

## **The New Zealand Conservation Authority's discussion paper on Maori Customary Use: issues to consider**

The NZCA's discussion paper on **Maori Customary Use of Native Birds, Plants and Other Traditional Materials** raises social and ecological questions which will impact on the work of all DOC staff. DOC staff have been invited to comment internally on any aspect of the cultural use issue.

This prompt sheet lists implications and issues which DOC staff might consider if they wish to respond to NZCA's suggestions. The list has been produced by Canterbury Conservancy's Protection Division. It is neither exhaustive nor intended to traverse all aspects of the issue. Other Divisions may distribute their own lists.

Comments need not be confined to the points raised in the NZCA paper. They may be forwarded collectively or individually to the Conservancy Office. Alternatively, comments may be made directly to Janet Owen (Director, Protected Species Policy Division) and/or to Eru Manuera (Director, Kaupapa Atawhai Division), in Wellington. These two people will be responsible for constructing the Department's advice to the Minister on the issue.

### **Background to the NZCA paper**

The discussion paper was published in May 1994 after the NZCA failed to reach consensus on the means by which iwi aspirations for renewed customary use of natural resources could be satisfied. Understandably, the issue was recognised as having profound implications for the conservation philosophies and practices applied for much of this century in New Zealand.

In the course of the Authority's discussions, agreement could not be reached specifically on the exploitation of protected bird and marine mammal species, and on the question of who should exercise authority (te tino rangatiratanga) over all the resources sought.

The NZCA is seeking comment from all interested parties to help it construct a view-point. Note that the closing date for submissions has been moved on from 9 December 1994 to January 1995.

Staff who have not seen the NZCA paper should ask for a copy from their Managers as soon as possible. Copies are available from Conservancy Office also. It is assumed that users of this prompt sheet will have read the original discussion paper.

## Issues

- 1 The lack of consensus in NZCA discussions suggests that the Treaty of Waitangi guarantees (as they are interpreted to be) are contestable. Do you consider that this contestability is appropriate or inappropriate? Under what circumstances should the guarantees prevail, or be reviewed?
- 2 Consider the distinctions between exploitation of birds and animals for ceremonial purposes (taonga) and their harvesting for kai. Can you live with any or none of these? If you are unsure of what is meant by 'use', ask for clarification.
- 3 Should this debate consider the biological and cultural issues separately? If you agree that this is appropriate, which is the more important consideration? With your ranking in mind, consider the circumstances under which you would allow the secondary issue (whichever it is) to take precedence over the first.
- 4 If you feel that the biological issues are paramount, then lay aside the cultural elements of the debate for a moment, and consider whether the conservation-through-harvest model would be more effective for conservation than existing altruistic practices (protecting species for their intrinsic values).

Should New Zealanders return to the harvest model to stimulate human interest in protecting species (this is the model which persisted through the course of human evolution until the first quarter of this century), or should we continue with existing approaches?

- 5 Do you agree with the contention that endangerment is overstated as a problem with harvesting? If you do agree, are you confident that traditional iwi knowledge or modern science knowledge, or both working in tandem, can guarantee that harvesting will not jeopardise species' survival?

What evidence do you have to demonstrate that harvests managed either by traditional or modern knowledge are not detrimental to the exploited species? Is this evidence relevant to exploitation of New Zealand species which are slow breeders with low productivities?

- 6 Are you comfortable with the possibility that modern science may not participate in assessments of species harvest and use quotas?
- 7 Consider the impact of the harvest/use model on existing conservation philosophies.

Conservation practice in New Zealand is based predominantly on the philosophy that native species have rights to exist for their own sakes, free as much as possible from most human exploitation. This philosophy is expressed in the absolutely protected status conferred on most through the Wildlife Act 1953, Marine Mammals Protection Act 1978, and recognised by the Reserves Act 1977, National Parks Act 1980, and the Conservation Act 1990.

Acceptance of the harvest principle for all indigenous species, regardless of whether the principle is sponsored by cultural, commercial or recreational interests, challenges existing philosophy.

- (a) Can the existing conservation model (with its philosophies underpinning existing law and practice) survive in the presence of the harvest/use model?
- (b) Under what circumstances could the two survive alongside one another?
- (c) If in your opinion the existing conservation model will be displaced, is it acceptable to you that iwi should have exclusive rights to use or harvest, or should the right be extended to all New Zealanders?
- (d) If you consider there are some, how will the conservation benefits of harvesting be affected by excluding Pakeha from the practice?
- (e) Will allowing Pakeha to harvest improve or diminish the effectiveness of the harvest conservation model?

### Precedents for harvest

- 1 Think about existing precedents for each approach to conservation. Why do some work well and some fail?
- 2 Is it fair to use existing harvest or use precedents to justify the case for harvest for all native species? What do you consider to be the factors which validate or invalidate the precedents for all or any individual species? Perhaps the precedents relate to....
  - (a) exotic species?
  - (b) adventive (fast breeding, vigorously dispersing) species?
  - (c) species which are benefitting from human-induced changes to their habitats (ie, vastly expanded breeding and feeding opportunities)?
  - (d) species which are pests in unmanaged numbers?
- 3 Do you think that all existing species harvests (especially bird harvests) are appropriate? Is this a good time to be reviewing them?

### Te tino rangatiratanga

The Crown's authority to manage NZ's native species is contested by iwi who argue that the Treaty of Waitangi recognises them as the only true *kaitiaki* (guardians) of New Zealand's native plants, animals and habitats. Iwi also claim the right of te tino rangatiratanga under Article 2 of the Treaty of Waitangi.

Iwi claim that te tino rangatiratanga is an absolute, exclusive right of authority over the natural resources of NZ. It entitles iwi to manage these resources according to their own customs and to determine use and harvest levels.

Iwi may invite the Crown to contribute science or management expertise though this cannot be assured: it is considered to be entirely a decision for iwi to take. Demands that they do involve modern science are considered to diminish the right of authority.

1 Do you accept that te tino rangatiratanga should be acknowledged by passing management authority from the Crown to iwi? If you are comfortable with this, do you consider that iwi authority should be exercised within the constraints of current conservation legislation? Should existing legislation be adjusted to recognise the new authority? How should it be adjusted?

2 If you do not accept the transfer of authority, what are your reasons for rejecting it? Do you see any major social or ecological implications from the transfer?

3 Implicit in the recognition of te tino rangatiratanga as proposed by the NZCA is the notion of cultural precedence.

Do you consider that one culture should be elevated above others in a multi-cultural society? If you do not agree with this, how do you reconcile your view with the claim by iwi that Pakeha culture insists on such elevation for itself?

4 Can you think of any suitable mechanisms whereby the cultural needs of iwi can be recognised without trespassing on the cultural interests of others?

5 Do these mechanisms allow for one culture to have privileged or perhaps exclusive access to wildlife, plants and other materials, or do they argue against this?

6 Where the Crown is invited to participate in management of species and their exploitations, what do you consider the Crown's standing should be in the relationship: the primary partner; a partner of equal standing; a secondary partner?

7 Whichever your choice, what standing should modern science have alongside traditional iwi knowledge?

8 Can your management partnership survive where participants do not reveal knowledge or experience to one another? (Iwi wish to retain some traditional knowledge as taonga, to which only a few kaumatua have access.)

9 Do you accept te tino rangatiratanga as a generic claim over species everywhere, or should it only refer to those parts of New Zealand in which it was not surrendered as a specific condition of land sale?

## Sustainability

Both iwi and Pakeha harvest advocates accept the need to reduce the risk of endangerment to exploited species: none will be exploited if the harvest introduces that risk to a species. In other words, the harvest or use will be 'sustainable'.

- 1 Do you accept the view that allowing harvest or use to occur while ensuring that the exploited species do not disappear (ie, that the uses or harvest are sustainable) is an acceptable win-win compromise for the conflict between cultural relationships to native plants and animals? If not, why not?
- 2 If your answer to (1) was 'yes', what do you consider 'sustainable' to mean:
  - (a) that a species will return in the following season to its pre-harvest numbers and disposition (age structure, breeding capacity, etc)?
  - (b) that a species will be allowed to fluctuate through highs and lows from one season to the next, sometimes approaching but not reaching the point of extinction - the minimum viable population (MVP) model?
- 2 Should 'sustainability' be measured for harvests of individual *populations*, of population groupings, or of *species*? Or should it be measured for the natural communities in which harvested species occur?
- 3 When should a species become harvestable? When it has reached
  - (a) pre-human numbers and distributions;
  - (b) pre-European status;
  - (c) 1840 status;
  - (d) the carrying capacity of its existing habitats, and is producing surpluses (individuals doomed to perish);
  - (e) some other status?
- 4 Should harvesting or use be permitted to place constraints in any way on a species' numbers or on its capacity to improve its status or viability? If your answer is 'no', how does this influence your definition of sustainability? If 'yes', what restraints are acceptable to you?
- 5 Should harvest or use be a form of selective (natural) or non-selective (unnatural) mortality? If *selective*, how do you consider harvesters should choose their prey? What guarantees would you seek to ensure that the exploitation is selective? Are such guarantees possible, in your view?
- 6 Should sustainability rely on traditional or scientific assessments, or both?
- 7 Who has the primary responsibility for determining sustainable levels of exploitation: the harvesters or the Crown? Given that DOC must give effect to the principles of the Treaty in addition to preserving NZ's protected native species, will it be able to resist its obligations to iwi when recommending harvest rules and quotas?

- 8 Would you be happier with an independent agency assessing sustainability and reviewing exploitation impacts? If not, what reviews should sustainability assessments of the iwi or the Crown be exposed to? How will either party be accountable for their decisions?
- 9 Modern science assessments of sustainability will be extremely time-consuming and resource-intensive. Who should pay for these assessments: the harvest or use beneficiaries, or the Crown?
- 10 Existing Crown conservation resources are insufficient to manage existing ecological priorities. Under what circumstances would you accept exploitation of species in the absence of definitive sustainability assessments? How will you know whether assessments are definitive or not?

#### **Other considerations**

- 1 Are you comfortable with the commercialisation of harvests if it is suggested as an option? What constraints should there be on cost-recovery, if any?
- 2 How should harvest protocols be developed - if at all - for species whose ranges extend beyond New Zealand?
- 3 To what extent should harvest and use practices be faithful to the traditions of 1840? Given major shifts in social attitudes to animal exploitation, however, are traditional harvesting methods acceptable?
- 4 Is it acceptable to integrate modern technology with harvest and use tradition?
- 5 How should the differing harvest and use aspirations of individual iwi be accommodated when species are disproportionately distributed or fragmented in their distributions?
- 6 Should plants and animals in legally protected areas such as National Parks or Nature Reserves be exempted from use or not?
- 7 Should the answers to all these questions be answered first before agreement is reached on whether to exploit native plants and animals, or should we accept the principle of harvest or use first and design the safeguards accordingly?



# CONSERVATION AUTHORITY

TE WHAKAHAERE MATUA ATAWHAI O AOTEAROA

27 May 1994

## DISCUSSION PAPER ON MAORI CUSTOMARY USE OF NATIVE BIRDS, PLANTS, AND OTHER TRADITIONAL MATERIALS

In 1993 the Minister of Conservation requested the New Zealand Conservation Authority to develop a discussion paper to lead and focus public debate on issues touching upon the customary use by Maori of various native species of both flora and fauna.

A Working Group of Authority members was set up: John Klaricich (Chairman), Tipene O'Regan, Margaret Mutu and Gordon Ell were later joined by Craig Potton, after his appointment to the Authority. Authority Chairman Jim Guthrie was involved in most sessions.

This discussion paper is the outcome of many months of thought, argument and writing. The questions and divergent opinions which have troubled us will no doubt be reflected in the wider debate this paper seeks to stimulate.

We have discussed whether iwi should have the power to fix a sustainable harvest for all wildlife. We have discussed the proposition that Maori customary use of traditional materials (including birds and plants) should be governed by the existing law. We have asked to what extent the powers of the Director-General under the Wildlife Act 1953 could and should be delegated to iwi Maori.

We have reached neither a firm concensus nor any fixed conclusions about these issues, and look forward to having our understanding of these questions enhanced by a wider public debate.

When we began our discussions we were agreed that absolutely protected species should remain absolutely protected. We discussed ways in which Maori might be supported in their efforts to prevent the unlawful taking of birds for profit by unscrupulous individuals. We came to believe that Maori might themselves make greater efforts to prevent poaching if their use of traditional materials, for spiritual purposes particularly, was better understood.

The Conservation Authority is concerned with conservation. It is concerned with conservation in New Zealand where the conservation laws recognise that the Authority's work should give effect to the principles of the Treaty of Waitangi. We take that to mean that in achieving the conservation objectives of legislation, we should find mechanisms to do so that recognise the principles of the Treaty. This paper is a start in the work needed to discover what those mechanisms are, and how they might regulate the conservation of New Zealand's biodiversity.

### The Key Points of the Discussion Paper:

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- \* The Treaty of Waitangi establishes various rights, duties and constraints on both the Crown and iwi Maori;
- \* Suggested systems for decision-making for customary use are within the existing legislation; no changes to the law will be necessary;
- \* Decision-making may be better managed locally on a mana whenua basis;
- \* Customary use must always be sustainable, taking account of the needs and options of future generations;
- \* Shared information from different groups and organisations, including Maori, could provide a better understanding of species and habitats;
- \* Restoration and enhancement programmes are a counterpart to any kind of use; and
- \* Species which are absolutely protected should remain protected until both iwi Maori and the wider community agree to a change of status.

### Your Comments and Suggestions:

The Authority asks that these issues are widely considered and debated before it makes a recommendation to the Minister. The discussion paper is intended as a contribution to that process, not a final statement of policy or intent.

It is a paper that contains much that each of us can support. There are aspects that each of us have difficulty with. We are all agreed that the paper will provoke the debate that is needed for the Authority to reach a view of these issues for itself which is, of course, necessary before it can make any recommendations to either the Minister or the Department of Conservation.

The paper should be discussed in the context of other areas where the contribution of iwi Maori to the decision-making process is being considered, such as:

- the Fisheries Commission's proposed mechanisms for customary fishing rights,
- the Report of the Board of Inquiry into the NZ Coastal Policy Statement, and
- the process of writing and agreeing Conservation Management Strategies.

It is intended to hold some hui and other meetings, where the debate can continue.

Your feedback on the discussion paper and your views on customary use issues are very welcome. Please send your written response by **9 December 1994** to:

CUSTOMARY USE  
NEW ZEALAND CONSERVATION AUTHORITY  
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PHONE: 04-471-0726

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**DISCUSSION PAPER**

**MAORI CUSTOMARY USE  
OF NATIVE BIRDS, PLANTS AND  
OTHER TRADITIONAL MATERIALS**

NEW ZEALAND


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**CONSERVATION AUTHORITY**

TE WHAKAHAERE MATUA ATAWHAI O AOTEAROA

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## **Glossary**

## **A Note on the Translation**

**A counterpart version of this Discussion Paper has been prepared in the Maori language. With it goes a greeting and a note explaining the use of some Maori words that will be more familiar in some regions than in others. The Maori translation fairly reflects the counterpart English version.**

## 1: **Introduction:**

### 1.1 This Paper:

This is a draft discussion paper prepared by the New Zealand Conservation Authority for release as part of a wider process of consultation and discussion on the issues surrounding Maori customary use of natural resources. The paper is intended to lead and stimulate debate. It does not represent a final statement of policy or intent of either the Authority nor of any of its members.

### 1.2 The New Zealand Conservation Authority:

The New Zealand Conservation Authority (NZCA) is a statutory board, separate from and independent of the Department of Conservation (DOC). The NZCA has various legal responsibilities, and advises the Minister of Conservation about conservation issues of national importance. It has twelve members drawn from tangata whenua and conservation, tourism and recreational interests. The NZCA is bound to act according to the principles of the Treaty of Waitangi. //

### 1.3 The Need for a Policy:

There is some tension between the legal and ecological requirement to protect species and their habitats, and the requirement to uphold te tino rangatiratanga of iwi Maori for their taonga guaranteed by the Treaty of Waitangi.

The NZCA agrees that there is an urgent need to work with iwi Maori to develop a national policy on Maori customary uses of natural resources. Obviously this policy will require discussion and consideration from a wide range of interested parties.

This paper is intended as a starting point in this process, as a possible framework for further dialogue, and a proposition to assist resolution of the issues.

## 2: **Objectives:**

### 2.1 Policy Objectives:

At meetings of the NZCA Working Group on Customary Use Issues in late 1993, the following Policy Objectives have been identified:

- (1) To find mechanisms through which rangatiratanga can be expressed in the exercise of customary use within the existing protection legislation.
- (2) To identify and consolidate areas of common ground.

The Working Group agree that the policy should consider a broad spectrum of issues across a range of different traditional uses of birds and other animals, and plants, rather than focus narrowly on any one species or issue. However requirements for water, minerals, pounamu/greenstone and other geological materials are covered under separate regulations and are not included in the Working Group's considerations.

## 2.2 Process Objectives:


The NZCA Working Group also identified the following Objectives concerned with an appropriate process to achieve this:

- (3) To lead wide informed debate on the issues.
- (4) To ensure that all interested parties have an opportunity for their views to be heard and considered.
- (5) To gather appropriate information across cultural, traditional, scientific and administrative areas, to build a better understanding amongst all interested parties of the need for conservation within a context of differing perspectives and priorities.

## 3: **The Treaty of Waitangi:**

### 3.1 Rights and Duties:

The NZCA bases its consideration of the issues on the following fundamental principles from the Treaty of Waitangi:

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- (1) Mahinga kai are taonga under Article II of the Treaty. So too are the environments in which they are sustained.
  - (2) The Crown has a right and a duty under Article I of the Treaty to preserve indigenous species in the interests of the nation.
  - (3) This Crown right is restrained but not blocked by Article II. The Crown must ensure that iwi Maori's Article II rights to the taonga are allowed, even if limited.
  - (4) Iwi Maori are bound to accept that steps will be taken under Article I to preserve species, constraining their Article II rights. (Some rights of iwi Maori with regard to species have, however, been taken and transferred to others eg. Fish & Game Councils.)

Essentially the resolution of customary use issues requires a satisfactory mechanism recognising the respective rights and duties of iwi Maori and the Crown - to achieve a balance between tino rangatiratanga and kawanatanga.

### 3.2 Restraints:

The nature and justification for the respective restraints or limitations on each Treaty partner's rights are also significant. Iwi Maori have acknowledged that limitations may be imperative to preserve a species, with the proviso that rahui and other customary restrictions within a traditional Maori ethic of conservation are more acceptable constraints than bureaucratic impositions by an official Crown agency.

## 4: **The Present Situation:**

### 4.1 The Legislation:

There are a range of different laws which apply to Maori customary uses of native plants and animal species, including the Conservation Act 1987, the National Parks Act 1980, the Wildlife Act 1953, the Native Plants Protection Act 1934, the Plant Varieties Act 1987, the Marine Mammals Protection Act 1978, the Reserves Act 1977, and the Resource Management Act 1991.

### 4.2 The Treaty and the Legislation:

The Conservation Act requires under section 4 that the principles of the Treaty of Waitangi are given effect to. However most of the other legislation under which access to native species is controlled does not specifically acknowledge or refer to the Treaty or its principles, and is founded on the essential principle of Crown control.

There have been various legal interpretations and opinions concerning the relationships between the provisions of different Acts, and the extent to which section 4 of the Conservation Act may apply under other Acts. A general rule which emerges is that, even where there is no formal reference to the Treaty in the prevailing legislation, it must still be recognised as a fundamental underlying part of the fabric of all New Zealand legislation. The formal statutory applicability or otherwise of a requirement to give effect to or take account of Treaty principles should be dealt with as part of evolving jurisprudence, and should not be allowed to constrain the development of a practical partnership framework.

### 4.3 The Wildlife Act:

To simplify the listing of a great number of species, the Wildlife Act lists, in its various Schedules, those species which are NOT protected. All species have absolute protection unless listed.

The only native bird that currently has no protection at all is the karoro/common black-backed gull.

Section 5 of the Act provides for the Second Schedule, which lists Partially Protected Wildlife - hakoako/skua, tauhou/silver-eye, kawau/black shag, kahu/harrier hawk and the exotic brown owl, if causing any injury or damage to land or property, may be killed on that land by the land-owner or occupier. This provision is for the protection of farming and horticultural interests. Section 54 makes further provisions along these lines, enabling the Director-General to authorise the hunting or killing of any animals or birds, whether absolutely protected or not, even in a wildlife refuge, if it is proven that they are responsible for injury or damage to any person, land, stock or property.

Section 6 of the Wildlife Act provides for the Third Schedule, which lists species that may be hunted or killed at the discretion of the Minister of Conservation. Provision is made for setting conditions of harvest for those species. Any absolutely protected species intended for general accessibility for traditional harvest would need to be listed on the Third Schedule. Species may be added or deleted from the Schedule through an Order-in-Council under Section 8(1) of the Act; there is no provision for public consultation on such additions or amendments to the Schedules.

Section 53 of the Act provides for the Director-General to authorise the take of protected species, for any purpose approved by him or her. Such purposes can include cultural and traditional uses. This section is used to authorise the holding of feathers, bones and other parts of dead wildlife, as well as providing for approval to catch alive or kill birds and other creatures. The Director-General can impose conditions and requirements as appropriate, for example specifying who may take wildlife, the methods to be used, the times when wildlife may be taken, the exact areas from where it may be taken, and requirements for monitoring and reporting of the numbers taken.

The catching and keeping of live specimens and eggs is also provided for under Section 53. There are regular requests for native birds and animals for scientific research and educational programmes, and for dead specimens to mount for display in museums etc. In practice, permits are usually issued for taking live specimens only for scientific management and captive breeding programmes, although authorisation may be given for any purpose approved by the Director-General.

The Third Schedule allows relatively wide general access to the species listed, within the terms and conditions imposed. However Section 53 offers both greater flexibility and greater discrimination, with the legal capacity for specific small-scale uses of different species, approved for particular people or groups of people, for particular reasons or purposes, limited as appropriate to a short timeframe or localised to a defined area. One recent example was the approval of the cultural take of up to 20 juvenile toroa/albatross washed up on shore, for ceremonial use as mana kai in the Chatham Islands bi-centennial celebrations.



#### 4.4 Harvesting of Birds:

Traditional harvest is currently lawful in two groups of islands:

- some north-eastern islands off the North Island where oi/grey-faced petrels may be taken under Section 6 of the Wildlife Act, and
- the southern islands off Stewart Island where titi/sooty shearwater are taken; the authority to harvest titi was granted to former Maori owners as one of the conditions of the ceding of Stewart Island to the Crown in 1864; these regulations are made under the Land Act.

There are also a small number of Wildlife Sanctuary Orders covering individual islands - such as the middle island of the Trios Islands in the Marlborough Sounds - where birding rights were granted to former Maori owners as one of the conditions under which land was transferred to the Crown. In all these cases the right to carry out birding is reserved for the descendants of the tangata whenua of the islands, and their spouses.

#### 4.5 Gamebirds:

Gamebirds that may be hunted are listed in the First Schedule to the Wildlife Act. Sections of this Act and the Wildlife Regulations 1955 set conditions for hunting; Fish and Game Councils are responsible for recommending bag limits, season lengths and other management factors to the Minister of Conservation.

There are ten introduced species of gamebird - black swan, Canada goose, chukar, mallard duck, partridge and red-legged partridge, pheasant, and Australian, Californian and Virginian quail. The flesh and feathers of these may be of value to Maori to assist, by substitution, with the conservation of native species. Indigenous species of gamebirds which may currently be hunted are parera/grey duck, kuruwheangi/shoveler duck, putangitangi/paradise shelduck, pukeko, and (on the Chatham Islands only) weka. Hunters have made approaches to legalise the shooting of tete/grey teal, the protected bird most commonly shot in error during the game season.

#### 4.6 Feathers:

The allocation of feathers for weaving and for other artifacts is managed under Section 53 of the Wildlife Act; feathers and other materials such as whalebone always remain the property of the Crown and are only loaned on trust to approved users for specific approved purposes.

#### 4.7 Plant Materials:

The cultural use of plant materials is only controlled by DOC when the materials are sought from lands administered by the Department. Permits are issued under various Acts and Regulations. Materials most commonly sought are weaving materials (pingao, kiekie, harakeke/flax and other species), carving timbers (totara, kauri), and medicinal plants.

The purposes for which plants can be taken vary according to the status of the land and include Maori traditional and cultural uses, scientific, horticultural, educational and conservation uses. There are two main groups of users - traditional Maori uses and considerable requirements from commercial plant nurserymen for seed and propagating materials.

#### 4.8 Freshwater Fish:

DOC has a statutory responsibility for the preservation of native freshwater fish, their habitats, and recreational freshwater fisheries (primarily inanga/whitebait). DOC works closely with the Ministry of Agriculture and Fisheries concerning tuna/eels and the effects of commercial freshwater fisheries on conservation values. DOC also works closely with Fish and Game Councils on these issues. There are major issues of overlapping responsibility between Crown agencies in freshwater and estuarine species management, in the definition of freshwater, estuarine and sea species, and in the control of their respective habitats.

#### 4.9 Current DOC Procedure:

The Department's present policy and procedure is essentially a range of different application and permitting processes for different species or kinds of materials.

The Wildlife Act does not specify criteria for making or approving applications for native birds or feathers or other non-living materials. In practice applications must be made in writing through the Regional Conservancy, with written support and verification of the application from the iwi concerned. Some permitting is managed by Regional Conservancies, some at Head Office in Wellington. The information that DOC requires to justify applications for permits for feathers includes specific assurances that traditional methods and techniques will be used, that the applicant is a recognised skilled craftsman, the intended uses of the finished item, and the particular iwi that will hold it.

For plant materials, permits are issued by DOC Regional Conservancies, each with slightly different systems and requirements. More consistent procedures and conditions are currently being developed.

In many Regional Conservancies, committees have been established with kaumatua representatives to assess applications from that region for materials. These committees meet regularly and advise DOC on the suitability of various projects and requests. They often give advice across a wide range of conservation issues and assist DOC with authoritative judgements and expertise.

## **5: Principles:**

### **5.1 Guiding Principles:**

In its assessment of the issues involved, the NZCA acknowledges a number of guiding principles and fundamental concerns. These are recommended as the basis for a kaupapa by which resolution of customary use issues may be sought.

### **5.2 Sustainability:**

Harvest of any species or population can only be acceptable if it is sustainable, or facilitates restoration. One definition of sustainability is:

the capacity to satisfy current needs without jeopardising the prospects of future generations.

(Lester Brown, Worldwatch Insitute)

Sustainability must be measured in relation to each population and habitat. Any decision must be driven from the character and condition of the particular species, in the context and habitat in which it exists, and its relationships with other species.

All impacts of any harvesting must be carefully monitored. Some "control" populations should be maintained without harvest for monitoring comparisons to be made. The effects of other external factors, such as predation or fluctuating food sources, must be taken into account.

### **5.3 A Local Focus:**

Local iwi or hapu are ultimately the only people who can make the decisions for what is acceptable in their own rohe. Each local community may have slightly different points of view. However the imposition of a view or decision from outside will not necessarily have the support of local people.

Traditional tikanga applies still in many communities; kaumatua decisions are unquestioned. In the past, inherited knowledge about species, harvesting, seasons and techniques were accepted and strictly adhered to. Traditional methods and karakia applied to all harvesting within an ethic of commitment and pride.

### **5.4 The Knowledge Base:**

Local people have invaluable knowledge of specific resources and the wider environment, much of which will go back over many generations. Much of this information exists nowhere else. Much may be in a form that is completely different from the conventional approach taken by European science; much may be communicable only in te reo Maori. Some information may not be for general dissemination, being either specific to the particular hapu or so sensitive that confidentiality must be protected (eg. wahi tapu).

It is essential that any conservation policy or management regime recognises and works with the traditional knowledge held at local levels, along with the substantial body of Western scientific knowledge. Mutual education and information-sharing across a wide range of aspects - scientific, cultural, traditional - would be an ongoing responsibility for all parties.

#### 5.5 Underlying Assumptions:

Terminologies of "harvest" and "resource management" applied for native bird species, and the implicit ethic of managing species essentially for human ends, are serious concerns to environmentalists and some scientists. The goal as they have expressed it should be to develop mechanisms based on a protection or preservation ethic. The tension is between Maori concepts of harvest as part of living within a natural system, and the preservationist ideal of complete protection, retaining wild nature free from any human interference.

There are varying scales of value from the customary harvest of plant materials and use of non-living materials (feathers, bone, etc), in distinction from the taking of live native birds.

#### 5.6 Context and Connections:

It is essential to consider the whole natural system, taking into account matters of ecosystem management, weeds, pest and predator control, etc, as the context for specific questions of customary harvesting. Even a moderate change in one element of an ecosystem may have serious impacts on other elements. The relationships of harvest species with their environments must be considered; for example if the population of kereru/kukupa/pigeons ever became the subject of a lawful harvest then their essential role in the dispersal of many kinds of seed for forest regeneration would be a vital aspect of sustainability.

The Maori perspective integrates rather than divides and separates things - it would be dangerous to consider one activity in isolation. Many Pakeha hold similarly holistic world-views, recognising the interconnecting complexity of natural systems and celebrating human identity as an integral part of that.

In traditional Maori world-views, the physical and spiritual dimensions are inextricably intertwined. If one aspect suffers, everything suffers, including the people of that area and especially those people with mana whenua responsibilities. Sustaining the environment is not merely a process for the natural physical world but a process bringing together the tangible and the intangible, combining traditional, spiritual, historical and human aspects.

#### 5.7 Restoration and Enhancement:

There is a difference between "sustainable harvest" and "sustaining the environment". There is growing popular perception that there is a general duty to enhance and restore species and their habitats, to control exotic predators and competitors, to actively contribute to the well-being of the natural resource. Any programme of customary use must be balanced by a complementary programme of appropriate improvement, such as propagating and growing native plants for weaving or for bird food sources.

## 5.8 Unlawful Harvesting:

Requirements for traditional uses must be kept separate from personal and commercial poaching operations, often carried out by non-local people with scant regard for environmental considerations. For example, many Maori recognise that there are fundamental differences between taking for spiritual and traditional reasons, which they would like to see made lawful under proper controls, and poaching for personal profit, which offends both the law and tikanga Maori and demands punishment under both codes of ethics.

## 5.9 Research:

There has been valuable scientific research undertaken on various species and ecosystems; nevertheless there are also areas where little baseline data is currently available. Breeding patterns and other characteristics of some species can make research a lengthy process; changes in populations and trends may take decades to determine and monitor. Knowledge from local communities may help fill some gaps (refer 5.4 above).

Further Western science research priorities must be purposefully addressed, including:

- baseline research into populations, reproduction rates, predation, habitats, food supplies, population fluctuations; and
- practical monitoring techniques and requirements.

Results of existing and new research should be shared with iwi Maori and with other interested parties as appropriate. Maori should contribute to this process.

## 6: A Possible Policy:

### 6.1 Decision-making and Control:

In order to satisfy Policy Objective 1 (refer 2.1 above) the decision-making role may need to be conducted on a mana whenua basis by iwi Maori or hapu as appropriate, to manage lawful customary use of all species and materials within their rohe within an agreed partnership framework with representatives of the Department and Conservation Boards.

These decision-making mechanisms for customary use issues could be statutorily covered within the provisions of Sections 58 and 59 of the Conservation Act (s.58: Delegation of Powers by Director-General; s.59: Warranted Officers). The persons to whom delegations might be made could be either each region's Kaupapa Atawhai Manager, or a local iwi representative who was a Warranted Officer of the Department under s.59. Clearly a key policy issue and a central theme of the present debate is the extent to which the Director-General's powers under s.53 of the Wildlife Act 1953, to authorise the taking or killing of absolutely or partially protected wildlife for a lawful purpose, might be delegated, and if so, what conditions should be imposed to limit the generality of the delegation.

Many Conservancies already have a system whereby a Cultural Use Committee brings in representatives of local iwi to advise the Department on applications; the decision is then the Department's based on that advice. Generally, this policy takes this system a step further to implement rangatiratanga by passing the right to make decisions to the iwi. There is a corresponding requirement on iwi to receive advice from the Department, as under the existing system it receives advice from them.

## 6.2 Iwi Committees:

Each iwi would establish a committee of suitable people with the knowledge, skills and seniority to make decisions about the taonga available for customary use in their rohe. Each DOC Regional Conservancy might have several different committees representing the specific iwi and/or hapu as necessary in the Conservancy territory. The DOC Regional divisions are considered too large in many cases for adequate specific representation of each group and their interests; many Conservancies have a wide range of different iwi needing appropriate recognition.

The essential principles should be:

- the people with mana whenua are given the decision-making right over the customary uses in their own rohe; and
- the extent of representation and the areas covered by each committee are to be decided by tangata whenua themselves in consultation with the Department.

Regional Kaupapa Atawhai Managers would represent the Conservancy as members of each committee. Other conservation and scientific interests must be allowed to have input into the process as well; a representative from the local Conservation Board should be included either as a full member of each committee or in a co-opted advisory role. Nominated representatives from conservation organisations should be kept informed of each committee's membership, meeting times and priorities and included in an advisory role as appropriate.

## 6.3 Overall Guiding Kaupapa:

The committees would work to a kaupapa developed along the lines of the principles and ethics discussed under section 5 of this paper. The kaupapa would establish fundamental principles and guidelines for national consistency, while retaining sufficient flexibility to accommodate the particular local and regional priorities and concerns. Representatives from around the country would work together with DOC staff, with input from conservation organisations, other interest groups and the general public, to develop a nationally agreed kaupapa. A suitable name for the whole system could also be determined.

One possible concept that might be developed within this general kaupapa would be an absolute rahui over protected species, recognising a complementary mechanism for species and/or habitat protection. This would confirm the exercise of rangatiratanga through a traditional mechanism for conservation.

#### 6.4 Work of the Committees:

The committees would meet regularly, probably on marae. Each committee would establish its own specific programme, criteria and requirements within the nationally agreed kaupapa under 6.3 above. Some of their tasks could be:

- approving suitable projects;
- managing the retrieval, storage and distribution of materials;
- managing compliance aspects within the Maori community and working closely with DOC on other compliance requirements; and
- organising purposeful restoration and enhancement projects in association with the Department and others such as local conservation organisations.

The educational responsibility will offer valuable opportunities:

- to develop a better understanding amongst all people in the local community of the unique characteristics and history of their natural areas and landscapes, and
- to work with DOC to improve knowledge of the local environment and its constituent species, in particular the extent to which species populations are declining, and the best ways of reversing such declines.

The committees, with a local community basis, would also be one logical point from which to encourage a balance between customary use - the sustainable taking of materials and species - and repayment - giving back to the land, the forest or wetland, dune area or coastal area. This whakahokinga could be achieved with replanting and protection initiatives, and with education of both adults and young people, both Maori and Pakeha.

#### 6.5 Other Kinds of Uses:

The committees would also make recommendations to DOC on applications from scientific, educational and commercial institutions and agencies for access to native plants and animals and materials.

#### 6.6 Exchange and Gifting:

The committees would have the discretion to exchange, trade and gift items from within their rohe for items controlled by another committee. This would recognise and enhance the mana of each iwi or hapu group, and build on established relationships and whakapapa bonds. The process of negotiation and exchange could be initiated for a particular need or requirement, or as a surplus or opportunity might arise. There must be no commercial or profit-making aspect to any such negotiations; reasonable costs for transport and storage etc will be part of the negotiations between committees. The respective Regional Kaupapa Atawhai Managers and Board representatives involved with each committee would keep the Department informed of such transactions.

**6.7 Administrative and Financial Implications:**

The practical requirements for the committee will need to be considered and satisfactory provisions made. Factors which will need to be covered will include administrative and secretarial needs, practical requirements such as freezers or other storage facilities, the expenses and travel costs of committee members, and koha requirements.

**6.8 The Wider Partnership:**

Obviously customary use is only one of several areas where the Department - particularly at Regional Conservancy and Field Centre levels - is required to work closely with tangata whenua. Other situations include: CMS development, the daily management of conservation lands, the special management of wahi tapu, the control of pests and weeds, issues of tourism and interpretation, restoration projects, etc. The proposed customary use policy would be confirmed and strengthened within these wider partnership relationships. Consistency and improved trust would be developed across a range of issues as those issues are resolved.



**GLOSSARY:**

**hapu:** family or district groups

**iwi Maori:** Maori tribal groups

**karakia:** prayer, incantation expressing respect

**kaumatua:** elder, iwi or hapu decision-maker

**kaupapa:** plan, fundamental principles, strategy

**kawanatanga:** European government powers and systems

**koha:** gift, visitor's contribution

**mahinga kai:** traditional places for food-gathering and other resources

**mana kai:** provision of special foods for important ceremonial occasions

**mana whenua:** traditional status, rights and responsibilities of hapu as residents in their rohe

**marae:** local community and its meeting-place and buildings

**rahui:** protection of a place or species by forbidding access or take

**rangatiratanga, te tino rangatiratanga:** rights of autonomous self-regulation, iwi authority to make decisions and control resources

**rohe:** geographical territory of an iwi or hapu

**tangata whenua:** people of the land, Maori people

**taonga:** valued resources, treasures

**te reo Maori:** the Maori language

**tikanga:** customs, traditional correct ways of doing things

**wahi tapu:** special and sacred places

**whakahokinga:** return

**whakapapa:** genealogy, ancestry, identity with a place and hapu

All names of birds and plants are used in the text with the common English name alongside.

**PAPA KUPU:**

<b>Kaiora Puihi:</b>	<b>wildlife</b>
<b>Kaupapa Atawhai ā Rohe:</b>	<b>Regional Conservancy</b>
<b>Manahautū:</b>	<b>Director General</b>
<b>Manatū Ahuwhenua, Ahumoana:</b>	<b>Ministry of Agriculture and Fisheries</b>
<b>māori:</b>	<b>native</b>
<b>momo-mea-ora:</b>	<b>species</b>
<b>ō kaiora puihi:</b>	<b>game</b>
<b>ō manu puihi:</b>	<b>gamebirds</b>
<b>Papa Atawhai:</b>	<b>Department of Conservation</b>
<b>Pokapū Mura-Ahi:</b>	<b>Field Centre</b>
<b>Rārangi Ingoa:</b>	<b>Schedule</b>
<b>Komiti Rapu Tikanga:</b>	<b>Working Group</b>
<b>Tākaro pūangi:</b>	<b>recreational</b>
<b>runaruna tākaro pūangi:</b>	<b>recreational pastime</b>
<b>tauwhiro:</b>	<b>sustain</b>
<b>tikanga:</b>	<b>rights, ethics, mechanism</b>
<b>Ture Papa Atawhai:</b>	<b>Conservation Act</b>
<b>Ture Whakahaerenga Rawa:</b>	<b>Resource Management Act</b>
<b>Whakahaere Matua Atawhai o Aotearoa:</b>	<b>New Zealand Conservation Authority</b>
<b>whakatipu ā whakarau:</b>	<b>captive breeding</b>

## 5: Ngā Tikanga Pono

### 5.1 Ngā Tikanga Pono hei Arataki

I tāna tātaritanga i ngā take e tirohia ana, e whakaae ana te NZCA ki ētahi tikanga pono me ētahi tino take whakamāharahara hei tohu arataki. Kua tūtohutia ēnei hei pūtake mō tētahi kaupapa mā reira nei e kimi he whakataunga mō ngā take tikanga whakamahi.

### 5.2 Te Tauwhirotanga

Ka whakaaetia kia hauhaketia ētahi momo-mea-ora, ētahi nuinga mea-ora rānei ka taea te whakatauwhiro, e whakangāwari ana rānei i te hokinga mai kia hua. Koia tēnei tētahi whakamāramatanga o te tauwhirotanga:

arā, te kaha ki te whakangata i ngā hiahiatanga o te wā nei, engari, kia kauā hei tunua ngā tūmanakotanga o ngā uri whakaheke.

(Tirohia ki ngā kōrero Pākeha a Lester Brown, Worldwatch Institute).

Me ine te tauwhirotanga ki te āhua o tōna whanaungatanga ki ia nuinga mea-ora me te nohoanga. Me riro mā te āhuatanga me te āhua o ia momo-mea-ora, mā te āhua o te nohoanga kei reira taua momo-mea-ora e ora ana, me tōna noho tahi ki ērā atu momo-mea-ora, māna hei āki te whakataunga.

Me āta aroturuki ngā tukinga a ngā hauhaketanga. Kia taea ai ētahi whakatauritenga aroturukitanga te mahi, me tiaki ētahi nuinga mea-ora, arā, kauā hei hauhaketia. Me whai whakaaro anō hoki ki te ngau a ngā take ā waho, pērā i ngā patunga a te kaipatupatu rā, i te mānei o ngā wāhi tiki kai rānei.

### 5.3 He Arotahinga Wā Kāinga

I te mutunga anō, ko te iwi wā kāinga, hapū rānei anake te hunga māna hei whakatau ngā mea e paingia ana e tō rātau ake rohe. Tērā pea e āhua rerekē ana ngā whakaaro o ia wā kāinga, o ia wā kāinga. Heoti, ko tētahi whakaaro, whakataunga rānei i utaina ā wahotia mai, tērā pea kāre e tautokona e te hunga wā kāinga.

E noho pūmau tonu ana i ētahi wāhi nohoanga tāngata ngā tikanga tuku iho; kāre ngā whakataunga a ngā kaumātua e ātetetia ana. Ko ngā toi tuku iho e pā ana ki ngā momo-mea-ora, te hauhaketanga, te wā ā tau me ngā āhua o te mahi o ngā rā o mua, i whakaaengia, ā, i tino pupuritia kahatia. I whakamahia ngā āhuatanga mahi me ngā karakia ki ngā hauhaketanga katoa i runga i te tikanga ngākau nui me te whakahī.

### 5.4 Te Pūtake o te Toi

Kei te hunga wā kāinga ētahi toi kāmeahameha i heke mai i te maha noa o ngā whakatipuranga ki muri, e pā ana ki ētahi rawa pū me te taiao whānui tonu. Kāre te nuinga o tēnei whakamōhiotanga i te ora i tētahi wāhi kē atu. He nui tonu pea kei roto kē i te āhua e tino rerekē rawa atu ana te takoto ki tērā o te ao pūtaiao Pākehā; he nui tonu pea mā te reo Māori anake e whakawhiti. Ko ētahi whakamōhiotanga pea ehara i te mea kia whakaputaina whānuitia, e hāngai pū kē ana hoki ki te hapū, he mea tino aronganui rānei e tika ana kia tiakina hei mea muna (arā, ngā wāhi tapu).

Hē mea waiwai, kia whakaae ngā kaupapahere papa atawhai, āna tikanga whakahaere rānei, ahakoa he aha, ki ngā toi tuku iho kei ngā taumata wā kāinga e pupuri ana, tae atu hoki ki ngā toi pūtaiao o te Pākehā puta noa i te ao. Hei kawenga mā ngā rōpū katoa i runga i te ngākau kotahi, te whakaakoranga me te whakawhiti whakamōhiotanga e uwhi ana i ngā aronga pūtaiao, tikanga ā iwi, tikanga tuku iho whānui tonu.

### 5.5 Ngā Whakaaro kei te Whāriki

He take taumaha ki ngā kaitaiao me ētahi kaipūtaiao ngā kupu “hauhake” me te “whakahaerenga rawa” kua oti te hoatu mō ngā momo-mea-ora manu māori, me te tikanga e tautuhi mai ana ko ngā hiahia kē o te tangata te tino kaupapa o te tiaki i ngā momo-mea-ora nei. Kua whakapuakitia e rātau tō rātau tūmanako, ā, koia tērā o te waihanga i ētahi mea e kaupapatia ana i runga i te tikanga o te tiaki, o te tohu rānei. Kei waenganui te mānukanuka i ngā ariā a te Māori ki te wāhi o te hauhake i roto i te pūnaha o tōna ao tūturu, me te whakaaro rangatira o te hunga kaitohu kia tiakina mō ake tonu atu, kia tukuna te hunga puihi tūturu o te pārae kia noho wātea ana i ngā mahi whakararuraru a te tangata.

Tērā ētahi taumata rerenga kētanga o ngā wāriu i puta mai i ngā tikanga ā iwi mō te hauhake i ngā rawa otaota me te whakamahi i ngā rawa popohe (ngā huruhuru manu, koiwi me ērā atu), e rerekē ana ki tērā o te patu i ngā manu māori.

### 5.6 Te Taiiao me ngā Honohononga

He mea waiwai kia whakaarohia te katoa o te pūnaha o te ao tūturu, o te whai whakaaro ki ngā take whakahaere i te ao tūturu o te hunga mea-ora, arā, ngā tarutaru, te pupuri i ngā mea orotā, i ngā kaipatupatu me ērā atu mea, kia noho ko ēnei hei taiiao mō ngā take e hāngai pū ana ki te tikanga hauhake. Ahakoa kāre i kaha te whakarerekētanga o te kaupapa kotahi o te ao tūturu o te hunga mea-ora, tērā tonu pea he taumaha te hua o tōna tuinga i runga i ērā atu kaupapa. Me āta whakaaro mārika te whanaungatanga o ngā momo-mea-ora ki ō rātau taiiao; hei tauria, mehemea, a tōna wā, ka whakaaetia e te ture te huhuinga kererū/kūkupa kia hauhaketia, kāti, ka noho tā rātau mahi waiwai ki te tohatoha i ngā tini momo kākano hei whakahou i ngā ngahere hei aronga waiwai o te kaupapa tauwhirotaanga.

He tuitui kē tā te tirohanga Māori tena i te kōwae me te wehewehe - he mea kino te titiro taratahi ki tētahi mahi. He maha ngā Pākehā e mau ana ki te kaupapa pēnei, āra, te tirohanga ao-whānui, te whakaae ki te whiwhinga o ngā honohononga o te pūnaha o tōna ao tūturu, me te whakanui i te tuakiri tangata hei wāhi waiwai o taua ao.

Ki ngā tirohanga ao-whānui tuku iho a te Māori e kore e taea te whakamatara te honohononga o te ao kikokiko me te ao wairua. Ki te mate tētahi wāhi, ka mate te katoa, tae atu ki ngā tāngata o taua wāhi, tēnā rawa ia ki ngā tāngata kei a rātau ngā kawenga mana whenua. Ehara i te mahi noa iho mā te ao tūturu kikokiko te mahi ki te toko i te taiiao, engari he mahi e hono ana i ngā mea ka kitea me ngā mea kāre e kitea, te pāhekoheko i ngā aronga tikanga tuku iho, wairua, kōrero tipuna me te aronga tangata.

### 5.7 Te Whakahauoratanga me te Whakareinga

Tērā tētahi rerekētanga kei waenganui i te “tauwhirotaanga hauhaketanga” me te “tauwhirotaanga i te taiiao”. Kei te tipu haere tētahi whakaaro hira pēnei nā, ko te kawenga whanui ko tēra o te whakareia me te whakaora mai anō i ngā momo-mea-ora me ō rātau nohoanga, ki te pupuri i ngā kaipatupatu tauhou me ngā kaitauwhāinga, ki te hahau o te āwhina i te oranga o te rawa tūturu. Me whakataurite tētahi rārangi mahi whakamahi tikanga ā iwi ki tētahi rārangi mahi hei tango i te wāhi o te whakamāhinga, pērā i te whakamakuru me te whakatipu tipuranga māori, mō ngā mahi whatu, hei mea hei kaitanga rānei mā te manu.

## 5.8 Te Hauhake Pokanoa

Ko ngā hiahiatanga mō ngā tikanga whakamahi tuku iho me āta wehe mai i ngā mahi e pā ana ki te tangata whanako me te hunga whānako mō te mahimoni, i ētahi wā e mahia ana i runga i te ngākau takatakahi i te taiao e te hunga ehara nō taua wā kāinga. Hei tauira, e mārama ana ki te nuinga o ngā Māori, arā, tērā ētahi tino rerenga kētanga kei waenganui i te patu mō ngā take wairua me ngā take tuku iho - ko tō rātau hiahia hoki kia whakaaetia tēnei e te ture i raro i ngā tikanga whakahaere tōtika - me tērā e takahi ngātahi ana i te ture me ngā tikanga a te Māori, ā, e tika ana kia whiua i raro i taua ture me aua tikanga, arā, o te whānako mō te mahi moni mā te tangata.

## 5.9 Rangahautanga

Kua whakahaeretia ētahi rangahautanga pūtaiao whaitikanga e pā ana ki ētahi momo-mea-ora me ētahi ao tūturu o te hunga mea-ora; otirā, tērā atu anō ētahi wāhanga he iti nei ngā hōtuku ine-taketake e kitea ana i reira i te wā nei. Ka taea e ngā wā whanawhanau me ērā atu āhuatanga o ētahi momo-mea-ora te whakaroroa te mahi rangahautanga; tērā pea e hia kē nei ngā tekau tau ki te whakatau me te aroturuki i ngā whakanekeneke nuinga mea-ora me ōna pikinga, hekenga hoki. Tērā pea mā ngā toi e puta ake ana i ngā wā kāinga, māna e whakakī haere ngā āputa (tirohia ki 5.4 i runga ake nei).

Me niwha te whakaanga i ētahi mea tuatahi hei rangahautanga o te ao putaiao o te ao Pākehā puta noa i te ao, ka uru mai :

- ngā mahi rangahautanga ine-taketake o ngā nuinga koiora, te tere o te whanawhanau, ngā patunga a te kaipatupatu, ngā nohoanga, ngā putunga kai me te manei o ngā huinga koiora;
- ngā whakahaere aroturuki whaitikanga me ngā whakaritenga.

Me tuari ngā hua rangahautanga o nāianei me ngā mea hou ki ngā iwi, ā, mena e tika ana, ki ērā atu rōpū e āro mai ana. Me āwhina te Māori i tēnei kaupapa mahi.

## 6: **Ko tētahi Kaupapahere tērā pea ka taea te Whakatinana**

### 6.1 Te Whakatau Take me te Pupuri

Kia taea ai te whakarite te Whāinga Kaupapahere 1 (tirohia ki 2.1 i runga ake nei), tērā pea ka hiahiatia kia whakahaeretia te tūnga whakatau take, mena rā e tika ana, e ngā iwi, hapū rānei, i runga i te kaupapa mana whenua, hei whakahaere i ngā tikanga whakamahi whaimana e pā ana ki ngā momo-mea-ora katoa me ngā rawa otaota/ōpapa o ō rātau rohe, i raro i tētahi anga rangapū kua whakaae ngātahitia e rātau ki ngā māngai o Te Papa Atawhai me ngā Poari Kaupapa Atawhai.

Tērā pea ka uwahia ā turetia ngā tikanga whakatau take mō ngā take tikanga whakamahi i raro i ngā tikangahere o tekiona 58 me 59 o te Ture Papa Atawhai (s.58: Te Tukunga Mana Māngai e te Manahautū; s.59: Ngā Āpiha Whakahau). Tērā pea ko rātau ka āhei kia whakawhiwhia ki te tūnga māngai, ko ngā Kaiwhakahaere Kaupapa atawhai, ko te māngai wā kainga rānei he mea tohu hei Āpiha Whakahau o te Papa Atawhai i raro i te tekiona 59. E mārama ana, arā, ko tētahi o ngā tino take o te kaupapahere, ā, koia tēnei te tāhuhu o te tautohe i te wā nei, ko te tepe e āhei ai ngā mana o te Manahautū i raro i te tekiona 53 o te Ture Koiora Puihi (Wildlife Act) 1953, e whakamana rā i te tangohanga i te patunga rānei o ngā koiora puihi e tino tautiaki mārikatia ana, e tautiakitia ana rānei i ētahi wā, ki te whakarite māngai mōna, ā, mehemea koia tēnei, he aha ngā tikanga ka utaina ki runga hei here i te whānuitanga o taua whakaritenga māngai rā.

He pūnaha a te nuinga o ngā wāhi Kaupapa Atawhai mā reira nei e taea ai e tētahi Komiti Whakamahi Tikanga Ā Iwi te tonono ngā māngai o ngā iwi kāinga kia haere ake ki te tohutohu i te Tari ki ngā take tononga mai; ahakoa nā te Tari te whakataunga, engari, ka whārikitia i runga i taua tohutohu. I te nuinga o te wā, ā, hei whakatinana i te kaupapa rangatiratanga, ka whakaupanetia atu anō e te pūnaha nei te kaupapahere, kia riro ai i ngā iwi te tikanga ki te whakatau i ngā take. He ōrite anō te here kei runga i ngā iwi ki te whakarongo hoki ki ngā tohutohu a te Tari, nō te mea e tango whakamāherehere mai ana te Tari i a rātau i raro i te pūnaha o te wā nei.

## 6.2 Ngā Komiti Ā Iwi

Me whiwhi ngā tāngata ka whakatūria ki ngā komiti ka poua e ia iwi, ki ngā toi, ki ngā mōhio me ngā tūranga teitei kia mana ai rātau ki te whakatau take e pā ana ki ngā taonga o ō rātau ake rohe e wātea mai ana mō ngā mahi tuku iho. Tērā pea ka poua e ia Kaupapa Atawhai Ā Rohe a Te Papa Atawhai ētahi momo komiti kē hei māngai mō te iwi me te hapu ake, mō tētahi iwi ake rānei, mō tētahi hapū ake rānei, mena rā e hiahiatia ana i roto i te takiwā o te Kaupapa Atawhai. Ko te whakaaro, i te nuinga o ngā kēhi, he rahi rawa ngā wāhanga ā rohe o Te Papa Atawhai hei tiaki ake i ngā āhuatanga māngai o ia rōpū me ngā mea e ārotia ana e rātau; he nui tonu ngā Kaupapa Atawhai he maha ngā iwi kē kei reira e noho ana, ā, e tika ana kia mōhiohia ō rātau whakaaro.

Koia ēnei ngā tikanga pono e tika ana kia waiwai:

- me tuku ki te iwi nō rātau te mana whenua te tikanga whakatau take e pā ana ki ngā tikanga whakamahi i roto i tō rātau ake rohe; ā,
- ko te whānui o ngā māngai ā iwi ka whakaingotia me te takiwā e taka ana ki raro i ia komiti, me waiho mā te tangata whenua ake e whakatau i muri iho i ngā mahi akoako ki te Tari.

Ko tā ngā Kaiwhakahaere Kaupapa Atawhai Ā Rohe he noho hei mema māngai mō te Kaupapa Atawhai i runga i ia komiti. Me tuku anō hoki ērā atu hunga papa atawhai, pūtaiao hoki e āro mai ana, kia whai wāhi mai ki taua tikanga mahi. Me uru atu tētahi mema o te Poari Kaupapa Atawhai hei mema tūturu mō ia komiti, hei mema tāpiri rānei hei tohutohu i te komiti. Me whakamōhiohia atu ki ngā mema i whakaingotia mai e ngā rūnanga kaupapa atawhai hei māngai mō rātau, ko wai mā kei runga i ia komiti, ngā wā e hui ai, ngā mea tuatahi hei mahinga, tae atu ki te tuku i a rātau hei kaitohutohu mena e whakaarohia ana he mea pai tēnei.

## 6.3 Te Uwhinga Kaupapa Arataki:

Me mahi ngā komiti ki te kaupapa i waihangatia mai i runga i ngā whakaaro o ngā tikanga pono me ngā tikanga kua kōrerohia i raro i te tekiana 5 o te pepa nei. Mā te kaupapa e pou ngā tikanga pono taketake me ngā aratohu hei mea kia ōrite ngā mahi puta noa i te motu, ā, he waiho kia āhua ngāwari ngā tikanga kia taea ai te whakawātea he wāhi mō ngā mea tuatahi hei mahinga me ngā māharaharatanga ake o ia wā kāinga, o ia rohe rānei. Hei waihanga i tētahi kaupapa e whakaetia ana e te motu whānui tonu, ka mahi tahi ngā māngai ki ngā kaimahi a Te Papa Atawhai puta noa i te motu, hui atu ki ngā whakaurunga mai a ngā rūnanga kaupapa atawhai, a ngā rōpū e āro mai ana, me te hunga tūmatanui. Ka taea anō hoki te hoatu tētahi ingoa pai mō te katoa o te pūnaha nei.

Ko tētahi ariā tērā pea ka taea te waihanga i roto i te whānuitanga o te kaupapa nei ko te tino rāhui mutunga kore i ngā momo-mea-ora e tiakina ana, ko te whakaae i tētahi tikanga whakataurite mō te tiaki i ngā momo-mea-ora me ngā wāhi nohoanga, i ngā momo-mea-ora anake rānei, i ngā wāhi nohoanga anake rānei. Mā tēnei e whakatūturu kia whakahaeretia te rangatiratanga o te papa atawhai mā roto mai i te tikanga tuku iho.

#### 6.4 Ngā Mahi a ngā Komiti

Me rite tonu te hui a ngā komiti, ko te whakaaro ki runga marae. Mā ia komiti tonu e pou tāna ake rārangi mahi, paearu me ngā tikangahere kia hāngai ki te kaupapa nā te motu whānui rā i whakaae i raro i 6.3 kei runga ake nei. Tērā pea koia ēnei ētahi o ā rātau mahi:

- ko te whakamana i ngā kaupapa mahi pai;
- ko te whakahaere i ngā mahi whakahokinga mai, whakaputu, me te tiri maramara;
- ko te whakahaere i ngā aronga tautukunga i roto i te wāhi nohoanga Māori me te mahi tata ki Te Papa Atawhai i runga i ērā atu here tautukunga; ā,
- ko te whakarite tahi ki te Tari me ētahi atu, pērā i ngā rūnanga wā kāinga papa atawhai, i ētahi kaupapa mahi whakahounga, whakareinga whai kiko.

Ka whakawāteatia mai e te kawenga whakaakoranga ētahi huarahi whai wāriu:

- ki te whakapakari ake i te ngākau mōhio i waenganui i ngā tāngata katoa o te wāhi nohoanga tāngata wā kāinga ki ngā āhuatanga ahurei, ngā kōrero tipuna mō ngā wāhi tūturu me te aronga o te whenua o tō rātau takiwā, ā,
- ki te mahi tahi ki Te Papa Atawhai ki te whakapai ake i te mōhio ki te taiiao wā kāinga me ngā momo-mea-ora o taua wāhi, tēnā rawa ia, ki te whānui o te hekenga o ngā nuinga o ngā momo-mea-ora, me te rapu i ngā huarahi pai hei mea i taua hekenga kia piki ake anō.

Ko ngā komiti e tumungia ana e ngā wā kāinga, koirā anō ētahi wāhi arotau hei tīmata i ngā mahi ki te whakahauhau i te whakatauritenga i waenga i te tikanga whakamahi - te tango tauwhiro i ngā rawa ōpapa/otaota me ngā momo-mea-ora - me te whakahokinga atu - ki te whenua, ki te ngahere, ki ngā wāhi kōreporepo rānei, ki ngā wāhi taipū, ki ngā wāhi takutai rānei. Ka taea te whakahokinga nei mā roto mai i ngā rārangi mahi ki te whakatō haere anō me te tiaki, ā, mā ngā mahi whakaakoranga ngātahi i te hunga pakeke me te hunga tamariki, Māori, Pākehā hoki.

#### 6.5 Ētahi atu Momo Whakamahi

Ko tā ngā komiti anō he tuku tūtohutanga ki Te Papa Atawhai e pā ana ki ngā tononga mai a ngā whakanohoanga me ngā pokapū pūtaiao, whakaakoranga, tauhokohoko kia āheitia atu e rātau ngā tipuranga, ngā kararehe me ngā rawa ōpapa/otaota māori.

#### 6.6 Te Whakawhiti Taonga me te Tuku Koha

Kei ngā komiti te tikanga ki te whakawhiti, tauhokohoko me te tuku koha i ētahi mea nō roto i tō rātau rohe mō ētahi mea e pupurita ana e tētahi atu komiti. E whakaae ana, ā, e whakarei ana tēnei i te mana o ia iwi, hapū rānei, me te whakapakari ake hoki i ngā taura here tangata me ngā taura here whakapapa. Mā tētahi hiahia ake, tikangahere ake rānei hei tīmata te kaupapa whakaritenga me te whakawhiti, mā te tuwhene rawa rānei o aua mea, mā te putanga ake rānei o tētahi mea angitu. Me kore rawa te aronga mahi moni, whakaputa hua moni rānei e uru atu ki ngā whakaritenga pēnei; ko tētahi wāhanga o ngā whakaritenga i waenganui i ngā komiti ko te whakatau i runga i te whakaaro tika, te utu mō te kawē, mō te whakaputu me ērā atu raruraru. Ko tā ngā Kaiwhakahaere Kaupapa Atawhai Ā Rohe ake me ngā māngai Poari ake e whai wāhi atu ana ki ia komiti, he whakamōhio atu i ngā take ki te Tari.

### 6.7 Ngā Pānga Whakahaere, Pānga Pūtea.

Ka hiahiatia kia whakaaroarotia ngā mea mahi mā te komiti me te whakarato pai i aua mea mahi. Ka uru mai ki ngā tikanga hei mahinga ko te whakarato i ngā mea mō te taha whakahaere, ngā hiahiatanga ā hēkeretari, ngā hiahiatanga pēnei i ngā pākatio nei, me ētahi atu wāhi whakaputunga, ngā utunga raruraru, utunga haere a ngā mema o ngā komiti, me ngā whakaritenga koha.

### 6.8 Te Whānuitanga atu o te Rangapū

Kei te mārama, ara, he wāhanga noa iho te tikanga whakamahi nō ngā wāhanga āhua maha tonu e hiahiatia ana kia mahi tata Te Papa Atawhai ki te tangata whenua - tēnā rawa ia, i te taumata Kaupapa Atawhai Ā Rohe me te taumata Pokapū Mura-Ahi. Ko ētahi atu āhuatanga ka uru mai: Ko te ahu CMS, te whakahaere ā rā i ngā whenua papa atawhai, te whakahaerenga motuhake i ngā wāhi tapu, ko te puri i ngā mea orotā me ngā taru, ngā take tūruhi me ngā whakamāramatanga, ngā kaupapa mahi whakaora ake, me ērā atu mea. Ka whakatūturutia, ā, ka whakapakaritia te kaupapahere tikanga whakamahi ka mārohitia, mā roto mai i ēnei whanaungatanga rangapū whānui. Ka tipu te ōrite o te whakaaro me te piki o te whakapono nā roto mai i ngā kōkiringa take huhua tonu, i roto anō hoki i te whakataunga o aua take.



Ko te āhua o te turanga o te whenua māna hei tohu mai ko ēwhea kaupapa e whakaaetia ai kia tangohia ngā tipuranga, ā, ka uru mai ngā whakamahinga tikanga tuku iho me ngā tikanga ā iwi a te Māori, ngā whakamahinga pūtaiao, ahumāra, whakaakoranga, papa atawhai hoki. E rua ngā rōpū whakamahi matua - ngā kaiwhakamahi Māori e mau ana i ngā tikanga tuku iho, me ngā hiahiatanga tino whānui tonu a ngā kaiwhakatipu tipuranga mahimoni mō ngā kākano me ngā rawa otaota hei whakamakuru tipuranga.

#### 4.8 Ngā Ika Waimāori

He kawenga ā ture tā Te Papa Atawhai ki te tohu i ngā ika waimāori māori, i ō rātau nohoanga, me ngā ika ahuwaimāori mō te tākaro pūangi (ko te īnanga tonu te mea matua). E mahi tata ana Te Papa Atawhai ki te Manatū Ahuwhenua, Ahumoana (Ministry of Agriculture and Fisheries), e pā ana ki ngā tuna me te ngau a ngā hunga ika ahuwaimāori mahi moni i runga i ngā wāriu papa atawhai. Kei te mahi tata anō hoki Te Papa Atawhai ki ngā Kaunihera Ika me ngā Ō Kaiora Puihi (Fish and Game Councils) i runga i ēnei take. Tērā ētahi take e pā ana ki ngā kawenga e inaki ana i waenganui i ngā pokapū a te Karauna, ki ngā whakahaerenga momo-mea-ora waimāori me ērā o te wahapū, ki te tautuhi i ngā momo-mea-ora o te waimāori, o te wahapū me te moana, me ngā mahi ki te whakahaere i ō rātau wahi nohoanga ake.

#### 4.9 Ngā Tikanga a Te Papa Atawhai i te Wā nei

I te wā nei he mahi hora whānui te tino mahi nui a ngā kaupapahere me ngā tikanga a te Tari, e pā ana ki ngā momo mahi tonu me ngā mahi tuku puka whakaaetanga mō ia momo-mea-ora, mō ia momo rawa rānei.

Kāre e āta tohua maitia ana e te Ture Koiora Puihi (Wildlife Act) ngā paearu hei whakatakoto tonu, hei whakamana rānei i ngā tonu mō ngā manu māori, mō ngā huruhuru rānei, me ērā atu rawa popohe rānei. Engari koa, me tuhi mā reta mai te tonu mā roto mai i te Kaupapa Atawhai Ā Rohe (Regional Conservancy), me te reta tautoko, whakatuturu a te iwi e whaiwāhi atu ana. Whakahaeretia ai ētahi o ngā whakaaetanga tonu i ngā Kaupapa Atawhai Ā Rohe, ko ētahi i te Tari Matua i Te Whanga-nui-ā-Tara. Ka uru mai ki ngā whakamōhiotanga ka hiahiatia e Te Papa Atawhai hei tautoko i ngā tonu whakaaetanga mō ngā huruhuru manu, ngā kupu tūturu, arā, ka whakamahia ko ngā tikanga tuku iho me ōna pūkenga, ā, e mohiotia ana te mātau o te kaitono, ka āhatia te mea e waihangatia ana, ā, ko wai te iwi māna hei pupuri.

Ko ngā Kaupapa Atawhai Ā Rohe a Te Papa Atawhai ngā kaituku pepa whakaaetanga mō ngā rawa otaota, ā, he āhua rerekē ngā pūnaha me ngā hiahiatanga o ia tari. I te wā nei, kei te waihangatia ētahi mahi me ētahi tikanga hei whakataurite i te haere a ngā mahi.

Kua poua ētahi komiti me ō rātau māngai kaumātua, ki roto ki te maha tonu o ngā Kaupapa Atawhai Ā Rohe, hei tātari i ngā tonu whakaaetanga nō ō rātau ake rohe mō ētahi rawa. He rite tonu te hui a ngā komiti nei me te tuku whakamāherehere ki Te Papa Atawhai ki te kī atu ki te pai, ki te kore pai ranei ō ia kaupapa, o ia tonu hoki. Ko tā rātau i ētahi wā he tuku whakamāherehere e uwhi ana i ngā take papa atawhai whānui tonu, ā, he āwhina i Te Papa Atawhai mā ā rātau whakarite whaimana, me ō rātau mōhiotanga mākohakoha.

#### 4.4 Te Hauhake Manu hei Kai

I tēnei wā e whaimana ana te tikanga hauhake tuku iho ki ngā huihuinga moutere e rua:

- ko ētahi moutere kei te kārapu o Te Ika-ā-Māui, ka taea nei te patu te oi i reira i raro i te tekiona 6 o te Ture Koiora Puihi, me
- ngā moutere kei waho atu i te tonga o Rakiura, ka taea nei te patu te tīi i reira, arā, he mea whakaae te mana ki te hauhake tīi ki ngā kaiwhiwhi Māori o mua atu, koia rā hoki tētahi o ngā whakaritenga o te tukutanga o Rakiura ki te Karauna i 1864; i meatia ēnei rekureihana i raro i te Ture Whenua (Land Act).

Tērā atu anō ētahi Ota Wāhi Rāhui Koiora Puihi (Wildlife Sanctuary Orders) e uwahi motuhake ana i ētahi moutere - pērā i te moutere o waenganui o ngā moutere o Trio ki te rāwhiti o Titirangi (D'Urville Is.) - te wāhi i tukuna ai ngā tikanga patu manu ki ngā kaiwhiwhi Māori o mua atu, koia rā hoki tētahi o ngā whakaritenga o te mahi whakawhiti whenua ki te Karauna. I ēnei kēhi katoa, i rāhuitia te mana patu manu ki ngā uri o te tangata whenua o ngā moutere nei me ō rātau makau.

#### 4.5 Ō Manu Puihi

Ko ngā ō manu puihi e whakaaetia ana kia whakangaua kua oti te whakaingoa ki te Rārangi Ingoa Tuatahi o te Ture Koiora Puihi. Kua oti ngā tikanga mō te whakangau te whakatakoto ki ētahi tekiona o tēnei Ture, ā, ki ngā Rekureihana Koiora Puihi (Wildlife Regulations) 1955; kei ngā Kaunihera Ika me ngā Ō Kaiora Puihi te kawenga ki te tūtohu i te nui o te patunga ā rā, te roa o te wā patu, me ērā atu take whakahaerenga, ki te Minita o te Papa Atawhai.

Tekau ngā momo-mea-ora ō manu puihi rāwaho i mauria mai ki tēnei whenua - ko te Swan pango, te kuihi o Kānata, te chukar (he partridge nō Īnia), te pārerera mallard, te partridge me te partridge waewae whero, te peihana, me ngā koitāreke o Ahitereiria, o Karepōnia me Virginia. Tērā pea he wāriu tō te kiko me ngā huruhuru ki te Māori, hei āwhina ki te whakakapi i te wāhi o ngā momo-mea-ora māori e hiahia ana kia tohua. Ko ngā ō manu puihi māori e whakaaetia ana kia whakangaua i tēnei wā, ko te pārerera/grey duck, te kuruhengi/shoveler duck, te pūtangitangi/paradise shelduck, te pūkeko, ā, (i Rēkohu/Wharekauri anake) ko te weka. Kua oti i ngā kaiwhakangau te tonu kia whakamanahia te tētē/grey teal, arā, te manu e pūhia pōhēhētia ana i te wā patu ō kaiora puihi.

#### 4.6 Ngā Huruhuru Manu

E whakahaeretia ana i raro i te tekiona 53 o te Ture Koiora Puihi te whakaratonga huruhuru mō ngā mahi whatu, ā, mō ērā atu taonga o mua; ka noho tūturu tonu hei taputapu mā te Karauna ngā huruhuru me ērā atu rawa ōpapa, pērā i te kōiwi tohorā rā, ā, e tukuna taurewatia anaketia ana i runga i te whakatau tiaki ki ngā kaiwhakamahi kua ōhiatia, mō ngā kaupapa tauwhāiti rānei kua ōhiatia.

#### 4.7 Ngā Rawa Otaota

Kei Te Papa Atawhai anake te mana ki te tuku kia whakamahia tikanga ā iwitia ngā rawa otaota mehemea kei runga aua rawa i ngā whenua o te Tari. Tukuna ai ngā pukapuka whakaaetanga i raro i ētahi Ture, me ētahi Rekureihana. Ko ngā rawa otaota e rapahia whānuitia ana ko ērā mō te whatu (pīngao, kiekie, harakeke me ērā atu), ngā rākau hei whakairotaanga (tōtara, kauri), me ngā tipuranga rongoā.

He whakarato mō te Rārangi Ingoa Tuarua tā te Tekiona 5 o te Ture, kei reira nei te rārangi ingoa o ngā Koiora Puihi e Āhua Tiakina ana - hākoako/skua, tauhou/silver-eye, kawau/black shag, kāhu/harrier hawk, me te ruru pākākā rāwaho/exotic brown owl, mena e patu ana, e tūkina ana rānei i te whenua, i ngā rawa rānei, ka taea e te kaiwhiwhi, e te kainoho rānei o taua whenua te patu kia mate. Ko tā tēnei whakaratonga he tiaki i ngā whai pāngatanga ahuhenua, ahumāra hoki. E pēnei ana ētahi whakaratonga anō kei te tekiona 54, arā, e whakaāhei ana i te Manahautū ki te whakamana i te whakangau, i te patunga rānei o ētahi kararehe, manu rānei, ahakoa e tino tiakina ana kāre rānei, tae atu ki ēra kei ngā wāhi punanga kararehe/manu, mena ka taea te kī tūturu nā rātau i patu, i tūkina rānei tētahi tangata, whenua, kararehe pāmu, rawa rānei.

He whakarato mō te Rārangi Ingoa Tuatoru tā te tekiona 6 o te Ture Koiora Puihi, kei reira nei ngā ingoa o ngā momo-mea-ora ka taea te whakangau, te patu rānei, e ai ki tā te Minita o Te Papa Atawhai i hiahia ai. Kua oti tētahi whakaratonga hei whakatakoto i ngā tikanga mō te patu i aua momo-mea-ora. Ko ētahi momo-mea-ora e tino tiakina ana, ā, e meatia ana kia āheitia whānuitia atu i te wā patu tuku iho, e hiahiatia ana kia whakamaua ki te Rārangi Ingoa Tuatoru. Ka taea te tāpiri atu, te tango mai rānei ngā momo-mea-ora i te Rārangi Ingoa i runga i te Whakahau a te Rūnanga Matua o te Kāwanatanga, ā, i raro i te Tekiona 8(1) o te Ture; kāre he whakaratonga mō te whakawhitinga whakaaro ki te iwi whānui e pā ana ki ngā tāringa, ki ngā whakatikahanga rānei i ngā Rārangi Ingoa.

Ko tā te Tekiona 53 o te Ture he whakarato ki te Manahautū i te mana ki te tuku kia hopukina ngā momo-mea-ora e tiakina ana, mō tētahi kaupapa, ahakoa he aha, kua whakaaetia e ia. Ka uru mai ki aua kaupapa hopunga ngā mea pērā i ngā tikanga ā iwi, tikanga tuku iho hoki. Ka whakamahia te tekiona nei hei whakamana i te purihanga huruhuru manu, kōiwi me ērā atu wāhi o ngā koiora puihi kua mate, tae atu ki te whakarato i te whakaaetanga ki te hopu ora i te manu, ki te patu manu rānei, me ērā atu kaiora. Ka taea e te Manahautū te uta atu ngā tikanga me ngā whakaritenga e hāngai ana, hei taura noa, arā, ki te āta tohu ko wai mā e āhei ana ki te hopu koiora puihi, ki ngā tikanga ka taea te whakamahi, te wā e whakaaetia ana te koiora puihi kia hopukina, ngā wāhi pū o te hopukanga o aua koiora puihi, me ngā whakaritenga mō te aroturuki me te rīpoata i te maha o te patunga.

Ko te hopu me te pupuri i ētahi taura momo-mea-ora me ngā hua manu, e whakaratohia ana anō i raro i te Tekiona 53. He rite tonu te tae mai o ngā tono mō ngā manu māori me ngā kararehe māori mō ngā mahi rangahau pūtaiao me ngā rārangi mahi whakaakoranga, ā, mō ētahi taura hemo kia whakatakahia hei whakaaturanga i roto i ngā whare tongarewa me ērā atu wāhi. Engari koa, ko te tikanga e whakamahia tonutia ana, ko tērā o te tuku whakaaetanga mō te hopu i ngā taura momo-mea-ora mō ngā whakahaerenga pūtaiao me ngā kaupapa whakatipu ā whakarau anake, heoti, ka taea e te Manahautū te tuku he whakaaetanga mō tētahi kaupapa kua whakaaetia, ahakoa he aha.

E whakaaetia ana e te Rārangi Ingoa Tuatoru kia āhua whānui tonu te ara e āheitia ai ngā momo-mea-ora kua whakaingoatia, i roto anō rā i ngā whakaritenga me ngā tikanga kua utaina ki runga. Heoti, ko te tāpaetanga a Tekiona 53 he whakawhānui ngātahi ake i te ngāwaritanga me te mōhio ki ngā rerenga kētanga, me te whaimana ā ture ki te tuku kia whakamahia kōpipiritia tauwhāititia ētahi o ngā kaiora momo-mea-ora rerekē, kua whakaaetia ki tētahi hunga ake, ki ētahi rōpū ake rānei, mō ētahi take, mō ētahi kaupapa rānei, kua whakakōpipiritia ki te wā poto e tika ana, e whakawhāititia ana rānei ki tētahi wāhi kua oti te tautuhi. Ko tētahi taura o nā tata nei ko tērā o te whakaaetanga hopunga tikanga ā iwi o ngā punua toroa i pae ki uta, atu ki te 20 te maha, kia whakamahia whaikawatia hei mana kai i te wā o te whakanuinga i te rua-rau-tau o Rēkohu/Wharekauri.

### 3.2 Ngā Here

E whai tikanga ana te āhua me te mahi ki te tautoko i ngā here me ngā whakawhāititanga ake kei runga i ngā tikanga a ia hoa o te rangapū i raro i Te Tiriti. E whakaae ana te Māori, he take kōhukihuki ngā whakawhāititanga hei tohu i tētahi momo-mea-ora, engari me whakauru atu te whakarite, arā, he pai kē atu kia whakaaetia nga tikangahere a te Māori e atawhai ana i a Papatū-ā-nuku, pērā i te rāhui me ērā atu tikanga whakahere, tena i ērā e utaina mai ana e ngā tikangahere a tētahi pokapū māngai a te Karauna.

#### 4: **Te Āhua i tēnei Wā**

##### 4.1 Te Hanganga Ture

He whānui tonu ngā momo ture e pā ana ki ngā tikanga whakamahi a te Māori i ngā tūpuranga māori me ngā momo-mea-ora kararehe māori. Ka uru mai te Ture Papa Atawhai (Conservation Act) 1987, te Ture Parae o te Motu (National Parks Act) 1980, te Ture Koiora Puihi (Wildlife Act) 1953, te Ture Tiaki Tipuranga Māori (Native Plants Protection Act) 1934, te Ture Momo Tipuranga (Plant Varieties Act) 1987, te Ture Tiaki Kararehe Ngote Ū a Tangaroa (Marine Mammals Protection Act) 1978, te Ture Tāpui (Reserves Act) 1977 me te Ture Whakahaerenga Rawa (Resource Management Act) 1991.

##### 4.2 Te Tiriti me te Hanganga Ture

E whakahaua ana e te tekiona 4 o te Ture Papa Atawhai kia meatia ngā tikanga pono o Te Tiriti o Waitangi kia hua. Heoti, ko te nuinga o ngā hanganga ture e pupuri ana i te mana whakaae kia āheitia atu ngā momo-mea-ora māori, kāre i te tino whakaae, i te whai whakaaro rānei ki te Tiriti, ki ōna tikanga pono rānei, ā, ko tō rātau tumu kē ko te tikanga pono waiwai, arā, kei te Karauna te mana pupuri.

He nui tonu ngā tūmomo whakamāramatanga me ngā whakaaro e pā ana ki te whanaungatanga i waenganui i ngā tikangahere o tēnā, o tēnā momo Ture, me te whānuitanga o ngā mahi ka taea e tekiona 4 o te Ture Papa Atawhai te whakamahi i raro i ērā atu Ture. Tērā tētahi tikanga whānui kua puta ake, arā, ahakoa kāre he kōrerotanga whai tikanga mō te Tiriti i roto i ngā hanganga ture o te wā nei, me whakaaetia tonutia kia noho hei whāriki tūturu mō te anga o ngā hanganga ture katoa o Aotearoa. Ko te whai wāhi atu o tētahi here ā ture whai tikanga, ko te kore whai wāhi atu rānei, ki te tuku, ki te whai whakaaro rānei ki ngā tikanga pono o Te Tiriti, me tuku hei mahi mā te wāhanga mō ngā waihangatanga a te ao pūtaiao ā ture, ā, kia kauā e tukuna kia noho hei here i runga i ngā mahi ahu anga rangapū whaikiko.

##### 4.3 Te Ture Koiora Puihi (Wildlife Act)

Hei whakangawari i te whakarārangitanga o ngā momo-mea-ora nui tonu, kua tuhia e te Ture Koiora Puihi ki āna Rārangi Ingoa ngā momo-mea-ora KĀRE i te tiakina. E tino tiakina ana ngā momo-mea-ora katoa, engari anō ngā mea kua tuhia ngā ingoa.

Ko te karoro anake te manu māori kāre i te tiakina, arā, ko te karoro nui, tuarā pango e kitea noatia nei.

E whakaae ana te Komiti Rapu Tikanga, arā, kia horahia whānuitia te whakaaro a te kaupapahere ki ngā momo take katoa e uwhi ana i te whānuitanga o ngā momo tikanga whakamahi e pā ana ki ngā manu, ki ērā atu kararehe me ngā tipuranga, tena ki te arotahi whāiti ki te momo-mea-ora kotahi, ki te take kotahi rānei. Otirā, e tū wehe ana ngā rekureihana e uwhi ana i ngā herenga wai, ōpapa, pounamu me ērā atu rawa toka-ā-nuku, ā, kāre i whakaurua mai ki ngā whiriwhiringa a te Komiti Rapu Tikanga.

## 2.2 Ngā Whāinga a te Kaupapa Mahi

I tohua mai e te Komiti Rapu Tikanga ngā Whāinga e whai iho nei, e titiro ana ki te ara tika hei whakatinana i tēnei kaupapa mahi:

- (3) He mea kia whānui, kia mārama āna whakahaere i ngā taupatupatunga take.
- (4) He hua, arā, ka wātea ngā rōpū katoa e āro mai ana kia rongona, ā, kia whakaaroarotia ō rātau whakaaro.
- (5) He kohikohi i ngā whakamōhiotanga e tika ana, ā, e whakawhiti ana i ngā wāhanga tikanga ā iwi, tikanga tuku iho, ao pūtaiao me ngā mahi whakahaere, ki te whakapai ake ai te tipu o te wairua ngākau mōhio i waenga i te hunga e āro mai ana, o te hiahia kia atawhaitia a Papa-tū-ā-nuku i roto i te taiao o ngā whakaaro rerenga kētanga me ngā mea kia mahia tuatahitia.

## 3: **Te Tiriti o Waitangi**

### 3.1 Ngā Tikanga

I roto i āna mahi ki te whiriwhiri i ngā take, ka meinga e te NZCA ngā tikanga pono taketake o Te Tiriti o Waitangi e whai iho nei, hei whāriki:

- (1) I raro i te Ūpoko II o Te Tiriti he taonga ngā mahinga kai. Ā, pērā anō hoki ngā taiao e tiaki ana i a rātau kia ora.
- (2) He tikanga, ā, he kawenga tā te Karauna i raro i te Ūpoko I o Te Tiriti ki te tohu i ngā momo-mea-ora māori mō te painga o te motu whānui tonu.
- (3) Ko tā te Ūpoko II he pupuri i te Karauna, ehara i te ārai rawa atu. Ko tā te Karauna he hua, arā, ka whakaaetia ki te Māori ngā tikanga ki ngā taonga o te Ūpoko II, ahakoa ngā whakaititanga.
- (4) Ko tā te Māori he whakaae, arā, ka whakahaeretia ētahi kaupapa i raro i te Ūpoko I ki te whakawhāiti i ō rātau tikanga o te Ūpoko II. (Ko ētahi o ngā tikanga a te Māori e pā ana ki ngā momo-mea-ora, kua oti kē te whakawhiti ki ētahi atu, arā, ki ngā Kaunihera Ika me ngā Ō Kaiora Pūihi - Fish and Game Councils.)

Ko te mea nui ko te hiahia mō tētahi tikanga pai hei whakatau i ngā take tikanga whakamahi e whakaae ngātahi ana ki ngā tikanga me ngā kawenga a te Māori ake, a te Karauna ake hoki - kia taea ai te whakataurite te noho i waenganui i te tino rangatiratanga me te kāwanatanga.

## **1: Te Whakatuwheratanga:**

### **1.1 Tēnei Pepa:**

He pepa whakawhitinga whakaaro tēnei, nā Te Whakahaere Matua Atawhai o Aotearoa i whakataka hei wāhanga nō tētahi kaupapa whānui kē atu e pā ana ki ngā mahi whakawhitinga whakaaro, me te wānanga i ngā take hei awhi ana i ngā tikanga whakamahi a te Māori i ngā hua a Papa-tū-ā-nuku. Ko te kaupapa o te pepa nei ko tērā o te ārahi me te whakaongaonga i ngā mahi whakawhitiwhiti whakaaro. Kīhai e kī ana koia tēnei te kōrero kaupapahere whakamutunga, whakamaunga whakamutunga rānei a te Whakahaere, a tētahi rānei o ōna mema.

### **1.2 Te Whakahaere Matua Atawhai o Aotearoa**

He poari ā ture Te Whakahaere Matua Atawhai o Aotearoa (NZCA - New Zealand Conservation Authority), e noho wehe mai ana, ā, e tū rangatira ana i Te Papa Atawhai (DOC - Department of Conservation). Tērā atu ētahi momo kawenga a te NZCA, ā, ko tāna he tohutohu i te Minita o Te Papa Atawhai ki ngā take e tika ana mō te motu whānui. Tekau mā rua ōna mema mai i te tangata whenua, te papa atawhai, te hunga mahi tūruhi me te hunga takaro runaruna pūangi. Ko te here kei runga i te NZCA kia whakaūngia āna mahi ki ngā tikanga pono o Te Tiriti o Waitangi.

### **1.3 Te Take i Hiahiatia ai he Kaupapahere**

Tērā ētahi āwangawanga kei waenganui i ngā herenga ā ture me ngā herenga e pā ana ki te taiao ki te tiaki i ngā momo-mea-ora me ō rātau wāhi noho, me te tū ki te tautoko i te rangatiratanga o te Māori ki ā rātau taonga i kī taurangitia mai e Te Tiriti o Waitangi.

E whakaae ana te NZCA, arā, he kōhukihuki te hiahia ki te mahi tahi ki te Māori ki te waihanga i tētahi kaupapahere motu whānui e pā ana ki ngā tikanga whakamahi a te Māori i ngā hua ā papa. Kei te mārama, arā, ka hiahiatia kia wānangahia, kia whakaaroarohia te kaupapahere nei e ngā hunga whānui tonu e āro mai ana.

Ko te kaupapa o te pepa nei he tū hei wāhi tūmatanga mō te kaupapa mahi nei, kia anga atu hei mahi whakawhitinga whakaaro tāpiri, ā, hei āwhina hei whakatau i ngā take.

## **2: Ngā Whāinga**

### **2.1 Ngā Whāinga Kaupapahere**

I ngā hui a te Komiti Rapu Tikanga o te NZCA e pā ana ki ngā Take Tikanga Whakamahi i te tata paunga o 1993, ka tohua mai ngā Whāinga Kaupapahere e whai iho nei:

- (1) Kia rapaina ētahi tikanga mā reira nei e whakapuaki te rangatiratanga e pā ana ki te whakamahinga o ngā tikanga whakamahi, i raro i te maru o te hanganga ture o te wā nei.
- (2) Kia tohua, ā, kia whakaūngia ngā wāhanga e whakaaetia ngātahitia ana.

## **NGĀ MEA O ROTO Ō TĒNEI PEPA:**

### **1: Te Whakatuwheratanga:**

- 1.1 Tēnei Pepa
- 1.2 Te Whakahaere Matua Atawhai o Aotearoa
- 1.3 Te Take i Hiahiatia ai he Kaupapahere

### **2: Ngā Whāinga:**

- 2.1 Ngā Whāinga Kaupapahere
- 2.2 Ngā Whāinga a te Kaupapa Mahi

### **3: Te Tiriti o Waitangi:**

- 3.1 Ngā Tikanga me ngā Kawenga
- 3.2 Ngā Here

### **4: Te Āhua i tēnei Wā:**

- 4.1 Te Hanganga Ture
- 4.2 Te Tiriti me te Hanganga Ture
- 4.3 Te Ture Koiora Puihi (The Wildlife Act)
- 4.4 Te Hauhake Manu hei Kai
- 4.5 Ō Manu-Puihi
- 4.6 Ngā Huruhuru Manu
- 4.7 Ngā Rawa Otaota
- 4.8 Ngā Ika Waimāori
- 4.9 Ngā Tikanga a te Tari i te Wā nei

### **5: Ngā Tikanga Pono:**

- 5.1 Ngā Tikanga Pono hei Arataki
- 5.2 Te Tauwhiro tangā
- 5.3 Te Whakahoki Mana ki te Wā Kāinga
- 5.4 Te Pūtake o te Toi
- 5.5 Ngā Whakaaro kei te Whāriki
- 5.6 Te Taiao me ngā Honohononga
- 5.7 Te Whakahauoratanga me te Whakatikatika Taonga
- 5.8 Te Hauhake Pokanoa
- 5.9 Rangahautanga

### **6: Ko tētahi Kaupapahere tērā pea ka taea te Whakatinana**

- 6.1 Te Whakatau Take me te Pupuri
- 6.2 Ngā Komiti ā Iwi
- 6.3 Te Uwhinga Kaupapa Arataki
- 6.4 Ngā Mahi a ngā Komiti
- 6.5 Ētahi atu Momo Whakamahi
- 6.6 Te Whakawhiti Taonga me te Tuku Koha
- 6.7 Ngā Pānga Whakahaere, Pānga Pūtea
- 6.8 Te Whānuitanga atu o te Rangapū

## **Te Papa Kupu**

## **He Mihi**

**Tuhia ki te Rangi  
Tuhia ki te Whenua  
Tuhia ki te hinengaro o te tangata,  
Ngā akoranga a te Kai Hanga,  
Te whakapono, te tūmanako me te aroha.  
Waiho ēnei hei Poutokomanawa mō tātou  
mō te iwi whānui.  
Kia ū, kia māia, kia manawa nui.  
Huri anganui atu te mata ki a Ihowa.  
Tēnā koutou, Tēnā koutou, Tēnā koutou katoa.**

**E whakaae ana a mātou, me tuku atu  
ēnei tuhituhitanga, kia tirohia e koutou,  
kia kite ai koutou i ngā wawata kua  
whakatakototia i roto i ēnei tuhituhitanga,  
me te inoi atu ki a koutou, kia tuhia mai  
ki a mātou ō koutou whakaaro. Ka inoi  
atu hoki ki a tātou katoa, kia tau te rangimārie  
ki ētahi o ngā kupu rerekē atu i ētahi takiwā  
o te ao Māori.**

**Ka mutu i konei, tēnā anō tātou katoa.**



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