



Te Aukaha
**Submission
Analysis**

March 2022

Executive summary

FOMA Te Aukaha received 30 submissions from Māori agribusinesses, Māori landowners, managers and users in response to the 'He Waka Eke Noa Consultation document' regarding agricultural emissions pricing options.

Of the **30 submissions** received, **263,196ha of land holding interests** and **203, 222 shareholder interests** represented. The following key themes were noted, and supported by the submitters:

- **Treaty of Waitangi**
Māori values and world view underpin the notion of kaitiakitanga where mana whenua have roles and responsibilities to look after the taiao for future generations. There are concerns that there is an overwhelming and siloed approach from the Government on how best to address treaty breaches, whereas the appropriate approach must see Te Tiriti o Waitangi being the foundation for any regulatory and/or policy development.
- **Time for a System Reset.**
The Māori worldview is to recognise the biophysical elements of the taiao are all interconnected and related. The outcomes of current land use including climate change, the loss of biodiversity and habitat and the contamination of waterways reflect management practices that treat the environment as an infinite resource that is available for conversion to private benefit while the costs accrue to communities.
- **Extreme Concern at Impact on Business Viability**
Māori submitters are concerned that at present there almost no commercially available and feasible mitigations leaving sequestration as the only means of offsetting a potentially catastrophic impact on their families' livelihoods and assets. Māori landowners are better placed to respond to the impact on farm viability with the HWEN designed sequestration and ability to collectivise.
- **Best Solution for Whenua Māori.**
Of the options presented, the preferred option is for a farm-level pricing system because most of whenua Māori still has a lot of tree cover (somewhere around 35-40 % of the total area), tended to have lower production and therefore lower emissions. At a farm level, most are able to offset their emissions against their on-farm sequestration where the scrub and ngahere on whenua Māori are assets that Māori landowners, managers and users can earn from. Lastly, this enables a polluter pays principle, and if you cannot, then you must change your system.

There are concerns that the Processor Hybrid and ETS are focused on the ability to charge Māori landowners, instead of incentivising the necessary change to better balance the needs of the taiao. Bigger polluters are likely to simply pay their tax and carry on unless the price to be paid is high enough to discourage polluting behaviours.

- **Inadequate resourcing and funding**
Several submitters noted the onslaught of reforms that they must participate in, to protect their rights as ahi ka, māna whenua, and tangata whenua. They also noted the expectation to participate with little to no resourcing. The Crown must recognise this, and respond

appropriately, including allocating a substantive quantum of funding tō Māori (in particular Ahi kā / Māori landowners) as a start tō co-achieve any policy mechanism. It was also noted that the Federation of Māori Authorities is such a national level authority in which tō receive and aggregate such a funding allocation required by the Crown.

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Primary Author, Terina Williams

Introduction

FOMA Te Aukaha has undertaken two rounds of engagements, holding ten online engagement and communication presentations. After which, Te Aukaha encouraged attendees tō either provide direct feedback into the 'Have your say' portal on the He Waka Eke Noa website, OR provide a submission directly tō Te Aukaha. The closing date for submissions was the 27 March, 2022, 5pm. The following details are provided:

- ▶ 31 submissions were received by FOMA Te Aukaha.
- ▶ Individual Māori tend tō have multiple land interest and the extent of the submitters landholding is likely tō greater than summarized in this report.
- ▶ 25 submitters noted their land holding interests, which gave a total land area of 263,196 hā.
- ▶ 16 submissions noted their shareholder interests, which gave the total number of persons represented as 203,222.
- ▶ 15 submitters noted specific farm profiles, ranging from effective area, area of sequestration in both exotic and native vegetation and the number of stock units on farm.

This report will provide an overview and summary of feedback received.

Summary of feedback

The following tables summarise the positions made by the submitters on the He Waka Eke Noa: Agricultural emissions pricing options – Consultation document.

For ease of reference, the format of each section, firstly numbers the statements made, outlines the statements noted/supported and thirdly, details what percentage of the 31 submissions received, supported that statement. Finally, specific comments from submitters are noted.

Overarching Positions

1	Submitter supported a pricing system that recognises the Te Ao Māori view of Te Taiao (the entire interdependent system of the environment that sustains life), and the responsibilities of those who are kaitiaki of their whenua (the appointed guardians of their lands).	100%
2	Submitter supported a pricing system that prioritises and upholds the principles of Te Tiriti o Waitangi, which will ensure that there is an equitable transition for Māori landowners towards a low-carbon future.	96.7%
3	Submitter supported a pricing system that achieves the legislated emission reduction targets that are needed to contribute to the global efforts under the Paris Agreement, and the Climate Change Response (Zero Carbon) Amendment Act 2019.	96.6%
4	Submitter supported a pricing system that recognises: <ul style="list-style-type: none"> The unique circumstances of Māori landowners and the rights and interests of Māori collectives within the sector, The imposed, historical and contemporary impediments and legislation that have and continue to constrain the development and use of whenua Māori. 	100%
5	Submitter supported a split gas levy pricing system.	96.7%
6	Submitter supported the farm-level pricing option which encourages recognition of on-farm reductions in emissions through management changes, sequestration and current/future mitigation opportunities.	96.7%

Further comments:

- **Te Taiao:** Māori values and world view underpin the notion of kaitiakitanga where mana whenua have roles and responsibilities tō look after the taiao for future generations. This approach means more diverse and less intensive land use and development, and an ethic for biodiversity, and protecting whole ecosystems including areas of native bush, waterways and wetlands. This view is consistent with our values and enables Māori land-owners tō retain mana whenua of both its land and ecosystems in sustainable ways. Our leadership also takes an intergenerational focus rather than a short term view.
- **Te Tiriti o Waitangi:** must be the foundation for policy development. Several submitters;
 - Noted that our tikanga rights do not rely on either the Crown nor any legislation.
 - Expected tō be treated as Treaty partners going forward in ways that ensure long term rangatiratanga of hapū and Iwi. Ā Waitangi Tribunal claim is seen as inevitable and something they would support.
 - Were concerned that emerging environmental policy and compliance frameworks would undermine their hard-fought iwi Treaty settlements.
 - Maintained that this program must consider the unique position of those iwi and hapū who have not yet settled their tiriti claims with the Crown, that the Crown must be cognisant of ahi kā and manawhenua intricacies and matauraga when considering any legislation and regulation tō ensure they are not further disadvantaged.
- **Co-management and Co-governance:** As a minimum there should be a 50:50 partnership between the Crown and Māori (in particular Ahi kā/Māori landowners in accordance with tikanga and Te Tiriti o Waitangi as they are “rights holders” in natural resources) with oversight of the implementation of any legislation tō do with natural resources (not just climate). For example, one submitter noted that a substantial part of their region is co-governed conservation estate. This approach has resulted in their farming practices recognising the vulnerability of their ecosystem and the need for a small carbon footprint that is in balance where one activity does not out-weigh any other activity. Such an approach would benefit all lands around Aotearoa.
- **Crown operates in silos:** Submitters regard the Crown’s approach tō be in silos, whereas Submitters favour a comprehensive approach across GHG emissions, water quality, biodiversity, pollution, sustainable use of resources, zero waste and the promotion of bio-degradable materials. Our strong view is this kaupapa is much more than those limited by this consultation, specifically the Crown needs tō take a more comprehensive view of climate and natural resources
- **Pricing option:** Of the options put up by the HWEN process, some submitters did not support Māori agribusiness going in tō the ETS noting concerns that the current sequestration options are tō limiting. Some submitters also did not support Māori agribusiness entering the ETS because of the lack of recognition and suppression of land-use ability that the ETS employs, which disadvantages whenua Māori. Some submitters raised concern that under any levy, it would marginalise already marginalised land-based operations, however they also acknowledged that a farm-level levy, was the only viable option that would recognise the role of mana whenua, in exercising their kaitiakitanga.

Implications of He Waka Eke Noa for Māori landowners / Farmers

7	<p>Submitter noted that Whenua Māori is ‘taonga tuku iho’ of special significance tō Māori.’ Ā gift connecting past generations tō future generations. Māori land is legislated by Te Ture Whenua Māori Act (TTWM). This Act creates multiple layers of decision making and significant costs. He Waka Eke Noa will add a further layer of complexity and compliance for Māori land owners which other landowners, farmers and growers do not face. There are 8,467 Ahu Whenua Trust, Whenua Tōpū Trusts, Pūtea Trust, and Māori Incorporation governing Māori Freehold and Customary land in Aotearoa New Zealand. Māori land blocks with a trust have an average size of 100.12 hā and average 2013 owners. Overall, an average Māori land block has a size of 50.99ha and 107 owners. Many Māori land entities are diversified in horticulture, agriculture, forestry and other land uses.</p>	96.7%
8	<p>Submitter noted that there are concerns within the He Waka Eke Noa Consultation document of:</p> <ul style="list-style-type: none"> a) Whether different solutions, timeframes, transition arrangements and tangible support might be required tō enable the exercise of rangatiratanga, kaitiakitanga and manaakitanga by Māori landowners. b) Māori landowners facing challenges in terms of access to capital. Tō explain, Māori authority land activities are taxed at the lower tax rate of 17.5%. This reflects the earning levels of average Māori landowners. The lower earning levels may impact on the range of options available to Māori landowners, including mitigation strategies. c) Māori freehold land is not akin tō general freehold land – it holds a collective interest across multiple owners, over multiple generations. The operational drivers for whenua Māori are specifically for the health, well-being, and development of the land and its people. It ought not to be treated as if it were general freehold land. Rather the unique and particular contribution whenua Māori makes tō the community, the environment, and the challenges of New Zealand society should be fully recognised. d) Other landowners and growers have more options available to them, including sale of their assets. This is not an option for Māori landowners. In recognition of the Treaty of Waitangi, any transition towards a pricing scheme must support Māori landowners tō transition tō other land use options should that be necessary or preferable. e) All data relating tō whenua Māori arising from the pricing regime is a taonga tuku iho. Appropriate regulatory proposals for Māori sovereignty over this data must be protected and be provided for through an appropriate governance, management and protection regime. There is a clear need for further work and modelling that recognizes and accounts for the different land structures associated with whenua Māori. Modelling assumptions, data and variables that more appropriately reflect the behavioural drivers and responses of tangata whenua and whenua Māori, are necessary i.e., beyond farm surplus and profits. f) The proposed pricing options do not provide specific mitigation practices, tools and technologies that respond tō ā whole-of-whenua approach (kotahitanga) towards land development (mana tangata), and environmental sustainability (kaitikaitanga). Primary Sector Climate Action Partnership is required tō ensure 	96.7%

	research, science and innovation activities are relevant and respond to the distinct and long-term needs of Māori Agri-business. The proposed pricing options do not uphold the He Waka Eke Noa agreement with Māori.	
9	Submitter noted that support for the proposals in this consultation document are subject to further work on the issues identified above, and solutions being identified, developed and promulgated in advance of confirmation of a regulatory agricultural emissions pricing system.	96.7%

Further comments:

- **Native trees are the answer:** Some submitters were not happy about the way carbon forestry is being rolled out with the status of native forests being trampled on. This also happened during the design of the ETS. Iwi consider that native forests are much better for the environment long term than pine forestry. Currently the emphasis is on creating permanent forest using pine trees. This is short sighted. Pine trees have their place but, not as permanent carbon sinks.
- **Inadequate analysis:** Some submitters feared the pricing options would force their members out of the sheep and beef business, which is unsatisfactory given an inflexible regime that was not based on accurate data about whenua Māori and how they operate. They required that further analysis be undertaken to better reflect the unique circumstances of Māori landowners, managers and users.

Agricultural emission pricing options

Subject to the aforementioned section

10	Submitter supported a unique levy rate for methane based on a consideration of relevant factors, as outlined in the consultation document.	96.7%
11	Submitter supported the factors to consider, in setting or updating levy rates, as outlined in the consultation document	96.7%
12	Submitter supported the establishment of an independent Māori board, funded directly out of the levy fund to determine how revenue will be spent to ensure an equitable transition for Māori landowners, managers and users.	96.7%
13	Submitter supported a price ceiling where the overall cost would be no more than if agriculture entered the New Zealand Emissions Trading Scheme.	96.7%
14	Submitter did not support the investment of revenue raised through the levy being co-managed between the agricultural sector, Māori/Iwi and Government. Existing levies paid by Māori do little to provide the support for Māori, that others benefit from. This is a result of the failure to understand Māori, or a lack of empathy for Māori land owning structures.	96.7%

15	Submitter supported the ability to collectivise reporting on emissions, and potentially to reduce or offset them. This both acknowledges and supports the ability to manaaki whānau, hapū, iwi groupings, trusts, and incorporations.	100%
16	Submitter supported the on-farm level definition, but recognise that where the burden is unequitable, future work must be undertaken for all emitters to be accountable for their emissions impact.	96.7%
17	Submitter supported the point of responsibility for reporting and paying for emissions, including receiving recognition of sequestration, as being held by the landowner - with the ability to delegate to the business owner.	96.7%
18	Submitter supported a detailed method for calculating on-farm emissions. However, the ability to participate in a detailed system requires a specific Māori extension programme built on Māori cultural and environmental prerogatives to be delivered amongst Māori agribusiness networks in a way that informs, motivates and mobilises an effective Māori agri-business response. These calculation methods must include recognition of specific mitigation practices, tools and technologies that respond to a whole-of-whenua approach (kotahitanga) towards land development (mana tangata), and environmental sustainability (kaitikaitanga)—including specific Te Hau Ora o te Ao outcomes. I/Wē support the ability to offset on-farm emissions with on-farm sequestration.	96.7%
19	Submitter supported the ability for landowners to utilise their sequestration assets, on their lands, to either: financially offset emissions, receive revenue for on-farm sequestration, and/or receive credit that can be banked for future use.	96.7%

Further comments:

- **Net sequesterers:** Several submitters did not consider themselves major emitters, with the majority of land use being forestry and conservation, they believed it was highly likely that their areas are already making a positive contribution to carbon sequestration and that must be acknowledged. In doing so, this would be utilised to support their future development.
- **Right to operate at a collective level:** Some submitters noted that they want to operate at a collective level at either a hapū or preferably an Iwi level who should umbrella hapū and whānau activities if required. In addition to this they support the ability of landowners with sequestration assets to be able to lease its sequestration to others wishing to offset their agricultural emissions. They also noted that they have a right to operate at a collective level based on the Treaty which was signed by our hapū leaders at the time. The upcoming compliance regimes are another obstacle for Māori land development, and a burden that whānau and hapū shouldn't have to carry.

Their interests include conservation forestry, beef, forestry, bee-keeping, nurseries and whānau life style blocks. We also have large riparian areas including mangroves which are already sequestering carbon. A single farm or single sector approach does not work for us. First and foremost we support a collective approach at hapū or Iwi level, where all land uses are taken into account.

They view the right to operate at a collective level as a Treaty issue.

Implementation of He Waka Eke Noa

20	Submitter noted that the consultation document has not detailed how tangata whenua will be supported tō partner in these and other aspects of the He Waka Eke Noa system.	93%
21	Submitter noted that before putting an agricultural pricing system into regulation, the Government must develop with ahi kā, hapū, iwi and Māori a plan for how it will support and resource tangata whenua tō undertake these roles, including Māori landowners. This is required before final decisions are made on the content of an agricultural pricing system. As agreed by the Primary Sector Climate Action Partnership , this will include specific and distinct Māori agribusiness programmes, guidelines, new tool promotions, and uptake and leverage opportunities tō assist Māori land owners' transition tō ā farm planning and management framework the integrates a whole-of-whenua approach tō calculating on-farm emissions. This will also necessitate comprehensive funding and resourcing work tō be undertaken tō meet the long-term needs of all Māori farmers and growers. In particular, I/Wē wish tō highlight the gap in research, knowledge, understanding, and extension skills required tō assist Māori farmers and growers in improving their whole-of-whenua (kotahitanga) and environmental sustainability (kaitikaitanga). Ā comprehensive funding and resourcing response must be established as a condition, tō any progress in emissions pricing.	93%
22	Submitter noted that the HWEN programme must be integrated with other reform work in the area of Three Waters, Resource Management reforms, and reform of Local Government. Consistent funding and resourcing principles are required across current reform areas, therefore ensuring an integrated and cost-effective approach.	93%
23	Submitter strongly recommend that the Ministry for the Environment and Ministry for Primary Industries field test key elements of the He Waka Eke Noa system before final regulations are made. This must include field testing a whole-of-whenua approach with Māori landowners / farmers.	93%
24	Submitter noted that they did not want to be subject to regulation that is simply not practical and feasible and does not recognise the cultural prerogatives of Māori landowners / managers / users, at the farm level.	93%

Further comments:

- Inadequate resourcing:** Several submitters noted that they are not funded tō provide responses tō all the regulatory reform that is confronting their members such as providing advice on He Waka Eke Noa Agricultural emissions pricing options. They did however note, that many of the organisations comprising He Waka Eke Noa have received levy funding from all of their members and more than once from most of their members given the diversity of whenua Māori land businesses.
- Adequate funding is required for further participation:** Submitters noted that a substantive quantum of funding should be allocated tō Māori (in particular Ahi kā / Māori landowners) as a start tō co-achieve any policy mechanism. The view was shared that the Federation of Māori Authorities is such a national level authority in which tō receive and aggregate such a

funding allocation required by the Crown. An example of how this would be used would see the replanting of native species for the initial stage of establishment.

- **Research and Development:** Ās part of this resource allocation Māori should have a funding mechanism tō provide for the exercising of Mātauranga Māori tō any Research Science Innovation (RSI) agenda initiated by the Government in respect of Climate change. This will provide for the enablement of Mātauranga Māori in addition tō Western RSI paradigms in respect of climate and natural resources.

Concluding Statement

25	<p>Submitter noted and supported the following statement,</p> <p><i>“Our history is long – wē know what it is to experience unfair Government policies, such as a dog tax tō gain our lands, or the use of the Public Works Act (historic and current) tō acquire lands, or perpetual leases that disempower us and have nō regard for inflation, or the Māori Trustee holding onto revenue from Māori lands, or unfair rating charges from local authorities on lands without utility services, or water and oil on our lands being nationalised without compensation, etc. The list goes on.” - Traci Houpapa JP MNZM</i></p>	93%
26	<p>Submitter noted that the Government needs tō learn from its mistakes of the past, and make sure that proposals going forward give effect tō te Tiriti, partner with Māori, and co-design policy and regulatory initiatives which enable and support Māori landowners tō exercise rangatiratanga, kaitiakitanga and manaakitanga over whenua Māori, ā taonga tuku iho.</p>	96.7%

