

**TE RŪNANGA O NGĀTI WAEWAE
KATIAKITANGA POUNAMU**



POUNAMU RESOURCE MANAGEMENT PLAN

Karakia Pounamu

Karakia Mahi Pounamu

E Te atua

tukuna mai Ki a matou

te nei taonga whakahirahira

Haumi e Huia e Taiki e

O Lord

Please give to us

this esteemed treasure



He Mihi

He whakatauki tenei, he whakatauki i hou mo tenei wa mo te take nei

He Pounamu he Taka, he Takata he Pounamu

"The Pounamu and the people are one"

The non literal translation of the whakatauki encapsulates the close relationship which Tangata Whenua of Te Tai o Poutini have with Pounamu. An heirloom treasure, a healing stone, an item of trade, an object of obsessive desire, a gift to the wise and a curse for the unwary, these and other values are some of the many facets of Pounamu.

Let us take time to celebrate this return, let our tears fall for those who have passed on before us in woe and grievance. Let those same tears water the fertile soils of Papatuanuku as we look with gladness to the future and the aspirations of our mokopuna, the seeds of that watering.

It is the intention of this management plan to build a framework in which to manage this treasure, it is the intention of this Karakia to set a mauri for this to occur and to remind the people who we are and from whence we come.

Through this plan and the hard work which will now be required Te Rūnanga o Ngāti Waewae will exercise the kaitiakitaka and uphold the Mana Pounamu on behalf of our Tipuna, our Mokopuna and the people.

Te Rūnanga o Ngāti Waewae would like to acknowledge the following groups and people for their involvement in the development of this plan.

*Te Runanga o Ngati Waewae Pounamu Committee
All those who attended and contributed to hui held on Pounamu Management between 2002-2008*

No reira tenei te ha a te take nei

Haumi e

Hui e

Taiki e

Vision Statement

To ensure that traditional practices of our tūpuna are upheld through the contemporary application of kaitiakitanga. As descendants of our tūpuna we are tasked with a lifetime of responsibility to nurture and protect the wairua and mauri of Pounamu. Therefore we as kaitiaki intend to implement our collective leadership and responsibilities in the management of Pounamu.

THIS IS THE PRIMARY PRINCIPLE OF KAITIAKITANGA.

“ME TATAU POUNAMU, KIA KORE AI E PAKARŪ, AKE, AKE”

(Let us have a greenstone door that will not be broken, ever, ever)



Contents

KARAKIA	2
MIHI-FOREWORD	3
VISION STATEMENT	4
Contents	5
Table of Maps and Photographs	7
1.0 INTRODUCTION	8
1.1 Te Rūnanga o Ngāti Waewae	
1.2 Pounamu Management Committee	9
2.0 PLAN BACKGROUND	10
2.1 Plan Objectives and Principals	
2.2 Plan Description	
2.3 What the Plan Does Not Cover	
2.4 Resource Description	
2.5 Geological Description of Pounamu	
2.6 Pounamu Areas	
3.0 ROLES RESPONSIBILITIES AND RELATIONSHIPS	13
3.1 TE RŪNANGA O NGĀTI WAEWAE	
3.1.1 Economic Development Manager	
3.1.2 Kaitiakitanga	
3.1.3 Protection	
3.1.4 Collection	
3.1.5 Extraction	
3.1.6 Supply	
3.1.7 Research and Monitoring	
3.1.8 Regional Pounamu Plan	
3.2 TE RŪNANGA O NGĀI TAHU	
3.2.1 Toitū te Whenua	
4.0 EXTERNAL RELATIONSHIPS	15
4.1 Department Of Conservation	
4.2 Local Government Authorities	
4.3 Crown Minerals	
4.4 New Zealand Police	
4.5 New Zealand Customs	
4.6 Land Information New Zealand	
4.7 Māwhera Incorporation	
4.8 Te Rūnanga O Makaawhio	
4.9 Commercial Industry And Other Mineral Users	
4.10 Private Land Owners and Community Groups and Other Crown Agencies	
5.0 PROTECTION	18
5.1 Mineral Access Arrangements	
5.2 By-Product and Accidental Discovery	
5.3 Pounamu Artifacts	
5.4 Department Of Conservation Planning, Concessions & Other Activities within Lands Administered By DOC	
5.4.1 DOC Planning	
5.4.2 Mining Activities Within Lands Administered By DOC	

5.4.3	Developments and Other Activities within Lands Administered By DOC	
5.4.4	Pounamu Interpretation Within Lands Administered By DOC	
5.5	Export Prohibition of Pounamu	
5.6	Local Government Authority Planning and Resource Consents Affecting Pounamu	
5.7	Pounamu Theft and Prosecutions	
5.8	Intellectual Property	
5.9	Ngāi Tahu Pounamu Trademark	
6.0	EXTERNAL RESEARCH	30
7.0	TAKING OF POUNAMU	31
7.1	Public Taking Permitted	
7.2	Public Taking Not-Permitted	
7.3	Customary Collection	
7.4	Rāhui Pounamu-Restrictions on Collection	
8.0	EXTRACTION OF POUNAMU	34
8.1	Pounamu Sustainability	
8.1.2	Geological and Nuclear Sciences Research and Resource Assessment	
8.2	Extraction Policy	
8.3	Indirect Extraction/By Product And Accidental Discovery	
9.0	SUPPLY OF POUNAMU	37
9.1	Pounamu Supply	
	OHANGA POUNAMU – COMMERCIALISATION OF POUNAMU	38
	DISPUTE RESOLUTION	39
10.0	PLAN MONITORING AND REVIEW	40
10.1	Monitoring	
10.2	Review Process	
10.2.1	Non-Material Changes	
10.2.2	Initiated Review	
10.2.3	Formal Review	
APPENDICES		
Appendix A	Summary of Policies in This Plan	42
Appendix B	Contact Addresses	47
Appendix C	Glossary of Terms Used	51
Appendix D	Customs Export Prohibition Order 2005	53
Appendix E	Ngai Tahu (Pounamu Vesting) Act 1997	53

Table of Maps and Figures

Figure 1	The Pounamu Journey	11
Map 1	Pounamu Areas	12
Map 2	Department of Conservation Boundaries	20

Table of Photographs

Front Cover	Jumble Creek.
Page 2	Te Kuukupa O To Aroha (In the Meridian building Wellington).
Page 4	Te Kuukupa O To Aroha (in raw state in awa).
Page 7	Gifted piece to Arahura whanau.
Page 9	Hei Matau.
Page 14	Polished piece found from Hokitika area.
Page 17	To Aroha awa.
Page 29	Polished piece from Arahura awa.
Page 30	Inanga Toki.
Page 33	Pierre Tumahai extracting Te Kuukupa O To Aroha from Toaroha range.
Page 36	A gifting from Ngati Waewae to Ali's homehelp in Christchurch.
Page 37	Kawakawa Toki from Arahura awa.
Page 39	A gifting from Ngati Waewae to CCS Greymouth.
Page 41	Totoweka waewae from Arahura awa.
Page 46	Bottom end of Jumble creek.



1.0 Introduction

1.1 WHO IS TE RŪNANGA O NGĀTI WAEWAE?

Poutini Ngāi Tahu Historical Occupation of Te Tai Poutini

Ngāi Tahu occupation of Te o Tai Poutini came largely as result of the presence of the valued Pounamu, and the trade opportunities, wealth and mana that were associated with it. Once trails were established across the mountains, Ngāi Tahu from eastern Te WaiPounamu began to look westward.

By as early as the seventeenth century, Ngāi Tahu was establishing manawhenua of the west coast of the Te WaiPounamu. Tuhuru of the Ngāti Tomowhare/Ngāti Waewae hapū was the leading Poutini Ngāi Tahu rangatira / chief, establishing the mana whenua and mana moana of Ngāti Tomowhare/Ngāti Waewae by defeating, and marrying into the original occupiers, Ngāti Wairangi. Ngāi Tahu residing on Te Tai Poutini was called Poutini Ngāi Tahu, so as to distinguish from their relations living on the east coast.

The Arahura Purchase

The Arahura Purchase of 1860 was one of eight major land purchases on Te WaiPounamu. The deed of purchase transferred Poutini Ngāi Tahu rights to more than seven million acres to the Crown for £ 300. Under the terms of the Arahura purchase, Ngāi Tahu were to retain 10 225 acres – 3 500 for endowment and 6 725 for individual allotment (Waitangi Tribunal 1991).

Poutini Ngāi Tahu, who was well aware of land shortages that followed other sales, had met initial attempts at a West Coast purchase with rejection. For Poutini Ngāi Tahu, it was essential that any purchase agreement retain lands that were so important for Pounamu and mahinga kai.

Ngāi Tahu requests to retain such lands were refused by James MacKay, who had earlier arranged the sale of the Kaikoura block, and was authorised by McLean to purchase the Arahura lands. With increasing pressures by European settlement, Poutini Ngāi Tahu chiefs reluctantly signed the Arahura deed of purchase. Mackay did agree to retain the Arahura River and its Pounamu for Poutini Ngāi Tahu, however the stipulation was ultimately forgotten in the final deed.

In effect Wereta Tainui was recorded to have said, “that this purchase was likened to the price of a horse that could be bought” at this time.

Ngāi Tahu Deed of ‘On Account’ Settlement

Certain provisions of the Deed of ‘On Account’ Settlement, signed on 14 June 1996 by the Crown and Te Rūnanga o Ngāi Tahu as representative of Ngāi Tahu, by vesting, in Te Rūnanga o Ngāi Tahu, Pounamu in the Takiwā of Ngāi Tahu whānui and in those parts of the territorial sea of New Zealand that are adjacent to the Takiwā of Ngāi Tahu whānui.

This and other items of economic and cultural redress have re-established the role of Ngāi Tahu in resource management. For decades, the management of natural resources has often occurred at the expense of the customary

relationship of tāngata whenua to their land and waters. Today, the Ngāi Tahu Claims Settlement Act 1998 and other legislation set out legally recognised roles for Te Rūnanga o Ngāi Tahu and its Papatipu Rūnanga in participating in this process.

Ngāi Tahu Pounamu Resource Management Plan

Te Rūnanga o Ngāi Tahu has worked with all Papatipu Rūnanga to draft and confirm the Te Rūnanga o Ngāi Tahu Pounamu Resource Management Plan, this plan is required to be consistent with Te Runanga o Ngati Waewae Pounamu Management Plan.

1.2 NGĀTI WAEWAE POUNAMU MANAGEMENT COMMITTEE

Ngati Waewae Pounamu Management Committee was established to focus the Kaitiaki Rūnanga on distinct management strategies for the Pounamu resource within the boundaries of Ngāti Waewae. The Terms of Reference for the Committee were:

The core functions of the management committee will be to:

1. To oversee the implementation of the policies and processes that are contained in the plan.
2. Set in place the management processes, facilities and support mechanisms that empower the Papatipu Rūnanga to exercise their kaitiaki responsibilities to the greatest effect possible.
3. To oversee those projects and initiatives, or parts thereof, for the resource management of the Pounamu within their takiwā including being the authorized point of supply for Pounamu.



2.0 Plan Background

2.1 PLAN OBJECTIVES AND PRINCIPALS

The primary objective of this plan is to reaffirm, enhance and protect the wairua and mauri of Pounamu through the application of Ngāti Waewae tikanga, use and management.

Management is guided by traditional principles defined and re-established by Ngāti Waewae. These principles encapsulate kaitiakitanga.

Use is guided by the principle of sustainability. This principle encompasses the ability of the current and future generations to utilize Pounamu and provide for customary needs while protecting the resource so that it is available for future generations.

Mō tātou, ā, mō kā uri ā muri ake nei - for us and our children after us

2.2 PLAN DESCRIPTION

The plan intends to inform Ngāi Tahu whānui, the community, the commercial Pounamu industry, including resource managers and other users, of the Pounamu management within the takiwā of Ngāti Waewae.

Ngāti Waewae has created this plan to manage the use and provide protection measures for Pounamu. The plan works in conjunction with the Te Rūnanga o Ngāi Tahu Pounamu Resource Management Plan.

2.3 WHAT THE PLAN DOES NOT COVER

This plan does not cover Pounamu artefacts, which are protected under the Protected Objects Act 1975 (2006) and managed according to the processes negotiated between Ngāti Waewae Rūnanga, Ngāi Tahu, regional museums and local Department of Conservation (DOC) offices. The plan does not cover Pounamu that is located in the Arahura catchment and vested in Māwhera Incorporation.

The plan does not outline the full history, customs and traditions of Pounamu. This information is held with those that hold both traditional mātauranga and contemporary knowledge about Pounamu. History, traditions and customs reside with individuals and whānau within Ngāti Waewae.

2.4 RESOURCE DESCRIPTION

The resource being managed by this plan is Pounamu. Pounamu is known by many names both in a traditional and contemporary manner. Colloquially, Pounamu has become to be known as greenstone or jade (of the nephrite variety). The term Pounamu is used for all purposes under this plan.

Under this plan Pounamu carries the definition given to it under sections 2 and 3 of the Ngāi Tahu (Pounamu Vesting) Act 1997 (Appendix E). This includes:

- (a) all Bowenite
- (b) all Nephrite, including Semi-Nephrite; and
- (c) Serpentine deposits in the land described in the schedule to the Act.

Occurring in its natural condition in the takiwā of Ngāi Tahu Whānui and those parts of the territorial sea of New Zealand adjacent to the takiwā of Ngāi Tahu Whānui and the seabed and subsoil beneath those parts of the territorial sea.

2.5 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 and Cretaceous periods. Pounamu formed and grew within distinctive magnesium rich rocks when these rocks were buried within the earth's crust at depths of more than 10 km and at temperatures in excess of 300 degrees centigrade.

As the mountains of the South Island grew and eroded during the past 5 million years, these deposits were uplifted to the earth's surface, where the action of rivers and glaciers freed Pounamu from its host rock into screes, riverbeds (alluvial) and glacial moraine deposits.

Pounamu has continued to be fed into rivers and onto beaches by ongoing erosion of both, "in place" and "transported" deposits. In more accessible areas, any Pounamu that has become exposed has been quickly collected. In-situ deposits have also been mined. Unknown quantities have also been carried offshore by rivers and coastal erosion and in former times by glaciers. The "geological system" of Pounamu is shown schematically as a "journey" from the mountains to the sea, ki uta ki tai.

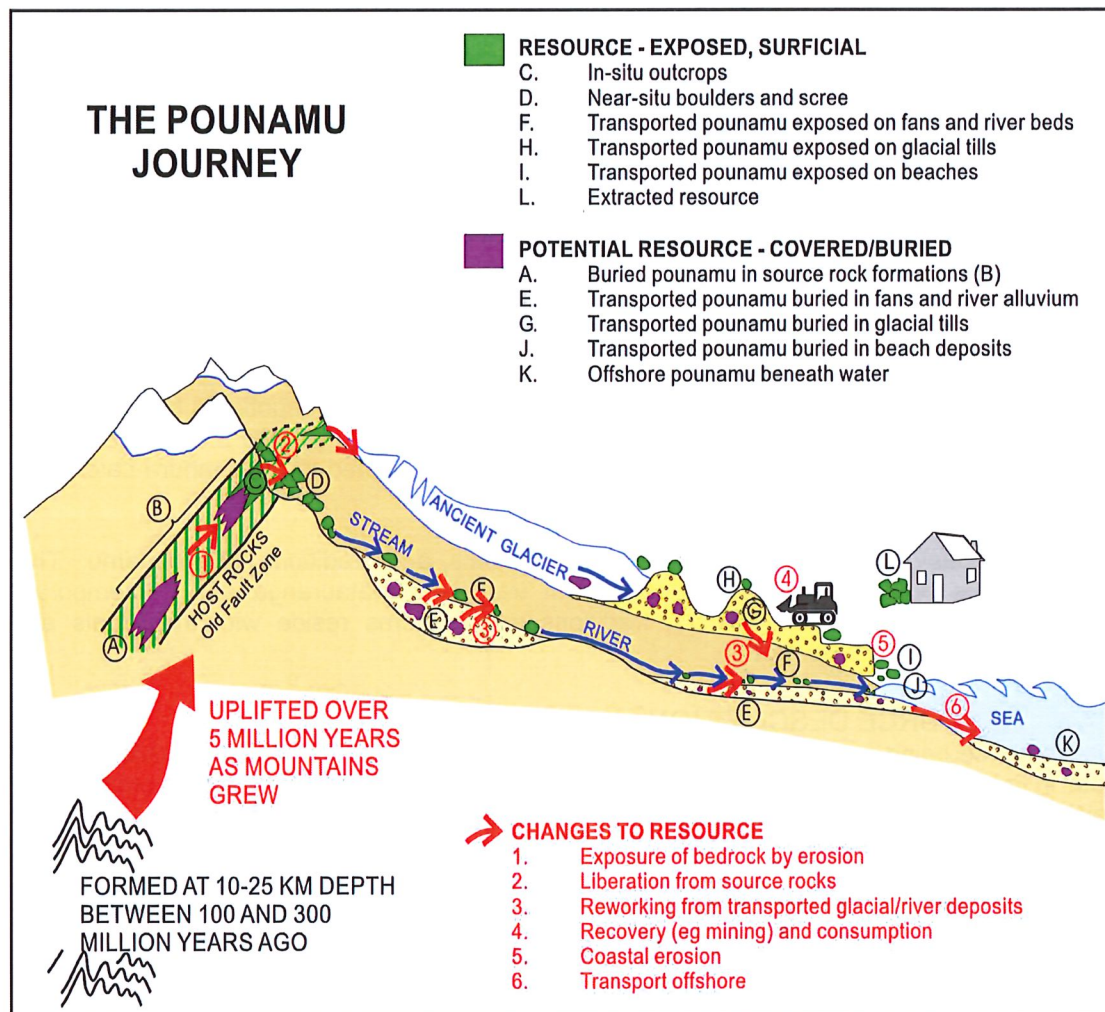


Fig 1 (The Pounamu Journey)

2.6 POUNAMU AREAS

Ngāti Waewae te Wāhi Pounamu or Central/Northern Westland Pounamu area centres on Hokitika extending northwards to Punakaiki, southward to the Poerua River and inland to the main divide as defined by Te Rūnanga o Ngāi Tahu.

The area of the true right (north) of the Hokitika River sits entirely within the takiwā of Ngāti Waewae. The area of the true left (south) Hokitika River sits within the shared takiwā of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio as defined by Te Rūnanga o Ngāi Tahu.

Ngāti Waewae wāhi Pounamu sits within the boundary of the West Coast DOC Conservancy, the West Coast Regional Council, and across the boundaries of the Buller, Grey and Westland District Councils.

Map 1 (Pounamu Areas)



3.0 Roles and Responsibilities

3.1 TE RŪNANGA O NGĀTI WAEWAE

This section outlines the roles and responsibilities of Ngāti Waewae and Te Rūnanga o Ngāi Tahu in Pounamu management. It also outlines the relationships with and roles under relevant legislation and planning documents of agencies external to Poutini Ngāi Tahu involved in Pounamu management.

3.1.1 Pounamu Protection and Development Officer:

The Ngati Waewae Pounamu Protection and Development Officer (PPDO) role will function to carry out the requirements of this plan. The PPDO Will be fully resourced via Te Runanga o Ngati Waewae. The PPDO will provide assistance to, and is responsible to the Ngāti Waewae Pounamu Management Committee (or other Ngāti Waewae organisation).

More specifically the PPDO will administer the management roles set out by the Pounamu Management Committee which include, but are not limited to, the points listed below:

- Extract and supply of the resource to the point of distribution and administer a database of all Pounamu extracted.
- Be the point of contact for various agencies and departments including Crown Minerals, DOC, District and Regional Councils, Mining Industry, Police, Pounamu Industry, Te Rūnanga o Ngāi Tahu and other rūnanga kaitiaki Pounamu
- Undertake reviews of the Pounamu plan and update with any amendments and provide notice of amendments to relevant organizations.

The PPDO should be contacted in the first instance on all matters relating to Pounamu under this plan.

3.1.2 Kaitiakitanga

- Manage Pounamu as set out in this plan and within the bounds agreed to collectively under the Te Rūnanga o Ngai Tahu Pounamu Resource Management Plan.

3.1.3 Protection

- Determine the extent of local protection plans.
- Determine a sustainable level of the resource in the Ngāti Waewae takiwā.
- Work with Ngāi Tahu group companies.
- Work with appropriate local authorities on Resource Management Act planning and resource consent issues relating to all aspects of Pounamu in the Ngāti Waewae takiwā.
- Work with DOC on department planning, access and concession issues relating to all aspects of Pounamu including mining operations in the Ngāti Waewae takiwā.
- Work with all land developers where Pounamu may present.

3.1.4 Collection

- Determine, implement, and where appropriate publicize, restrictions to, or rāhui over, the collection of Pounamu within the Ngāti Waewae takiwā, in conjunction with Te Rūnanga o Ngāi Tahu if required.
- Work with Ngāi Tahu in determining external research proposals concerning Pounamu within the Ngāti Waewae takiwā.

- Determine policy, processes and protocols for customary collection to take place and/or authorizing of all collecting in the Ngāti Waewae takiwā.

3.1.5 Extraction

- Determine with Te Rūnanga o Ngāi Tahu the sustainable extraction levels of any given deposit, in the Ngāti Waewae takiwā.
- Undertake the sustainable extraction of Pounamu in the Ngāti Waewae takiwā and elsewhere as requested.

3.1.6 Supply

- Be the point of contact for, and undertake where possible, supply to the commercial industry for Pounamu in the Ngāti Waewae takiwā.

3.1.7 Research And Monitoring

- Undertake monitoring and surveying of Pounamu deposits in the Ngāti Waewae takiwā.

3.2 TE RŪNANGA O NGĀI TAHU

Te Rūnanga o Ngāi Tahu will work closely with Ngāti Waewae to manage Pounamu. Te Rūnanga o Ngāi Tahu undertakes a number of roles in relation to the overall protection of the tribal interests in, and legal ownership of Pounamu as well as statutory responsibilities for tribally significant sites within Pounamu areas. These roles recognise the ownership of Pounamu by Ngāi Tahu Whānui and are set out in the subsections below.

3.2.1 TOITŪ TE WHENUA and TOITU KAINGA

The Toitū Kainga and Toitū Whenua office (or other senior manager to be determined by Te Rūnanga o Ngāi Tahu) of Te Rūnanga o Ngāi Tahu administers the Ngāi Tahu Pounamu Resource Management Plan. Specifically, the office administers the management roles set out in section 4.2 of the Te Rūnanga o Ngāi Tahu Pounamu Resource Management Plan. The Ngāi Tahu Pounamu Resource Management is consistent with the Ngāti Waewae Pounamu Management Plan.



4.0 External Relationships

There are a number of agencies, external to Ngāti Waewae that has a role in Pounamu management. The specific roles of these agencies are discussed in detail in Section 5. The subsections below list the agencies involved, an overview of the roles they play and the legislation and policy documents under which they work with Ngāti Waewae in Pounamu management.

4.1 Department of Conservation (DOC)

The DOC plays an important role in the management of Pounamu, being one of the major land administrators where Pounamu areas are located. Through its administration of public conservation land and its roles under conservation legislation the DOC provides protection of these areas through its planning documents and internal processes. This role is reflected in informing Ngāti Waewae of applications for concessions, permits, licences and access arrangements for mining and other developments and activities on the land administered by DOC and placing conditions on these where they affect Pounamu.



The DOC conservancies involved are:

- West Coast / Te Tai o Poutini Conservancy

The West Coast Te Tai o Poutini Conservancy manages more than 1.9 million hectares of land, which is about a quarter of New Zealand's protected public land. Within its 600 km long boundary are two kiwi sanctuaries, five national parks, two Wilderness Areas and a World Heritage Area.

The legislation and policy documents involved include:

- **Conservation Act 1987.**
- **National Parks Act 1980.**
- **Reserves Act 1977.**
- **West Coast Conservation Management Strategy.**

4.2 Local Government Authorities

Local government authorities have an important role in Pounamu management as the planning and consent authorities for activities under the Resource Management Act 1991. This role includes informing Ngāti Waewae of resource consent applications for activities that potentially affect Pounamu and placing conditions on these consents where appropriate as further outlined in section 5.6 of this plan.

The local government authorities involved include:

- Buller District Council
- Grey District Council
- Westland District Council
- West Coast Regional Council

The legislation and policy documents involved include:

- **Resource Management Act 1991.**
- **New Zealand National Coastal Policy Statement.**
- **West Coast Regional Council Policy Statement and Regional Plans.**
- **Buller District Plan.**
- **Greymouth District Plan.**
- **Westland District Plan.**

In addition to this, the Regional Council manages, in conjunction with the Minister of Conservation, the coastal marine area (which is the foreshore, sea bed, and coastal water and the air space above the water) from the line of mean high water spring tides out to the territorial (12 mile) limit

4.3 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 Ngāti Waewae of applications for mineral permits that have the potential to affect Pounamu.

The legislation and policy documents involved include:

- **Crown Minerals Act 1991.**
- **The Mining Act 1971**

4.4 New Zealand Police

The New Zealand Police enforce the law of New Zealand under the Crimes Act 1961 and play a role in our Pounamu management through assisting Te Runanga o Ngāti Waewae / TRONT in prosecutions for theft of Pounamu and serpentine and other minerals covered under the Pounamu Vesting act 1997.

4.5 New Zealand Customs

The New Zealand Customs Service is the government agencies 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 play a role in Pounamu management through the administration of the Customs Export Prohibition Order 2005 for Pounamu and its amendments. 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 the Toitū te Whenua office on applications to export Pounamu in special circumstances and forfeitures pertaining to the order where Pounamu is seized at the border.

4.6 Land Information New Zealand

Land Information New Zealand (LINZ) is responsible for providing New Zealand 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 responsible for all un-alienated Crown land such as pastoral leases. LINZ overseas 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.

4.7 Māwhera Incorporation

The Māwhera Incorporation was established by order of the Māori Land Court in 1976. It is a corporate body that manages and administers freehold Māori lands on the West Coast of the South Island. TRONT vested the ownership of Pounamu in the Arahura Catchment to this Mawhera Incorporation pursuant to the Pounamu Vesting Act 1997.

4.8 Te Rūnanga O Makaawhio

Te Rūnanga o Makaawhio is one of the 18-papatipu Rūnanga of Te Rūnanga o Ngāi Tahu. They are a Rūnanga kaitiaki Pounamu and have a shared interest in the management of the Pounamu resource on Te Tai o Poutini.

4.9 Industry and Other Mineral Users

Ngāti Waewae recognises the importance of the mineral industry in New Zealand and including the commercial Pounamu industry on Te Tai o Poutini. Those organisations and individuals involved in the industry may play a role in Pounamu management through familiarising themselves with this plan and ensuring their practices uphold the wairua and mauri of Pounamu.

4.10 Private Land Owners and Community Groups and Other Government Agencies

Ngāti Waewae recognises there are other stakeholders not mentioned in this section. Ngāti Waewae will form relationships with such stakeholders where and when it is appropriate to do so.

Policy One:
Management

External Relationships

Policy

Te Rūnanga o Ngāti Waewae will manage the Pounamu resource and consult with affected stakeholders as appropriate in accordance with kaitiakitanga principles.

Objective

Ngāti Waewae will continue to strengthen existing relationships and develop new relationships where Pounamu management is concerned.

Process

Any current or future plans that are being drafted by stakeholders will require integral consultation with Ngāti Waewae so that interests of stakeholders concerned are adequately addressed and recognised.

Therefore strategic alliances with stakeholders are to be developed where and when required. This will be an evolving process which will vary according to each stakeholder's interest.



5.0 Protection

Pounamu protection encompasses those activities undertaken and the policy and procedures outlined in this section to manage the activities of external groups and individuals that may affect Pounamu.

A major aspect of protection is the monitoring, enforcement and compliance of individuals and groups, to the policies set out in this management plan as well as relevant legislation.

The protection procedures outlined in this section contain the objective of protection, a background to the protection issue, the policies being put in place, an explanation of the policy or policies where applicable, and the processes and methods to be followed to achieve the objective.

Protection procedures will involve a cost to the external party carrying out activities that affect Pounamu, where the activity requires measures to avoid, remedy or mitigate any effects. This cost would cover the administration and staff time involved in protection management.

5.1 Mineral Access Arrangements

Objective

To allow Crown Mineral Permit holders to give effect to permits for minerals other than Pounamu (where they may affect Pounamu) through a mineral access arrangement and to protect and manage Pounamu that may be disturbed as a by-product of mining activities.

Background

Historically 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 1991 (CMA) requires every holder of a permit issued under the CMA to obtain an access arrangement 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 a private mineral owner of Pounamu to which access agreements apply. Mineral access arrangements are necessary to protect the property rights of private mineral owners where their minerals may be affected by mining of Crown-owned minerals under a permit.

Access arrangements vary for private and Crown land. Section 54 of the CMA relates to access arrangements on all land other than Crown land. Under Section 54 all permit holders wishing to mine will be required to enter into an access arrangement with Te Rūnanga o Ngāi Tahu where their mining has the potential to affect Pounamu.

Section 61 of the CMA requires all permit holders mining on Crown land to enter into an access arrangement with the appropriate Minister of the Crown. These access arrangements may be subject to conditions set by the appropriate Minister of the Crown to recognise the interests of Te Rūnanga o Ngāi Tahu.

Policy Two:

Mineral Access Arrangement
Policy (Private land)

All Crown mineral permit holders who prospect, mine or explore on private land where Pounamu is known to occur require a mineral access arrangement with Te Rūnanga o Ngāi Tahu.

Policy Three:
Policy

Mineral Access Arrangement
(Crown Land)

All Crown minerals permit holders who prospect, mine or explore on Crown land where Pounamu is known to occur may be subject to conditions set by the appropriate Minister of the Crown to recognize the ownership of Pounamu by Te Rūnanga o Ngāi Tahu.

Explanation

This policy does not include Pounamu artifacts discovered which are covered by a separate policy outlined in section 5.3 of this plan.

This policy does not include Pounamu discovered and collected under the taking and collection policies in Section 7 of this plan.

Process

Crown Minerals will notify Ngāti Waewae of applicants applying for mineral permits under the Crown Minerals Act 1991.

Applicants for Crown Mineral permits within, the Ngāti Waewae takiwā, Pounamu areas should notify Ngāti Waewae as part of their application process.

Intending applicants will need to apply to the Ngāti Waewae Pounamu Management Committee using the standard form of which will include administrative costs.

5.2 By-Product And Accidental Discovery

Objective

To put in place measures for the protection and recovery of any Pounamu that may be discovered as a by-product of mining and other activities.

Background

Because Pounamu is distributed throughout the landscape by geological and hydrological processes it has the potential to be accidentally discovered as a by-product of other legal activities such as mining, excavations, building developments and even tramping. Therefore to protect the values of Pounamu Ngāti Waewae is making provision for such circumstances.

Process

For mining activities under the Crown Minerals Act a process for recovery is part of mineral access arrangements between individual miners and Ngāti Waewae. (See Section 8.3) This may include negotiations for compensation of miners who have discovered Pounamu through accident / by-product.

For activities under the Resource Management Act the process may be part of conditions placed on consents. For activities on the land administered by the DOC the process may be a condition of concessions, permits and land access arrangements. For all other circumstances, the policy set out below should be followed where a discovery is made.

5.3 Pounamu Artifacts

Objective

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

Background

For centuries, Māori crafted items from Pounamu and passed these down within whanau / families. Despite being treasured, in traditional life these items were sometimes lost by owners in the course of their journeys. On other occasions when a lighter carrying load was desired the taonga were purposefully placed in the ground or another hiding place. In some instances the taonga were buried with their deceased owners.

On occasion erosion, land movement and developments unearth these taonga that have in the past been collected by museums and held under the Protected Objects Act 1975. Most commonly these taonga include:

- Implements such as toki (adzes) and small chisels;
- Pendants, from whakakaitaringa (simple drop ear-rings) to the well known heitiki; and,
- The mere Pounamu, a hand weapon with a broad flat blade.

Ngāti Waewae and Te Runanga o Ngāi Tahu asserts that any such taonga found in its tribal area are the property of the Ngati Waewae and by association Te Runanga o Ngai tahu whanaunui, as they form part of the cultural heritage of the tribe inherited from the tūpuna. The right of Ngāti Waewae and Te Runanga o Ngāi Tahu to determine the future of taonga found in its takiwā is respected in principle by the Ministry of Cultural & Heritage, which works with Ngāti Waewae and Ngāi Tahu to ensure the appropriate care of taonga found.

Nonetheless, the Protected Objects Act 1975 states that any artifact ‘found’ anywhere in New Zealand, or within the territorial waters of New Zealand, is the property of the Crown. This means that ownership of any artifact found after 1975 is automatically with the Government.

Ownership is not with:

- The tribe;
- The person who found the artifact; or,
- The landowner of where the artifact is found.

Where a taonga has been unearthed it is deemed a wāhi taonga. The presence of the taonga automatically makes the place, including taonga it contains, an archaeological site. It is **illegal** to in anyway interfere with an archaeological site without the permission of the New Zealand Historic Places Trust. This includes removing any taonga from it. Such an action may result in prosecution under the Protected Objects Act 1975.

Policy Four:

Discovery of Artifact Policy (Doc Land)

Any artifact made of Pounamu discovered or found within the Ngāti Waewae takiwā on lands administered by DOC should be left untouched and notified immediately to the local DOC office that will in turn notify Ngāti Waewae and Ngāi Tahu.

If the artifact happens to be collected it should be handed directly to the local Doc office along with all information about the find.

Policy Five:

Discovery of Artifact Policy (Other Land)

Any artifact made of Pounamu discovered or found within the Ngāti Waewae takiwā on all other land should be left untouched and notified immediately to the local regional museum that will in turn notify Ngāti Waewae.

If the artifact happens to be collected it should be handed directly to the appropriate regional museum along with all information about the find.

Explanation

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

- Respect the associated Māori cultural values
- Ensure the heritage integrity of the site, and,
- Maximize any learning for future generations from the cultural heritage and heritage values.

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

- Immediate erosion
- Land movement,
- Animal damage to sites; or,
- Theft

In practice, Ngāti Waewae and Ngāi Tahu both accept and appreciate finders of taonga taking direct action to protect the taonga where there is a very clear and immediate risk of loss of the taonga and, where the action taken is the very minimum required to prevent the immediate loss of the taonga.

It is always important to accurately record on a map, in writing and preferably with diagrams and photographs of the exact location and position of any taonga found. If the taonga is left undisturbed, this information will help the appropriate relocation of the taonga in the future. If the taonga is for some reason removed from the site, then the documentation forms an important part of the record to be associated with the taonga.

Process

Ngāti Waewae will acknowledge the return of all taonga and artifacts.

Where a find occurs within the rohe of Ngāti Waewae, Ngāti Waewae and the Department of Conservation (DoC) should be notified immediately.

5.4 DOC Planning, Concessions & Other Activities Within Lands Administered By DOC

Objective

To put in place processes and a set of standard clauses and conditions used by the DOC in their planning documents relating to Pounamu areas and in the processing of permits, concessions and access arrangements that may have an impact on Pounamu.

Background

Pounamu cannot be knowingly disturbed or removed from the lands administered by DOC other than through collection and extraction as authorised by Ngāti Waewae outlined in sections 7 and 8 of this plan.

Information sharing, and where appropriate conditions, are therefore encouraged to protect Pounamu from all activities that have the potential to disturb, unearth or result in the removal of Pounamu from the land administered by DOC. This involves:

- mining activities;
- building developments and earthworks, including work undertaken by, or on behalf of, DOC, and
- Other commercial and recreational activities such as tourist operations.

Clear guidance and process helps all parties undertake their legal activities while ensuring the protection of Pounamu.

5.4.1 DOC Planning

Background

Currently all DOC conservation management strategies and national park management plan documents contain very limited information in relation to Pounamu, especially in regard to the legal ownership of Pounamu. This is because most documents were created before the Ngāi Tahu (Pounamu Vesting) Act 1997 and Ngāi Tahu Claims Settlement Act 1998.

All Department of Conservation plans that affect a wāhi Pounamu area should be amended appropriately to contain the following:

- ***A standard clause about the Ngāi Tahu (Pounamu Vesting) Act and this Ngāti Waewae Pounamu resource management plan;***
- ***A reference to the geological existence of Pounamu where appropriate;***
- ***Historical references where they do not currently exist; and***
- ***References to the Ngāi Tahu (Pounamu Vesting) Act and this Pounamu resource management plan in all appropriate sections such as those relating to mining, customary/cultural use, research and commercial activity/concessions.***

Explanation

Below is a standard clause about the Ngāi Tahu (Pounamu Vesting) Act and the Ngāti Waewae Pounamu Resource Management Plan for use in DOC plans in the Ngāti Waewae takiwā.

“Ngāi Tahu (Pounamu Vesting) Act 1997 and Pounamu Management

The overall Ngāi Tahu Claims Settlement includes the Ngāi Tahu (Pounamu Vesting) Act 1997. The Pounamu Vesting Act returned all Pounamu that was the property of the Crown (otherwise known as greenstone, including all nephrite, semi-nephrite, bowenite and specific serpentine resources) in its natural condition within the takiwā (tribal area) of Ngāi Tahu Whānui to Te Rūnanga o Ngāi Tahu. Pounamu is managed in accordance with the Ngāi Tahu Pounamu Resource Management Plan administered by the Toitū te Whenua office of Te Rūnanga o Ngāi Tahu. No member of the public can knowingly disturb, remove or recover Pounamu from the lands administered by the DOC, other than through collection and extraction as outlined in sections 7 and 8 of the Te Rūnanga o Ngāti Waewae Pounamu Resource Management Plan.

Where any Pounamu is discovered within the takiwā of Ngāti Waewae, the occurrence should be notified to Te Rūnanga o Ngāti Waewae. This rūnanga should also be contacted, in the first instance, about all other inquiries and matters relating to Pounamu.”

Process

Te Rūnanga o Ngāti Waewae will work with the DOC to ensure that their planning documents include the above information.

This should be done as soon as possible, and/or at the first review of the appropriate DOC plans, after the release date of this plan.

5.4.2 Mining Activities Within Lands Administered by DOC

Background

Because of the nature of Pounamu and its relationship to gold and other minerals, Pounamu may be unearthed during mining operations. Therefore, processes are necessary to make miners aware of the management of the Pounamu resource by Te Rūnanga o Ngāti Waewae.

All mining undertaken within lands administered by the Department of Conservation with the potential to affect Pounamu shall carry a Mining Access (Pounamu) standard condition.

Explanation

Below is a Mining Access (Pounamu) standard condition for activities in the Ngāti Waewae takiwā.

"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 pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997.

No Pounamu may be removed or recovered by the permit holder or its employee's unless written authorisation is first entered into with Te Rūnanga o Ngāti Waewae. Where the permit holder on or under the land discovers any Pounamu during the course of operations the permit holder will immediately notify Te Rūnanga o Ngāti Waewae".

Process

Te Rūnanga o Ngāti Waewae will work with DOC to ensure that all mining activities permitted within lands administered by DOC that may affect Pounamu carry the Mining Access (Pounamu) standard condition and that a written authorisation with Te Rūnanga o Ngāti Waewae has been obtained by the permit holder before work proceeds.

5.4.3 Developments and Other Activities within Lands Administered By DOC

Background

Many other activities that take place within lands administered by DOC, including work undertaken by or on behalf of DOC, have the potential to result in Pounamu being discovered, disturbed or removed. Development activities, such as building and earthworks have the potential to unearth Pounamu when the land is prepared for these activities. Further, tourist operators, especially guide and concession holders are aware of the ownership of Pounamu and their responsibilities if they find or disturb any Pounamu. In case of research activities please refer to Section 5.7 of this plan.

Policy Eight:

Department of Conservation
Permit/Concession Activity Policy

All permit and concession activities undertaken within lands administered by the Department of Conservation with the potential to affect Pounamu shall carry a standard Permit/Concession (Pounamu) condition.

Policy Nine:

Department of Conservation Pounamu
Activities (Non-Permit/Concession)
Policy

The Department of Conservation will inform those undertaking non-permit and concession activities within lands administered by the Department of Conservation with the potential to affect Pounamu of the appropriate actions to take in relation to Pounamu.

Explanation

Below is a Permit/Concession (Pounamu) standard condition for actions in the Ngāti Waewae takiwā.

"The permit/concession holder acknowledges that Pounamu is under the ownership of Te Rūnanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997. No Pounamu may be removed or recovered by the permit/concession holder or their employees/clients.

Where the permit holder finds any Pounamu, the permit holder will immediately notify Te Rūnanga o Ngāti Waewae".

Process

Te Rūnanga o Ngāti Waewae will work with the DOC to ensure that all activities undertaken or permitted within the lands administered by DOC that may affect Pounamu are adequately informed of the appropriate actions to take in relation to Pounamu, or carry a Permit/Concession (Pounamu) standard condition.

5.4.4 Pounamu Interpretation within Lands Administered By Doc

Background

Site and visitor interpretation such as panels and talks relating to Pounamu or Pounamu areas must be undertaken with and/or by those with the appropriate expertise and knowledge to do so. This also relates to the work done by DOC.

Policy Ten:

Department Of Conservation
Concessionaire Pounamu Interpretation
Policy

All interpretation undertaken by concessionaires relating to Pounamu or wāhi Pounamu within lands administered by the Department of Conservation shall carry a Ngāi Tahu Pounamu interpretation standard condition.

Policy Eleven:

Department of Conservation Pounamu
Interpretation (Non-Concession) Policy

The Department of Conservation will inform those undertaking non-concession interpretation activities relating to Pounamu or wāhi Pounamu within lands administered by the Department of Conservation of the appropriate actions to take in relation to Pounamu interpretation.

Explanation

Below is an interpretation standard condition for non-concession interpretation activities in the Ngāti Waewae takiwā.

“The Concessionaire shall ensure that any interpretation provided to its clients on Ngāi Tahu historical, spiritual or cultural association with Pounamu or any Pounamu area is entirely consistent with the Ngāi Tahu Pounamu Resource Management Plan and the Te Rūnanga o Ngāti Waewae Pounamu Resource Management Plan. This also includes any Department produced interpretative material. The Concessionaire/s shall notify Te Rūnanga o Ngāti Waewae if they are using the above information in compliance with kaitiakitanga as depicted in this plan.

Where the Concessionaire wishes to provide clients with information not contained in these sources, which relates to Ngāti Waewae/Ngāi Tahu historical, spiritual or cultural association with Pounamu or any Pounamu area, and then the Concessionaire shall consult with Te Rūnanga o Ngāti Waewae before using any other information to ensure such information is both appropriate and accurate.

The DOC will provide the Concessionaire with the contact details of Te Rūnanga o Ngāti Waewae, in relation to this clause.”

Process

Te Rūnanga o Ngāti Waewae will work with the DOC to ensure that all interpretations relating to Pounamu meet the Ngāi Tahu Pounamu interpretation standard condition.

5.5 Limited customs Export Prohibition Order Over Pounamu

Objective

- The limited prohibition on the export of Pounamu in its natural state, and partly or wholly processed Pounamu (raw Pounamu) is designed to protect the value (economic, spiritual

and cultural) 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 Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Waewae. Ngāti Waewae reserve their right to be able to apply to vary the Limited Customs Export Prohibition order to provide for their traditional customary rights of export.

- To protect the uniqueness and valued status of Pounamu from being undermined through unlimited exportation; and
- To manage Pounamu that is seized under the Export Prohibition Order and give effect to 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 is an important part of the values associated with Pounamu, so too is the protection of spiritual and cultural values.

Therefore, to protect the uniqueness and valued status of Pounamu to not just Ngāi Tahu but to iwi Māori and all New Zealanders. Te Rūnanga o Ngāi Tahu supports the existence of a limited 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 2005 and its amendments are created under the Customs and Excise Act 1996 and are administered by 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. A full copy of the current order is in Appendix (D).

“New Zealand Customs may seize any Pounamu that is attempted to be exported without pre-approval and/ or where the Pounamu falls outside the conditions of the order. Exemptions from the order may be made in special circumstances by applying in writing to the New Zealand Customs Service at least three months prior to departure. Maximum penalties relating to the order include imprisonment for a term not exceeding six months or a fine not exceeding \$10,000, or in the case of a body corporate a fine not exceeding \$50,000.”

Policy Twelve:

NZ Customs Export Prohibition
Policy

All exportation of Pounamu from New Zealand is consistent with the Customs Export Prohibition Order 2005 and its amendments.

Process

The Minister of Customs has the final decision on the export of Pounamu and for the approval of any application.

1. All persons wanting to export Pounamu outside the conditions of the order should apply to NZ Customs who 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.
2. NZ Customs will notify Te Rūnanga o Ngāi Tahu with details of the application. Te Rūnanga o Ngāi Tahu will consider the application, in consultation with Te Rūnanga o Ngāi Tahu if the Pounamu is deemed to be from within their takiwā.
 3. Te Rūnanga o Ngāi Tahu will provide NZ Customs with advice on the application.
 4. The Minister of Customs will then make the final decision and action the application accordingly.

If you are in doubt about whether a piece of Pounamu to be exported meets the conditions of the order you should contact NZ Customs.

5.6 Local Government Authority Planning And Resource Consents Affecting Pounamu

Objective

To ensure that Te Rūnanga o Ngāi Tahu are able to exercise the processes and procedures contained in this plan. These processes and values will be reflected in the Local Authority / Councils conditions placed on resource consents where appropriate, in consultation with Te Rūnanga o Ngāi Tahu. These values will be reflected in the Te Runanga o Ngai Tahu Pounamu Resource Management Plan. Relevant sections of this plan should be recognised appropriately in plans and policy statements by Regional and District Councils.

Background

Activities that involve extraction, excavation and earthworks such as mining and building developments within areas where Pounamu is known to occur to have the potential to disturb and unearth Pounamu.

These activities are administered by regional and district councils under the Resource Management Act through plans and resource consents, or by the Building act through building consents. It is important that plans, policy statements and resource consents recognize that such activities may disturb Pounamu and make provision for this so as to protect the rights of Te Rūnanga o Ngāi Tahu as the owner of Pounamu. 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 5, 6(e), 7(a) and 8.

Mining activities on private land will be covered by a mineral access arrangement within the takiwa of Te Rūnanga o Ngati Waewae and Te Runanga o Ngāi Tahu as a private mineral owner under the Crown Minerals Act 1991 and through conditions set by the appropriate Minister on Crown land.

To manage the accidental discovery and disturbance of Pounamu by resource consent activities Te Rūnanga o Ngāi Tahu and the appropriate councils should liaise to identify what conditions could be attached to resource consents. Conditions could, for example, require the consent applicant to

contact Te Rūnanga o Ngāti Waewae as soon as practicable if any Pounamu is discovered during the exercise of the consent.

Policy Thirteen:

Local Government Authority
Planning Policy

All district and regional plans and policy statements should contain appropriate provisions in relation to the accidental discovery of Pounamu.

Process

Relevant regional and district councils will liaise with Te Rūnanga o Ngāti Waewae to identify what conditions could be attached to resource consents to manage any adverse environmental effects of accidental discovery of Pounamu by certain activities.

Where Te Rūnanga o Ngāti Waewae consider an application or activity may disturb Pounamu, the council will be advised of this appropriate resource consent conditions may be sought, such as those outlined above.

Policy Fourteen:
Consent

Local Government Authority
Policy

Resource consent applicants whose activities have the potential to affect Pounamu may be subject to conditions set by the relevant Local Government Authority to recognise the policy and procedures set out in this plan.

Process

Relevant regional and district councils will liaise with Te Rūnanga o Ngāti Waewae to identify appropriate provisions and processes in relation to Pounamu.

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.

5.7 Pounamu Theft And Prosecutions

Objective

To uphold the private property rights of Te Rūnanga o Ngai Tahu over Pounamu, by investigating and prosecuting for theft of Pounamu.

Background

The theft of Pounamu is against the law and desecrates the wairua and mauri of Pounamu. Pounamu theft can involve the removal of Pounamu from its natural state falling outside the policy set by this plan.

Te Rūnanga o Ngāti Waewae will support all parties and will work with them on cases where evidence shows theft has taken place.

The maximum penalty for theft under the Crimes Act, including Pounamu theft, is imprisonment for a term not exceeding 7 years.

Investigation Policy: Investigations into illegal Pounamu activities will be carried out discretely as and when required.

Prosecutions will be pursued where evidence of criminal activity relating to the theft of Pounamu under the Crimes Act is obtained.

Process

Te Rūnanga o Ngāti Waewae will work with Te Rūnanga o Ngāi Tahu and the police where criminal activity is suspected and gather evidence sufficient to support an investigation and/or prosecution by the police.

Te Rūnanga o Ngāti Waewae will notify the Police requesting assistance in any investigations and offer assistance in handling investigations and prosecutions to the appropriate departments.

5.8 Intellectual Property

Objective

To protect and uphold all kawa and tikanga associated with Poutini Ngāi Tahu mātauranga/knowledge systems and intellectual property rights that are associated with Pounamu.

Background

Pounamu has numerous oral traditions that record various whakapapa connections to Te Rūnanga o Ngāti Waewae. These are recorded in various writings pertaining to Pounamu highlighting a varying contrast between what are Ngāti Waewae oral traditions. This plan does not seek to determine the differences, rather to retain that which is the property right of Ngāti Waewae.

5.9 Ngati Waewae Pounamu Trademark : These will be developed as a mechanism to protect the marketing of the taonga.

A trademark is currently (@February 2009) being developed by subsidiary company Arahura Holdings Ltd and has been designed to distinguish and protect Pounamu from foreign imported and local illegally obtained jades that may be marketed as genuine West Coast Pounamu.

Arahura Holdings Ltd will manage the trademark in line with the objective set out in section 5.8, intellectual property, of the plan.

Policy X:

**Ngāi Tahu Pounamu Trademark
Policy**

To distinguish Pounamu from foreign jades, the 'Ngāi Tahu Pounamu Trademark' may only be used for Pounamu sourced from within the Ngāi Tahu Takiwā and developed with consent from both Ngāi Tahu and Kaitiaki Rūnanga including Te Rūnanga o Ngāti Waewae.



6.0 External Research

Objective

To uphold, enhance and protect the wairua and mauri of Pounamu by providing policy and guidance for those undertaking research on Pounamu, and/or within subject areas and locations that may affect Pounamu.

Background

Universities, Crown Research Institutes private researchers, consultants and individuals undertake research alongside Ngāti Waewae in relation to Pounamu as well as within related subject areas and locations that affect Pounamu.

Often this occurs without recognition of the traditional association of Ngāti Waewae as kaitiaki, and the ownership of Pounamu vested in Te Runanga o Ngāi Tahu. This can have an impact on both intellectual and private property rights as well as affecting the wairua and mauri of Pounamu.

Policy Sixteen:

External Research Policy

All research on Pounamu in the Ngāti Waewae takiwā, and / or within the subject areas and locations that may affect Pounamu, is undertaken with the prior approval of Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Waewae.

Process

Those wishing to undertake research shall contact Te Runanga o Ngāti Waewae and Te Runanga o Ngāi Tahu's Toitū te Whenua (or senior manager as appropriate) of Te Rūnanga o Ngāi Tahu prior to the commencement of any work, with an outline of their proposal.

Te Runanga o Ngāti Waewae Pounamu Management Committee and Toitū te Whenua office will review the proposal. If the proposal is supported, this may lead to a hui between the researchers and Ngāti Waewae to discuss the proposal, the cost of which will be borne by the researcher.



7.0 Taking of Pounamu

Objective

To maintain and facilitate the taking of small amounts of Pounamu while protecting the wairua and mauri of Pounamu.

Background

The hand taking of small amounts of Pounamu, is an important cultural activity for both Poutini Ngāi Tahu and non-Ngāi Tahu alike. The management of this activity is a central part of the overall management of Pounamu because being a privately owned mineral; the permission of Ngāti Waewae is needed before taking can take place.

In particular, Ngāti Waewae upholds and maintains the ahi-kā-roa within the takiwā. The customary taking of Pounamu is an important part of their cultural identity and economic well-being.

In recognition of the importance of taking of Pounamu, Ngāti Waewae have decided on a mixture of measures to facilitate limited take by public, whilst also protecting Pounamu for the future generations.

In areas where the taking of Pounamu is allowed, the measures put in place are based on existing laws and policy of the DoC and local government authorities governing the taking of other stones and minerals. Restrictions or rāhui may also be set by Ngāti Waewae to protect Pounamu and limit takes in particular areas.

The specific policy for taking by the public and customary collection is set out below.

Policy Seventeen:

Permitted Public taking Policy

Hand taking of Pounamu on beaches within the takiwā of Te Rūnanga o Ngāti Waewae is permitted.

Objective

To inform the public where they can take Pounamu provided that Ngāti Waewae has not placed a rāhui over that particular area.

Process

No permission is required and information can be obtained from the Ngāti Waewae and also the Ngāi Tahu Pounamu Resource Management Plans. Responsibility is with the person carrying out the take. Rāhui will be well publicized however if you are in any doubt you should contact Te Runanga o Ngati Waewae.

- 7.1 Public take permitted to be carried per person (Up To 0.5 Kg maximum weight of Pounamu per day).
Note: Any Pounamu stones larger than 0.5Kg to be notified to Te Runanga o Ngati Waewae.

- 7.2 Public Prohibited from taking Pounamu (refer map 1)

The taking of Pounamu by the public is not permitted in all areas except as referred to in 7.1, on beaches, within the takiwā of Ngāti Waewae. The areas prohibited include rivers, mine sites, excavation sites, forestry sites, and land clearing developments.

Policy Eighteen:

Non-Permitted Public Taking

The taking of Pounamu by the public is not permitted in all other areas within the takiwā of Ngāti Waewae.

Process

There are processes in place for people to obtain Pounamu through the policy set out in Section 9

Supply. Extraction, supply and monitoring is to be carried out by Ngāti Waewae via it's Pounamu Management Committee.

7.3 Customary Collection

Objective

In recognition of, take ahi-kā-roa this plan recognizes the traditional customary practices maintained by Ngāti Waewae and their ability to collect Pounamu in this manner from throughout their takiwā is unchanged.

Background

Ngāti Waewae tipuna and their descendants have taken, traded and used Pounamu for generations and the policy below will ensure that this customary right remains.

Policy Nineteen:

Customary Collection Policy

- (a) Customary take allows Ngāti Waewae and other Ngāi Tahu members to take an amount of Pounamu equal to what one person can physically carry on their person provided it is uncut. Ngai Tahu whanui will require the customary permission of Ngati Waewae to take Pounamu. This will be confirmed via a written permit to be carried whilst undertaking the activity.***
- (b) Any amount over this limit will require the finder to notify Te Rūnanga o Ngāti Waewae of the find, immediately.***
- (c) Ngāti Waewae spouses and manuhiri are permitted to take Pounamu provided they are accompanied by Ngāti Waewae descendant/s. Taking Pounamu by spouses and manuhiri outside of this policy will be facilitated at the discretion of Te Rūnanga o Ngāti Waewae.***

Process

Land access arrangements will be required and obtaining this is the responsibility of those undertaking the activity. Any activity granted under Policy 19(a) will be monitored and feedback is required from the taker.

The process for 19(a) is conditional and applicants will be required to pay a permit processing fee. This can be done by contacting Te Rūnanga o Ngāti Waewae.

7.4 Rāhui Pounamu – Restrictions On Collection

Objective

To protect special areas and types of Pounamu by restricting access and /or limiting take activity.

Background

Rāhui is an important traditional approach used to protect special areas of Pounamu. It is also an important part of the overall approach to sustainability of the resource by ensuring some areas remain untouched for future generations to enjoy.

Rāhui may be made for a variety of reasons such as Wāhi Tapu, cultural and heritage protection, and resource sustainability. Rāhui may be temporary or permanent and are made at the discretion of Ngāti Waewae, in-conjunction with the relevant statutory land manager or private landowner as appropriate.

Policy Twenty:

Rāhui Policy

Ngāti Waewae, from time to time may put rāhui or restrictions on certain areas preventing or limiting the removal of Pounamu. Ngāti Waewae must consult with Te Rūnanga o Ngāi Tahu where rāhui or restrictions may affect commercial supply and where permanent rāhui may be implemented.

Process

These rāhui Pounamu or restrictions will be designated by Ngāti Waewae who will publicise them as appropriate by contacting relevant DOC offices and also Te Rūnanga o Ngāi Tahu.

Where a rāhui is placed it is the responsibility of those interested in collecting Pounamu to make themselves aware of this policy.

If you are in doubt as to whether an area or activity is under rāhui, it is important to contact the Pounamu Management Committee of Te Rūnanga o Ngāti Waewae.



8.0 Extraction of Pounamu

Objective

For purposes of supply Ngāti Waewae intend to carry out the extraction of Pounamu on a sustainable basis. This approach will be supported by research projects as outlined in 8.1 Sustainability and 8.1.2 Geological and Nuclear Sciences Research and Resource Assessment

Background

In the past, Crown mining licence holders who mined according to work plans undertook extraction of Pounamu. This system has now expired.

Under this plan, the extraction of Pounamu is defined as the taking of Pounamu from its natural state by Ngāti Waewae for cultural or commercial purposes.

The extraction of Pounamu differs from the taking of Pounamu outlined in the previous section. Extraction generally relates to the taking of Pounamu in quantities larger than an individual can carry.

Further to the above definition there is one further circumstance by which Pounamu may be extracted under this plan. This relates to Pounamu that is discovered as a by-product of other mining and land development activities.

8.1 Pounamu Sustainability

Background

Sustainability, *mō tātou, ā, kā uri ā muri ake nei* for us and our children after us, underpins the management of Pounamu, and in particular extraction. Sustainability is vital because Pounamu is a taonga that has both high cultural and commercial value as well as being a finite resource.

The sustainable use of finite mineral resources is dependant on many factors including available information, geological nature, demand, quality and quantity, and access, to name just a few. Further, the high cultural and spiritual significance of Pounamu as a taonga makes sustainability even more critical.

The conventional method of managing the extraction of finite minerals is through geological surveys and resource assessments to find out how much resource is present and then making decisions on extraction over time, based on the costs and benefits of doing so.

Traditional Ngāti Waewae methods of managing Pounamu focus on understanding the geological and hydrological transport of Pounamu. That is, the availability of Pounamu relates directly to glacial and river action, especially after heavy rains and floods. These methods require in-depth knowledge of source deposits, and regular *hīkoi* to, in-situ deposits up and down high country rivers and beaches. These methods are still practiced and are effective today.

Ngāti Waewae in conjunction with Te Rūnanga o Ngāi Tahu have undertaken and will continue to undertake research and monitoring of Pounamu deposits and areas to be able to make the best decisions on Pounamu extraction. This will be achieved by undertaking comprehensive resource assessments and geological surveys that may involve the assistance of the Institute of Geological and Nuclear Sciences. This will allow Ngāti Waewae to understand their Pounamu resources and set annual sustainable tonnage limits for any given deposit in their *takiwā*.

8.1.2 Geological And Nuclear Sciences Research And Resource Assessment

The research to be undertaken with the Institute of Geological and Nuclear Sciences (GNS) follows a clear and simple methodology to understand the Pounamu resource and its sustainability. The methodology involves research to understand existing and potential reserves that are split into 11 categories (shown as A-K in Figure 1) making up the total Pounamu resource in each region along with six processes (shown as 1-6 in Figure2) that affect the natural rate of change to reserves and where the reserves occur.

The actual research involves both desktop and fieldwork in each region based on the A-K/1-6 methodology. The majority of the desktop work focuses on assessing the resource from existing geological information to map and quantify the resource. The fieldwork looks at verifying desktop assessment information as well as understanding natural processes, such as glacial action, that can affect Pounamu resources over time and influence future management decisions.

Undertaking this assessment will provide Ngāti Waewae with an appreciation of the resource present in their takiwā, the relative sensitivity of the resource in relation to geological and human induced changes, and the role the takiwā plays within the total stock of Pounamu within Te Wahi Pounamu.

8.2 Extraction Policy

Background

The general extraction policies reflect an intention by Te Rūnanga o Ngai Tahu and the Kaitiaki Rūnanga to ensure that the general Ngai Tahu population and the Kaitiaki Rūnanga are involved in setting sustainable extraction levels on a regular basis. The policies also reiterate the desire of Te Rūnanga o Ngāti Waewae to be fully involved in the extraction process within Ngāti Waewae takiwā boundaries.

Policy Twenty One (a)

General Commercial Extraction Policy

Within the Ngāti Waewae takiwā, any commercial extraction of Pounamu must be undertaken in a sustainable way with endorsement of Te Rūnanga o Ngāi Tahu. The sustainable level of extraction will be set every two years for the forthcoming two years in discussions between the two organizations and then affirmed via a supply agreement in writing.

Policy Twenty One (b)

General Commercial Extraction Policy (Provisions)

Within the Ngāti Waewae takiwā, any commercial extraction of Pounamu will be undertaken pursuant to certain agreed conditions with Te Rūnanga o Ngāi Tahu including but not limited to supply agreement interdependence, specified period / term of extraction, specified extraction methodology, reporting and audit processes, compliance with statutory and regulatory regimes, and termination provisions.

Policy Twenty One:

Takiwā

Te Rūnanga O Ngāti Waewae
Extraction Policy.

Te Rūnanga o Ngāti Waewae or their authorised contractors will carry out all extraction of Pounamu within the Ngāti Waewae takiwā.

Process

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu will engage in ongoing discussions about how to best commercialise the Pounamu resource in a sustainable fashion. This will include appropriate regular assessments concerning the extent and quality of the resource. Te Rūnanga o Ngāti Waewae is responsible for authorising extraction of Pounamu from the Ngāti Waewae takiwā although may engage a third party contractor to undertake the actual responsibilities of extraction. This third party may range from a private contractor, to a joint venture arrangement between Te Rūnanga o Ngāi Tahu and Kaitiaki Rūnanga.

8.3 Indirect Extraction / By Product And Accidental

Background

Indirect extraction refers to Pounamu that may be accidentally discovered, disturbed, unearthed or recovered by parties other than Ngāti Waewae as a by-product of their legal activities. Above and beyond the legal taking of Pounamu allowed for and outlined in Section 7 of this plan, it is illegal to take Pounamu by any other method. Accidental discovery may be via Indirect extraction including mining for other minerals, especially gold, with a Crown Minerals mining permit, those undertaking land developments under resource consents, other permits, DOC permits and concessions. Ngāti Waewae encourages accidental discoveries to be disclosed to them. Ngāti Waewae Pounamu Management committee will work collaboratively with discoverers to ensure they are rewarded for disclosing our Pounamu taonga. Refer contact details at front of plan document.

Policy Twenty Two:

Indirect Extraction Policy

All Pounamu discovered within the takiwā of Ngāti Waewae, other than through authorised collection, regardless of size is the property of Te Rūnanga o Ngāti Waewae and Te Runanga o Ngāi Tahu and can only be removed with authorisation from Ngāti Waewae.

Process

In the event that any Pounamu is accidentally discovered immediate contact should be made with Ngāti Waewae Pounamu Management committee.

Where mining and any land development operations are deemed to having effect on the Pounamu resource Ngāti Waewae will engage with landowners and or operators to facilitate the recovery of any Pounamu by-product. These activities will be monitored by the Ngāti Waewae Pounamu Management committee.



9.0 Supply of Pounamu

Objective

Where available Ngāti Waewae will facilitate the supply of Pounamu from its source or elsewhere for supply to the commercial industry.

Background

Ngāti Waewae recognises the importance of having a supply of Pounamu this is particularly important in the relationship with other iwi, hapū as well as the community. Supply of Pounamu may be through allowable community taking and customary taking by Ngāti Waewae.

The policies outlined under Section 7 (Collection) and Section 8 (Extraction), of this plan provide a process for supply of the resource where available.

9.1 Pounamu Supply

Objective

All commercial supply is to be undertaken by Te Rūnanga o Ngāti Waewae and facilitated with consent through a collective Ngāti Waewae and Ngāi Tahu commercialisation process.

Policy Twenty Three (b):

**Pounamu Supply Policy
(Commercial)**

The supply of Pounamu from within the Ngāti Waewae takiwa for the commercial industry will be undertaken pursuant to the consent of Te Rūnanga o Ngāti Waewae and Te Runanga o Ngāi Tahu.

Process

The resource will be available from time to time and notification will be communicated to potential purchasers who should then contact Ngāti Waewae.



Commercialisation of Pounamu

Objective

To facilitate the commercialisation of Pounamu through industry development by Te Rūnanga o Ngāti Waewae, other Kaitiaki Rūnanga, and / or Te Rūnanga o Ngāi Tahu.

Background

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Ngāi Tahu and the Kaitiaki Rūnanga wish to ensure that the Pounamu resource provides sustainable economic development opportunities for the people of Ngāti Waewae and Ngāi Tahu people generally. This will assist to ensure that the Pounamu resource is effectively managed by Te Runanga o Ngati Waewae for the benefit of Te Rūnanga o Ngāti Waewae and by association, other Kaitiaki Rūnanga, and members, Ngai Tahu whānui, ngā maata waka and other communities through their commercial development of Pounamu.

Policy 24

Commercialisation of Pounamu

The commercialisation of the Pounamu resource from within Ngati Waewae takiwā will involve stringent measures to ensure sustainability of the resource, prudent stewardship and management of the resource and businesses engaging with resource development, and appropriate processes for extraction and supply of Pounamu.

Explanation

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu represent tangata whenua and all members of Ngāi Tahu whānui. Because Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu own and manage the Pounamu resource, it is essential that these organisations allow via their consent to any commercialisation of the Pounamu resource.

Process

Te Rūnanga o Ngāti Waewae, other Kaitiaki Rūnanga and Te Rūnanga o Ngāi Tahu will engage with one another to produce relevant information concerning the sustainability and management of Pounamu. Kaitiaki Rūnanga and Te Rūnanga o Ngāi Tahu may engage with one another to establish joint ventures and other businesses dedicated to the commercialisation of Pounamu. This may involve establishing new Pounamu businesses and / or purchasing businesses already involved in managing Pounamu.

Dispute Resolution

Objective

To provide a non-litigious process for resolving disputes between Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu where those disputes concern the Te Rūnanga o Ngāti Waewae Pounamu Resource Management Plan.

Background

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu may dispute the implementation of both this document and the Te Rūnanga o Ngāi Tahu Pounamu Resource Management Plan.

Policy Twenty Five

Dispute Resolution

Any dispute arising from this Pounamu Resource Management Plan, between Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu shall be considered in mediation through a mediator appointed by agreement between Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu.

Process

If Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu are parties to a dispute concerning this document 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 may have expertise in resource management and / or Pounamu management. The mediator may also have legal training and / or commercial training that provides a sufficient amount of skill, knowledge, and integrity for mediating such a dispute.



10.0 Plan Monitoring and Review

10.1 Monitoring

This plan will be monitored to assess the effectiveness, adoption and implementation of the policies outlined herein.

The Ngāti Waewae Pounamu Management committee will carry out monitoring.

Where monitoring establishes the need to make changes to the plan, the following review process outlined below will do this.

10.2 Review Process

10.2.1 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 Ngāti Waewae Pounamu Management committee who will assess the proposed change and make the appropriate amendments.

If the proposed amendment will not materially affect the objectives or policies expressed in the plan, then the Ngāti Waewae Pounamu Management committee will make the change on the plan and issue an amendment to the plan.

10.2.2 Initiated Review

Ngāti Waewae 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 Ngāti Waewae Pounamu Management committee in writing. Requests will taken but not be considered within the first 2 years following the release of this plan or within 12 months of any subsequent review.

Upon receiving the request, the Ngāti Waewae Pounamu Management Committee will work to assess the proposed review and / or amendment and facilitate the creation of a decision paper to Te Rūnanga o Ngāti Waewae.

Upon the issuing of a decision from Ngāti Waewae, the Ngāti Waewae Pounamu Management Group will make the appropriate change to the plan and issue an amendment.

10.2.3 Formal Review

A full review of the Ngāti Waewae Pounamu Resource Management Plan will be initiated by July 2010 and then within every 5 years of this date.

Ngāti Waewae can extend review dates in consultation with the Ngāti Waewae Pounamu Management committee. Both parties will ascertain the need for a formal review in January of the year before the formal review is due. The Ngāti Waewae Pounamu Management Committee will notify Te Rūnanga o Ngāti Waewae in writing and call for submissions on amendments to the

plan and will facilitate this. If it is decided a review is required, the Ngāti Waewae Pounamu Management Group will work with Te Rūnanga o Ngāti Waewae to undertake the review.

The formal review will involve the creation of an information document outlining proposed amendments and ask for submissions. From these submissions the Ngāti Waewae Pounamu Management committee will create a decision paper containing the final amendments to be submitted to Te Rūnanga o Ngāti Waewae.

Upon the issuing of a decision from Te Rūnanga o Ngāti Waewae, the Ngāti Waewae Pounamu Management committee will make the appropriate changes to the plan and issue amendments.



APPENDIX A

Summary of Policies in This Plan

Policy One: External Relationships Management Policy

Te Rūnanga o Ngāti Waewae will manage the Pounamu resource and consult with affected stakeholders as appropriate in accordance with kaitiakitanga principles.

Policy Two: Mineral Access Arrangement Policy (Private land)

All Crown mineral permit holders who prospect, mine or explore on private land where Pounamu is known to occur require a mineral access arrangement with Te Rūnanga o Ngāi Tahu.

Policy Three: Mineral Access Arrangement Policy (Crown Land)

All Crown minerals permit holders who prospect, mine or explore on Crown land where Pounamu is known to occur may be subject to conditions set by the appropriate Minister of the Crown to recognize the ownership of Pounamu by Te Rūnanga o Ngāi Tahu.

Policy Four: Discovery of Artifact Policy (Doc Land)

Any artifact made of Pounamu discovered or found within the Ngāti Waewae takiwā on lands administered by DOC should be left untouched and notified immediately to the local DOC office that will in turn notify Ngāi Tahu and Ngāti Waewae.

If the artifact happens to be collected it should be handed directly to the local Doc office along with all information about the find.

Policy Five: Discovery of Artifact Policy (Other Land)

Any artifact made of Pounamu discovered or found within the Ngāti Waewae takiwā on all other land should be left untouched and notified immediately to the local regional museum that will in turn notify Ngāi Tahu.

If the artifact happens to be collected it should be handed directly to the appropriate regional museum along with all information about the find.

Policy Six: Department of Conservation Pounamu Planning Policy

All Department of Conservation plans that affect a wāhi Pounamu area should be amended appropriately to contain the following:

- *A standard clause about the Ngāi Tahu (Pounamu Vesting) Act and this Ngati Waewae Pounamu resource management plan;*

- A reference to the geological existence of Pounamu where appropriate;
- Historical references where they do not currently exist; and
- References to the Ngāi Tahu (Pounamu Vesting) Act and this Pounamu resource management plan in all appropriate sections such as those relating to mining, customary/cultural use, research and commercial activity/concessions.

Policy Seven: Department Of Conservation Pounamu
Mining Activity Policy

All mining undertaken within lands administered by the Department of Conservation with the potential to affect Pounamu shall carry a Mining Access (Pounamu) standard condition.

Policy Eight: Department of Conservation
Permit/Concession Activity Policy

All permit and concession activities undertaken within lands administered by the Department of Conservation with the potential to affect Pounamu shall carry a standard Permit/Concession (Pounamu) condition.

Policy Nine: Department of Conservation Pounamu
Activities (Non-Permit/Concession) Policy

The Department of Conservation will inform those undertaking non-permit and concession activities within lands administered by the Department of Conservation with the potential to affect Pounamu of the appropriate actions to take in relation to Pounamu.

Policy Ten: Department Of Conservation Concessionaire
Pounamu Interpretation Policy

All interpretation undertaken by concessionaires relating to Pounamu or wāhi Pounamu within lands administered by the Department of Conservation shall carry a Ngāi Tahu Pounamu interpretation standard condition.

Policy Eleven: Department of Conservation Pounamu
Interpretation (Non-Concession) Policy

The Department of Conservation will inform those undertaking non-concession interpretation activities relating to Pounamu or wāhi Pounamu within lands administered by the Department of Conservation of the appropriate actions to take in relation to Pounamu interpretation.

Policy Twelve: NZ Customs Export Prohibition
Policy

All exportation of Pounamu from New Zealand is consistent with the Customs Export Prohibition Order 2005 and its amendments.

Policy Thirteen: Local Government Authority
Planning Policy

All district and regional plans and policy statements should contain appropriate provisions in relation to the accidental discovery of Pounamu.

Policy Fourteen: Local Government Authority Consent Policy

Resource consent applicants whose activities have the potential to affect Pounamu may be subject to conditions set by the relevant Local Government Authority to recognise the policy and procedures set out in this plan.

Policy Fifteen: Theft and Prosecution Policy

Prosecutions will be pursued where evidence of criminal activity relating to the theft of Pounamu under the Crimes Act is obtained.

Policy X: Ngāi Tahu Pounamu Trademark Policy

To distinguish Pounamu from foreign jades, the 'Ngāi Tahu Pounamu Trademark' may only be used for Pounamu sourced from within the Ngāi Tahu takiwā and developed with consent from both Ngāi Tahu and Kaitiaki Rūnanga including Te Rūnanga o Ngāti Waewae.

Policy Sixteen: External Research Policy

All research on Pounamu in the Ngāti Waewae takiwā, and/or within subject areas and locations that may affect Pounamu, is undertaken with the prior approval of Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Waewae.

Policy Seventeen: Permitted Public Taking Policy

Taking of Pounamu on beaches within the takiwā of Te Rūnanga o Ngāti Waewae is permitted.

Policy Eighteen: Non-Permitted Public Taking

The taking of Pounamu by the public is not permitted in all other areas within the takiwā of Ngāti Waewae.

Policy Nineteen: Customary Collection Policy

- (a) *Customary take allows Ngāti Waewae and other Ngāi Tahu members to take an amount of Pounamu equal to what one person can physically carry on their person provided it is uncut. Ngai Tahu whanui will require the customary permission of Ngati Waewae to take Pounamu. This will be confirmed via a written permit to be carried whilst undertaking the activity.*
- (b) *Any amount over this limit will require the finder to notify Te Rūnanga o Ngāti Waewae of the find, immediately.*
- (c) *Ngāti Waewae spouses and manuhiri are permitted to take Pounamu provided they are accompanied by Ngāti Waewae descendant/s. Taking Pounamu by spouses and manuhiri outside of this policy will be facilitated at the discretion of Te Rūnanga o Ngāti Waewae.*

Policy Twenty:

Rāhui Policy

Ngāti Waewae, from time to time may put rāhui or restrictions on certain areas preventing or limiting the removal of Pounamu. Ngāti Waewae must consult with Te Rūnanga o Ngāi Tahu where rāhui or restrictions may affect commercial supply and where permanent rāhui may be implemented.

Policy Twenty One (a)

General Commercial Extraction
Policy

Within the Ngāti Waewae takiwā, any commercial extraction of Pounamu must be undertaken in a sustainable way with endorsement of Te Rūnanga o Ngāi Tahu. The sustainable level of extraction will be set every two years (for the forthcoming two years) in discussions between the two organisations and then affirmed via a supply agreement in writing. .

Policy Twenty One (b)

General Commercial Extraction
Policy (Provisions)

Within the Ngāti Waewae takiwā, any commercial extraction of Pounamu will be undertaken pursuant to certain agreed conditions with Te Rūnanga o Ngāi Tahu including but not limited to supply agreement interdependence, specified period/term of extraction, specified extraction methodology, reporting and audit processes, compliance with statutory and regulatory regimes, and termination provisions.

Policy Twenty One:

Te Rūnanga O Ngāti Waewae Takiwā
Extraction Policy

Te Rūnanga o Ngāti Waewae or their authorised contractors will carry out all extraction of Pounamu within the Ngāti Waewae takiwā.

Policy Twenty Two

Indirect Extraction Policy

All Pounamu discovered within the takiwā of Ngāti Waewae, other than through authorised collection, regardless of size is the property of Te Rūnanga o Ngāi Tahu and can only be removed with authorisation from Ngāti Waewae.

Policy Twenty Three (b)

Pounamu Supply Policy
(Commercial)

The supply of Pounamu from within the Ngāti Waewae takiwā for the commercial industry will be undertaken pursuant to the consent of Te Rūnanga o Ngāti Waewae and Te Runanga o Ngāi Tahu.

Policy Twenty Four

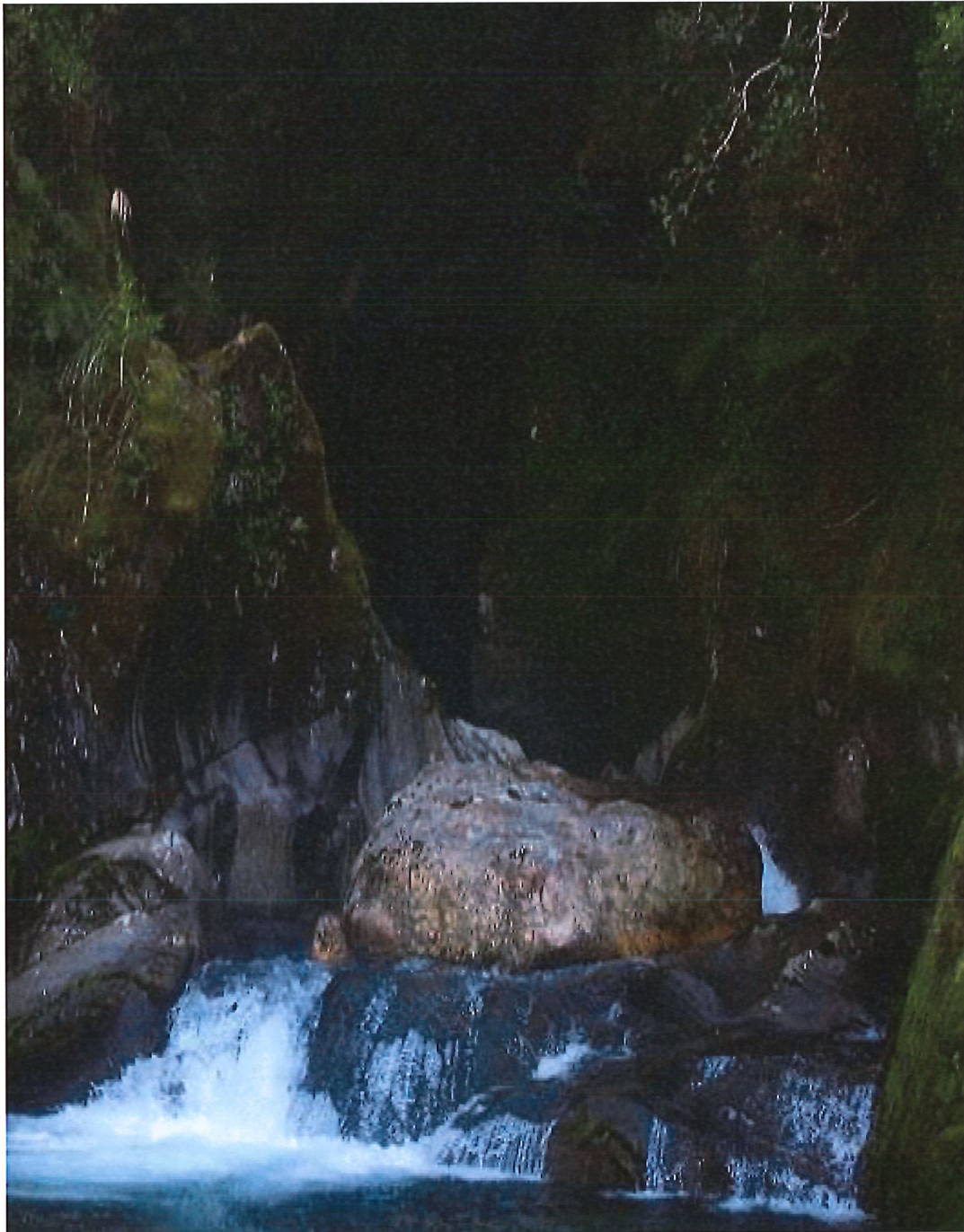
Commercialisation of Pounamu

The commercialisation of the Pounamu resource from within Ngati Waewae takiwā will involve stringent measures to ensure sustainability of the resource, prudent stewardship and management of the resource and businesses engaging with resource development, and appropriate processes for extraction and supply of Pounamu.

Policy Twenty Five

Dispute Resolution

Any dispute arising from this Pounamu Resource Management Plan, between Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngai Tahu shall be considered in mediation through a mediator appointed by agreement between Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu.



APPENDIX B

Pounamu Management Contact Addresses

Te Rūnanga o Ngāti Waewae

P.O Box 37
HOKITIKA

Tele: 03 756 8088
Fax: 03 7684563
Cell: 027 3102795
Email: admin@ngatiwaewae.org.nz

Te Rūnanga o Ngāi Tahu (including Toitū te Whenua)
Level 7, Te WaiPounamu House
158 Hereford Street
P.O Box 13 046
CHRISTCHURCH

Tele: 03 366 4344
Fax: 03 365 4244
Email: Pounamu@ngaitahu.iwi.nz

Te Rūnanga o Makaawhio
1st Floor, ASB Bank Building
99 Revell Street
P.O Box 225
HOKITIKA

Tele: 03 755 7885
Fax: 03 755 6884
Email: makawhio1@xtra.co.nz

Māwhera Incorporation
127 Armagh Street
P.O Box 13 042
CHRISTCHURCH

Tele: 03 366 7154
Fax: 03 365 4098
Email: mm@awh.co.nz

DEPARTMENT OF CONSERVATION

West Coast Conservancy
Sewell Street
Private Bag 701
HOKITIKA

Tele: 03 756 9000
Fax: 03 756 8201

Buller Area Office
Russell Street
P.O Box 357
WESTPORT

Tele: 03 788 8088
Fax: 03 788 8009

Punakaiki Field Centre
State Highway 6
PUNAKAIKI

Tele: 03 731 1893
Fax: 03 731 1888

Greymouth Area Office
23 High Street
P.O Box 370
GREYMOUTH

Tele: 03 768 0427
Fax: 03 768 7417

Hokitika Area Office
Sewell Street
Private Bag 701
HOKITIKA

Tele: 03 756 8282
Fax: 03 756 8201

LOCAL GOVERNMENT AUTHORITIES

West Coast Regional Council
Main South Road
P.O Box 66
GREYMOUTH

Tele: 03 768 0466
Fax: 03 768 7133

Buller District Council
Brougham Street
P.O Box 21
WESTPORT

Tele: 03 788 9111
Fax: 03 788 8041

Grey District Council
105 Tainui Street
P.O Box 382
GREYMOUTH

Tele: 03 768 1700
Fax: 03 768 1703

Westland District Council
36 Weld Street
Private Bag 704
HOKITIKA

Tele: 03 755 8321
Fax: 03 755 8026

CROWN MINERALS
Level 6, 33 Bowen Street
P.O Box 1473
WELLINGTON

Tele: 04 472 0030
Fax: 04 499 0968

NEW ZEALAND CUSTOMS SERVICE
17-21 Whitmore Street
P.O Box 2218
WELLINGTON

Tele: 04 473 6099
Fax: 04 473 7370

NEW ZEALAND POLICE
Greymouth
45-47 Guinness Street
P.O Box 368
GREYMOUTH

Tele: 03 768 1600
Fax: 03 768 1609

Hokitika
50 Sewell Street
P.O Box 17
HOKITIKA

Tele: 03 756 8301
Fax: 03 756 8311

LAND INFORMATION NEW ZEALAND
Lambton House, 160 Lambton Quay
P.O Box 5501
WELLINGTON

Tele: 04 460 0110
Fax: 04 472 2244

INSTITUTE OF GEOLOGICAL AND NUCLEAR SCIENCES
Dunedin Research Centre
764 Cumberland Street
Private Bag 1930
Dunedin

Tele: 03 477 4050
Fax: 03 477 5232

HOKITIKA MUSEUM
Cnr Hamilton & Tancred Street
HOKITIKA

Tele: 03 755 66898

APPENDIX C

Glossary of Terms Used

TERM	MEANING
Ahi Kā Roa	Occupation rights or the long term given to those holding those rights over, and living on, the land.
Atua	Deity, god, revered being.
Bowenite	A mineral, type of Pounamu known as tangiwai.
Crown	Her Majesty the Queen in right of New Zealand or her representatives.
Crown agencies	Agent of the Crown as defined in Section 2 (1) of the Public Finance Act 1989.
Crown land	All land held in allodium by. Or the fee simple title to which is vested in the Crown whether by virtue of Crown prerogative, operation of law, any enactment, or any deed or instrument.
Crown-owned Mineral/Crown Mineral	Minerals owned and administered by the Crown under the Crown Minerals Act 1991.
Crown Mineral License/ Mining License	A license granted under the repealed Mining act 1971 to mine a Crown-owned mineral.
Crown Mineral Permit/Mineral Permit	A permit granted under the Crown Minerals Act 1991 to prospect explore and/or mine a Crown mineral.
CMA	Crown Minerals Act 1991.
DOC	Department of Conservation.
Fossick/Taking	Rummage, search.
Hapū	Sub-tribe, clan.
Hīkoi	Walk, journey.
Iwi	Tribe, collective of hapū based upon common ancestry.
Iwi Management Plan	A planning document recognized by an iwi authority that must be taken into account by statutory authorities under sections 61, 66 and 74 of the Resource Management Act 1991.
Kaitiaki/Kaitiakitanga	Guardian/Guardianship.
Kaitiaki Rūnanga	<i>See Rūnanga Kaitiaki Pounamu.</i>
Karakia	Prayer, incantation, invocation.
Kaupapa	Strategy, theme. Policy. Topic.
Kawa	Protocol, procedure.
LINZ	Land Information New Zealand
Mana	Integrity, status, prestige, power.
Manaaki/Manaakitanga	Hospitality/the provision of hospitality.
Mana Whenua	Integrity, status, prestige, power relating to, and over, the whenua land).
Manuhiri	Visitors, guests.
Mātauranga	Knowledge.
Mauri	Life principal, special character.
Māwhera Incorporation	The Proprietors of Māwhera constituted as a Maori incorporation pursuant to an subject to Part 4 of the Maori affairs Amendment Act 1967.
Mihi	Acknowledge, acknowledgement.
Nephrite/Semi-Nephrite	A mineral, type of Pounamu.
Ngāti Waewae Pounamu Management Group	The mandated group of Te Rūnanga o Ngāti Waewae charged with developing the Pounamu Resource Management Plan.
Ngāi Tahu Whānui	The extended tribe of Ngāi Tahu incorporating individuals of

	Waitaha, Kāti Mamoe, Ngāi Tahu and Rapuwai descent.
Ngā Maata Waka	A collective term referring to all Maori tribes.
Papatipu Rūnanga	Marae-based councils.
Pātaka	Storehouse.
Pounamu	The collective name for New Zealand nephrite, semi-nephrite, bowenite and serpentine; New Zealand jade or greenstone; precious, valuable.
Rāhui	Restrictions, prohibition, ban.
Rangatira	Chief, leader.
Rangatiratanga	Sovereignty, authority, leadership.
Rūnanga Kaitiaki Pounamu	The Papatipu Rūnanga of Te Rūnanga o Ngāi Tahu recognized as the Kaitiaki of the Pounamu deposits within their takiwā.
Serpentine	A mineral, type of Pounamu.
Takiwā	Tribal district, area.
Tangata/Tāngata	Person/People.
Tangiwai	A variety of Pounamu, transparent olive green to bluish green in color; Bowenite.
Taonga	Treasure, article of value.
Tauīwi	Non-Maori.
Te Rae o Kahurangi / Te Kūrae o Kahuraki	Kahurangi Point, northern boundary of the Ngāi Tahu tribal area on the west coast of the South Island.
Te Rūnanga o Ngāti Waewae	
Te Rūnanga o Ngāi Tahu	The Ngāi Tahu Tribal Council and Iwi Authority.
Te Tiriti o Waitangi	The Treaty of Waitangi; the agreement between the Crown and Maori which gives legitimacy to the constitutional arrangements by which New Zealand is governed.
Te WaiPounamu	The Place of Pounamu, the Greenstone Isle, the South Island.
Tino Rangatiratanga	Self-determination.
Tipuna	Ancestor, grandparent.
Wāhi Pounamu	Pounamu Area, place where Pounamu is found/located.
Wairua	Spirit, spiritual essence.
Whakapapa	Genealogy, tribal ancestry.
Whānau	Family, immediate and extended.
Whenua	Soil, land, country.

APPENDIX D

**NZ Customs Export
Protection Order 2005**

Refer to NZ Customs web site for current information.

APPENDIX E

**Ngāi Tahu (Pounamu
Vesting) Act 1997**

Refer: www.parliament.govt.nz/legislation

