

Date: 26 June 2024

Submission: Against the Resource Management (Freshwater and Other Matters) Amendment Bill

From: Tāngaro Tuia te Ora, the Endangered Species Foundation.

Introduction

Tāngaroa Tuia Te Ora – The Endangered Species Foundation, convenes, collaborates and resources positive change for Aotearoa’s most endangered species. Our organisation has thousands of supporters who support our kaupapa through advocacy, sharing expertise and taking action to restore and revive habitats for our most endangered species and their habitats.

Tāngaro Tuia te Ora, Endangered Species Foundation, strongly opposes the proposed Resource Management (Freshwater and Other Matters) Amendment Bill.

Freshwater quality in Aotearoa New Zealand is in a dire state, and our unique freshwater ecosystems are home to numerous endangered species. With 76% of our native freshwater fish threatened with or at-risk of extinction, it is crucial that we maintain and strengthen protections for our waterways, rather than dismantling them. Additionally, we emphasise the importance of upholding Te Tiriti o Waitangi and respecting the rights of tangata whenua, who have a profound connection to and responsibility for the care of these ecosystems.

Key Concerns

1. Impact on Endangered Freshwater Species

The bill removes the requirement to prioritise the health and wellbeing of water bodies and freshwater ecosystems (Te Mana o Te Wai) when deciding whether resource consents should be granted and what conditions should be imposed on those consents. This will lead to worse outcomes for freshwater, people’s health, and ecosystems, directly impacting endangered species. New Zealand’s freshwater fish, such as the Canterbury mudfish, tuna (longfin eel), and giant kōkopu, are already on the brink of extinction. Deterioration in water quality and habitat loss due to weakened protections will push these species closer to the edge.

2. Destruction of Wetlands and Critical Habitats

The bill permits new coal mines which will have a destructive effect on wetlands and significant natural areas. Wetlands are crucial habitats for many endangered species, including the rare matuku Australasian bittern, black mudfish, and threatened wetland plants. Allowing new coal mining will contribute to the further loss of biodiversity and fuel the climate crisis. Wetlands provide essential services such as water filtration,

flood control, and carbon storage, which are vital for both biodiversity and the health and wellbeing of human communities.

3. Concentration of Decision-Making Power

The bill gives the Minister for the Environment the sole power to make or change national policy, removing any role for an independent ‘Board of Inquiry.’ This concentration of power undermines the democratic process and removes critical checks and balances. The Minister will no longer receive a report that considers the Resource Management Act’s purpose and principles, submissions from the public, or evidence from experts when deciding national policies. This poses a significant threat to sustainable management and the protection of endangered freshwater species, as policies could be altered without comprehensive scrutiny or public input.

4. Delayed Protection of Ecologically Significant Natural Areas (SNAs)

The bill delays the requirement to identify and protect ecologically significant natural areas (SNAs) and deems any areas that councils identify not to be SNAs. This delay and undermining of local decision-making will lead to less protection for critical habitats of endangered species. SNAs are vital for preserving biodiversity, including species like the threatened freshwater mussels/kākahi and native galaxiids, which rely on specific habitats that need urgent protection.

5. Upholding Te Tiriti o Waitangi and Tangata Whenua Rights

The proposed amendments disregard the principles of Te Tiriti o Waitangi, which guarantees tangata whenua the protection of their taonga, including freshwater resources. Te Mana o Te Wai is rooted in Māori values and recognises the intrinsic connection between the health of the water and the wellbeing of the people. The removal or rebalancing of Te Mana o Te Wai undermines this relationship and marginalises the voices of tangata whenua in decision-making processes that directly affect their lands, waters, and communities. It is essential that any legislation upholds the rights of tangata whenua as partners under Te Tiriti and respects their role as kaitiaki (guardians) of the environment.

Summary

In the short term, the Government first intends to disapply Te Mana o te Wai from the fast-track consents. In the medium term, the Government has said it intends to replace the National Policy Statement for Freshwater Management 2020 (signalled in the coalition agreements) and has particularly emphasised that they will either remove or “rebalance” Te Mana o te Wai. They have said this process of replacing the National Policy Statement for Freshwater Management is expected to take 18 to 24 months. Rebalancing Te Mana o te Wai would have the same effect as removing it. Te Mana o te Wai is the central decision-making framework that, along with its principles, establishes a “hierarchy of obligations” requiring councils to prioritise the health of waterways and people’s drinking water over commercial interests.

Conclusion

The proposed Resource Management (Freshwater and Other Matters) Amendment Bill represents a significant threat to the protection and management of Aotearoa New Zealand's freshwater resources, the endangered species that depend on them, and the rights of tangata whenua under Te Tiriti o Waitangi. We urge the government to reconsider this bill and maintain the protections that have been painstakingly put in place to ensure the health and sustainability of our freshwater ecosystems.

The health of our waterways is paramount, and it should not be compromised for short-term economic gains. Tāngaro Tuia te Ora stands with all who fight for the preservation of our natural heritage, the wellbeing of our communities, and the upholding of Te Tiriti o Waitangi. We call on the government to uphold the principles of Te Mana o te Wai and protect the freshwater ecosystems that are vital to the health of all our species, our nation and the planet.

Tāngaroa Tuia Te Ora – The Endangered Species Foundation is of the view that the proposed Bill will have debilitating detrimental effects on the environment and native species, and we therefore oppose this Bill.

Ngā mihi nui,



Natalie Jessup
General Manager
natalie@endangeredspecies.org.nz
022 121 5913
Tāngaroa Tuia Te Ora – The Endangered Species Foundation