

**IN THE MATTER OF:** Proposed Tiri Tiri Matangi  
Marine reserve

**APPLICANT:** New Zealand Underwater  
Association (NZUA)

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## 1. DISCLOSURE

During the non-statutory community consultation process, I have aligned as an individual in my own right, to the Tiri Tiri Action Group (TAG) bringing with me the mana of being tangata whenua.

From public meetings, discussions and correspondence I have received from the wider community in support of my withdrawal request, I acknowledge that the perception that my views are representative of nga hapu and iwi o te motu.

This disclosure duly states that the following submission is not and cannot be considered as being representative of tangata whenua. The mana of each hapu and iwi belongs to its own respective tribal hierarchy and representatives. Therefore in the context of this consultation phase, this submission has been written by an individual with the mana of being Ngati Whatua and being experienced in environmental sustainability matauranga on coastal strategy issues.

Due to the timing of the original consultation phase (over Christmas & New Year) and priorities of Ngati Whatua within the first quarter of 2003, internal Ngati Whatua consultation has been limited. The positional response from myself as the resource management co-ordinator within the Environment, Science and Land Use portfolio<sup>1</sup> and its Te Papawhenua committee within Te Runanga o Ngati Whatua<sup>2</sup> will be formalised at our first portfolio meeting April 02 in Whangarei, and Nga Taonga o PouPou<sup>3</sup> hui in Wellsford April 05. My report includes this submission and the relevance the Tiri Tiri Matangi marine reserve proposal has to our Oceans Policy strategy plan.

At this stage, I will confirm to you Te Runanga o Ngati Whatua formal response to your proposal. As discussions have occurred with other hapu and iwi representatives on your proposal, the latest being at the Oceans Policy stage 2 hui in Wellington, please note this submission will be disseminated to them in respect of their korero.

## 2. INTRODUCTION

This submission, in its entirety, gives rationale for a request forwarded to the New Zealand Underwater Association (NZUA) that, at this time, they withdraw their proposal for the establishment of the Tiri Tiri Matangi marine reserve. Attached is a letter dated 04 February 2003. Reference is also given to a paper presented to the Rodney District Council dated 24 February 2003.

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<sup>1</sup> Environment, Science and Land Use portfolio is held by two Te Runanga trustees from Otamatea and South Kaipara takiwa (districts). It operates a business unit, Te Papawhenua of which the writer holds a co-ordinating position. Its nominated membership are takiwa-based: Whangarei, Otamatea, Northern Wairoa, South Kaipara and Orakei.

<sup>2</sup> Te Runanga o Ngati Whatua has the statutory authority and the approval of Ngati Whatua iwi as “the sole representative body and authorised voice to deal with issues affecting the whole of Ngati Whatua”. In fulfilling this role, the Runanga *recognises and supports the mana of individual whanau, marae and hapu*. Ngati Whatua iwi has 35 marae and 19 hapu within its extensive tribal rohe.

<sup>3</sup> Nga Taonga o PouPou is a body of the 35 marae representatives. Issues are disseminated and debated in this forum. Representatives return to individual marae and hapu to discuss at ground level.

I commend NZUA in openly expressing their concern on the management of marine reserves, both in fragmented establishment seemingly being ad-hoc and monitoring/regulation issues. Their support for the inter-ministerial talks to continue is welcomed and their reasons to achieve coherency in legislation, agreed protection mechanisms and who does what is agreed with. NZUA desire to restore ecological integrity to the waters (hence the proposal) is also acknowledged as is their statements on doing a stocktake of marine reserves viability within New Zealand coastal strategy. The educational component is an agreed outcome to achieve.

It therefore strikes me as contrary to then apply for the establishment of yet another ad-hoc marine reserve rather than other protection mechanisms that can be used to achieve the same ecological, restoration and restocking outcomes desired by NZUA.

The following points are secondary requests to ensure consultation and participation integrity participation on such an extensive area of proposed waters, current activity within those waters and the impact criteria that the marine reserve option brings.

- That NZUA sponsor a hui with affected hapu and iwi to discuss the best way to protect the marine environment. They have excluded mataitai, taiapure and rahui via their choice of protection mechanism with no discussion with tangata whenua. *Phone calls do not constitute effective consultation and we are not stakeholders of the community.*

Emphasis has been put on the applicant to take cognisance of current tangata whenua traditional protection mechanisms and strategies that include mataitai, taiapure and rahui closures<sup>4</sup> (e.g. Pukerua Bay, Devonport, Oruawharo, Palliser Bay, Rapaki Bay). These have not been incorporated into the proposal by NZUA and the reasons given to date by the applicant at public meetings attended by the writer are considered inadequate and unfounded.

The NZUA presentations given at Hauraki Gulf Forum and Stanmore Bay gave no indication that they acknowledged the impact a 'no take' policy would have on customary fishing rights pursuant to Article II of Te Tiriti o Waitangi. The same was given to shared concerns about other activity in the same waters. The effects of land-based activity, especially utility infrastructure e.g. wastewater outfall, telecommunication cable etc were considered minimal impact on water quality and activity disturbance for the marine reserve environment. I have mentioned the telecommunications cable as this already is a 'no go zone' and is considered a marine reserve by proxy.<sup>5</sup> The reasons given to date by the applicant for their stance to formalise the area as a marine reserve is again considered inadequate.

Kanohi to kanohi discussions need to occur in which gives due effect to tangata whenua exercising kaitiakitanga in a manner that does not render iwi Maori values to be considered inappropriate by the applicant. I have taken exception to the statements made in a public meeting that rahui and mataitai do not work and are not appropriate and seek their rationale for such statements.

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<sup>4</sup> Fisheries Act sections 186(A) and 186(B)

<sup>5</sup> ARC Mapping Constraints working party on Aquaculture Management Areas to tangata whenua hui 2002 of which the writer participated in representing Ngati Whatua

- That NZUA await the directions from the inter-sectoral discussions that are current between competing Crown ministries and legislation. This includes the Marine Reserves Bill currently before the Select Committee and the Oceans Policy Stage 2.

Tangata whenua (nationwide) have participated in both stages of the Oceans Policy voicing the disparity between management frameworks, application and consents processes and exclusion of tangata whenua in decision-making processes. At the recent Oceans Policy Stage 2 hui held March 27 in Wellington several hapu and iwi representatives stood to speak to the marine reserves issue in terms of the establishment processes, assessment of traditional tools by the applicant and local government capacity to name a few.

In this instance, the statute environment and process has allowed this situation and I commend the six Cabinet ministerial group in their attempts to streamline and address the statute matrix. My point in including mention of Oceans Policy is that I do not think it sense to add to the problem at the same time.

### **3. CONCLUSION**

In requesting a withdrawal of the proposal from NZUA in light of their own concerns for the management of the marine environment, I also ask the same of the deciding position and sponsoring ministries(s) that give due recommendation. In this I highlight the Department of Conservation who has a contrary empowering purpose and strategy to actively enable the establishment of marine reserves.

Should NZUA decline my request(s) and continue with formal application, I would seek their rationale to be known by the community and especially myself as the submitter.

I would like to state that the inherent responsibility of being kaitiaki can be exercised using various protection mechanisms and I have always acknowledged that marine reserves have their place. To that end, I consider that the coastal space around Tiri Tiri Matangi island itself can be made into a marine reserve. A decision on kilometre extent would need to be gauged with all parties being involved in the decision-making processes. I would welcome this direction as an alternative to all other options tabled thus far. A coastal island marine reserve would address several of the NZUA Hauraki Gulf Forum presentation points:

- To complement the whenua island reserve
- To restore the islands coastal environment
- To ensure that the education component of the whenua island reserve can be carried into the coastal waters naturally
- To entice more patronage of both reserves for the benefit of all New Zealanders at a reasonable cost and accessibility

There are other protection mechanism tools that can be used to effect water quality, restoration, restocking and ecological integrity that NZUA stated as the reasons for their proposal.

I fully recognise such other protection mechanism tools does not however cover the statistical reason of the NZUA proposal that is aligned to the active strategy of Department of Conservation to increase the number of marine reserves in and around New Zealand waters. International conventions and other agreements that New Zealand are formal and 'in principle' parties to have placed certain obligations to protect the marine environment upon the Government and their agencies. I do not disagree with their necessity and/or the obligations to protect and restore. These obligations are among the cornerstones of what lies within kaitiakitanga responsibilities and obligations.

However, this is not a numbers game to be achieved and applications by an individual or group should not be accepted to achieve a statistical target for an international convention without due process domestically. In saying this, I also emphasis the risk that such a departmental and ministerial strategy entails especially as it is already seen to be acting contrary and in isolation to Article 2 of the Treaty of Waitangi by many hapu and iwi who are involved in the Oceans Policy process.

This statement is also inclusive of the State Services Commission paper<sup>6</sup> and the Sustainable Development action programme<sup>7</sup> and frankly, some precautionary common sense for "one not to add to the problem while one is trying to fix it!" Use other methods that are available in the meantime.

*While standing at the crossroads  
There can be many pathways to get to the same destination  
The direct route, the longest route or the scenic route  
It's a matter of deciding upon a compromise  
To find the most appropriate route  
So that the journey together is a pleasant one  
And stands the test of time*

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<sup>6</sup> *The Public Service and the Public* September 1995

<sup>7</sup> Programme for Action, Sustainable Development for New Zealand

