

A photograph of a waterfall cascading over mossy rocks in a forest. The water is white and frothy as it falls into a pool at the bottom. The surrounding rocks are covered in vibrant green moss and ferns, creating a lush, natural setting. The lighting is soft, highlighting the textures of the water and the vegetation.

TE RŪNANGA
O MAKAAWHIO
KAITIAKITAKA
POUNAMU

**POUNAMU RESOURCE
MANAGEMENT PLAN**

APRIL 2009



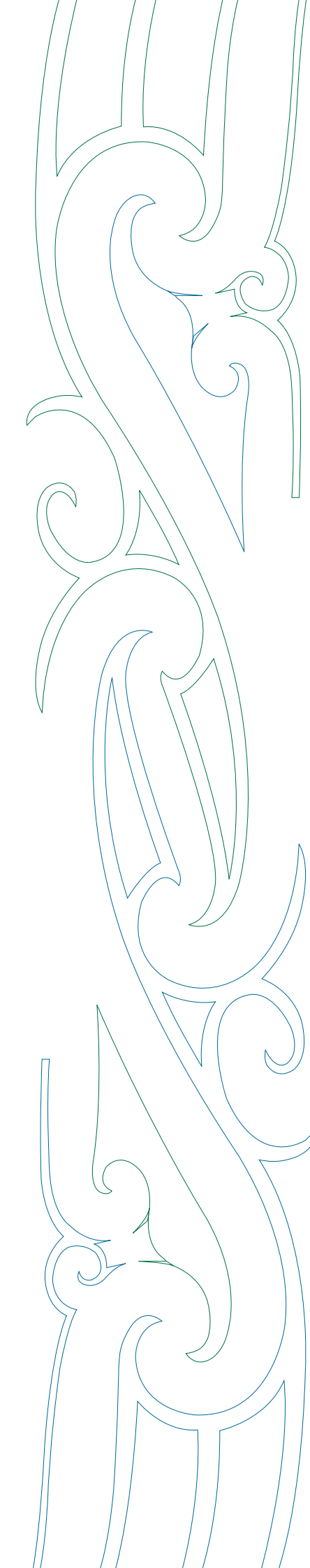
Published in April 2009 by Te Rūnanga o Makaawhio.

Copyright © 2009 Te Rūnanga o Makaawhio.

No reproduction of this plan or parts of this plan may be made, whether by photocopying or by any other means, unless permission has been obtained from Te Rūnanga o Makaawhio (see Appendix E for contact details).

Cover photograph by Sandi Hinerangi Barr (Kāti Māhaki).

A view of the pounamu reef at Te Raukura o Papatūānuku in the Upper Cascade region. This spectacular example of naturally occurring pounamu has a rāhui on it (see section 4.4).



Karakia

Whakatuwherataka

Uea waerea

Ka hura rā te takata ki tai, te takata ki uta

Ki te wāhi ake o te Pounamu tapu

Ki te Tai o Poutini e

Koia tēnei te wāhi kakapa ai te manawa

Te pōhatu o Takaroa

Te toka aiō e takoto nei

Te tihi kahuraki o Aoraki

Mai Hokitika awa ki Piopiotahi

Ko tōu manawa, ko tōku manawa

Tārewa tū ki te raki kia eke,

eke panuku, eke Takaroa.

Whano whano haramai te toki

Haumi ē! Hui ē! Taiki ē!

This kōwhaiwhai pattern was created by Fayne Robinson (Kāti Māhaki). The centre is done in a pūhoro form, which represents the swift and agile waters where pounamu is found. It is a rhythmic design, representing two stylised heads with outstretched hands, which form the kaitiaki of our awa.



Photo courtesy of Museum of New Zealand
Te Papa Tongawera (0L00116).

A pre-European example of a ceremonial adze
blade made from South Westland nephrite. Toki
poutakata are a lavish symbol of wealth and
authority.

Foreword

He Mihi

He pounamu he takata, he takata he pounamu.

The pounamu and the people are one.

Ki ō tātau mate kua haere ki tua atu o Heretaniwha, moe mai rā i te moeka roa. Haere ki te tini me te mano i haere i mua i a koutou. Āpiti hono, tātau hono, rātau te huka mate ki a rātau. Āpiti hono, tātai hono, tātau te huka e pai nei – tihei mauri ora!

The hapū of Te Tai o Poutini ki te Toka, Kāti Māhaki, has a spiritual, genealogical, cultural and working relationship with pounamu that spans 800 years. Pounamu is a highly prized taoka (treasure) with a powerful life force and mana. Pounamu has been used to make tools, weapons and adornments by generations of Kāti Māhaki.

With the passing of the Ngāi Tahu (Pounamu Vesting) Act 1997 and the Ngāi Tahu Management Plan 2002, our kaitiaki relationship to this taoka within our takiwā has been affirmed. While the legal ownership of pounamu was returned to Te Rūnanga o Ngāi Tahu, the tribe has recognised that local rūnaka with pounamu sources in their areas have ancestral kaitiaki (guardianship) rights to maintain, protect and exercise. The extent of those kaitiaki rights and the role of rūnaka kaitiaki are outlined on page three of Section 1.

Te Rūnanga o Makaawhio represents the hapū of Kāti Māhaki and our exclusive boundaries are from the south bank of the Puerua River to Piopiotahi (Milford Sound) and across to the Main Divide.

It has taken seven years since the approval of the tribal plan to complete the Makaawhio plan. During this period, we have had to fight internal and external attacks from those who have been motivated by greed for this taoka and we have weathered the storms. Kei te tūkaha kā uri o Kāti Māhaki ki Te Tai o Poutini ki te Toka.

I would like to acknowledge the following people and organisations for their involvement in the development of this plan:

Policy writer Tremane Barr and project manager Sandi Hinerangi Barr. Members of the Executive of Te Rūnanga o Makaawhio, Kōmiti Pounamu and Māhakitaka Committee: Terry Scott, Helen Rasmussen, Paul Wilson, Rev. Rihari Wallace, Marie Mahuika-Forysth, Gary Coghlan, Gene Wilson, Jeff Mahuika, Dougal Austin, Paul Madgwick, Steve McLaren, Mike Rochford, Kathleen Scott, Stuart Barr, Pauline Adams, Barry Rochford, Mata Holliday, Kara Edwards, Maxie Duncan, Wilfred Te Koeti and Tim Rochford, as well as Susan Wallace and Waikohatu Scott from the Makaawhio office. Thanks also to volunteer Makaawhio web administrator Paul Addison.

Te Rūnanga o Ngāi Tahu staff, in particular: Anake Goodall, David O'Connell, Ali Mitchell, Craig Pauling, Huia Pacey, Joan McSweeney, Kim Rigby, Takerei Norton, Vicki Ratana and Rachel Puentener for providing technical advice and support.

Staff from the Department of Conservation, Ngāi Tahu Māori Legal Services, New Zealand Police, GNS Science, the Ministry of Culture and Heritage, Te Papa Tongarewa, New Zealand Customs and the New Zealand Historic Places Trust, as well as lawyer Maui Solomon, private investigator Rob Nicholl, Bill Doland from Te Rūnaka o Kāti Waewae and pounamu expert Russell Beck for their feedback on drafts of the plan.

Lastly, a big thanks to all those Te Rūnanga o Makaawhio members who attended and contributed to the consultation process and hui held on Pounamu Management between 2002 and 2009.

E kore e mutu te mihi ki a koutou mō ō koutou whakaaro me ā koutou mahi. Nā te mahitahi i whakairo tēnei kuru aūhuka hei ārahi i Te Rūnanga o Makaawhio.

Nā reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Nāku noa nei, nā



Tui Cadigan

Chairperson, Te Rūnanga o Makaawhio (11 April 2009)

**Photo courtesy of Canterbury Museum.
Image reproduced courtesy of Te Papa**

A toki from the Tahutahi (Cascade) River region dating back to pre-1500s. The whitish coating on the adze, caused by oxidation, is a clue to its antiquity.

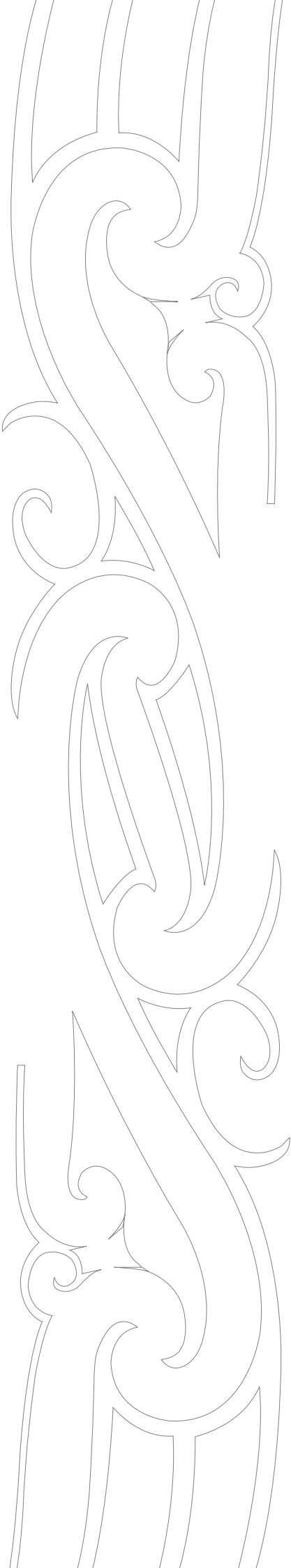


**Protect the treasured greenstone
for us and future generations**

Tiakina te pounamu
mō tātou, ā, mō kā uri ā
muri ake nei

The meeting house and courtyard at Te Tauraka Waka a Māui marae in Maitahi (Bruce Bay) which has pounamu inserts in the carvings and a koru made of aotea on the marae-atea.





Section 1

Introduction

IN THIS SECTION

- Te Rūnanga o Makaawhio
- Takiwā of Te Rūnanga o Makaawhio
- Relationship to Ngāi Tahu Pounamu Resource Management Plan
- Wāhi Pounamu
- Review Interests in Piopiotahi and Upper Lake Wānaka
- Geological Description of Pounamu

Section cover photo of by Tremane Barr (Kāti Māhaki).

Map 1



1. Introduction

This plan provides a framework for the exercise of kaitiakitaka by Te Rūnanga o Makaawhio (TROM) in the sustainable management, control, extraction, protection and use of pounamu that is sourced from the natural environment within its takiwā.

1.1 TE RŪNANGA O MAKAAWHIO

Te Rūnanga o Makaawhio is the legal representative of the subtribe of Kāti Māhaki ki Makaawhio. Kāti Māhaki holds manawhenua (traditional authority) over Te Tai o Poutini ki te Toka (South Westland). Te Rūnanga o Makaawhio represents all those who can claim direct descent from the following Kāti Māhaki ancestors – Te Koeti Tūranga, Kinihi te Kaoho, Kere Tūtoko, Rāwiri Mokohururu, Parata Tiraahiahi, Pori, Hunia, Te Kuini, Rora and Te Kou as listed by James Mackay in 1860 as the original owners of the Maitahi and Makaawhio reserves (see Appendix C).

Te Rūnanga o Makaawhio is one of the 18 constituent papatipu rūnaka of Te Rūnanga o Ngāi Tahu, which represents the tribal interests of Ngāi Tahu Whānui (see Appendix A).

Throughout this plan, the following terms will be used inter-changeably: Te Rūnanga o Makaawhio, Makaawhio and TROM.

1.2 TAKIWĀ OF TE RŪNANGA O MAKAAWHIO

The exclusive takiwā of Te Rūnanga o Makaawhio is centred at Makaawhio (Jacobs River) near Te Tauraka Waka a Māui marae in Maitahi (Bruce Bay) and extends from the south bank of the Pouerua River to Piopiotahi and inland to the Main Divide. It has an equal shared interest with Te Rūnaka o Kāti Waewae in the area situated between the north bank of the Pouerua River and the south bank of the Hokitika River (Refer to Map 1).

1.3 RELATIONSHIP TO NGĀI TAHU POUNAMU RESOURCE MANAGEMENT PLAN

Makaawhio recognises that Te Rūnanga o Ngāi Tahu (TRONT) holds legal ownership of pounamu within its tribal boundaries as per the Ngāi Tahu (Pounamu Vesting) Act 1997.

TRONT has also recognised the kaitiaki rights of nine papatipu rūnaka in respect to pounamu. The Ngāi Tahu Pounamu Resource Management Plan 2002 outlines our respective roles (see Figure 1 on page four of this section for a summary of these roles).

This plan has been developed in line with the policy framework set by the tribal management plan. It outlines the specific ways in which Te Rūnanga o Makaawhio will exercise its kaitiaki rights over pounamu within its takiwā (refer to section 1.2). As such, it is this plan that is to be referred to in the first instance when dealing with the control, management, use, extraction and protection of pounamu resources in the takiwā of Makaawhio.

Makaawhio is committed to working with other rūnaka kaitiaki and Te Rūnanga o Ngāi Tahu on issues that affect other parties' interests in pounamu. This plan needs to be read in conjunction with the tribal plan and any of its subsequent amendments. You can order a copy of the Ngāi Tahu plan by contacting the TRONT office (see Appendix E for contact details).

Figure 1. Tribal Pounamu Management Plan Framework
(From Ngāi Tahu Pounamu Resource Management Plan 2002)



1.4 WĀHI POUNAMU

Background

Wāhi pounamu (pounamu areas) were identified by rūnaka kaitiaki and TRONT in the Te Rūnanga o Ngāi Tahu Pounamu Management Plan 2002.

In the tribal plan Makaawhio is recognised as having interests in four wāhi pounamu. One of these areas is exclusively under the control of Te Rūnanga o Makaawhio (see section 1.4 (A)). The rūnaka was also recognised as having interests in three other wāhi pounamu.

In addition, the Ngāi Tahu (Pounamu Vesting) Act 1997 recognises the ownership of all pounamu in those parts of the territorial sea of New Zealand that are adjacent to the takiwā of Ngāi Tahu Whānui. Makaawhio claims kaitiaki rights over any pounamu which resides in the territorial sea adjacent to its takiwā (see section 1.4 (E)).

This pounamu resource management plan, first and foremost, sets out the policies for how Te Rūnanga o Makaawhio will manage the pounamu resource exclusively under its control in Te Tai o Poutini ki te Toka and on the seabed and subsoil as described in sections 1.4 (A) and 1.4 (E).

The approach Makaawhio will adopt to the other wāhi pounamu in its takiwā will be based on the policies and rules set out in this resource management plan.

It is important to note that Te Rūnanga o Makaawhio would like to amend the wāhi pounamu set out in sections 1.4 (C) and 1.4 (D) so they are consistent with its takiwā boundaries as defined in Schedule 1 of the Te Rūnanga o Ngāi Tahu Act 1996 (see section 1.4.1).

(A) Te Tai o Poutini ki te Toka

Te Tai o Poutini ki te Toka or the South Westland pounamu area centres on Tahutahi (Cascade) River, extending northwards past the Awarua (Haast) River to Paringa, southwards to Okare (Hollyford) River and inland to the Main Divide (refer to Map 2 on page nine of this section).

This wāhi pounamu area sits solely within the takiwā of Te Rūnanga o Makaawhio and is its exclusive responsibility.

This wāhi pounamu sits across the boundaries of the:

- West Coast Tai Poutini, Otago and Southland Conservancies;
- West Coast and Southland Regional Councils; and
- Westland and Southland District Councils.

(B) Te Tai o Poutini ki te Raki

Te Rūnanga o Makaawhio and Te Rūnaka o Kāti Waewae have shared interests in part of the Te Tai o Poutini ki te Raki or Central Westland wāhi pounamu. This shared area is from the south bank of the Hokitika River extending southwards to the north bank of the Puerua River and inland to the Main Divide (refer to Map 3 on page 10 of this section).

This wāhi pounamu sits within the boundaries of the:

- West Coast Tai Poutini Conservancy;
- West Coast Regional Council; and
- Westland District Council.

(C) Piopiotahi

The Piopiotahi or Milford pounamu area centres on Piopiotahi (Milford Sound), including its catchment and the bays to the south (refer to Map 4 on page 11 of this section).

According to the Ngāi Tahu Pounamu Resource Management Plan 2002, the area north of Piopiotahi sits within the takiwā of Te Rūnanga o Makaawhio and the combined rūnaka of Murihiku and Otago have a shared interest in the area south of Piopiotahi.

This wāhi pounamu sits within the boundaries of the:

- Southland Conservancy including the Fiordland National Park;
- Environment Southland Regional Council; and
- Southland District Council.

Makaawhio would like its shared legal interests in the southern side of Piopiotahi as per Schedule 1 of the Te Rūnanga o Ngāi Tahu Act 1996 recognised.

(D) Upper Lake Wānaka

This wāhi pounamu includes the Upper Lake Wānaka catchment area including the Makarora River valley and the upper end of the Awarua (Haast) River (refer to Map 5 on page 12 of this section).

According to the Ngāi Tahu Pounamu Resource Management Plan 2002, Te Rūnanga o Makaawhio and the combined Otago rūnaka have a shared interest in this area. This wāhi pounamu sits within the boundaries of the:

- West Coast Tai Poutini and Otago Conservancies;
- West Coast and Otago Regional Councils; and
- Westland and Queenstown Lakes District Councils.

Makaawhio believes it should have sole interests in the Upper Lake Wānaka area west of the Main Divide, which is consistent with our legal takiwā as outlined in Schedule 1 of the Te Rūnanga o Ngāi Tahu Act 1996.

(E) Seabed Pounamu

This wāhi pounamu encompasses an area within a direct line from the south bank of the Puerua River and a direct line from the north side of Piopiotahi (Milford Sound) out to the 200 nautical mile exclusive economic zone boundary and across in a line to where they intersect with each other.

Pounamu from erosion is expected to be located offshore in the seabed and subsoil beneath those parts of the territorial sea of New Zealand adjacent to the takiwā of Te Rūnanga o Makaawhio out to the limit of the exclusive economic zone boundary (as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1997).

Te Rūnanga o Makaawhio asserts its kaitiaki rights over this pounamu as per the Ngāi Tahu (Pounamu Vesting) Act 1997. At present a cost-effective and accurate technology does not exist to locate and extract this offshore pounamu, except within a short distance of the coastline.

This wāhi pounamu sits within the boundaries of the:

- West Coast and Environment Southland Regional Councils;
- Westland and Southland District Councils; and
- West Coast Tai Poutini and Southland Conservancies.

Te Rūnanga o Makaawhio has a shared interest with Te Rūnaka o Kāti Waewae in the offshore exclusive economic zone situated between the northern bank of the Puerua River and the southern bank of the Hokitika River.

1.4.1 REVIEW OF INTERESTS IN PIOPIOTAHİ AND UPPER LAKE WANAKA

Te Rūnanga o Makaawhio believes its interests in the Piopiotahi area and the Upper Lake Wanaka area should be realigned with its legal takiwā as stated in Schedule 1 of Te Runanga o Ngai Tahu Act 1996.

Makaawhio believes it should have a shared interest in the southern side of Piopiotahi with other rūnaka kaitiaki and it should have exclusive interests in the Upper Lake Wanaka area west of the Main Divide.

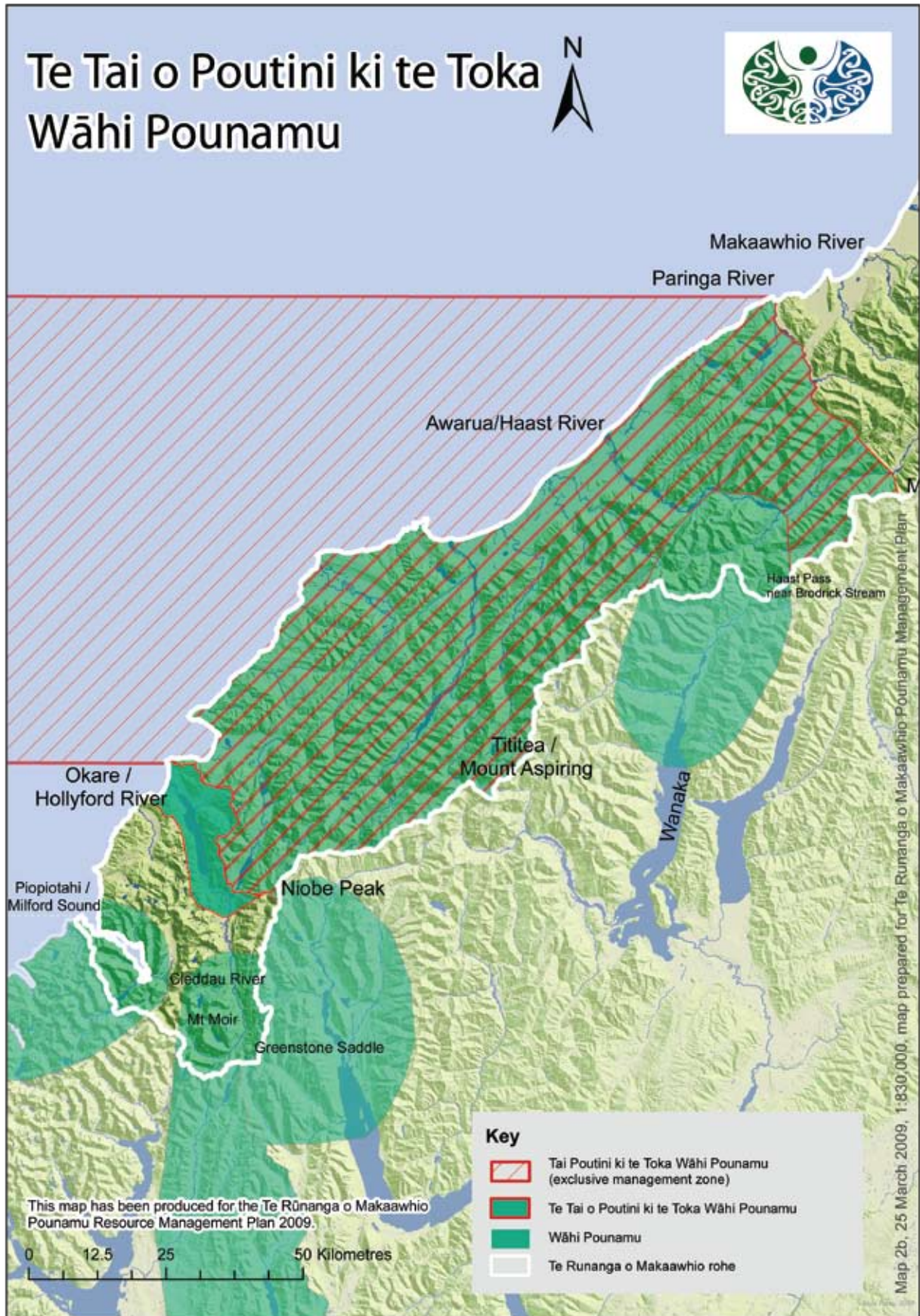
TROM will work with the other affected rūnaka kaitiaki to address this issue.

1.5 GEOLOGICAL DESCRIPTION OF POUNAMU

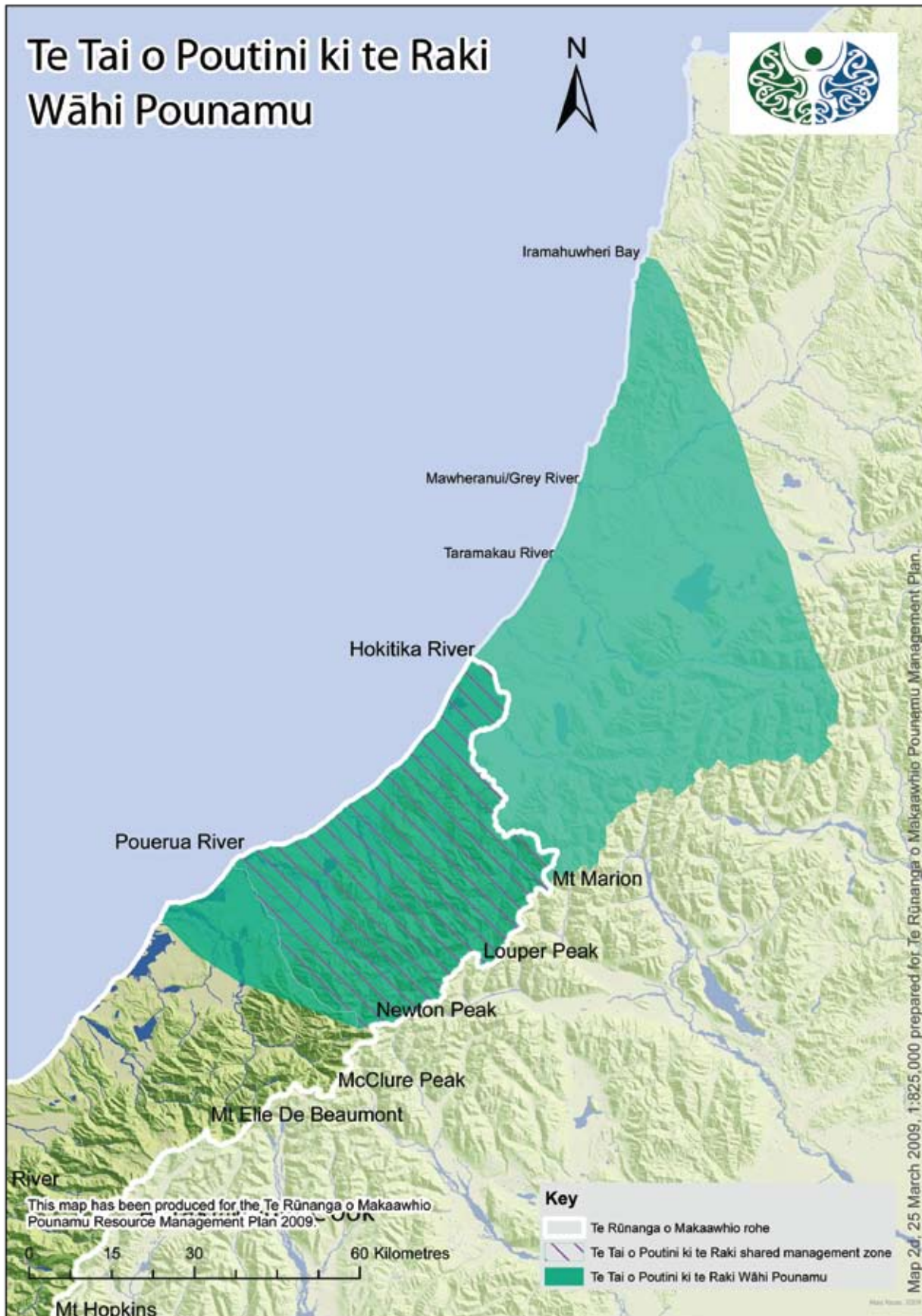
According to geologists, the major formation of pounamu occurred between about 300 million and 100 million years ago, between the Permian period (248-286 million years ago) and the Cretaceous period (65-144 million years ago). Pounamu formed and grew within distinctive magnesium-rich rocks when these rocks were buried for one million years within the earth's crust at depths of more than 10 km and at temperatures in excess of 300 degrees centigrade. The growth of tremolite-actinolite crystals that form pounamu probably takes around one million years.

As the mountains of the South Island grew and eroded during the past five million years, these deposits were uplifted to the earth's surface, where the action of rivers, active faults, gravity and glaciers freed pounamu and distributed it into screes, riverbeds (alluvial) and glacial moraine deposits. For further information about the sustainability of pounamu see Appendix K.

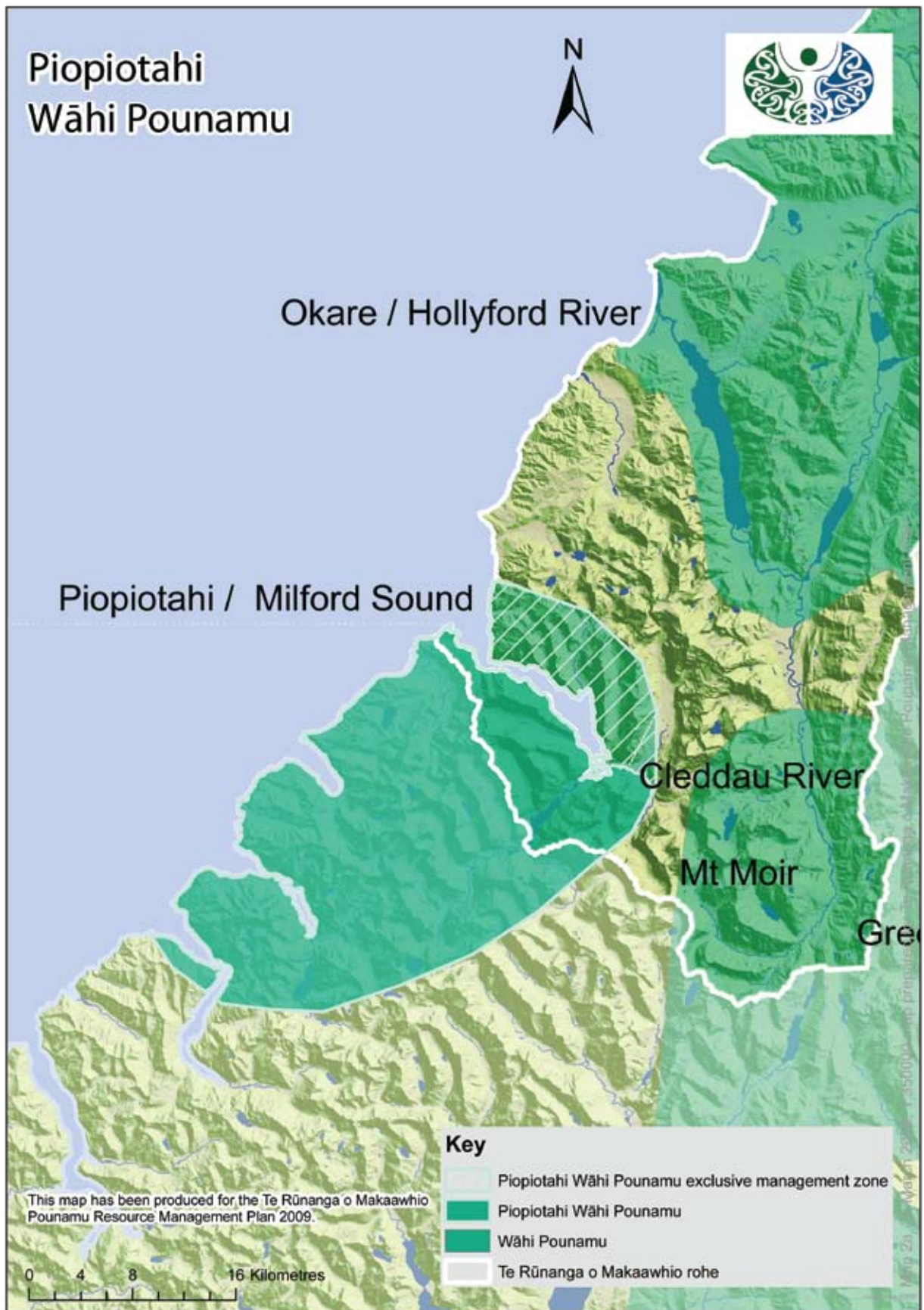
Map 2



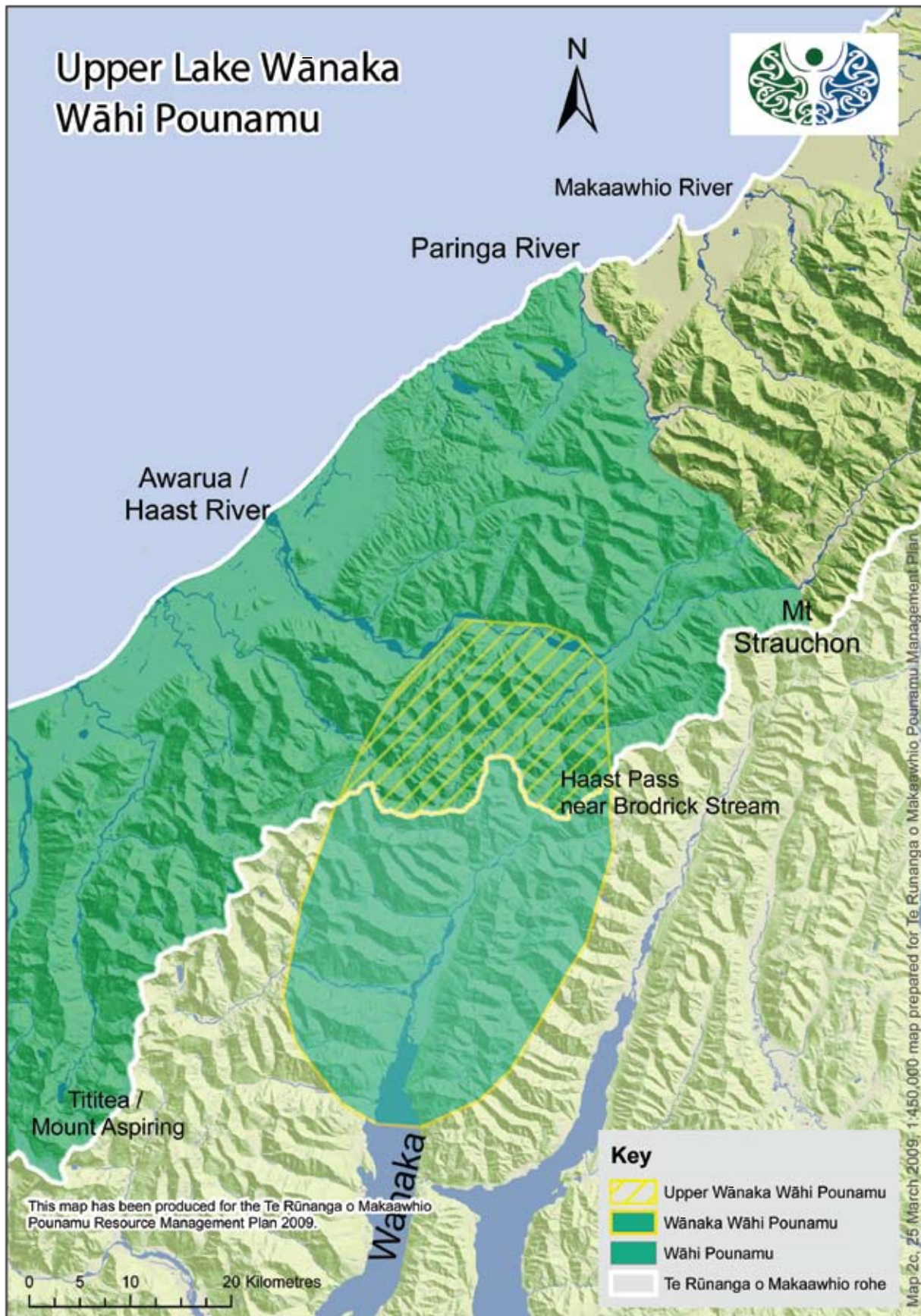
Map 3



Map 4

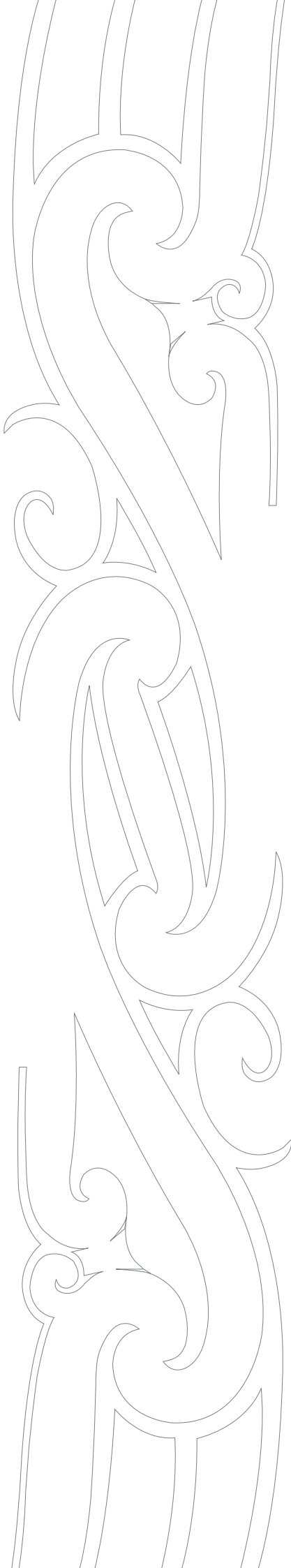


Map 5





This mere pounamu, crafted from Kā Umu o Hapopo (Big Bay) stone, was carved by Jeffrey Mahuika (Kāti Māhaki). It was gifted to Ngāti Kahungunu at the inaugural Takitimu Festival in 2008 by Ngāi Tahu.



Section 2

Plan Objectives & Principles

IN THIS SECTION

- Objectives
- Plan Description
- Legal Status
- What the Plan Does Not Cover
- The Old Regime and the New

Section cover photo by Sandi Hinerangi Barr (Kāti Māhaki)

2. Plan Objectives and Principles

2.1 OBJECTIVES

The primary objectives of this plan are:

- (a) to uphold and protect pounamu as a taoka of Te Rūnanga o Makaawhio by providing a legal framework for TROM to exercise its kaitiakitaka in the control, use, protection, extraction and management of pounamu within the takiwā of Makaawhio for the best possible advocacy, protection, service and performance to Kāti Māhaki and Ngāi Tahu Whānui;
- (b) for the sustainable management of pounamu to be guided by the tribal whakataukī *“Mō tātou, ā, mō kā uri ā muri ake nei”* – *“For us and our children after us”*; and
- (c) to provide a policy framework for the sustainable management of fossicking, customary collection and commercial extraction of pounamu to the current and future benefit of Kāti Māhaki and Ngāi Tahu Whānui.

2.2 PLAN DESCRIPTION

In this plan, Te Rūnanga o Makaawhio is exercising its authority to inform stakeholders and interested parties as to how pounamu from South Westland will be managed.

This will affect the relationships Te Rūnanga o Makaawhio has with:

- (a) central government and its agencies;
- (b) local government authorities;
- (c) Te Rūnanga o Ngāi Tahu; and
- (d) Māori, the general public, businesses and the pounamu industry.

It is incumbent on the above parties to be aware of the policies and rules outlined in this plan for the successful sustainable management of pounamu for Kāti Māhaki, Ngāi Tahu Whānui and all New Zealanders who appreciate pounamu as a taoka or an iconic treasure of this land.

2.3 LEGAL STATUS

This plan was approved by Te Rūnanga o Ngai Tahu on 23 May 2009 which gives it the status of an iwi management plan (or a “planning document recognised by an iwi authority”) under the Resource Management Act (RMA) 1991 and as such must be taken into account by all relevant local authorities in the preparation and change of any plans or policy statements.

Local authorities must also “recognise and provide for as a matter of national importance” (section 6(e) and (g) of the RMA) the relationship of TROM with their taoka pounamu, have “particular regard” (section 7(a)) to the kaitiaki role of Makaawhio in relation to pounamu within their takiwā and “take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi” (section 8) in relation to managing the use, development and protection of the natural and physical resources within the Makaawhio takiwā including the provisions of this plan.

Central government and its agencies have an ongoing obligation under the Ngāi Tahu Claims Settlement Act 1998, the Treaty of Waitangi and existing agreements to consult with Te Rūnanga o Makaawhio when any activity they are aware of might affect pounamu as outlined in this resource management plan.

2.4 WHAT THE PLAN DOES NOT COVER

This plan only relates to pounamu in the natural environment within the Makaawhio takiwā and does not cover other wāhi pounamu in Te Wai Pounamu (South Island) (see section 1.4).

Artefacts made out of pounamu are managed according to the Historic Places Act 1993 and the Protected Objects Act 1975, which replaced the Antiquities Act in 2006. To clarify these processes and the responsibilities of those who may discover pounamu artefacts, a policy for dealing with this is included in section 7.4.

While Kāti Māhaki regards aotea as part of the pounamu “family”, it is not defined as “pounamu” in the Ngāi Tahu (Pounamu Vesting) Act 1997. This plan does not cover the sustainable management of aotea.

2.5 THE OLD REGIME AND THE NEW

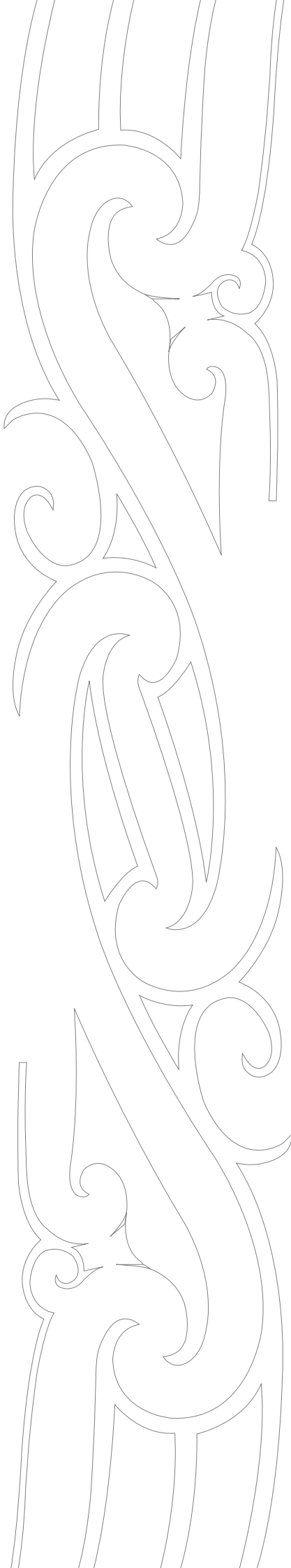
Prior to the passing of the Ngāi Tahu (Pounamu Vesting) Act 1997, pounamu was managed by the Crown. The Crown issued mining licences under the Mining Act 1971 and royalties were collected by Crown Minerals, of the Ministry of Commerce. Mining licences or permits are no longer valid or obtainable for pounamu.

Te Rūnanga o Makaawhio has no intention in the short term of issuing mining licences or permits to extract pounamu from its takiwā.



This mau kaki (neck pendant) is made of takiwai from Piopiotahi (Milford Sound) and was found near Ōkahu (Jacksons) River in South Westland. Again, it has the whitish-yellow coat indicating its antiquity. It was crafted before the 1500s.

Photo courtesy of Museum of New Zealand Te Papa Tongarewa (ME004905).



Section 3

Roles & Responsibilities

IN THIS SECTION

- Introduction
- Te Rūnanga o Makaawhio
- Te Runanga o Ngāi Tahu
- Te Rūnanga o Ngāi Tahu Staff
- External Management Relationships
- Te Papa Atawhai – Department of Conservation
- Local Government Authorities
- Toitū Te Whenua – Land Information New Zealand
- Crown Minerals
- Ngā Pirihimana o Aotearoa – New Zealand Police
- Te Mana Ārai o Aotearoa – New Zealand Customs
- Mineral Mining Industry

Section cover photo courtesy of Museum of New Zealand Te Papa Tongarewa (ME004905).

3. Roles, Responsibilities and Relationships

3.1 INTRODUCTION

Te Rūnanga o Makaawhio has the primary role and responsibility to sustainably manage and protect pounamu according to the kawa, tikaka and traditions of Kāti Māhaki within its takiwā as set out in this plan including any changes or amendments made from time to time.

Other agencies and organisations also have an interest in wāhi pounamu or the taoka itself. This section lays out those respective roles.

3.2 TE RŪNANGA O MAKAAWHIO

Te Rūnanga o Makaawhio has the key role in protecting and managing the utilisation of pounamu in its takiwā, including:

- (a) determining the policy, rules and activities around the sustainable level of public fossicking, customary and commercial extraction of pounamu within its takiwā;
- (b) where necessary working in partnership with other rūnaka kaitiaki as specified in Appendix A to determine the collectively agreed policies, rules and appropriate activities around any use of pounamu from shared areas;
- (c) working with Te Rūnanga o Ngāi Tahu to help uphold and protect the mana and mauri of pounamu;
- (d) working with local government authorities on Resource Management Act 1991 and National Coastal Policy Statement planning and resource consent issues relating to all aspects of pounamu in the Makaawhio takiwā;
- (e) working with central government and its agencies, for example the Department of Conservation on planning, access and concessions issues relating to pounamu;
- (f) protecting pounamu from theft and conversion; and
- (g) working positively with private landowners who have pounamu on their land.

3.3 TE RŪNANGA O NGĀI TAHU

As the legal owner of pounamu, Te Rūnanga o Ngāi Tahu will be informed and consulted with on the policies and priorities for Te Rūnanga o Makaawhio which relate to this plan and its implementation.

TRONT has an obligation to support Makaawhio in the implementation of this plan.

3.4 TE RŪNANGA O NGĀI TAHU STAFF

Te Rūnanga o Makaawhio and its staff will work with TRONT staff on pounamu issues in a proactive and collaborative partnership to ensure the interests of both parties are respected.

3.5 EXTERNAL MANAGEMENT RELATIONSHIPS

There are a number of agencies external to TROM that have a role in pounamu management. The subsections below list the agencies involved, with an overview of the roles they play and a reference to some of the relevant legislation and policy documents that refer to this role.

3.5.1 TE PAPA ATAWHAI - DEPARTMENT OF CONSERVATION

The Department of Conservation (DOC) plays an important role in the management of pounamu. DOC is the largest land administrator in the areas where our wāhi pounamu are located. Through their management of public conservation land, and their role under various pieces of law, DOC provides for the protection of these areas through their planning documents and internal processes (see sections 7.5, 7.6.1 and 7.6.2).

The relevant DOC conservancies have an obligation to inform Makaawhio of applications for concessions, permits, licences and access arrangements for mining and other developments and activities on the land administered by DOC where they may affect pounamu.

DOC is also obliged to inform and consult with TROM in relation to any plans or policy statements, including any proposed changes, that they are working on or propose to work on that may affect or relate to the pounamu interests of Te Rūnanga o Makaawhio.

The West Coast Tai Poutini Conservancy already has an agreement with Te Rūnanga o Makaawhio on arrangements for consultation over concessions for activities on DOC land. However, this will need to be updated to ensure it is consistent with this plan. TROM will work with other conservancies to develop similar agreements that relate to pounamu.

The DOC conservancies involved are:

- West Coast Tai Poutini Conservancy;
- Southland Conservancy; and
- Otago Conservancy.

Refer to Map 6 on page seven of this section.

The legislation and policy documents of the Department of Conservation include, but are not limited to, the Conservation Act 1987, National Parks Act 1980, Resource Management Act 1991, Foreshore and Seabed Act 2004 and the Reserves Act 1977.

3.5.2 LOCAL GOVERNMENT AUTHORITIES

Local government authorities have an important role in pounamu management as the planning and consent authority for activities under the Resource Management Act 1991 and the New Zealand National Coastal Policy Statement (see section 2.3). This role includes informing Te Rūnanga o Makaawhio of resource consent applications for activities that potentially affect pounamu and placing conditions on these consents where appropriate.

The local government authority territorial areas in which wāhi pounamu in the Makaawhio takiwā could be affected include the:

- West Coast Regional Council;
- Environment Southland Regional Council;
- Otago Regional Council;
- Westland District Council;
- Southland District Council; and
- Queenstown Lakes District Council.

Refer to Map 7 on page eight of this section.

3.5.3 TOITŪ TE WHENUA - LAND INFORMATION NEW ZEALAND

Land Information New Zealand (LINZ) is responsible for providing New Zealand's authoritative land and seabed information. It authorises and keeps a register of changes in rights to freehold land. This includes creating new titles, recording changes of ownership or mortgages and providing copies of these records. LINZ is also

responsible for unalienated Crown land such as pastoral leases. LINZ oversees the management and disposal of Crown land through the Land Act 1948 and the Public Works Act 1981, including access to this land for all purposes.

LINZ has entered into a protocol with Te Rūnanga o Ngāi Tahu that supports its legal ownership of pounamu. This is reflected in any access arrangements or leases made with other parties. Makaawhio will work with the TRONT staff in relation to LINZ issues.

3.5.4 CROWN MINERALS

Crown Minerals of the Ministry of Economic Development manages the Crown's oil, gas, mineral and coal resources, known as the Crown Mineral Estate. Although pounamu is no longer a Crown-owned mineral, Crown Minerals plays a role in pounamu management through informing TRONT and, when necessary, Te Rūnanga o Makaawhio of applications for mineral permits that may affect our interests.

TRONT will consult with Makaawhio on Crown Minerals issues that may affect our interests in pounamu.

3.5.5 NGĀ PIRIHIMANA O AOTEAROA - NEW ZEALAND POLICE

The New Zealand Police enforce the law of New Zealand and play a role in pounamu management by bringing prosecutions under the Crimes Act 1961 for the theft of pounamu (see sections 7.10 and 7.11).

3.5.6 TE MANA ĀRAI O AOTEAROA - NEW ZEALAND CUSTOMS

The New Zealand Customs Service (NZ Customs) is the government agency with the responsibility of protecting the community from potential risks arising from international trade and travel, while facilitating the legitimate movement of people and goods across the border.

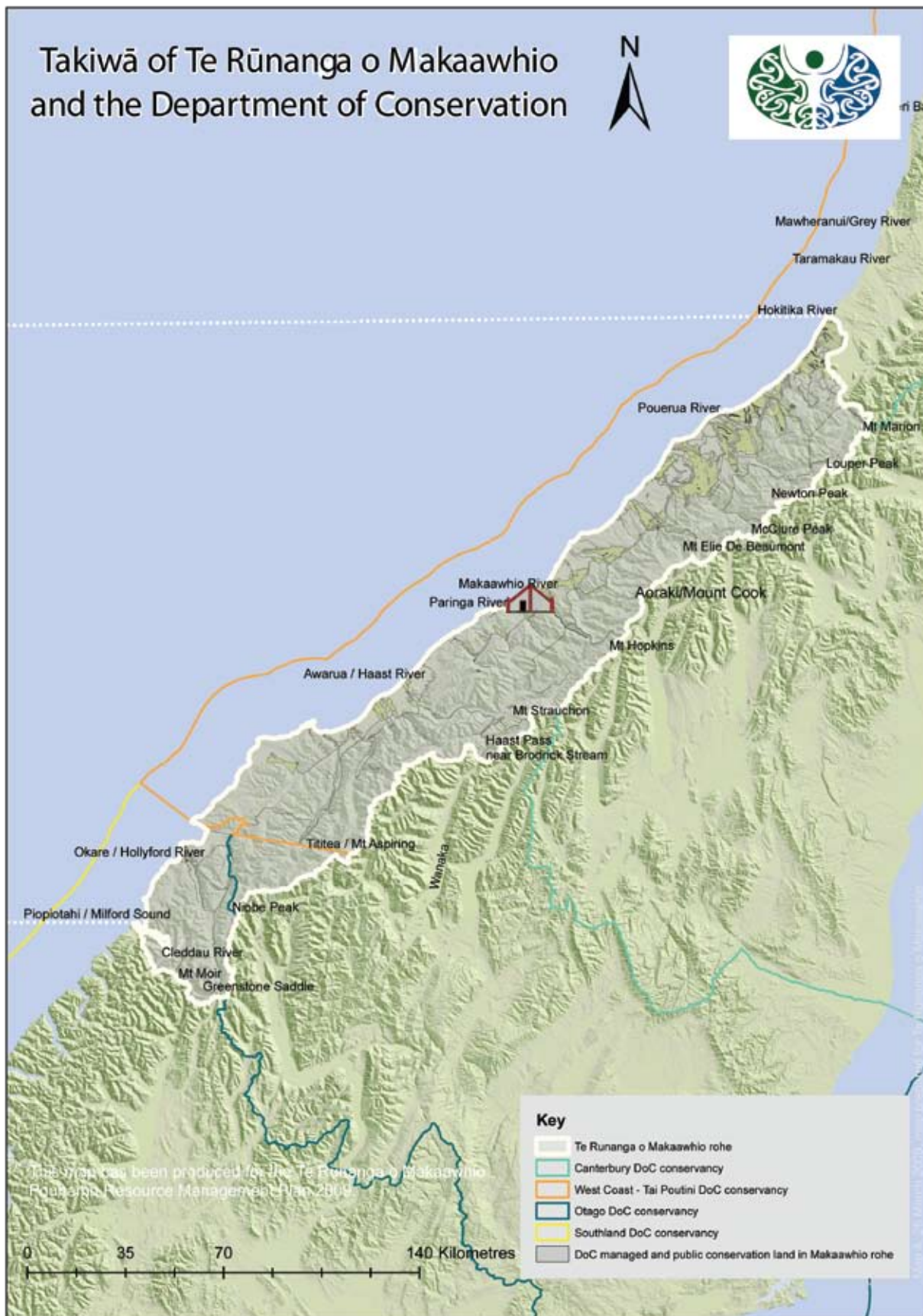
Customs plays a role in pounamu management through the administration of the Customs Export Prohibition Order. The export order is set up under Part V, section 56 of the Customs and Excise Act 1996 and prohibits the export of pounamu within certain limits. New Zealand Customs works directly with Te Rūnanga o Ngāi Tahu and the Māwhera Incorporation on applications to export pounamu in special circumstances and forfeitures pertaining to the order where pounamu is seized at the border.

TRONT shall get approval from Makaawhio for any applications to export South Westland pounamu. Te Rūnanga o Ngāi Tahu should also consult with TROM when the Customs Export Prohibition Order is up for review and other pounamu-related issues arise.

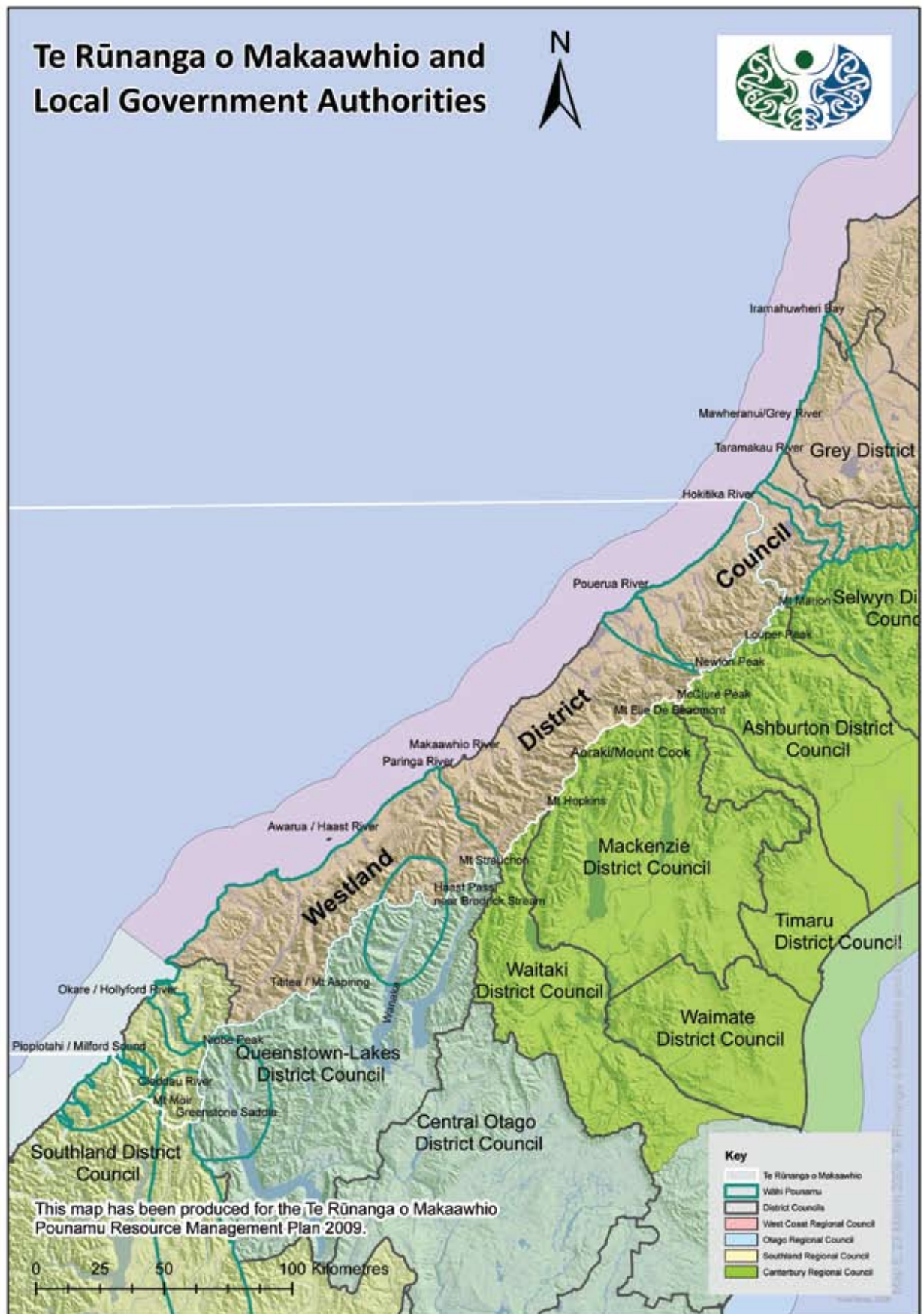
3.5.7 MINERAL MINING INDUSTRY

Operators of the mineral mining industry that are operating in South Westland wāhi pounamu (see section 1.4 (A)) need to familiarise themselves with this plan and the Ngāi Tahu Pounamu Resource Management Plan 2002 to ensure that their practices are consistent with these plans. Makaawhio will endeavour to work with the mining industry on issues that affect pounamu in its area as well as working with TRONT in relation to industry issues.

Map 6

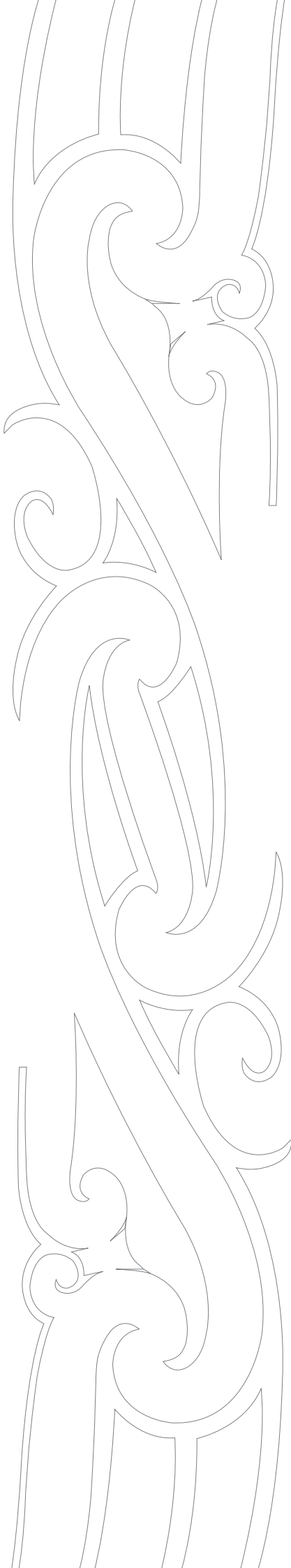


Map 7



GNS scientists and members of Kāti Māhaki trialling one of the methods GNS use to build up a stock-take of the pounamu resource in a particular area. Other Kāti Mahaki members are searching for pounamu along the Ōkahu (Jacksons) River in the background.





Section 4

Sustainability

IN THIS SECTION

- Makaawhio Perspective on Sustainability
- Science of Pounamu Sustainability
- Sustainable Management of a Finite Resource
- Roles of the Executive and Pounamu Committees
- Makaawhio Taoka Protection Officer
- Rāhui Pounamu Restrictions on Collection
- Pounamu Heritage Protection Areas
- Wānaka Pounamu

Section cover photo by Terry Scott (Kāti Māhaki).

4. Sustainability

4.1 MAKAAWHIO PERSPECTIVE ON SUSTAINABILITY

Objective

To outline the philosophy, principles and policies underpinning the approach Te Rūnanga o Makaawhio will take in the sustainable management of pounamu taken from the natural environment.

Explanation

The tribal whakataukī *“Mō tātou, ā, mō kā uri ā muri ake nei”* – *“For us and our children after us”* will guide the way Te Rūnanga o Makaawhio manages pounamu. Sustainability is vital because this taoka has a high cultural and commercial value as well as being a relatively finite resource.

The sustainable management system that will be implemented by TROM will allow for the continued fossicking and extraction of pounamu for future generations.

This will require a scientific understanding of the pounamu resources available in the Makaawhio takiwā and a commitment to leaving behind a fair share for future generations.

For wāhi pounamu that are shared, the sustainable management of those areas will be carried out in cooperation with the relevant rūnaka kaitiaki (see section 1.4 and Appendix A).

4.1.1 SCIENCE OF POUNAMU SUSTAINABILITY

The current pounamu resources scattered across the South Westland landscape have been built up by natural processes of tectonic uplift, gravitational collapse, erosion and glaciations over a period of millions of years. Any scientific approach will need to recognise that both “in situ” and “transported” pounamu resources available on the surface of the earth change with time. GNS Science has informed Te Rūnanga o Makaawhio that in order to make scientifically informed management decisions on the pounamu resource Makaawhio will need to be able to clearly identify:

- (i) existing, known and defined pounamu resources;
- (ii) areas of potential (undiscovered) pounamu resources; and
- (iii) the rate of change (addition or depletion) to pounamu resources in the region through erosion and other geological processes.

Developing an understanding of sustainable extraction limits, and the balance of controlled extraction of pounamu versus natural supply, should enable the resource to be managed with knowledge of its status for future generations. For further information about the sustainability of pounamu see Appendix K.

1. POLICY – COMMITMENT TO SCIENTIFIC ASSESSMENT OF POUNAMU

Te Rūnanga o Makaawhio is committed to initiating and helping sustain a long-term programme of scientific research and enquiry into quantifying the quantity and quality of pounamu resources within its takiwā. Existing first-hand knowledge and experience from people will also be utilised. The knowledge gained from this holistic assessment of pounamu resources will help guide TROM in protecting and utilising pounamu on a scientific basis for the benefit of *“Mō tātou, ā, mō kā uri ā muri ake nei”*.

4.1.2 SUSTAINABLE MANAGEMENT OF A FINITE RESOURCE

Objective

To outline the key principles in developing and maintaining the approach Makaawhio will use to protect and manage pounamu to meet the needs of the present and future generations of Kāti Māhaki and Ngāi Tahu Whānui.

2. POLICY – PRINCIPLES OF SUSTAINABLE MANAGEMENT

Sustainable management of a pounamu resource which is for the most part finite and limited will, in the short term, require a multi-faceted approach. The key principles in the sustainable management of pounamu for this resource management plan are:

- a) Scientific Research** – Develop and carry out a long-term scientific programme of research into the locations, quantity and quality of pounamu resources in wāhi pounamu. This will be carried out in conjunction with qualified and experienced scientists, for example in partnership with GNS Science.
- b) Monitoring** – Monitor the in situ resource and the trade of pounamu to ensure compliance with this resource management plan.
- c) Control of Fossicking and customary collection** – Ensure Kāti Māhaki members and the general public exercise their fossicking and customary collection rights in a lawful and sustainable manner.
- d) Control of Commercial and Customary Extraction** – Allow for the extraction of an appropriate amount that will also allow for the needs of future generations.
- e) Control of Supply** - Control supply through management of the Makaawhio-owned pounamu company, collection rules, rāhui, sales, stock control, advertising, and assessment of demand for pounamu.
- f) Positive Community Relations** - Achieve positive community relations through education, brochures, publicity and presentations etc.
- g) Memorandum of Understandings** – Develop Memorandums of Understanding with DOC, local and regional councils, New Zealand Police, TRONT and other rūnaka kaitiaki.
- h) Protection** – Develop innovative solutions for the protection of pounamu; for example, create databases on chemical and isotope analysis for mapping of pounamu types and locations, satellite mapping, GPS locator beacons in valuable stone, appropriate applications of nanotechnology.
- i) Legal action** – Makaawhio will take whatever legal action it deems necessary for the protection of pounamu in its takiwā.

4.2 ROLES OF THE EXECUTIVE AND POUNAMU COMMITTEES

Objective

To set out the respective roles of Te Rūnanga o Makaawhio's Executive Committee and its subcommittee Kōmiti Pounamu. These two arms of TROM will be primarily responsible for overseeing the implementation and functioning of this pounamu resource management plan.

3. POLICY – EXECUTIVE COMMITTEE OF TE RŪNANGA O MAKAAWHIO

The Executive Committee of Te Rūnanga o Makaawhio has the ultimate authority to decide upon all plans, policies, rules, control, management, use, extraction and protection of pounamu within its takiwā (see sections 1.2, 1.3 and 2.3).

4. POLICY – ROLE OF KŌMITI POUNAMU

Kōmiti Pounamu is a subcommittee of Te Rūnanga o Makaawhio. While Kōmiti Pounamu is mandated to deal with pounamu issues, it must do so in a way that is consistent with this plan and the intentions of the Executive Committee of TROM. It must report regularly to the Executive Committee.

In the first instance, Kōmiti Pounamu will deal with all issues around the implementation, reviews, amendments and ongoing functioning of this resource management plan. The Kōmiti can also authorise the taking of pounamu for customary purposes with the approval of the Executive Committee (see section 6.4). This Kōmiti will actively work with the Makaawhio Taoka Protection Officer.

Process

As a subcommittee of Te Rūnanga o Makaawhio, Kōmiti Pounamu will work to ensure that the policies of TROM as outlined in this plan are functioning efficiently and achieving the stated goals.

Kōmiti Pounamu will also work with the Makaawhio Taoka Protection Officer (see section 4.3) to ensure that fossicking is carried out as envisioned in this plan and that the commercial extraction by the Makaawhio pounamu company is consistent with their operating mandate as specified by the Executive of TROM.

4.3 MAKAAWHIO TAOKA PROTECTION OFFICER

Background

Te Rūnanga o Makaawhio recognises that it needs its own Taoka Protection Officer to be involved with all aspects of protecting taoka in the natural environment of its takiwā. For the purposes of this plan, only the policies and activities that relate to pounamu will be outlined. TRONT also has its own Taoka Development and Pounamu Protection Officer and Makaawhio will work with Ngāi Tahu to ensure that there is no duplication of roles and responsibilities.

5. POLICY – MAKAAWHIO TAOKA PROTECTION OFFICER

The Makaawhio Taoka Protection Officer will have the day-to-day responsibility of implementing this plan. They will report regularly to the Kōmiti Pounamu and will follow its guidance. When necessary they will also report to the Executive Committee. They will monitor and audit the operations of any Makaawhio pounamu company to ensure that it complies with its operating mandate from TROM and this resource management plan. They will also spearhead the general protection of pounamu in the natural environment through working with other relevant organisations, monitoring and ensuring compliance with this plan. They will consult with TRONT and in particular the Ngāi Tahu Taoka Development and Pounamu Protection Officer to ensure that there is an effective prioritisation of the work to be carried out.

Other key areas in which the Makaawhio Taoka Protection Officer will be expected to work are:

- (a) promoting the protection of pounamu within the Makaawhio takiwā (see section 7.11);

- (b) being proactive in maintaining a positive profile in local communities;
- (c) maintaining and strengthening an ongoing relationship with DOC;
- (d) maintaining and strengthening ongoing relationships with New Zealand Police, helicopter operators, New Zealand Customs and concession holders, in consultation with TRONT;
- (e) helping to develop a Memorandum of Understanding with TRONT, DOC, local government, other rūnaka kaitiaki and New Zealand Police to protect pounamu from theft and conversion;
- (f) being involved with organising routine flyovers of pounamu areas to check on activity in wāhi pounamu;
- (g) being involved in regular inspections of roadways and tracks in pounamu areas within the takiwā;
- (h) supporting Kāti Māhaki whānau to be actively involved in protection measures;
- (i) working with key people in the local community to stop the illegal extraction of South Westland pounamu; and
- (j) helping to develop innovative solutions for the protection of pounamu.

Process

The Makaawhio Taoka Protection Officer will be based in the office of TROM, but will be expected to work extensively out in the natural environment and South Westland community.

If there are any disagreements over the roles and responsibilities between the Makaawhio Taoka Protection Officer and the Ngāi Tahu Taoka Development and Pounamu Protection Officer then Makaawhio will follow its dispute resolution process as outlined in section 8.

4.4 RĀHUI POUNAMU - RESTRICTIONS ON COLLECTION

Objective

To provide for the temporary protection of pounamu by limiting fossicking, customary collection and/or the commercial extraction of pounamu.

Explanation

Te Rūnanga o Makaawhio will use rāhui within its takiwā, where necessary, to help protect special areas of pounamu. It is an important part of the overall approach to the sustainable management of the resource by ensuring any area under pressure from fossicking or commercial extraction can be protected for however long is necessary. The concept of rāhui is where a curtailment or stop on activities in a particular area is put in place for a temporary period of time. Any rāhui will be made at the discretion of Makaawhio in conjunction with the relevant statutory land manager or private landowner.

6. POLICY - RĀHUI

From time to time Makaawhio may put in place a rāhui on certain areas and/or practices preventing or limiting fossicking, customary collection and/or the commercial extraction of pounamu.

Process

The process for implementing a rāhui involves:

- a) An application is made to Kōmiti Pounamu for consideration of a rāhui and the reasons for it.
- b) Where necessary Kōmiti Pounamu notifies TROM members of the idea for a rāhui and asks for written submissions on the proposal. The general public may be invited to make submissions when a proposed rāhui might impact on beach fossicking (see section 5.3).
- c) Kōmiti Pounamu assesses any feedback on the proposal and comes to a recommendation, which is passed on to the Executive Committee.
- d) The Executive Committee of Makaawhio makes a decision on whether to accept, amend or reject the proposal for a rāhui.

Rāhui can be used in two main ways:

- Rāhui will mainly be used for internal planning purposes and the locations will not be advertised in order to protect them from attracting undue attention; or
- When a rāhui has been placed in an area that affects the fossicking, collecting and extraction of pounamu by the general public, Makaawhio will advertise their location (see sections 5 and 6).

It is the responsibility of those interested in fossicking, and/or extracting pounamu, to become aware of whether a rāhui has been imposed on an area.

Te Rūnanga o Makaawhio members will be informed of any implementation of a rāhui area and the public will be informed through the local media if there are any changes in fossicking areas open to the public.

Locations of any publically notified rāhui areas will also be posted on the Te Rūnanga o Makaawhio website (www.makaawhio.maori.nz). For a copy of the rāhui notification template see Appendix L.

If you are unsure as to whether an area or activity is under rāhui, contact the Makaawhio office.

4.5 POUNAMU HERITAGE PROTECTION AREAS

Objective

To allow for the preservation of special and/or iconic areas of naturally occurring pounamu, for the benefit of future generations.

Background

Te Rūnanga o Makaawhio recognises that, as kaitiaki, it is responsible for managing some of the most unique areas of jade (pounamu) in the world. Jade is only found in 20 countries around the world and most of these sources have been extensively mined. Makaawhio recognises there is a need to explore the idea of preserving some special and/or iconic wāhi pounamu and/or deposits.

7. POLICY – POUNAMU HERITAGE PROTECTION AREAS

Te Rūnanga o Makaawhio, in consultation with Kāti Māhaki members, Ngāi Tahu, pounamu experts and scientists, will identify occurrences of pounamu within its takiwā to be assessed for potential preservation. This assessment will look at pounamu areas that might have national or international geological and cultural importance; for example, areas and types of pounamu that are of interest are:

- in situ sites geologically important to the understanding of the formation of nephrite;
- historically important areas to Kāti Māhaki; or
- exceptionally beautiful or large examples of pounamu.

Process

Te Rūnanga o Makaawhio will first need to complete a basic assessment of its pounamu resources as part of its commitment in this plan to sustainability, before being able to start the process of identifying areas for preservation (see section 4.1.1). Kāti Māhaki members and Ngāi Tahu will also be consulted over any proposed areas to be closed for preservation purposes.

The idea of preserving some wāhi pounamu and incorporating tourist-related activities into helping pay for the preservation of these areas has been a popular subject of discussion with Kāti Māhaki for some time. Environmentally friendly eco-tourism will be considered as part of any assessment of preserving pounamu areas. This may provide an important opportunity for the telling of the pounamu “story” from a Kāti Māhaki perspective.

Some mechanisms that Te Rūnanga o Makaawhio may consider to support the protection of Pounamu Heritage Protection Areas include:

- New Zealand Historic Places Trust (NZHPT) wāhi tapu or historic place registration;
- covenants, for example QEII covenants; or
- District Plan heritage listing.

4.6 WĀNAKA POUNAMU

Background

Our tīpuna were expert carvers and had an extensive knowledge of wāhi pounamu in South Westland. Since colonisation Kāti Māhaki’s traditional relationship with pounamu has been severely weakened.

Te Rūnanga o Makaawhio is committed to providing for the revival of traditional knowledge and skills as well as the growth of contemporary knowledge and skills around pounamu for the benefit of Kāti Māhaki and Ngāi Tahu Whānui.

8. POLICY – PROMOTION OF POUNAMU SKILLS

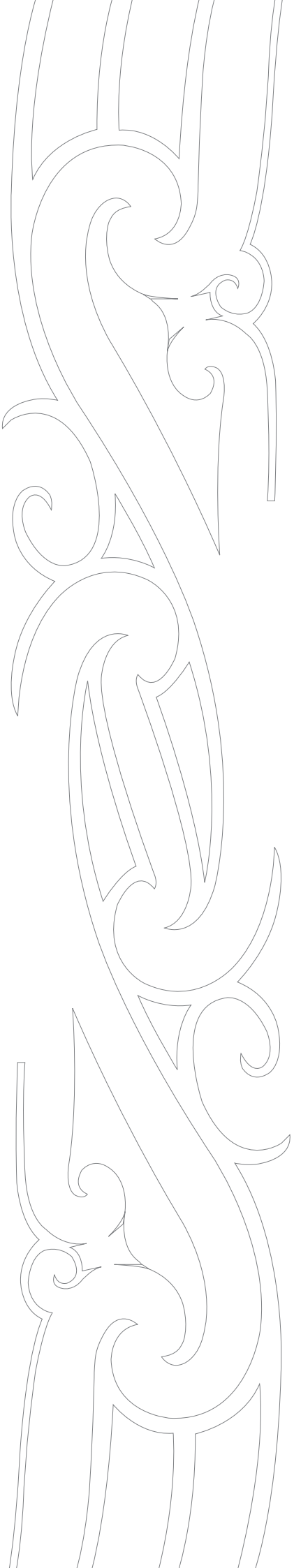
Te Rūnanga o Makaawhio will ensure that resources are found for the holding of wānaka pounamu where Kāti Māhaki members, in the first instance, can learn about the history, geology, identification, carving and artistic expression in the use of pounamu. This will be done in a way that teaches respect for the sustainability of the resource and the passing on and development of traditional and contemporary skills in working with pounamu.

Process

Kōmiti Pounamu will work to ensure that wānaka pounamu are held on a regular basis.

Jeff Mahuika (Kāti Māhaki) has spent many days searching for pounamu along the waterways of Te Tai o Poutini. He has also passed on his knowledge and skills of working with pounamu to his children.





Section 5

Collection Policies

IN THIS SECTION

- Objective
- Customary Collection Rules for Direct Descendants of Kāti Māhaki
- Definition of Term “Immediate Whānau”
- Customary Rights Non-Transferable
- Fossicking for Pounamu by the General Public on Beaches
- Collection Policy for Ngāi Tahu Whānui and Ngā Matā Waka
- Access Arrangements with the Department of Conservation
- Shingle and Sand Extraction

Section cover photo by Tremane Barr (Kāti Māhaki).

5. Collection Policies

5.1 OBJECTIVE

To allow for the fossicking and collection of small amounts of pounamu by the public, Ngāi Tahu Whānui and members of Kāti Māhaki and their immediate whānau.

Background

In 2002, Te Rūnanga o Ngāi Tahu authorised Te Rūnanga o Makaawhio to exercise all customary and commercial kaitiaki rights over pounamu in its takiwā (see sections 1.2 and 1.3).

This was reflected in the decision of Judge G. S. Macaskill in 2007:

"While the tribal collective is the "owner" of the tribe's customary rights, its role is one of guardianship and management of the rights, together with the exercise of the control of access to the resources. An individual's right to pounamu is a right of access, derived from whakapapa. It is not an unfettered or absolute right. It is subject to the tribe's responsibility to protect the resource and to decide how that access can be affected."

"In practice, Te Runanga o Ngai Tahu generally devolves this responsibility, as well as the authority to manage and control the exercise of customary rights, to the appropriate Papatipu Rūnanga ... The Papatipu Runanga that manages and controls the exercise of customary rights to pounamu in South Westland is Te Rūnanga o Makaawhio. In order to exercise their customary right to pounamu, therefore, an individual has to obtain permission from the collective of Te Rūnanga o Makaawhio."

(R v Saxton, CRI-2004-002-000741, paragraph 313, 25 October 2007)

9. POLICY – KAITIAKITAKA RIGHTS TO POUNAMU

All rights to control, manage and extract pounamu within the Makaawhio takiwā rest exclusively in Te Rūnanga o Makaawhio (see sections 1.2, 1.3 and 1.4).

Te Rūnanga o Makaawhio has set the following policies and rules relating to fossicking of small amounts of pounamu by the general public, Ngāi Tahu Whānui and whānau of Kāti Māhaki:

5.2 CUSTOMARY COLLECTION RULES FOR DIRECT DESCENDANTS OF KĀTI MĀHAKI

10. POLICY – KĀTI MĀHAKI AREAS FOR COLLECTING POUNAMU

Direct descendants of Kāti Māhaki and their immediate whānau can collect pounamu within the Makaawhio takiwā in these locations (see section 1.4):

- (a) On beaches below the mean high water spring tide mark to the sea water's edge; and
- (b) In and along rivers, estuaries and lagoons (but not within 10 metres of whitebait stands in the season); and
- (c) Within the public conservation lands as per the Tribal Access Arrangement outlined in Appendix N; and
- (d) To all other land, providing access with the landowner has been arranged prior to collecting pounamu.

The conditions for direct descendants of Kāti Māhaki and their immediate whānau in customary collection are:

- a) Customary collection is limited to what an individual can carry on their person either by hand or bag/backpack, and is limited to one such take in any 24-hour period.
- b) The immediate whānau of Kāti Māhaki can only collect pounamu in the areas specified in policy 11 when they are physically accompanied by their partner or parent who is a direct descendant of Kāti Māhaki (see section 5.2.1).
- c) The pounamu must not be cut, hacked or in any other way broken off or removed from larger pounamu stones in situ in the environment.
- d) The use of diamond saws and other mechanical means of extracting and cutting pounamu is strictly prohibited, for example hand tools, motorised tools, winches and cranes attached to vehicles/boats etc.
- e) The use of helicopters in customary collection for pounamu is strictly prohibited.
- f) Customary collection must not disturb the environment in more than a minor way to ensure that conservation values are protected at all times.
- g) Any policies and rules associated with rāhui or Pounamu Heritage Protection Areas as designated by Makaawhio must be complied with (see sections 4.4 and 4.5). It is the individual's responsibility to inform themselves of rāhui or Pounamu Heritage Protection Areas.
- h) A member of Kāti Māhaki can apply to TROM in writing for permission for a temporary variation or waiver of the above rules.

Explanation

Members of Kāti Māhaki are those people who are direct descendants of the tīpuna specified in section 1.1 and in the constitution of Te Rūnanga o Makaawhio (see Appendix C). Members of Kāti Māhaki and their immediate whānau (see section 5.2.1) are allowed to continue the Kāti Māhaki tradition of collecting pounamu within the Makaawhio takiwā.

It is Kāti Māhaki tradition that whānau who are not members of Kāti Māhaki can only exercise their partner's or parental guardian's rights to access traditional natural resources when accompanied by their partner or parental guardian who is a direct descendant of Kāti Māhaki. These rights as defined in section 5.2 for the partner of the Kāti Māhaki member will no longer apply under any circumstance after the couple separate, divorce or the Kāti Māhaki member dies.

Customary collection is limited to naturally occurring pieces of pounamu and what an individual person can personally physically carry on their own. Kāti Māhaki members are not allowed to collect pounamu and then load it onto a helicopter. Pounamu must be collected on foot and carried out on the body of the person collecting it. Mechanical means and tools are not permitted under any circumstance, particularly where it involves breaking pounamu down into smaller pieces. This is to limit the potential for theft and unsustainable extraction.

Any application for a temporary change in the rules of section 5.2 for a person who is a member of Kāti Māhaki under subsection (h) will only be granted in rare and exceptional circumstances for a limited period of time.

Te Rūnanga o Makaawhio asserts that customary collection by members of Kāti Māhaki and their immediate whānau is a right granted to them in line with Kāti Māhaki tradition, but that if that right is abused then Te Rūnanga o Makaawhio reserves the rights to alter these rules in any way it deems necessary to protect pounamu for the current and future benefit of Kāti Māhaki.

5.2.1 DEFINITION OF TERM “IMMEDIATE WHĀNAU”

11. POLICY – KĀTI MĀHAKI MEMBERS’ IMMEDIATE WHĀNAU

The immediate whānau of Kāti Māhaki members who are not members of Kāti Māhaki by descent are, for the purposes of this plan, defined as the partner of the member, whether by marriage, civil union or de facto, and all their collective children, whether by descent, adoption or whāngai.

This policy and section 5.2 no longer apply to the non-Kāti Māhaki person once the couple have separated or divorced or the Kāti Māhaki partner of the non-member dies.

Explanation

The above definition is meant to be inclusive of all members of a Kāti Māhaki whānau unit that an adult Kāti Māhaki member is part of. It does not extend beyond the immediate couple and their children. The extended rights of non-Kāti Māhaki people to collect pounamu under section 5.2 with their Kāti Māhaki member partner is no longer valid once they separate or divorce or their Kāti Māhaki partner dies. This also applies to the children of the non-Kāti Māhaki partner who are not of Kāti Māhaki descent.

5.2.2 CUSTOMARY RIGHTS NON-TRANSFERABLE

Explanation

This resource management plan makes it clear that the only authority that can decide on the delegation and/or exercise of rights over pounamu in its takiwā is Te Rūnanga o Makaawhio (see sections 1.2 and 4.2). Furthermore, any customary rights granted to its members and immediate whānau apply to them only and cannot be transferred to anyone else.

12. POLICY – CUSTOMARY RIGHTS NON-TRANSFERABLE

Under no circumstance or in any way can a member of Kāti Māhaki or any of their immediate whānau transfer their customary rights to another person.

5.3 FOSSICKING FOR POUNAMU BY THE GENERAL PUBLIC ON BEACHES

13. POLICY - PUBLIC BEACH FOSSICKING

The fossicking for pounamu by the general public is allowed on West Coast beaches below the mean high water spring tide mark to the sea water’s edge. The beach area in the Makaawhio takiwā this covers is from the south bank of the Hokitika River to Okare (Hollyford) River. This is in line with the Ngāi Tahu Pounamu Resource Management Plan 2002.

Fossicking for pounamu by the general public is not allowed in or along rivers, estuaries, lagoons or any other part of the Makaawhio takiwā (refer to Map 1 on page two of section 1).

The following rules must be strictly observed when fossicking for pounamu under this policy:

- a) Fossicking on beaches is limited to what an individual can carry on their person either by hand or bag/backpack, and is limited to one such take in any 24-hour period.
- b) The pounamu must not be cut, hacked or in any other way broken off or removed from larger pounamu stones in situ in the environment.
- c) The use of diamond saws and other mechanical means of extracting and cutting pounamu on beaches is strictly prohibited, for example hand tools, motorised tools, winches and cranes attached to vehicles/boats etc.
- d) The use of helicopters in fossicking for pounamu is strictly prohibited.
- e) Any policies and rules associated with rāhui or Pounamu Heritage Protection Areas as designated by Te Rūnanga o Makaawhio must be complied with (see sections 4.4 and 4.5). It is the individual's responsibility to inform themselves of rāhui or Pounamu Heritage Protection Areas.

Explanation

The general public are welcome to pick up small pieces of naturally occurring pounamu that they personally are physically able to carry from West Coast beaches. The public are not allowed to collect pounamu on a beach and then load it onto and carry it off in a helicopter. This is to limit the potential for theft and unsustainable extraction along with the ban on any use of tools and machinery. It is also illegal for the general public to remove any material, including pounamu, from public conservation lands (see Appendix M) and all other Crown land and privately owned land in South Westland.

Fossicking for pounamu on beaches within the Makaawhio takiwā is a privilege granted to the public, not an automatic right. If the privilege of fossicking on beaches for pounamu by the public is abused then TROM reserves the right to alter these rules.

5.4 FOSSICKING POLICY FOR NGĀI TAHU WHĀNUI AND NGĀ MATĀ WAKA

Explanation

These policies are based on the need to sustainably manage the pounamu resource for future generations.

14. POLICY – FOSSICKING BY NGĀI TAHU WHĀNUI

Ngāi Tahu Whānui are welcome to exercise the right to fossick as outlined in section 5.3 on the beaches of the West Coast. However, if a Ngāi Tahu Whānui member wants to collect pounamu in any other area of the takiwā of Te Rūnanga o Makaawhio (see section 1.2) then they will need to get written permission from Makaawhio. TROM reserves the right to accompany any Ngāi Tahu Whānui member granted a permit to collect pounamu under this policy.

15. POLICY – FOSSICKING BY NGĀ MATĀ WAKA

Ngā Matā Waka (non-Ngāi Tahu Māori) are welcome to exercise the right to fossick on the beaches of Te Tai o Poutini (the West Coast) as outlined in the Ngāi Tahu Pounamu Resource Management Plan 2002. However, there is no collection right granted for Ngā Matā Waka outside of the West Coast beaches.

Process

Ngāi Tahu Whānui who want to apply for a permit to collect pounamu outside of the beaches need to send their

application in writing stating their reasons and the areas they want to fossick in. This should be sent to the Te Rūnanga o Makaawhio office, which will then refer it on to the Kōmiti Pounamu for consideration (see Appendix E for contact details).

5.5 ACCESS ARRANGEMENTS WITH THE DEPARTMENT OF CONSERVATION

The Tribal Access Arrangement has yet to be confirmed. Once completed, a copy of the Tribal Access Arrangement will be included in this plan as Appendix N.

5.6 SHINGLE AND SAND EXTRACTION

Background

The West Coast Regional Council's Regional Coastal Plan permits the extraction of small amounts of shingle, stones and sand from the Coastal Marine Area. The taking of up to one cubic metre of shingle, stones and sand is permitted without a resource consent, provided it is done according to the conditions of the rules.

16. POLICY – SHINGLE AND SAND EXTRACTION IN WĀHI POUNAMU

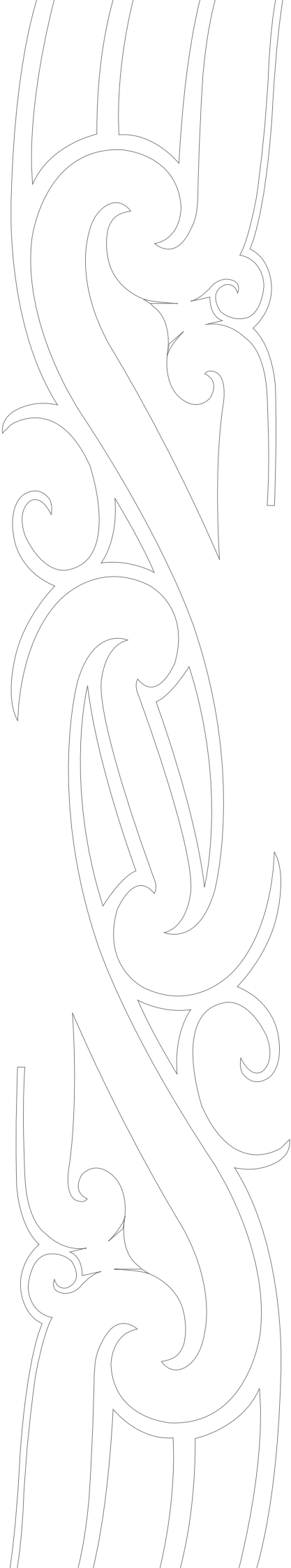
Shingle and sand should not be removed from any wāhi pounamu which Makaawhio has an interest in (see sections 1.2 and 1.4) without prior permission being given by Te Rūnanga o Makaawhio. A commercial charge may apply depending on the likely amount of pounamu that could be caught up in any extraction of shingle and sand.

Process

People or organisations who want to remove shingle and/or sand from a wāhi pounamu with or without a resource consent will need to contact the Makaawhio Taoka Protection Officer for an assessment of the potential liability of having to pay for pounamu (see Appendix E for contact details).



Kāti Mahaki whānau removing the remains of a boulder that was illegally extracted from Katake (Cascade Plateau). The recovered stone was named 'Ngā Roimata o Totoweka'. Pieces of the stone were given to the NZ Army Museum and all 18 rūnaka. Small pieces feature in the wharenui at Maitahi (Bruce Bay).



Section 6

Extraction of Pounamu

IN THIS SECTION

- Pounamu Extraction
- The Te Rūnanga o Makaawhio Pounamu Company
- Environmental Policy Goals of Makaawhio Pounamu Company
- Pounamu for Te Rūnanga o Makaawhio Customary Purposes
- Makaawhio Pounamu Trademark
- Trademark Certification
- Access to Pounamu on Public Conservation Lands

Section cover photo courtesy of Jeff Mahuika (Kāti Māhaki).

6. Extraction of Pounamu

6.1 POUNAMU EXTRACTION

Objective

To outline the policy framework through which Te Rūnanga o Makaawhio will exercise its kaitiakitaka in the control of the extraction of pounamu within its takiwā, for both commercial and customary purposes.

Background

Makaawhio will establish its own business organisation to utilise pounamu in a manner that is sustainable (see section 4). TROM also recognises the importance of having a supply of pounamu accessible for customary purposes such as koha and the gifting of mauri stones.

The commercial and customary extraction of pounamu differs from the fossicking for pounamu outlined in section 5 in that extraction is about the taking of pounamu in quantities that are larger than a single person can physically carry.

17. POLICY – OVERALL EXTRACTION QUANTITY

Makaawhio will set the amount of pounamu that will be made available to extract for commercial and customary purposes and the areas it may be taken from. The amount made available will be based on the need to protect the resource for future generations (see section 4).

Process

The Executive Committee of TROM will base its decisions on its scientific knowledge of pounamu resources in South Westland, gained from its research programme and consultation with the Kōmiti Pounamu, before reaching its decision in line with the principles of sustainable management outlined in section 4.

6.2 THE TE RŪNANGA O MAKAAWHIO POUNAMU COMPANY

Objective

To outline how the extraction of pounamu will be carried out in an environmentally sustainable way and how a trademark system will be implemented by the Makaawhio-owned pounamu company in consultation and agreement with TRONT.

Explanation

The legal structure for a Makaawhio pounamu company that is focused on extracting, processing, carving, selling and tourist activities around pounamu has yet to be decided.

What is important to note is that TROM intends to extract pounamu for commercial and customary purposes and it is committed to doing this in an environmentally sustainable manner that avoids, remedies or mitigates any adverse effects to the environment and protects conservation values.

At all times, the ownership and management rights to any pounamu extracted from its takiwā will stay with Makaawhio and not the company tasked with extracting, storing, processing and/or selling it.

18. POLICY – POUNAMU RIGHTS STAY WITH MAKAAWHIO

Te Rūnanga o Makaawhio asserts its kaitiakitaka rights to manage, control, protect and use all pounamu that is extracted, stored, processed, distributed and sold on its behalf by any company owned by the Rūnanga or its charitable company Kāti Māhaki Ki Makaawhio Ltd.

6.3 ENVIRONMENTAL POLICY GOALS OF MAKAAWHIO POUNAMU COMPANY

Objective

To specify the policies and rules that TROM will require its pounamu company to follow in ensuring the protection and environmental sustainability of pounamu extraction.

19. POLICY – ENVIRONMENTAL SUSTAINABILITY

In carrying out any extraction of pounamu, the company will ensure environmental sustainability by implementing the following strategies:

- (a) Only extracting the quantity of pounamu it is mandated to do so by Te Rūnanga o Makaawhio.
- (b) Only removing pounamu from areas from which it is specifically mandated to do so by Makaawhio.
- (c) Protecting the environment by avoiding, remedying and mitigating any environmental effects from the extraction of pounamu.
- (d) Protecting conservation values specific to the Department of Conservation policies and plans.
- (e) Complying with all relevant environmental protection laws, for example the Resource Management Act, the Conservation Act and local government plans.

6.4 POUNAMU FOR TE RŪNANGA O MAKAAWHIO CUSTOMARY PURPOSES

Objective

To specify the obligations of any pounamu company owned by TROM or its charitable company Kāti Māhaki Ki Makaawhio Ltd to supply pounamu for customary purposes to Makaawhio.

20. POLICY – SUPPLY OF CUSTOMARY POUNAMU

The pounamu company owned by Te Rūnanga o Makaawhio or its charitable company Kāti Māhaki Ki Makaawhio Ltd will provide at no cost pounamu to Makaawhio when requested to do so. TROM will also supply pounamu for customary purposes to Te Rūnanga o Ngāi Tahu.

Explanation

Te Rūnanga o Makaawhio can decide when, how much and for what purposes it may want to use any of the pounamu extracted for customary purposes. As stated earlier in policy 17, the legal rights to pounamu extracted and held by the Makaawhio pounamu company will remain with TROM at all times. TROM will consult with its pounamu company on what impact this may have on its operations. Te Rūnanga o Ngāi Tahu can apply to TROM for pounamu that it wants for customary purposes.

Makaawhio can authorise the taking of pounamu for customary purposes from within its takiwā whenever it deems it necessary, subject to obtaining permission for access from the landowner or DOC (see section 4.2).

6.5 MAKAAWHIO POUNAMU TRADEMARK

Objective

To distinguish and protect pounamu from foreign, imported jades that may be traded as pounamu and to help stop the flow of illegal pounamu into the market place. This will also help differentiate South Westland pounamu from other pounamu sources within Te Waipounamu.

21. POLICY – MAKAAWHIO TRADEMARK

Te Rūnanga o Makaawhio will develop its own trademark to distinguish pounamu sourced from its takiwā and will work with Te Rūnanga o Ngāi Tahu and other rūnaka kaitiaki to ensure consistency in the use of trademark/s on pounamu.

Process

The Makaawhio pounamu company will utilise this trademark in implementing a certification system for approved carvers and retailers who purchase pounamu from it (see section 6.6). This certification system will be used to verify the authentic Makaawhio pounamu for customers and to allow for the tracking of pounamu.

TROM will work to try and ensure the wider Ngāi Tahu Whānui interests in pounamu are protected with its own trademark and will collaborate in the promotion and protection of pounamu through the use of trademark/s. Makaawhio will consult with Te Rūnanga o Ngāi Tahu and other rūnaka kaitiaki to ensure there is a consistent and rational approach to the use of trademark/s that adds value to all Ngāi Tahu-sourced pounamu. The tribal policy on trademarking can be found in section 5.10 of the Ngāi Tahu Pounamu Resource Management Plan 2002.

It is the intention of Makaawhio to develop a database of information on identifying mineral characteristics of the pounamu in its takiwā (see section 4). This could involve both chemical analysis and isotope analysis profiles of pounamu in order to keep accurate records of pounamu movement from the natural environment into the commercial economy.

6.6 TRADEMARK CERTIFICATION

Objective

To allow for the tracking of Makaawhio pounamu into the market, which will make it easier to identify illegal South Westland pounamu for sale and to create a premium pounamu brand to maximise potential financial returns to Te Rūnanga o Makaawhio.

22. POLICY – CERTIFICATION FOR TRADEMARK IMPLEMENTATION

The Makaawhio pounamu company will use the Makaawhio Pounamu trademark. All commercial carvers and retailers of pounamu who want to buy pounamu from the company will have to register and agree to have their pounamu stocks certified as being from legitimate sources. This trademark certification system will help to track all the pounamu the company sells and the people it sells it to.

Process

This policy will be achieved by the Makaawhio pounamu company implementing the following strategies:

- (a) Maintain a fully transparent and accountable operation which will be able to account for all the pounamu it extracts, stores, processes, sells and distributes.

- (b) Create a stone identification system that can track who has bought every piece of stone, for example through chemical and isotope analysis of pounamu.
- (c) Register and approve all carvers and retailers that purchase pounamu to ensure they are of good character. Pounamu will not be able to be purchased from the company for commercial purposes without registration.
- (d) Require all carvers and retailers who purchase pounamu to keep records of what they do with the trademark pounamu.
- (e) Arrange for an independent third party, where necessary, to check the records of those who sell Makaawhio trademark pounamu.

6.7 ACCESS TO POUNAMU ON PUBLIC CONSERVATION LANDS

Objective

To ensure continued access to pounamu on Department of Conservation land.

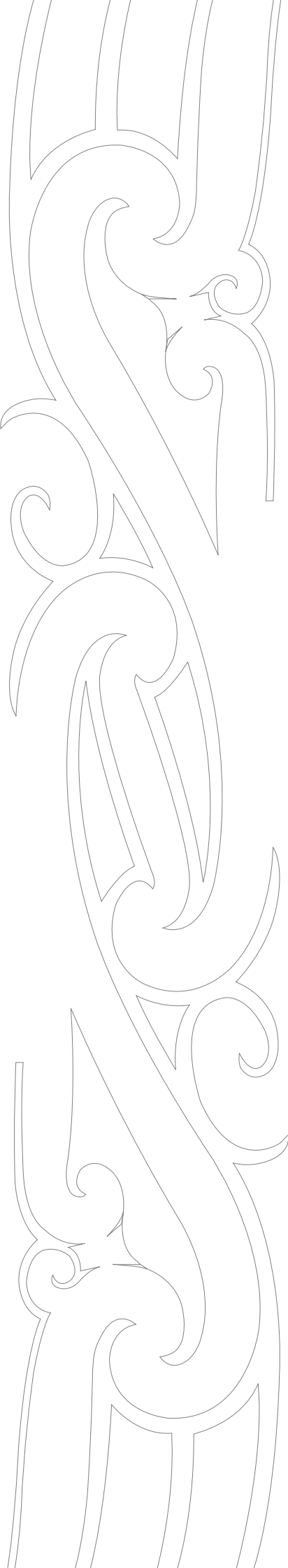
Explanation

Ngāi Tahu and the Department of Conservation are currently in negotiations over a Tribal Access Arrangement which will also apply to wāhi pounamu within the Makaawhio takiwā. A copy of the Tribal Access Arrangement will be included as Appendix N.

The intention of this Agreement is to allow for the removal of pounamu by Ngāi Tahu Whānui, subject to certain conditions to protect conservation values.



Illegal extractors have hacked away at this pounamu boulder found in Tear Creek near Katake (the Cascade Plateau). A helicopter would be required to lift stone out of this remote area.



Section 7

Pounamu Protection

IN THIS SECTION

- Introduction
- Mining Access Arrangements and Accidental Discovery of Pounamu
- Public Accidental Discovery of Pounamu
- Discovery of Pounamu Artefacts
- Planning, Concessions and Other Activities within Public Conservation Lands
- Wilderness Areas
- Developments, Permits and Concession Activities within Public Conservation Lands
- Pounamu Interpretation within Public Conservation Lands
- Makaawhio Pounamu Export Prohibition
- External Research Policy
- Local Government Planning and Resource Consents Affecting Pounamu
- Legal Action and Penalties for Theft of Pounamu
- Public Information on Stolen Pounamu

Section cover photo by Tremane Barr (Kāti Māhaki).

7. Pounamu Protection

7.1 INTRODUCTION

Pounamu protection encompasses those activities undertaken and instruments used to manage the activities of Te Rūnanga o Makaawhio as well as external groups and individuals that may affect pounamu. A major feature of protection involves the monitoring, enforcement and compliance of individuals and groups with the policies set out in this plan, and any subsequent amendments.

Local authorities and the Department of Conservation will need to ensure that they consult with TROM in developing appropriate sections in their plans. They will also need to take into account that this plan is an authorised iwi management plan under the RMA (see section 2.3), as well as applying the correct conditions in consents, permits and concessions for those whose activities might affect pounamu in the Makaawhio takiwā.

7.2 MINING ACCESS ARRANGEMENTS AND ACCIDENTAL DISCOVERY OF POUNAMU

Background

Throughout Te Waipounamu and, in particular, Te Tai o Poutini, the alluvial placers or gold fields have a strong association with pounamu as both have similar distribution patterns. Pounamu can, therefore, be uncovered in areas in which mining for other minerals takes place.

The Crown Minerals Act (CMA) 1991 requires every holder of a permit issued under the CMA to obtain an access agreement with every owner and/or occupier that may be affected by the permit. Owner as defined in section 2 of the CMA includes private mineral owners, except on Crown land. Te Rūnanga o Ngāi Tahu is the private mineral owner of pounamu. Kaitiaki rights to pounamu were delegated to rūnaka kaitiaki in 2002 so Te Rūnanga o Makaawhio needs to be consulted on any access agreement that might affect pounamu in its takiwā to ensure that any activity is compliant with this plan and the Ngāi Tahu plan.

On Crown land in South Westland, access arrangements between the miner and the appropriate Minister may be subject to conditions recognising the interests of Makaawhio and Ngāi Tahu over pounamu. Both DOC and Land Information New Zealand require the miner to obtain the written authorisation of TRONT where pounamu may be affected.

The New Zealand Minerals Industry Association (NZMIA) has initiated a Voluntary Industry Code of Practice for Recoverable Pounamu. This code needs to further strengthen the relationship between Ngāi Tahu, Makaawhio and the mining industry.

23. POLICY – MINING ACCESS ARRANGEMENTS ON PRIVATE LAND

All Crown mineral permit holders who prospect, mine or explore on private land where pounamu is known to occur within the Makaawhio takiwā will also require a mineral access arrangement with TROM (see section 2.3).

24. POLICY – MINING ACCESS ARRANGEMENTS ON CROWN LAND

Crown Minerals and TRONT need to consult with Te Rūnanga o Makaawhio about all Crown mineral permit holders who prospect, mine or explore on Crown land where pounamu is known to occur within the Makaawhio takiwā. Crown Minerals needs to recognise the rights of TROM as kaitiaki over pounamu as outlined in this resource management plan and consult with it on any activities that might impinge on these rights (see Appendix G).

25. POLICY – MINING BY-PRODUCT AND ACCIDENTAL DISCOVERY

Any pounamu that may be discovered as a by-product or accident of mining and other activities within the Makaawhio takiwā, regardless of size, should not be removed without Makaawhio authorisation. Anyone who finds pounamu as a by-product of mining or by accident should contact the Makaawhio office, which will then pass on any relevant information, if necessary, to TRONT and/or other relevant rūnaka kaitiaki. It may also contact the landowner, DOC or the New Zealand Historic Places Trust if necessary.

Process

Makaawhio needs to be notified when its interests may be affected by mining access arrangements so that both parties can work collaboratively to assess and approve any activities under these policies. TROM will work with Te Rūnanga o Ngāi Tahu to help ensure that the correct pounamu protection conditions as outlined in this plan are applied as they relate to mining activities (see Appendices D, G and H).

The obligations and processes outlined in Appendix D detail the pounamu accidental discovery protocol that will be required by all mineral licence holders for areas where pounamu might be found.

The transfer of any mining permits to new owners will also require the consent of Te Rūnanga o Makaawhio.

These policies are connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.2 kaupapa 2, section 5.3 kaupapa 4 and section 5.5.2 kaupapa 8.

7.3 PUBLIC ACCIDENTAL DISCOVERY OF POUNAMU

Background

Pounamu can be found by accident by businesses and/or members of the public going about their everyday activities. Where this falls outside of the fossicking policies in section 6, the accidental finding of pounamu needs to be accounted for so as to help build up a scientific analysis of pounamu distribution and quantities.

26. POLICY – GENERAL ACCIDENTAL DISCOVERY

Upon accidentally discovering any pounamu within the Makaawhio takiwā the finder should contact Te Rūnanga o Makaawhio as soon as possible (see Appendix E). TROM will inform Te Rūnanga o Ngāi Tahu and/or other relevant rūnaka kaitiaki if necessary.

Process

In the event that the finder considers the pounamu is at immediate risk of loss through factors such as erosion, animal damage to the site, or theft, the pounamu should be carefully covered over and/or relocated to the nearest safe ground.

7.4 DISCOVERY OF POUNAMU ARTEFACTS

Objective

To ensure that all persons who find an artefact made of pounamu are aware of how to deal with the find appropriately and are familiar with their legal responsibilities.

Background

The archaeological provisions of the Historic Places Act 1993 state that any archaeological site dating prior to 1900 cannot be modified, damaged or destroyed without the prior consent of the NZ Historic Places Trust. The presence of an artefact (including taoka pounamu or place of quarrying) automatically makes the place, including the artefacts it contains, an archaeological site. The removal of pounamu artefacts is illegal. This is the case regardless of the legal status of the land and regardless of any consent or mining permit that may have been granted. Removal of newly found pounamu artefacts could therefore result in prosecution under the Historic Places Act 1993 and/or the Protected Objects Act 1975.

The Protected Objects Act 1975 (which replaced the Antiquities Act in 2006) states that any artefact or taoka tūturu “found” anywhere in New Zealand, or within the territorial waters of New Zealand, is in the first instance the property of the Crown. Under the provisions of the Protected Objects Act, the intention is to return taoka to Māori ownership. This means that while ownership is in the first instance placed with the Crown, this is a mechanism to enable the Ministry for Culture and Heritage to notify the appropriate takata whenua, process claims for ownership, and apply through the Māori Land Court for an order confirming ownership on behalf of the actual or traditional owners.

Ownership will not usually be awarded to:

- the person who found the artefact; or,
- the landowner of the area where the artefact is found.

On occasion, in the past, erosion, land movement and developments have unearthed these taoka and they have been found accidentally, or during archaeological work, and then notified under the Antiquities Act 1975, and collected by museums. Most commonly these taoka include:

- implements such as toki (adzes), whao (small chisels) and whao whakakoaka (gouges);
- pendants, ranging from simple drop ear-rings to hei tiki; and
- mere pounamu, a hand weapon with a broad, flat blade.

27. POLICY - ARTEFACTS FOUND ON PUBLIC CONSERVATION LAND

Any artefact made of pounamu discovered or found within the takiwā of Makaawhio on lands administered by DOC should be left untouched and the local Department of Conservation and New Zealand Historic Places Trust offices should be notified immediately (see Appendix F for local offices). DOC and NZHPT will then need to notify Makaawhio and the Ministry for Culture and Heritage.

If the artefact happens to be collected it should be handed directly to the local DOC office along with all information about the find, including where it was found, when and by whom. DOC must then notify NZHPT immediately.

28. POLICY - ARTEFACTS ON ALL OTHER LAND

Any artefact made of pounamu discovered or found within the Makaawhio takiwā on all other land (for example, private property or other Crown land not administered by DOC) should be left untouched and notified immediately to the local regional museum and NZHPT. NZHPT and/or the local regional museum will in turn need to notify Te Rūnanga o Makaawhio and the Ministry for Culture and Heritage.

If the artefact happens to be collected it should be handed directly to the appropriate regional museum along with all information about the find, including where it was found, when and by whom.

Explanation

It is important to protect any taoka and the site in which it is found in order to:

- respect the associated Māori cultural values;
- ensure the heritage integrity of the site; and
- maximise any learning for future generations from the cultural heritage and heritage values.

Investigations may reveal the place to be a larger archaeological site or perhaps a burial site. It is therefore important to leave the artefact in place and undisturbed unless it is at immediate threat from loss by:

- immediate erosion;
- land movement;
- animal damage to sites; or
- theft.

Process

The implementation of this policy is reliant on the maintenance of good working relationships between DoC, NZHPT, Makaawhio and the Ministry of Culture and Heritage.

As outlined above, all finders of pounamu artefacts have legal responsibilities under the Historic Places Act and the Protected Objects Act. Ideally any pounamu found that shows any signs of working by humans should be left in place and not disturbed.

In all situations it is important to accurately record on a map, in writing and preferably with diagrams and photographs, the exact location and position of any pounamu artefact found, when it was found and by whom. This information should be provided as soon as possible to DoC, NZHPT and/or Te Rūnanga o Makaawhio representatives to assist them in relocating the artefact or find site concerned.

- If the find takes place on public conservation land, it should be notified immediately to the local DoC office which will in turn immediately notify NZHPT and Te Rūnanga o Makaawhio. Te Rūnanga o Makaawhio will then be involved in making decisions appropriate to the cultural values of the site.
- If the artefact is found on any other land it should be notified immediately to NZHPT, Te Rūnanga o Makaawhio and/or a regional museum (see Appendix F).

While leaving found artefacts in place is the ideal situation, in practice, Te Rūnanga o Makaawhio accepts and appreciates any finder of an artefact taking direct action to protect that artefact where there is a very clear and immediate risk of its loss.

- In the event the finder considers the pounamu artefact is at immediate risk of loss, it should be carefully relocated to the nearest safe ground and covered over for further attention by Te Rūnanga o Makaawhio, DoC and/or NZHPT staff. The find should be notified immediately to NZHPT, Makaawhio and, if on public conservation land, the local Department of Conservation Office.
- If the artefact is collected for some reason, such as the finder not being able to re-locate it to a safe place near the find site, the artefact along with all relevant information about the find (where it was found, when and by whom) should be handed immediately to a regional museum. Regional museums are authorised to carry out notifications under the Protected Objects Act for the Ministry of Culture and Heritage. The museums will need to take responsibility for ensuring the find is brought to the attention of NZHPT, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu. If it is more convenient, the artefact can be handed to the local DoC office, which will arrange for it to be forwarded to the appropriate museum for notification. DoC will also need to take responsibility for informing NZHPT and Te Rūnanga o Makaawhio.

7.5 PLANNING, CONCESSIONS AND OTHER ACTIVITIES WITHIN PUBLIC CONSERVATION LAND

Objective

To ensure the protection of pounamu located on public conservation land, through engaging in planning processes, permit, concession and access arrangements with DOC, so that TROM policies contained within this plan are acted on.

Background

The Ngāi Tahu Pounamu Resource Management Plan 2002 outlines the agreements that are now in place with DOC related to Te Rūnanga o Ngāi Tahu pounamu issues (see section 5.4 of the tribal plan). TROM also wishes to ensure that its specific interests as kaitiaki of pounamu in its takiwā are also represented in DOC planning documents and in DOC's dealings with individuals, organisations and businesses that may impact on its pounamu resource.

29. POLICY - DEPARTMENT OF CONSERVATION PLANS

Makaawhio will work with DOC to ensure all its kaitiaki rights in pounamu are appropriately recognised in the relevant DOC strategies, plans and policies as outlined in this plan and the Ngāi Tahu plan. The main policy areas in which TROM requires its rights as kaitiaki to be recognised in DOC plans are:

- (a) the formal recognition of the role of Makaawhio as a rūnaka kaitiaki which has the rights to control, extract, manage, use and protect pounamu within its takiwā as outlined in this plan;
- (b) through the recognition of the right to access pounamu on public conservation land in its takiwā as part of the Tribal Access Agreement (see Appendix N);
- (c) the need for references to the geological existence of pounamu in Department of Conservation plans where appropriate;
- (d) the need for historical references to be included where they do not currently exist in consultation with Makaawhio; and
- (e) references to the Ngāi Tahu (Pounamu Vesting) Act 1997 and Te Rūnanga o Makaawhio as kaitiaki and its Pounamu Resource Management Plan in all appropriate sections such as those relating to mining, customary/cultural use, research, commercial activity/concessions and in special area sections.

Process

TROM will work with the appropriate conservancies to ensure that the Department of Conservation documents include information that respects the role of both itself and Te Rūnanga o Ngāi Tahu.

The Department will also need to ensure that its staff are aware of the provisions of the Makaawhio Pounamu Resource Management Plan and its status as an iwi management plan under the RMA (see section 2.3).

Policy 29 is connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.5.1 kaupapa 7.

7.5.1 WILDERNESS AREAS

Background

Section 14 of the National Parks Act specifies that certain areas of public conservation land can be designated as “Wilderness Areas”. This Wilderness Area designation severely limits the scope of human activities in these areas.

It is of concern to Te Rūnanga o Makaawhio that the Olivine Wilderness Area gazetted in 1987 already limits its rights to access and remove pounamu if it wishes to do so. Makaawhio expects that its Treaty of Waitangi-based relationship with DOC will allow for the access to and removal of pounamu to not be unduly constrained by pre-existing Wilderness Area designations.

30. POLICY - WILDERNESS AREAS

Te Rūnanga o Makaawhio will continue to oppose any new proposals for Wilderness Areas that occur within its wāhi pounamu or any other change in the status of conservation land or other Crown land in its takiwā that could limit its rights to access and benefit from its pounamu resources. TROM will work with DOC to address ways in which Makaawhio may still be able to access and remove pounamu from existing Wilderness Areas.

7.6 DEVELOPMENTS, PERMITS AND CONCESSION ACTIVITIES WITHIN PUBLIC CONSERVATION LAND

Background

Many activities that take place within public conservation land have the potential to result in pounamu being discovered, disturbed or removed. Therefore, it is necessary to ensure DOC staff, and permit and concession holders are aware of the ownership and management of pounamu and their responsibilities if they find or disturb any pounamu.

DOC staff may be familiar with the Ngāi Tahu standard conditions that have already been used by DOC in permit and concession documents. However, from now on Te Rūnanga o Makaawhio would like their amended standard condition statements to now be used where appropriate (see Appendix H).

31. POLICY – PERMIT AND CONCESSION ACTIVITIES

TROM will work with DOC to ensure that all permit and concession activities undertaken within public conservation land with the potential to affect pounamu shall carry the amended Makaawhio Permit/Concession (Pounamu) Standard Condition (see Appendix H).

Process

Te Rūnanga o Makaawhio will engage with the Department of Conservation in line with existing processes that are already well established, for example through the Agreement for Consultation over Concessions.

32. POLICY – DOC POUNAMU ACTIVITIES (NON-PERMIT/CONCESSION)

TROM will work with DOC to ensure that DOC staff and others undertaking non-permit and concession activities with the potential to affect pounamu on public conservation land in South Westland are aware of the appropriate actions to take in relation to pounamu.

These policies are connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.5.3 kaupapa 9 and 10.

7.6.1 POUNAMU INTERPRETATION WITHIN PUBLIC CONSERVATION LAND

Background

In the past, Ngāi Tahu and Kāti Māhaki history has not always been well represented or accurately portrayed by the Department of Conservation and local tourist operators.

In respect to tourist operators who are concessionaires, it is expected that they will either use the resources provided by DOC or consult directly with TROM over any interpretation relating to pounamu within South Westland. Makaawhio reserves the right to charge for the time it takes to put the interpretation together and to negotiate the ownership of its intellectual property. Te Rūnanga o Makaawhio also reserves the right not to provide information if it so decides.

33. POLICY - DOC AND CONCESSIONAIRE POUNAMU INTERPRETATION

Makaawhio will work with DOC to ensure the consistent application and monitoring of the Makaawhio Pounamu Interpretation Standard Condition (see Appendix I).

Process

In respect to concessionaires, TROM will work with DOC through existing established processes to ensure the consistent application and monitoring of the standard pounamu interpretation conditions on concessions.

TROM will work with the appropriate DOC conservancies through existing established processes to ensure that all interpretations relating to pounamu in its takiwā meet the Makaawhio pounamu interpretation standard conditions.

These policies are connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.5.4 kaupapa 11 and 12 and have been amended for the Makaawhio plan.

7.7 MAKAAWHIO POUNAMU EXPORT PROHIBITION

Objective

- To support the maintenance of the prohibition on the export of raw pounamu from South Westland out of New Zealand in its natural state, which is designed to protect the economic, spiritual and cultural values of pounamu from being undermined through being taken and/or worked overseas in a way that is inappropriate to the traditions that are important to Kāti Māhaki and Ngāi Tahu.
- To protect the uniqueness and valued status of South Westland pounamu from being undermined through uncontrolled exportation.
- To manage pounamu that is seized under the Export Prohibition Order and to assess pounamu exports applied for in special circumstances or where an export meets the conditions of the order.

Background

Pounamu is a mineral unique to New Zealand because of the way it has been created, identified, named, used and traded. Although nephrite exists in other parts of the world, none have the same whakapapa, history or names as pounamu. Further, pounamu has a unique geological history, is of a finite nature, and has high economic, spiritual and cultural values. While working and trading pounamu are an important part of the values associated with pounamu, so too is the protection of spiritual and cultural values.

In order to protect the uniqueness and valued status of pounamu not just to Kāti Māhaki and Ngāi Tahu, but to

Māori and all New Zealanders, Te Rūnanga o Makaawhio supports the existence of a Customs Export Prohibition Order over pounamu to limit exportation and allow pounamu to be used, enjoyed and have value added to it in New Zealand before going overseas.

The Customs Export Prohibition Order 2008 and its amendments are created under the Customs and Excise Act 1996 and are administered by the New Zealand Customs Service. The order prohibits the exportation of any raw pounamu over five kilograms in total weight. Crafted articles, such as jewellery, are exempt and can be taken overseas. The order, which has been in place since 1947, is reviewed every three years.

This policy is connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.6 kaupapa 13 and has been amended for the purposes of the Makaawhio plan.

34. POLICY – EXPORT PROHIBITION

All exportation of pounamu from New Zealand needs to be consistent with the Customs Export Prohibition Order 2008 and its amendments. Te Rūnanga o Makaawhio does not support the export, without its prior approval, of raw natural pounamu sourced from its takiwā.

Process

The Minister of Customs has the final decision on the export of pounamu and on the approval of any application (see Appendix J for details).

If you are in doubt about whether a piece of pounamu to be taken overseas meets the conditions of the order, you should contact New Zealand Customs.

7.8 EXTERNAL RESEARCH POLICY

Objective

To provide policy and guidance for those wanting to undertake research on pounamu, and/or within subject areas and locations that may affect pounamu within the takiwā of Te Rūnanga o Makaawhio.

Background

This will affect universities, Crown Research Institutes, private researchers, consultants and individuals who want to undertake research on and about pounamu as well as within subject areas and locations that affect pounamu.

Often this occurs without recognition of the legal rights and traditions of rūnaka kaitiaki. This can have a detrimental impact on cultural, intellectual and private property rights.

35. POLICY - EXTERNAL RESEARCH

All research on pounamu within the Makaawhio takiwā can only be undertaken with the prior approval of Te Rūnanga o Makaawhio.

Process

All those who want to carry out research on pounamu in the Makaawhio takiwā should contact TROM in the initial planning stages of their research. TROM will keep Te Rūnanga o Ngāi Tahu and the Department of Conservation informed of any research proposals where necessary.

This policy is connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.7 kaupapa 14 and has been amended for the purposes of the Makaawhio plan.

7.9 LOCAL GOVERNMENT PLANNING AFFECTING POUNAMU

Objective

To ensure that the ownership of pounamu by Te Rūnanga o Ngāi Tahu and the kaitiaki rights of Te Rūnanga o Makaawhio over pounamu are appropriately recognised in plans, policy statements and consent processing by regional and district councils within the Makaawhio takiwā (see section 1.2).

Background

Activities that involve extraction, excavation and earthworks such as mining and building developments within areas where pounamu is known to occur have the potential to disturb and unearth pounamu. These activities are administered by regional and district councils under the Resource Management Act (RMA) through plans and resource consents.

It is important that plans, policy statements and resource consents recognise that some activities may disturb pounamu and that the rights of Makaawhio and Ngāi Tahu need to be protected. In particular, provision should be made within plans and policy statements or resource consent activities to meet the requirements of Part II of the Resource Management Act 1991, in particular sections 6(e) and (g), 7(a) and 8 as well as recognition of this plan as an iwi management plan for the purposes of preparing or changing any plans or policy statements under sections 61 (2A), 66 (2A) and 74 (2A) (see section 2.3).

These policies are connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.8 kaupapa 15 and 16 and have been amended to include the interests of Makaawhio.

36. POLICY - LOCAL GOVERNMENT PLANNING

The relevant regional and district councils must take into account this pounamu resource management plan as a recognised iwi management plan under the RMA sections 61, 66 and 74 (see section 2.3 of this plan). All district and regional plans and policy statements will need to contain appropriate provisions in relation to the potential impact from land use activities and developments on pounamu.

Process

Local government councils will need to actively consult with Makaawhio and Te Rūnanga o Ngāi Tahu so they can take into account this plan where necessary in their planning activities. This should be done as soon as possible, and/or at the first review of any policy statements and plans, after the release date of this plan.

Variations and/or plan changes may be sought where current policy statement and plan provisions are found to be problematic or inadequate in relation to the protection of pounamu in the Makaawhio takiwā.

37. POLICY – LOCAL GOVERNMENT AUTHORITY CONSENT POLICY

There is a well-established process for the referral of consent applications to TROM from local government authorities. Local government authorities need to continue to assist Makaawhio to protect its interests in pounamu, by informing TROM on a regular basis of the RMA consent applications that have the potential to affect its pounamu resource.

Process

The relevant regional and district councils need to work with Makaawhio to identify what conditions could be attached to resource consents to avoid, remedy or mitigate any adverse environmental effects on the discovery or disturbance of pounamu by certain activities. For example, under section 5.6 the removal of sand and shingle from wāhi pounamu could incur a charge, depending on the quantity of pounamu mixed in with the sand and shingle.

The Westland District Council has agreed to notify Te Rūnanga o Makaawhio of any applications for resource consents that might affect pounamu and to make it a condition of any consent that TROM rights to pounamu are to be respected.

Where Makaawhio considers an application or activity may disturb pounamu, the relevant council will be advised of this and appropriate resource consent conditions to avoid, remedy or mitigate any adverse effects on pounamu may be sought. Te Rūnanga o Ngāi Tahu will be kept informed where appropriate.

7.10 LEGAL ACTION AND PENALTIES FOR THEFT OF POUNAMU

Objective

To uphold the legal rights and mana of Te Rūnanga o Ngāi Tahu and Te Rūnanga o Makaawhio over pounamu by taking legal action against those who illegally take and/or possess pounamu from South Westland.

Explanation

The taking of pounamu from its natural state in the environment outside of the policy and rules in this plan and the tribal plan is theft and as such is an offence against the Crimes Act 1961. TROM and TRONT maintain an excellent relationship with the New Zealand Police and will work with them on cases where sufficient evidence demonstrates that there is a high probability that theft has taken place. The maximum penalty for theft under the Crimes Act 1961, including theft of pounamu, is imprisonment for a term not exceeding seven years.

The unlawful possession of stolen pounamu is also an offence. People are guilty of receiving when they come into possession of any property that has been stolen or obtained by any other crime knowing that the property has been stolen, or so obtained, or being reckless as to whether or not the property has been stolen or so obtained (Crimes Act 1961, section 246).

38. POLICY – LEGAL OPTIONS AGAINST STOLEN POUNAMU

Any taking of naturally occurring pounamu in the Te Rūnanga o Makaawhio takiwā that has not been authorised through a policy contained within this plan or directly by TROM is illegal (see sections 4, 5 and 6). Makaawhio will work with the New Zealand Police and Te Rūnanga o Ngāi Tahu to take appropriate legal action when there is evidence of criminal activity or the conversion of private property. Options include supporting a prosecution for theft under the Crimes Act and/or suing offenders for conversion through the civil court process.

Process

Makaawhio will work with the Ngāi Tahu Taoka Development and Makaawhio Taoka Protection Officer and the police where criminal activity is suspected and will support the gathering of evidence sufficient to support an investigation and/or prosecution by the police.

Te Rūnanga o Makaawhio also acknowledges its right to pursue civil action through the courts if it deems it to be necessary.

This policy is connected to the Ngāi Tahu Pounamu Resource Management Plan 2002 section 5.9 kaupapa 17 and has been amended for the purposes of the Makaawhio plan.

7.11 PUBLIC INFORMATION ON STOLEN POUNAMU

Explanation

From time to time, there has been claims coming to the attention of Kāti Māhaki that pounamu is being stolen from the South Westland region. The veracity of these claims will need to be investigated to ascertain the facts around the claims being made.

39. POLICY – INFORMATION TO PROTECT POUNAMU

Te Rūnanga o Makaawhio will encourage people to come forward with information that can lead to the successful prosecution of people engaged in the illegal extraction, receiving and/or trading of pounamu.

Process

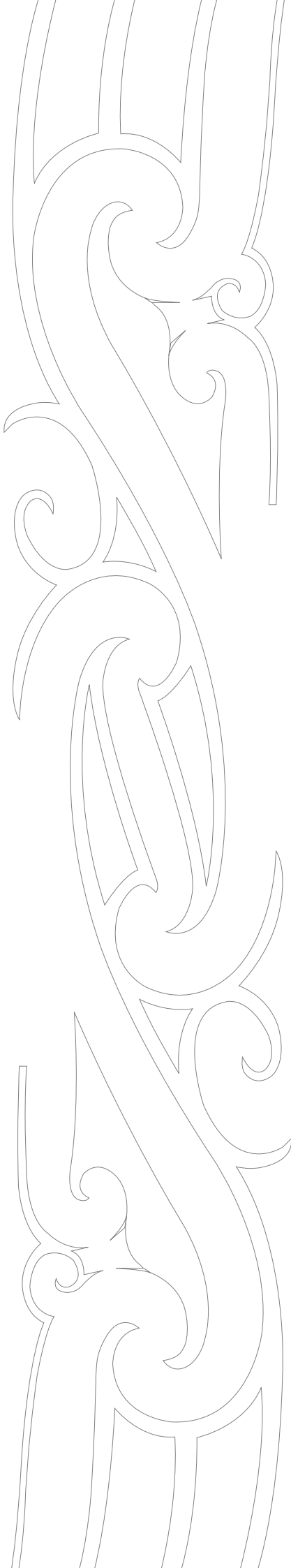
A free call phone number and email address will be set up to allow for the confidential passing on of information to the Makaawhio Taoka Protection Officer (see Appendix E). In the interests of a successful outcome, and to protect the source of the information, the strictest confidentiality will apply at all times.

When information is received concerning the theft and/or unlawful receiving and/or conversion of pounamu taken from within the Makaawhio takiwā, the matter will be referred for assessment and investigation by the investigation unit engaged by Te Rūnanga o Ngāi Tahu.

Occasional publicity campaigns and public education will be organised by the Makaawhio Taoka Protection Officer and where possible with TRONT (see section 4.3). Any reward(s) for helping bring about a successful prosecution(s) will only be considered in circumstances deemed appropriate by Makaawhio in consultation with the Police.

A pounamu boulder sits in the water at Kā Umu o Hapopo (Big Bay). Big Bay is a significant historical pounamu working site and one of the areas where legitimate mining licenses to extract pounamu were granted in the 1980s and 90s.





Section 8

Plan Review & Dispute Resolution Processes

IN THIS SECTION

- Plan Monitoring
- Non-Material Changes
- Initiated Review
- Formal Review
- Dispute Resolution

Section cover photo courtesy of Terry Scott (Kāti Māhaki).

8. Plan Review and Dispute Resolution Process

8.1 PLAN MONITORING

This plan will be monitored to assess the effectiveness, adoption and implementation of the policies outlined herein. Monitoring will be carried out by Te Rūnanga o Makaawhio and Kōmiti Pounamu. Where monitoring establishes the need to make changes to the plan, this will be done by following the review processes outlined below.

8.1.1 NON-MATERIAL CHANGES

From time to time it may be necessary to make non-material changes to the plan such as spelling, grammar and clarification amendments.

Such changes may be notified and/or brought to the attention of the Kōmiti Pounamu, who will assess the proposed change and make recommendations to the Executive Committee of TROM, who can then approve the appropriate amendments.

If the proposed amendment will materially affect the objectives or policies expressed in the plan, Makaawhio will, following consultation with TRONT, make the change on the master plan and issue an amendment to all those with a copy of the plan.

8.1.2 INITIATED REVIEW

Te Rūnanga o Makaawhio may at any time request a review and/or amendment, in whole or in part, of the management plan.

Requests for a full review and/or change of part or parts of the plan due to unworkability or a change of conditions should be made to the Kōmiti Pounamu of Te Rūnanga o Makaawhio in writing. Requests will not be considered within the first 12 months following the first release of this plan or within 12 months of any subsequent review.

Upon receiving the request, the Kōmiti Pounamu will assess the proposed review and/or amendment and facilitate the creation of a decision paper to be submitted to Te Rūnanga o Makaawhio.

Upon the issuing of a decision from Makaawhio, after appropriate consultation with TRONT, the Kōmiti Pounamu will make the appropriate change to the master plan and issue such amendment to all those with a registered copy of the plan.

8.1.3 FORMAL REVIEW

The first full review of the Makaawhio Pounamu Resource Management Plan will be initiated 12 months after the ratification of this plan by both Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu. The next review will be two years after the completion of the first review and subsequently every five years after that.

TROM can extend review dates in consultation with the Kōmiti Pounamu. Both parties will ascertain the need for a formal review in February of the year before the formal review is due. The Kōmiti Pounamu will notify Te Rūnanga o Makaawhio in writing and call for submissions on amendments to the plan. If it is decided a review is required, the Kōmiti Pounamu will work with TROM to undertake the review.

The formal review will involve the creation of an information document outlining proposed amendments. This will be presented and discussed at consultation hui and Kāti Māhaki members will also be able to provide written submissions on the proposed changes. From the consultation and submissions, the Kōmiti Pounamu will create a decision paper containing the final amendments to be submitted to the Executive Committee of Te Rūnanga o Makaawhio.

Upon the issuing of a decision from the Executive Committee, the Makaawhio Pounamu Kōmiti will make the appropriate change to the master plan and issue such amendment to all those with a registered copy of the plan.

8.2 DISPUTE RESOLUTION

Objective

To provide a non-litigious process for resolving disputes between Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu and/or other rūnaka kaitiaki where those disputes arise from issues covered in the Makaawhio Pounamu Resource Management Plan.

Background

Makaawhio and Ngāi Tahu may dispute the contents and implementation of both this document and the Ngāi Tahu Pounamu Resource Management Plan. There could also be disputes between Te Rūnanga o Makaawhio and other rūnaka kaitiaki where there are shared interests covered in this plan (see section 1.4).

40. POLICY - DISPUTE RESOLUTION (NGĀI TAHU)

Any dispute arising from this plan between Makaawhio and Ngāi Tahu shall in the first instance be discussed between appointed representatives of the two parties.

If agreement cannot be reached, mediation will need to take place through a mediator appointed by agreement between TROM and TRONT.

If an agreed position is not reached, then the Executive Committee of Te Rūnanga o Makaawhio will take any action it deems reasonable to positively resolve the disagreement.

41. POLICY - DISPUTE RESOLUTION (RŪNAKA KAITIAKI)

Any dispute arising from this Makaawhio Pounamu Resource Management Plan, between Te Rūnanga o Makaawhio and any one of the rūnaka kaitiaki (see Appendix A), shall in the first instance be discussed between appointed representatives of the two parties.

If agreement cannot be reached in this way, then mediation will need to take place through a mediator appointed by agreement between TROM and the rūnaka kaitiaki concerned.

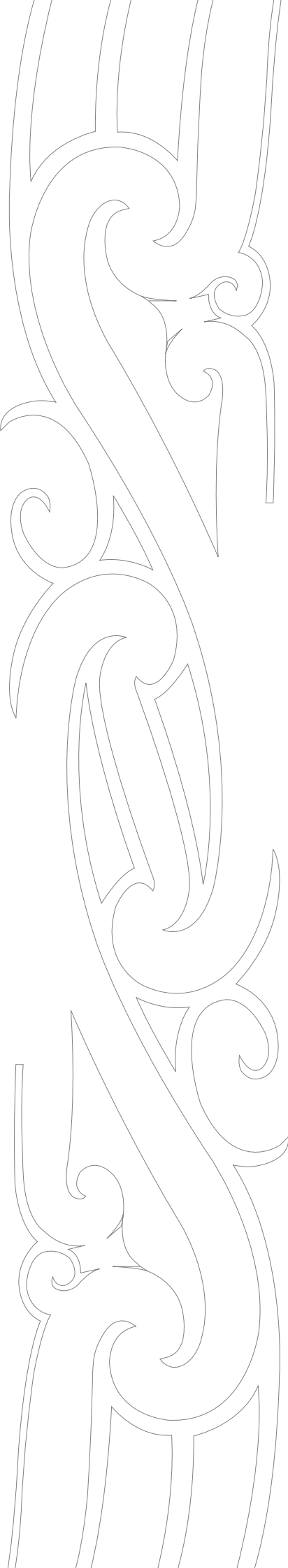
If an agreed position is not reached, then the Executive Committee of Te Rūnanga o Makaawhio will take any action it deems reasonable to positively resolve the disagreement.

Process

If the parties to a dispute concerning this document and/or active implementation of the policies it contains cannot resolve the dispute, each party can agree to appoint a single mediator who can work with the parties to resolve the dispute. The mediator should have expertise and/or experience in customary rights issues, resource management and/or pounamu management and/or conflict resolution. The mediator should have legal training and/or commercial training that provides a sufficient amount of skill, knowledge and integrity for mediating such disputes.

**A pounamu boulder sitting exposed on
Katake (Cascade Plateau).**





Appendices

IN THIS SECTION

- Appendix A – Papatipu Rūnaka and Rūnaka Kaitiaki
- Appendix B – Policy Summary
- Appendix C – Membership of Te Rūnanga o Makaawhio
- Appendix D – Pounamu Accidental Discovery Protocol
- Appendix E – Pounamu Management Contact Details
- Appendix F – Contact Details for Regional Museums, Department of Conservation Offices and New Zealand Historic Places Trust Office
- Appendix G – Makaawhio Mining Access (Pounamu) Standard Condition
- Appendix H – Makaawhio Permit/Concession (Pounamu) Standard Condition
- Appendix I – Makaawhio Pounamu Interpretation Standard Condition
- Appendix J – Export Approval Process
- Appendix K – Scientific Factors in Pounamu Sustainability
- Appendix L – Template for the Notification of Rāhui Areas
- Appendix M – Pounamu on Public Conservation Land
- Appendix N – Tribal Access Arrangement
- Appendix O – Glossary of Te Reo Māori Terms
- Appendix P – Amendments

Section Cover Photo courtesy of Terry Scott (Kāti Māhaki).

Appendix A

Papatipu Rūnaka and Rūnaka Kaitiaki

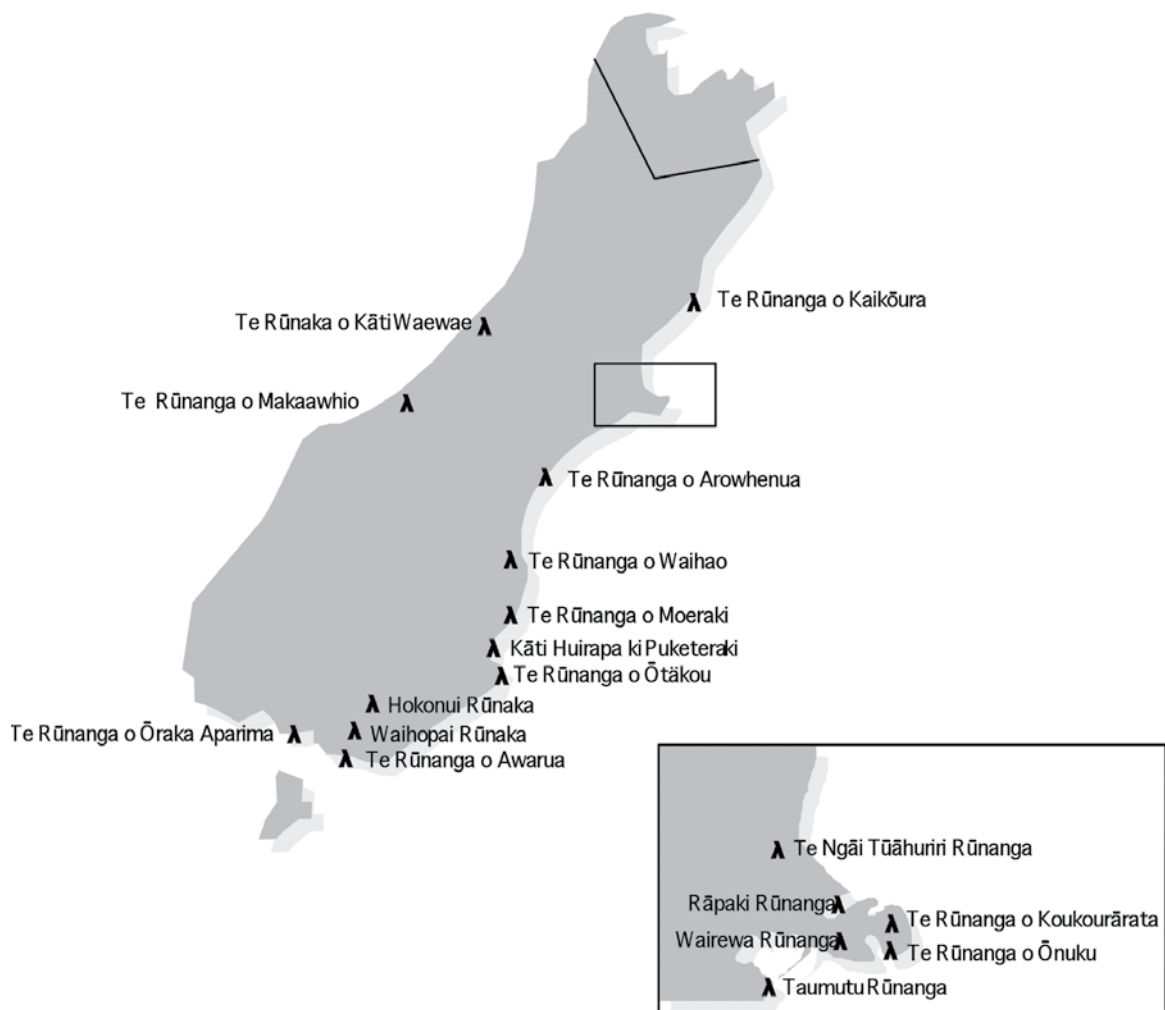
Eighteen papatipu rūnaka make up Te Rūnanga o Ngāi Tahu.

While the passing of the Ngāi Tahu (Pounamu Vesting) Act in 1997 made pounamu a private mineral resource owned by Te Rūnanga o Ngāi Tahu, kaitiakitaka (guardianship) has been passed over to rūnaka kaitiaki who have a traditional guardianship relationship to particular pounamu areas.

Rūnaka kaitiaki or, in the case of the Otago and Murihiku region, a cluster of rūnaka kaitiaki are responsible for the management, extraction and protection of pounamu in their takiwā.

The rūnaka kaitiaki are:

- Te Rūnanga o Makaawhio;
- Te Rūnanga o Kāti Waewae;
- combined Murihiku Rūnaka: Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua, Waihopai Rūnaka and Hokonui Rūnaka; and
- combined Otago Rūnaka: Te Rūnanga o Moeraki, Kāti Huirapa ki Puketeraki and Te Rūnanga o Ōtākou.



Appendix B

Summary of Policies

1. POLICY – COMMITMENT TO SCIENTIFIC ASSESSMENT OF POUNAMU

Te Rūnanga o Makaawhio is committed to initiating and helping sustain a long-term programme of scientific research and enquiry into quantifying the quantity and quality of pounamu resources within its takiwā. Existing first-hand knowledge and experience from people will also be utilised. The knowledge gained from this holistic assessment of pounamu resources will help guide TROM in protecting and utilising pounamu on a scientific basis for the benefit of *“Mō tātou, ā, mō kā uri ā muri ake nei”*.

2. POLICY – PRINCIPLES OF SUSTAINABLE MANAGEMENT

Sustainable management of a pounamu resource which is for the most part finite and limited will, in the short term, require a multi-faceted approach. The key principles in the sustainable management of pounamu for this resource management plan are:

- a) Scientific Research – Develop and carry out a long-term scientific programme of research into the locations, quantity and quality of pounamu resources in wāhi pounamu. This will be carried out in conjunction with qualified and experienced scientists, for example in partnership with GNS Science.
- b) Monitoring – Monitor the in situ resource and the trade in pounamu to ensure compliance with this resource management plan.
- c) Control of Fossicking and customary collection – Ensure Kāti Māhaki members and the general public exercise their fossicking and customary collection rights in a lawful and sustainable manner.
- d) Control of Commercial and Customary Extraction – Allow for the extraction of an appropriate amount that will also allow for the needs of future generations.
- e) Control of Supply - Control supply through management of the Makaawhio-owned pounamu company, fossicking rules, rāhui, sales, stock control, advertising, and assessment of demand for pounamu.
- f) Positive Community Relations - Achieve positive community relations through education, brochures, publicity and presentations etc.
- g) Memorandum of Understandings – Develop Memorandums of Understanding with DOC, local and regional councils, New Zealand Police, TRONT and other rūnaka kaitiaki.
- h) Protection – Develop innovative solutions for the protection of pounamu; for example, create databases on chemical and isotope analysis for mapping of pounamu types and locations, satellite mapping, GPS locator beacons in valuable stone, appropriate applications of nanotechnology.
- i) Legal action – Makaawhio will take whatever legal action it deems necessary for the protection of pounamu in its takiwā.

3. POLICY – EXECUTIVE COMMITTEE OF TE RŪNANGA O MAKAAWHIO

The Executive Committee of Te Rūnanga o Makaawhio has the ultimate authority to decide upon all plans, policies, rules, control, management, use, extraction and protection of pounamu within its takiwā (see sections 1.2, 1.3 and 2.3).

4. POLICY – ROLE OF KŌMITI POUNAMU

Kōmiti Pounamu is a subcommittee of Te Rūnanga o Makaawhio. While Kōmiti Pounamu is mandated to deal with pounamu issues, it must do so in a way that is consistent with this plan and the intentions of the Executive Committee of TROM. It must report regularly to the Executive Committee.

In the first instance, Kōmiti Pounamu will deal with all issues around the implementation, reviews, amendments and ongoing functioning of this resource management plan. The Kōmiti can also authorise the taking of pounamu for customary purposes with the approval of the Executive Committee (see section 6.4). The Kōmiti will actively work with the Makaawhio Taoka Protection Officer.

5. POLICY – MAKAAWHIO TAOKA PROTECTION OFFICER

The Makaawhio Taoka Protection Officer will have the day-to-day responsibility of implementing this plan. They will report regularly to the Kōmiti Pounamu and will follow its guidance. When necessary they will also report to the Executive Committee. They will monitor and audit the operations of any Makaawhio pounamu company to ensure that it complies with its operating mandate from TROM and this resource management plan. They will also spearhead the general protection of pounamu in the natural environment through working with other relevant organisations, monitoring and ensuring compliance with this plan. They will consult with TRONT and in particular the Ngāi Tahu Taoka Development and Pounamu Protection Officer to ensure that there is an effective prioritisation of the work to be carried out.

Other key areas in which the Makaawhio Taoka Protection Officer will be expected to work are:

- a) promoting the protection of pounamu within the Makaawhio takiwā (see section 7.11);
- b) being proactive in maintaining a positive profile in local communities;
- c) maintaining and strengthening an ongoing relationship with DOC;
- d) maintaining and strengthening ongoing relationships with New Zealand Police, helicopter operators, New Zealand Customs and concession holders, in consultation with TRONT;
- e) helping to develop a Memorandum of Understanding with TRONT, DOC, local government, other rūnaka kaitiaki and New Zealand Police to protect pounamu from theft and conversion;
- f) being involved with organising routine flyovers of pounamu areas to check on activity in wāhi pounamu;
- g) being involved in regular inspections of roadways and tracks in pounamu areas within the takiwā;
- h) supporting Kāti Māhaki whānau to be actively involved in protection measures;
- i) working with key people in the local community to stop the illegal extraction of South Westland pounamu; and
- j) helping to develop innovative solutions for the protection of pounamu.

6. POLICY - RĀHUI

From time to time Makaawhio may put in place a rāhui on certain areas and/or practices preventing or limiting fossicking, customary collection and/or commercial and/or extraction of pounamu.

7. POLICY – POUNAMU HERITAGE PROTECTION AREAS

Te Rūnanga o Makaawhio, in consultation with Kāti Māhaki members, Ngāi Tahu, pounamu experts and scientists, will identify occurrences of pounamu within its takiwā to be assessed for potential preservation. This assessment will look at pounamu areas that might have national or international geological and cultural importance; for example, areas and types of pounamu that are of interest are:

- in situ sites geologically important to the understanding of the formation of nephrite;
- historically important areas to Kāti Māhaki; or
- exceptionally beautiful or large examples of pounamu.

8. POLICY – PROMOTION OF POUNAMU SKILLS

Te Rūnanga o Makaawhio will ensure that resources are found for the holding of wānaka pounamu where Kāti Māhaki members, in the first instance, can learn about the history, geology, identification, carving and artistic expression in the use of pounamu. This will be done in a way that teaches respect for the sustainability of the resource and the passing on and development of traditional and contemporary skills in working with pounamu.

9. POLICY – KAITIAKITAKA RIGHTS TO POUNAMU

All rights to control, manage and extract pounamu within the Makaawhio takiwā rests exclusively in Te Rūnanga o Makaawhio (see sections 1.2, 1.3 and 1.4).

10. POLICY – KĀTI MĀHAKI AREAS FOR COLLECTING POUNAMU

Direct descendants of Kāti Māhaki and their immediate whānau can collect pounamu within the Makaawhio takiwā in these locations (see section 1.4):

- a) On beaches below the mean high water spring tide mark to the sea water's edge; and
- b) In and along rivers, estuaries and lagoons (but not within 10 metres of whitebait stands in the season); and
- c) Within the public conservation land as per the Tribal Access Arrangement outlined in Appendix N; and
- d) To all other land, providing access with the landowner has been arranged prior to collecting pounamu.

The conditions for direct descendants of Kāti Māhaki and their immediate whānau in customary collection are:

- a) Customary collection is limited to what an individual can carry on their person either by hand or bag/backpack, and is limited to one such take in any 24-hour period.
- b) The immediate whānau of Kāti Māhaki can only collect pounamu in the areas specified in policy 11 when they are physically accompanied by their partner or parent who is a direct descendant of Kāti Māhaki (see section 5.2.1).
- c) The pounamu must not be cut, hacked or in any other way broken off or removed from larger pounamu stones in situ in the environment.
- d) The use of diamond saws and other mechanical means of extracting and cutting pounamu is strictly prohibited, for example hand tools, motorised tools, winches and cranes attached to vehicles/boats etc.
- e) The use of helicopters in customary collection for pounamu is strictly prohibited.
- f) Customary collection must not disturb the environment in more than a minor way to ensure that conservation values are protected at all times.
- g) Any policies and rules associated with rāhui or Pounamu Heritage Protection Areas as designated by Makaawhio must be complied with (see sections 4.4 and 4.5). It is the individual's responsibility to inform themselves of rāhui or Pounamu Heritage Protection Areas.
- h) A member of Kāti Māhaki can apply to TROM in writing for permission for a temporary variation or waiver of the above rules.

11. POLICY – KĀTI MĀHAKI MEMBERS' IMMEDIATE WHĀNAU

The immediate whānau of Kāti Māhaki members who are not members of Kāti Māhaki by descent are, for the purposes of this plan, defined as the partner of the member, whether by marriage, civil union or de facto, and all their collective children, whether by descent, adoption or whāngai.

This policy and section 5.2 no longer apply to the non-Kāti Māhaki person once the couple have separated or divorced or the Kāti Māhaki partner of the non-member dies.

12. POLICY – CUSTOMARY RIGHTS NON-TRANSFERABLE

Under no circumstance or in any way can a member of Kāti Māhaki or any of their immediate whānau transfer their customary rights to another person.

13. POLICY - PUBLIC BEACH FOSSICKING

The fossicking for pounamu by the general public is allowed on West Coast beaches below the mean high water spring tide mark to the sea water's edge. The beach area in the Makaawhio takiwā this covers is from the south bank of the Hokitika River to Okare/Hollyford River. This is in line with the Ngāi Tahu Pounamu Resource Management Plan 2002.

Fossicking for pounamu by the general public is not allowed in or along rivers, estuaries, lagoons or any other part of the Makaawhio takiwā (refer to Map 1).

The following rules must be strictly observed when fossicking for pounamu under this policy:

- a) Fossicking on beaches is limited to what an individual can carry on their person either by hand or bag/backpack, and is limited to one such take in any 24-hour period.
- b) The pounamu must not be cut, hacked or in any other way broken off or removed from larger pounamu stones in situ in the environment.
- c) The use of diamond saws and other mechanical means of extracting and cutting pounamu on beaches is strictly prohibited, for example hand tools, motorised tools, winches and cranes attached to vehicles/boats etc.
- d) The use of helicopters in fossicking for pounamu is strictly prohibited.
- e) Any policies and rules associated with rāhui or Pounamu Heritage Protection Areas as designated by Te Rūnanga o Makaawhio must be complied with (see sections 4.4 and 4.5). It is the individual's responsibility to inform themselves of rāhui or Pounamu Heritage Protection Areas.

14. POLICY – FOSSICKING BY NGĀI TAHU WHĀNUI

Ngāi Tahu Whānui are welcome to exercise the right to fossick as outlined in section 5.3 on the beaches of the West Coast. However, if a Ngāi Tahu Whānui member wants to collect pounamu in any other area of the takiwā of Te Rūnanga o Makaawhio (see section 1.2) then they will need to get written permission from Makaawhio. TROM reserves the right to accompany any Ngāi Tahu Whānui granted a permit to collect pounamu under this policy.

15. POLICY – FOSSICKING BY NGĀ MATĀ WAKA

Ngā Matā Waka (non-Ngāi Tahu Māori) are welcome to exercise the right to fossick on the beaches of Te Tai o Poutini (the West Coast) as outlined in the Ngāi Tahu Pounamu Resource Management Plan 2002. However, there is no collection right granted for Ngā Matā Waka outside of the West Coast beaches.

16. POLICY – SHINGLE AND SAND EXTRACTION IN WĀHI POUNAMU

Shingle and sand should not be removed from any wāhi pounamu which Makaawhio has an interest in (see sections 1.2 and 1.4) without prior permission being given by Te Rūnanga o Makaawhio. A commercial charge may apply depending on the likely amount of pounamu that could be caught up in any extraction of shingle and sand.

17. POLICY – OVERALL EXTRACTION QUANTITY

Makaawhio will set the amount of pounamu that will be made available to extract for commercial and customary purposes and the areas it may be taken from. The amount made available will be based on the need to protect the resource for future generations (see section 4).

18. POLICY – POUNAMU RIGHTS STAY WITH MAKAAWHIO

Te Rūnanga o Makaawhio asserts its kaitiakitaka rights to manage, control, protect and use all pounamu that is extracted, stored, processed, distributed and sold on its behalf by any company owned by the Rūnanga or its charitable company Kāti Māhaki Ki Makaawhio Ltd.

19. POLICY – ENVIRONMENTAL SUSTAINABILITY

In carrying out any extraction of pounamu, the company will ensure environmental sustainability by implementing the following strategies:

- a) Only extracting the quantity of pounamu it is mandated to do so by Te Rūnanga o Makaawhio.
- b) Only removing pounamu from areas from which it is specifically mandated to do so by Makaawhio.
- c) Protecting the environment by avoiding, remedying and mitigating any environmental effects from the extraction of pounamu.
- d) Protecting conservation values specific to the Department of Conservation policies and plans.
- e) Complying with all relevant environmental protection laws, for example the Resource Management Act, the

Conservation Act and local government plans.

20. POLICY – SUPPLY OF CUSTOMARY POUNAMU

The pounamu company owned by Te Rūnanga o Makaawhio or its charitable company Kāti Māhaki Ki Makaawhio Ltd will provide at no cost pounamu to Makaawhio when requested to do so. TROM will also supply pounamu for customary purposes to Te Rūnanga o Ngāi Tahu.

21. POLICY – MAKAAWHIO TRADEMARK

Te Rūnanga o Makaawhio will develop its own trademark to distinguish pounamu sourced from its takiwā and will work with Te Rūnanga o Ngāi Tahu and other rūnaka kaitiaki to ensure consistency in the use of trademark/s on pounamu.

22. POLICY – CERTIFICATION FOR TRADEMARK IMPLEMENTATION

The Makaawhio pounamu company will use the Makaawhio Pounamu trademark. All commercial carvers and retailers of pounamu who want to buy pounamu from the company will have to register and agree to have their pounamu stocks certified as being from legitimate sources. This trademark certification system will help to track all the pounamu the company sells and the people it sells it to.

23. POLICY – MINING ACCESS ARRANGEMENTS ON PRIVATE LAND

All Crown mineral permit holders who prospect, mine or explore on private land where pounamu is known to occur within the Makaawhio takiwā will also require a mineral access arrangement with TROM (see section 2.3).

24. POLICY – MINING ACCESS ARRANGEMENTS ON CROWN LAND

Crown Minerals and TRONT need to consult with Te Rūnanga o Makaawhio about all Crown mineral permit holders who prospect, mine or explore on Crown land where pounamu is known to occur within the Makaawhio takiwā. Crown Minerals needs to recognise the rights of TROM as kaitiaki over pounamu as outlined in this resource management plan and consult with it on any activities that might impinge on these rights (see Appendix G).

25. POLICY – MINING BY-PRODUCT AND ACCIDENTAL DISCOVERY

Any pounamu that may be discovered as a by-product or accident of mining and other activities within the Makaawhio takiwā, regardless of size, should not be removed without Makaawhio authorisation. Anyone who finds pounamu as a by-product of mining or by accident should contact the Makaawhio office, which will then pass on any relevant information, if necessary, to TRONT and/or other relevant rūnaka kaitiaki. It may also contact the landowner, DOC or the New Zealand Historic Places Trust if necessary.

26. POLICY – GENERAL ACCIDENTAL DISCOVERY

Upon accidentally discovering any pounamu within the Makaawhio takiwā the finder should contact Te Rūnanga o Makaawhio as soon as possible (see Appendix E). TROM will inform Te Rūnanga o Ngāi Tahu and/or other relevant rūnaka kaitiaki if necessary.

27. POLICY - ARTEFACTS FOUND ON PUBLIC CONSERVATION LAND

Any artefact made of pounamu discovered or found within the takiwā of Makaawhio on lands administered by DOC should be left untouched and the local Department of Conservation and New Zealand Historic Places Trust offices should be notified immediately (see Appendix F for local offices). DOC and NZHPT will then need to notify Makaawhio and the Ministry for Culture and Heritage.

28. POLICY - ARTEFACTS ON ALL OTHER LAND

Any artefact made of pounamu discovered or found within the Makaawhio takiwā on all other land (for example, private property or other Crown land not administered by DOC) should be left untouched and notified immediately to the local regional museum and NZHPT. NZHPT and/or the local regional museum will in turn need to notify Te Rūnanga o Makaawhio and the Ministry for Culture and Heritage.

29. POLICY - DEPARTMENT OF CONSERVATION PLANS

Makaawhio will work with DOC to ensure all its kaitiaki rights in pounamu are appropriately recognised in the relevant DOC strategies, plans and policies as outlined in this plan and the Ngāi Tahu plan. The main policy areas in which TROM

requires its rights as kaitiaki to be recognised in DOC plans are:

- a) the formal recognition of the role of Makaawhio as a rūnaka kaitiaki which has the rights to control, extract, manage, use and protect pounamu within its takiwā as outlined in this plan;
- b) through the recognition of the right to access pounamu on public conservation land in its takiwā as part of the Tribal Access Agreement (see Appendix N);
- c) the need for references to the geological existence of pounamu in Department of Conservation plans where appropriate;
- d) the need for historical references to be included where they do not currently exist in consultation with Makaawhio; and
- e) references to the Ngāi Tahu (Pounamu Vesting) Act 1997 and Te Rūnanga o Makaawhio as kaitiaki and its Pounamu Resource Management Plan in all appropriate sections such as those relating to mining, customary/cultural use, research, commercial activity/concessions and in special area sections.

30. POLICY - WILDERNESS AREAS

Te Rūnanga o Makaawhio will continue to oppose any new proposals for Wilderness Areas that occur within its wāhi pounamu or any other change in the status of conservation land or other Crown land in its takiwā that could limit its rights to access and benefit from its pounamu resources. TROM will work with DOC to address ways in which Makaawhio may still be able to access and remove pounamu from existing Wilderness Areas.

31. POLICY – PERMIT AND CONCESSION ACTIVITIES

TROM will work with DOC to ensure that all permit and concession activities undertaken within public conservation land with the potential to affect pounamu shall carry the amended Makaawhio Permit/Concession (Pounamu) Standard Condition (see Appendix H).

32. POLICY – DOC POUNAMU ACTIVITIES (NON-PERMIT/CONCESSION)

TROM will work with DOC to ensure that DOC staff and others undertaking non-permit and concession activities with the potential to affect pounamu on the public conservation land in South Westland are aware of the appropriate actions to take in relation to pounamu.

33. POLICY - DOC AND CONCESSIONAIRE POUNAMU INTERPRETATION

Makaawhio will work with DOC to ensure the consistent application and monitoring of the Makaawhio Pounamu Interpretation Standard Condition (see Appendix I).

34. POLICY – EXPORT PROHIBITION

All exportation of pounamu from New Zealand needs to be consistent with the Customs Export Prohibition Order 2008 and its amendments. Te Rūnanga o Makaawhio does not support the export, without its prior approval, of raw natural pounamu sourced from its takiwā.

35. POLICY - EXTERNAL RESEARCH

All research on pounamu within the Makaawhio takiwā can only be undertaken with the prior approval of Te Rūnanga o Makaawhio.

36. POLICY - LOCAL GOVERNMENT PLANNING

The relevant regional and district councils must take into account this pounamu resource management plan as a recognised iwi management plan under the RMA sections 61, 66 and 74 (see section 2.3 of this plan). All district and regional plans and policy statements will need to contain appropriate provisions in relation to the potential impact from land use activities and developments on pounamu.

37. POLICY – LOCAL GOVERNMENT AUTHORITY CONSENT POLICY

There is a well-established process for the referral of consent applications to TROM from local government authorities. Local government authorities need to continue to assist Makaawhio to protect its interests in pounamu, by informing TROM on a regular basis of the RMA consent applications that have the potential to affect its pounamu resource.

38. POLICY – LEGAL OPTIONS AGAINST STOLEN POUNAMU

Any taking of naturally occurring pounamu in the Te Rūnanga o Makaawhio takiwā that has not been authorised through a policy contained within this plan or directly by TROM is illegal (see sections 4, 5 and 6). Makaawhio will work with the New Zealand Police and Te Rūnanga o Ngāi Tahu to take appropriate legal action when there is evidence of criminal activity or the conversion of private property. Options include supporting a prosecution for theft under the Crimes Act and/or suing offenders for conversion through the civil court process.

39. POLICY – INFORMATION TO PROTECT POUNAMU

Te Rūnanga o Makaawhio will encourage people to come forward with information that can lead to the successful prosecution of people engaged in the illegal extraction, receiving and/or trading of pounamu.

40. POLICY - DISPUTE RESOLUTION (NGĀI TAHU)

Any dispute arising from this plan between Makaawhio and Ngāi Tahu shall in the first instance be discussed between appointed representatives of the two parties.

If agreement cannot be reached, mediation will need to take place through a mediator appointed by agreement between TROM and TRONT.

If an agreed position is not reached, then the Executive Committee of Te Rūnanga o Makaawhio will take any action it deems reasonable to positively resolve the disagreement.

41. POLICY - DISPUTE RESOLUTION (RŪNAKA KAITIAKI)

Any dispute arising from this Makaawhio Pounamu Resource Management Plan, between Te Rūnanga o Makaawhio and any one of the rūnaka kaitiaki (see Appendix A), shall in the first instance be discussed between appointed representatives of the two parties.

If agreement cannot be reached in this way, then mediation will need to take place through a mediator appointed by agreement between TROM and the rūnaka kaitiaki concerned.

If an agreed position is not reached, then the Executive Committee of Te Rūnanga o Makaawhio will take any action it deems reasonable to positively resolve the disagreement.

Appendix C

Membership of Te Rūnanga o Makaawhio

The criteria for membership of Te Rūnanga o Makaawhio as stated in section 5 of the Incorporated Society Constitution of Te Rūnanga o Makaawhio is for those people who can prove:

“direct descent from the Ngāti Māhaki tipuna – Te Koeti Turanga, Kinihe Te Kaoho, Kere Tutoko, Rawiri Mokohururu, Parata Tiraahiahi, Pori, Hunia, Te Kuini, Rora and Te Kou as listed by James Mackay in 1860 as the original owners of the Maitahi and Makaawhio reserves, and including descendants of the tipuna Tūtoko and Hinepare.”

A member of Kati Māhaki does not have to be a registered member of Te Rūnanga o Makaawhio in order to exercise their customary rights as outlined in section 5.3 of this plan. However, they do need to be able to prove that they are a descendant of one of the tipuna listed above.

For further details on the constitution go online to:

www.societies.govt.nz/scanned-images/92/BC10039773692.pdf

To find out more information or register as a member of Te Rūnanga o Makaawhio, contact the Te Rūnanga o Makaawhio office (see Appendix E for contact details) or go online to www.makaawhio.maori.nz

Appendix D

Pounamu Accidental Discovery Protocol

Between

Te Rūnanga o Makaawhio

and

[]

Date:

1. POLICY:

Te Rūnanga o Makaawhio, as manager of pounamu in South Westland, has a policy to recognise and deal appropriately with sites likely to contain pounamu by requiring roading and earth moving specialists, developers and builders to contact Te Rūnanga o Makaawhio and advise them immediately of any pounamu unearthed as a result of a particular project or operation permitted under the Crown Minerals, Resource Management or Building Act processes. This is to protect this taoka or treasure. Mining activities are covered by individual access arrangements that miners have to enter into with Te Rūnanga o Makaawhio.

2. PURPOSE:

- (a) To manage and protect the integrity of “known” and “unknown” pounamu sites.
- (b) To maximise the opportunity to retrieve pounamu from disturbed sites.

2. PROCESS:

(a) Makaawhio Responsibilities:

- a) To inform each council of the existence of pounamu sites within their territory in general terms.
- b) In relation to specific resource consent applications, inform the council and applicant as to whether there are any concerns regarding pounamu.
- c) To inform the applicant in accordance with tikaka Māori, if there are any matters of protocol which tākata whenua wish to undertake in relation to the commencement of work, significant events or commissioning of the completed works.
- d) To provide a list of contact persons and phone, fax and mobile numbers to the applicant.
- e) To update the contact lists and numbers as required.
- f) To adopt a policy of guaranteeing response to notification of a “site find” within a 24-hour time frame. This will consist of:
 - contacting appropriate people and organisations depending on the nature of the “find”;
 - arranging a time for inspecting the site; and
 - coordination of the appropriate action to remove, or otherwise, any pounamu.
- g) Rūnanga contact persons and contact numbers:

NAME	ADDRESS	TELEPHONE	FACSIMILE

(b) Applicant's Responsibilities:

To implement internal management protocols to ensure staff involved in earthmoving operations are aware of the requirement to monitor operations, in a way that allows the identification of pounamu:

Implement a reporting procedure in the instance of a "find" of any pounamu, worked or unworked.

- a) To notify a properly designated Rūnanga "contact" person of the site find; and
- b) To provide a work plan of the actual operational area to Te Rūnanga o Makaawhio.

Signed: For: Te Rūnanga o Makaawhio For: applicant

Appendix E

Pounamu Management Contact Details

TE RŪNANGA O MAKAAWHIO

1st Floor, ASB Bank Building

99 Revell Street

PO Box 225

Hokitika 7842

Tel: +64 3 755 7885

Fax: +64 3 755 6884

Email: makawhio1@xtra.co.nz

Website: www.makaawhio.maori.nz

TE RŪNANGA O NGĀI TAHU (INCLUDING TOITŪ TE WHENUA)

Te Rūnanga o Ngāi Tahu

Te Waipounamu House

158 Hereford Street

PO Box 13 046

Christchurch 8141

Tel: +64 3 366 4344

Fax: +64 3 365 4424

Email: info@ngaitahu.iwi.nz

Website: www.ngaitahu.iwi.nz

Appendix F

Contact Details for Regional Museums, Department of Conservation Offices and New Zealand Historic Places Trust Office

REGIONAL MUSEUMS

- Southland Museum and Art Gallery, Invercargill
- Otago Museum, Dunedin
- Canterbury Museum, Christchurch
- Museum of New Zealand Te Papa Tongarewa, Wellington

REGIONAL DEPARTMENT OF CONSERVATION OFFICES

- West Coast Tai Poutini Conservancy Office, Sewell St, Hokitika
- Franz Josef-Waiau Area Office, Main Rd, Franz Josef
- South Westland-Weheka Area Office, Main Rd, Fox Glacier
- Haast Visitors Centre, Haast Junction, Haast
- Makarora Visitors Centre, Haast Pass Highway
- Wānaka Area Office, Wānaka
- Southland Conservancy Office, Invercargill

NEW ZEALAND HISTORIC PLACES TRUST (SOUTHERN REGIONAL OFFICE)

Gough House

90 Hereford Street

PO Box 4403

Christchurch Mail Centre 8140

Tel: +64 3 365 2897

Fax: +64 3 374 2433

Email: infosouthern@historic.org.nz

Appendix G

Makaawhio Mining Access (Pounamu) Standard Condition

The permit holder acknowledges that pounamu (including all nephrite, semi-nephrite, bowenite and specific serpentine resources) is under the ownership of Te Rūnanga o Ngāi Tahu and the control and management of Te Rūnanga o Makaawhio in its takiwā (see section 1.2).

No pounamu may be removed or recovered by the permit holder or its employees unless written authorisation is first entered into with Te Rūnanga o Makaawhio. Where any pounamu is discovered by the permit holder on or under the land during the course of operations, the permit holder will immediately notify Makaawhio. Te Rūnanga o Ngāi Tahu will be notified where necessary.

Appendix H

Makaawhio Permit/Concession (Pounamu) Standard Condition

The permit/concession holder acknowledges that pounamu is under the ownership of Te Rūnanga o Ngāi Tahu and the control and management of Te Rūnanga o Makaawhio in its takiwā (see section 1.2). No pounamu may be removed or recovered by the permit/concession holder or their employees or clients.

Where any pounamu is found by the permit holder, the permit holder will need to immediately notify Te Rūnanga o Makaawhio. Te Rūnanga o Ngāi Tahu will be notified where necessary.

Appendix I

Makaawhio Pounamu Interpretation Standard Condition

The Concessionaire shall ensure that any interpretation provided to its clients on Kāi Tahu and Kāti Māhaki historical, spiritual or cultural association with pounamu or our wāhi pounamu is entirely consistent with the Makaawhio Pounamu Resource Management Plan and the Ngāi Tahu Pounamu Resource Management Plan. The Concessionaire shall notify Te Rūnanga o Makaawhio if they intend using any information sourced from the Makaawhio Plan.

Where the Concessionaire wishes to provide clients with information, not contained in these sources, which relates to Kāi Tahu and/or Kāti Māhaki historical, spiritual and cultural association with pounamu, then the concessionaire shall consult with Te Rūnanga o Makaawhio before using any other information, to ensure such information is both appropriate and accurate. Te Rūnanga o Ngāi Tahu will be kept informed where appropriate.

The Department of Conservation will provide the Concessionaire with the contact details of Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu.

Appendix J

Export Approval Process

All persons wanting to export pounamu outside the conditions of the order should apply to New Zealand Customs, which has the final decision on the exportation, three months prior to departure. Details required include the:

- applicant's name and contact details;
- proposed date of export;
- size and weight of pounamu;
- origin of the pounamu; and
- photographs of the pounamu.

New Zealand Customs will notify Te Rūnanga o Ngāi Tahu with details of the application. TRONT will consider the application, in partnership with Te Rūnanga o Makaawhio, if the pounamu is deemed to be from within the Makaawhio takiwā.

Te Rūnanga o Ngāi Tahu will then provide New Zealand Customs with advice on the application. The Minister of Customs will make the final decision and action the application accordingly.

Scientific Factors in Pounamu Sustainability

New Zealand's landscape is young and vigorously evolving, and has been strongly influenced by the effects of global climatic fluctuations, local weather patterns, and tectonic activity. The South Island straddles an active collision zone between two of the earth's major crustal plates and is cut by the Alpine Fault. This collision uplifts the Southern Alps at between 1mm and 10 mm/year, and the height and shape of our mountains reflect the interplay between rock uplift and removal by erosion and gravitational collapse. Erosion rates can vary across the South Island with it being the highest on the West Coast side of the Southern Alps, for example up to 32,000t/km/yr. This high rainfall produces a regional yield of 62 million tonnes a year as sediment suspended in rivers. Despite a well-developed forest cover, rates of erosion in the western Southern Alps exceed those determined for most other parts of the world by an order of magnitude. Importantly, a portion of the rock material uplifted and eroded each year will be pounamu.

EROSION VARIABILITY

Erosion varies considerably in both time (for example, higher erosion after major earthquakes every 200-300 years, or major storms every 10 - 100 years) and space (for example, some areas are more prone to active landslides). The supply of pounamu that arises from short-term events such as storms and floods varies from catchment to catchment. The following comments were made to the Ngāi Tahu Pounamu Working Party about the New Zealand pounamu resource:

"River beds, beaches etc will always produce pounamu after the gravels are resorted by floods and wave action; they are in effect a renewable resource, but the incidence must, of course, eventually diminish. Also, one must remember that in many cases our pounamu is one crop and when picked it is gone forever."

(Beck, Pounamu Overview, Pounamu Project, Ngāi Tahu Development Corporation, January 1999).

Such a view is focused on the short-term turning and sorting of "transported" pounamu in river and beach gravel. It does consider that both pounamu in situ and transported deposits, like other rocks, are continually being exhumed from beneath the earth's surface – albeit at rates that can be very slow when compared with the lifespan of a human. What is unclear is just what sort of quantities are involved in these long-term and short-term fluctuations.

ASSESSING THE RESOURCE

The location, quantity, grade, geological characteristics and continuity of a mineral resource are known, estimated, or interpreted from specific geological evidence or knowledge. Mineral resource assessments normally aim to define the total volume/tonnage present, which is generally assumed to be finite on a mining timescale, applying drilling and geostatistical modelling. Specific codes have been developed that provide minimum standards, recommendations and guidelines for public reporting of mineral resources and mineral exploration.

Unfortunately, the standard reporting guidelines are not directly applicable where "economic extraction" is typically low-impact collection of surficial or near-surficial "resource", and this has short-term variability due to erosion and transport processes as is applicable to a lot of the South Westland pounamu resource. Drilling is the standard method for obtaining subsurface information for quantifying most other minerals, but no drilling information exists on subsurface pounamu. However, as Simon Cox of the Institute of Geological and Nuclear Sciences (GNS) has pointed out, while the principles of the Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves may be followed, pounamu resource assessment will not be able to meet all of the organisation's requirements and recommendations³.

For example, as part of a Wakatipu pounamu resource assessment the pounamu resource was defined as surficial nephrite and semi-nephrite that can be visually detected and collected by ancestral hand methods or contemporary

³ JORC 2004. Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves - The JORC Code 2004 Edition. Prepared by the Joint Ore Reserves Committee of the Australasian Institute of Mining and Metallurgy, Australian Institute of Geoscientists and Minerals Council of Australia (JORC). 20 p.

low-impact equipment⁴. It was seen as distinct from a potential pounamu resource that is covered or buried by vegetation, soil or rock, and may become a pounamu resource with time as a result of exposure by erosion or extraction involving earthmoving or mining equipment.

The terms “measured”, “indicated”, “inferred” and “speculative” were also applied in this study to qualify the confidence of pounamu resource (and potential pounamu resource) uncertainties. Importantly, the approach recognised that both “in situ” and “transported” pounamu resources available on the surface of the earth will, and do, change with time. Sustainable limits can theoretically be according to the natural rates of erosion, and these will be different from one region to another, particularly as the rainfall is much greater on the West Coast compared with the Wakatipu region on the East Coast side of the Southern Alps.

Sourced from a paper written by Dr Simon Cox of GNS Science.

⁴ Cox S. C., Popham T. B. 2006. Wakatipu Pounamu Resource Assessment, GNS Science Consultancy Report 2006/180 (Confidential report to Te Rūnanga o Ngāi Tahu, October 2006).

Appendix L

Template for the Notification of Rāhui Areas

Rāhui Site Name	Site Description	Landowner/ Administrator	Site Location	Legal Land Parcel

Appendix M

Pounamu on Public Conservation Land

On lands administered by the Department of Conservation, the fossicking of minerals by the general public is prohibited.

The Conservation Act 1987 states:

Section 39 – Other offences in respect of conservation areas

- (1) Every person commits an offence against this Act who knowingly, and without the authority of the Minister or the Director-General,
- (h) Takes or removes any gravel, sand, stone, clay, limestone, or other such natural resource otherwise than in accordance with a concession or some enactment other than this Act.

The Reserves Act 1977 states:

94 – Offences on reserves

- (1) Every person commits an offence against this Act who, without being authorised (the proof of which shall be on the person charged) by the Minister or the Commissioner or the administering body, as the case may require,
- (f) Removes or wilfully damages any, or any part of, any wood, tree, shrub, fern, plant, stone, mineral, gravel, kauri gum, furniture, utensil, tool, antiquity, relic, or thing of any kind, on any reserve.

Further, the National Parks Act 1980 states:

Section 60 – Offences in parks

Every person commits an offence against this Act who, without being authorised by the Minister (the proof of which shall be on the person charged) or by any bylaw made under this Act,

- (d) Removes or wilfully damages any, or any part of, any plant, stone, mineral, gravel, kauri gum, antiquity, or relic in any park.

As such, there will be no fossicking for pounamu by the general public within public conservation land.

Appendix N

Tribal Access Arrangement

To be provided by DOC and TRONT.

Appendix O

Glossary of Te Reo Māori Terms

MAORI TERM	ENGLISH TERM
Hapū	Subtribe
Kaitiaki	Guardian. Kaitiaki is used in a modern context to refer to a steward, caretaker or manager. In a traditional context it has a stronger spiritual dimension.
Kaitiakitaka (kaitiakitanga)	The exercise of guardianship in the practical and/or spiritual sense.
Manawhenua	Territorial authority.
Mauri	Lifeforce. From a Māori perspective, everything in the natural world has ‘mauri’ including pounamu.
Ngāi Tahu Whānui	This term refers to the wider tribal group and all Ngāi Tahu people.
Papatipu rūnaka	Traditional marae-centred communities or regional assemblies. Te Rūnanga o Ngāi Tahu is made up of 18 papatipu rūnaka.
Pūrākau	Story, tradition, legend.
Rūnaka (rūnanga)	A traditional Māori council or assembly.
Rūnaka kaitiaki	The use of this term in this plan refers to those rūnaka of Kāi Tahu who have a traditional guardianship relationship with pounamu in their area (see Appendix A).
Takata (tangata) whenua	This term refers to the indigenous people of a country or region. It literally means “people of the land”. In the context of this plan, it refers to the tribe and/or hapū which holds authority in a particular part of New Zealand.
Takiwā	A district or region of traditional authority.
Tikaka (tikanga)	Māori customs, traditions and/or protocols, which vary from tribe to tribe and from region to region.
Tipuna	Ancestors. Tipuna without a macron on the “i” means ancestor.
Taoka (taonga)	A treasure, a precious resource.
Te Waipounamu	A Māori name for the South Island. It translates literally as the “Greenstone water” or the place where pounamu can be found in the water.
Wāhi pounamu	An area or region in which pounamu occurs naturally.

NOTE ON THE USE OF THE KĀI TAHU DIALECT

Throughout this plan some Māori words with the letter “ng” have been replaced with a “k” and vice versa. The use of a “k” in the word “rūnaka” as opposed to “rūnanga” is a dialectical marker of Kāi Tahu language – te reo o Kāi Tahu. Rūnaka and rūnanga mean exactly the same thing and the use of the “k” instead of “ng” does not change the meaning of the word.

In general, this plan has adopted the “k” except for when Māori words are part of a legal name or used in a legal context such as Te Rūnanga o Makaawhio, Ngāi Tahu Whānui and Te Rūnanga o Ngāi Tahu.

Appendix P

Amendments

AMENDMENT NUMBER	DESCRIPTION	DATE INSERTED