisms could include:

- Provision of data and information held by council
- Funding support
- Agreed protocols and methods to enable the appropriate use of Mātauranga Māori within the context of customary use, compliance, monitoring, and enforcement.
- Building datasets and information that can better inform future decision-making.
- Implementation of Mana Whakahono a Rohe and other Iwi Participation Agreements
- Transfer of powers provisions
- Establishment of joint management agreements and co-management approaches (e.g. Kaitiaki monitors resourced by Council).

Next Steps

Contact your regional council for further information about what support is being provided to initiate discussions about Te Mana o Te Wai, monitoring, and enforcement in your rohe.

This fact sheet is one of a series. Further information about Te Mana o Te Wai and its implementation can be found here <https://ourlandandwater.nz/temanaotewai> including guidelines and case studies.