



**SUBMISSION on Climate Change (Emissions Trading &
Renewable Preference Bill)**

**To: Clerk of the Committee
Finance and Expenditure Committee
Select Committee Office
Parliament Building**

This Submission is from:

Waikato Raupatu Trustee Company Ltd

Private Bag 542

Ngaruawahia

Executive Summary

1. The health and wellbeing of the environment in particular the Waikato River is of utmost importance to Waikato-Tainui.
2. Waikato-Tainui seeks to ensure the Climate Change Emissions Trading and Renewable preference Bill (*Bill*) is consistent with the Waikato River Claim outcomes and objectives.

Waikato-Tainui Interests in Climate Change

3. The Waikato Raupatu Trustee Company Ltd is the principal constitutional and the legally mandated Iwi authority of Waikato-Tainui. This submission outlines Waikato-Tainui position in regards to the Bill.
4. Waikato-Tainui are tangata whenua of the Waikato region and holds mana whakahaere over the Waikato River.
5. Waikato-Tainui are kaitiaki of their environment and view the holistic integrated management of all elements of the environment such as flora & fauna, land, air and water as of utmost importance. Climate change can and will have direct impacts on environments and ecosystems.
6. Waikato-Tainui supports the reduction of greenhouse gas emissions and has been participating in climate change and environmental matters to ensure those impacts are understood and where those impacts are negative they are avoided or minimised.
7. Waikato-Tainui has special interests in the development of Climate Change Policy and any future Emissions Trading Scheme (*ETS*) due to the tribe's obligation of ensuring the health and wellbeing of the greater environment in particular the Waikato River is protected and restored for future generations.
8. Waikato-Tainui was a submitter on the Climate Change Policy - Sustainable Land Management and Climate Change Plan of Action early 2007 which included an action for a future ETS for New Zealand.
9. Waikato-Tainui has participated in the Climate Change Iwi Leadership Group & Maori Reference Group in regards to Climate Change issues and the proposed Bill.

The Waikato River Claim

10. On the 20th December 2005 the Minister in Charge of Treaty of Waitangi Negotiations and the Waikato-Tainui Co-Negotiators signed Terms of Negotiation setting out the basis for the negotiation of the remaining historical claims of Waikato-Tainui. The Crown has agreed to give priority to the negotiation of the Waikato-Tainui claim to the Waikato River.

11. The River claim applies to the Waikato River from the Huka Falls to the mouth and includes its waters, banks and beds and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation and floodplains.
12. On the 16th December 2007 an Agreement in Principle for the Settlement of Historical Claims of Waikato-Tainui in relation to the Waikato River (*Agreement in Principle*) was signed by Waikato-Tainui and the Crown at a Te Kauhanganui meeting.
13. The arrangements proposed under the Agreement in Principle reflect a commitment by the Crown and Waikato-Tainui to enter a new era of co-management over the Waikato River with an overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations.
14. The Agreement in Principle outlines a process (among others) whereby representatives of Waikato-Tainui, other river Iwi, Environment Waikato (representing regional interests) and the Crown (representing national interests) form a Guardians Establishment Committee to develop a Vision for the Waikato River to be consistent with the overarching purpose of the Agreement.
15. A Strategy will also be developed to implement and promote the Vision for the Waikato River. The Vision and Strategy will be developed in consultation with the public and will be accorded the highest level of recognition in legislation affecting the Waikato River and its management.

Waikato-Tainui Position on the Bill

16. Clause 63 of the Agreement in Principle states that the deed of settlement and the settlement legislation will identify relevant legislation impacting on the Waikato River and will prescribe how (including, if necessary, through amending legislation) the Vision and Strategy for the Waikato River will be given the highest level of recognition.
17. Further, clause 65 of the Agreement in Principle states that the deed of settlement and the settlement legislation will provide that when developing policies or laws impacting on the Waikato River (including in relation to water), the Crown will engage with Waikato-Tainui to ensure:
 - a. The Vision and Strategy are given the highest level of recognition; and
 - b. Policies and laws are implemented in accordance with the requirements of co-management.
18. Any future legislation that may impact on the Waikato River should be consistent or be re-aligned with any future outcomes of the Waikato River Settlement; in particular the overarching purpose of the Waikato River Settlement and the proposed Vision and Strategy for the River that is soon to be developed by the Guardians Establishment Committee.
19. As outlined below, Waikato-Tainui generally supports the aims and objectives of the Bill, the important issues it is seeking to address, and environmental

outcomes it is aimed at achieving. However, Waikato-Tainui wishes to discuss further with the Finance and Expenditure Select Committee how the Bill can address the outcomes of the Waikato River Settlement.

20. Waikato-Tainui also seeks to ensure a fair and equitable process of distribution of emission credits.
21. In particular, but without limitation, Waikato-Tainui's comments on specific aspects of the Bill are noted in the following sections.

Cultural Land and Native forests

22. Waikato-Tainui recognises and supports the measures provided in the Bill to discourage deforestation, particularly given that sedimentation and run-off are two of the major issues affecting the health and wellbeing of the Waikato River. In this regard, both the Crown and Waikato-Tainui share the common objective of trying to protect and preserve the quality of our environment for future generations. There are, however, some aspects of the proposed regime that Waikato-Tainui considers require clarification and/or amendment, as follows.
23. The Bill does not purport to cover native forest land at present. Waikato-Tainui believes that, like many other native forest owners, it may benefit from the inclusion of indigenous forests under the New Zealand Emissions Trading Scheme (*NZ ETS*), and from being able to understand what obligations or incentives exist for such native forestry.
24. This is in part due to the fact that Waikato-Tainui has already undertaken a significant amount of native planting on its landholdings since 1989. Any further planting (particularly that associated with restoring the health and well-being of the Waikato River) will also be in natives. Waikato-Tainui notes the additional benefits that natives possess in terms of biodiversity to New Zealand, in addition to the carbon sequestration benefits.
25. In addition, as already noted, Waikato-Tainui has already undertaken (and will continue to undertake) restorative planting on its landholdings, particularly along the banks of the Waikato River. Due to the size and shape of the area involved, and species planted, however, it is unlikely to be able to obtain credits for such plantings under the Government's Permanent Forest Sink Initiative.
26. Waikato-Tainui submits that having regard to New Zealand's wider sustainability objectives, the benefits obtained through such plantings should be recognised, either through the introduction of appropriate provisions within the Bill, or via some other mechanism. This is particularly the case, given there are currently no legislative incentives for parties to undertake and/or retain post-1990 native plantings.

27. Waikato-Tainui also considers there is merit in providing free allocation of units for pre-1990 exotic forests based on Maori/cultural grounds. This is in line with the Government's willingness to engage with Maori as to NZ ETS impacts. Waikato-Tainui understands that Working Groups and the Ministry of Agriculture and Forestry are to continue engaging with forestry owners and considering sensible approaches to dealing with native forest land.
28. Much of Waikato-Tainui's current landholdings were returned to it following negotiations and a deed of settlement with the Crown, which resulted in passing of the Waikato Raupatu Claims Settlement Act 1995. Waikato-Tainui is not seeking blanket exemptions for pre-1990 exotic forest liability on cultural grounds, but considers that certain cultural factors should be taken into account when deciding on allocation. Waikato-Tainui submits that it has stronger grounds for greater allocation because inherent in any Treaty claim/settlement was the possibility that Maori would choose to fell forest in order to meet other objectives and further enhance opportunities for its people.
29. Finally, in respect of native and cultural considerations Waikato-Tainui submits that consultation with all forestry owners is essential, as they must have the opportunity to inform the determination as to who is eligible for free allocation of NZUs under the proposed section.

Part 2 – Amendments to Electricity Act 1992

30. Clause 67 of the Bill introduces a new Part 6A to the Electricity Act 1992. These amendments create a preference for renewable electricity generation, by imposing a 10 year moratorium on the connection and operation of new fossil-fuelled thermal generation plant (except as required to ensure the security of New Zealand's electricity supply).
31. As outlined above, Waikato-Tainui is generally supportive of such proposed initiatives to reduce greenhouse gas emissions and address climate change issues, in particular given the environmental benefits that may be achieved as a result. However, Waikato-Tainui is concerned to ensure that the preference for renewable electricity generation (such as hydro) in particular does not result in further pressure on, and degradation of, the water resources of the Waikato River. Waikato-Tainui considers such an outcome would be both inconsistent with the terms of the Agreement in Principle it has signed with the Crown, and overall represent a net environmental detriment to New Zealand.

Conclusion

32. The Waikato River is the Tuupuna Awa of Waikato-Tainui.
33. Waikato-Tainui wishes to be heard in support of this submission and looks forward to appearing in front of the Committee.

DATED: 1st March 2008

WAIKATO RAUPATU TRUSTEE COMPANY LTD

By its Environmental Manager;



Tim Manukau

Address for Services: C/- Tim Manukau
Waikato Raupatu Trustee Company Ltd
Private Bag 542
Ngaruawahia

Telephone: 07-824 8689
Fax: 07-824 5133
Email: timm@tainui.co.nz