



RMLA (WELLINGTON BRANCH) SEMINAR

The Incorporation of RMA Instruments in Treaty Settlements

Recent settlement processes have highlighted the interrelated nature of Treaty of Waitangi settlements and the RMA. This has been reflected in the differences between earlier settlements and the multi-faceted Waikato River settlements, especially the co-management regime. Interesting legal questions are being asked as to how these settlements will work in practice. This seminar will explore the implications of incorporating RMA instruments and concepts in Treaty settlements between the Crown and tangata whenua and the processes giving rise to these constitutional compacts.

The presentation will include commentary on the processes and outcomes from experts who have been involved in their respective fields. The Treaty settlements are limited to the role of the respective tangata whenua, but as each new claim is settled the trend is to incorporate the 'Treaty RMA baseline'. It is important then to be aware of recent developments as they may influence future resource allocation and spatial planning.

Presenters:

- Katie Mayes – Environment Waikato local government* officer with detailed understanding of the Waikato River settlement process.
- Bronwyn Arthur – Crown Law Office, RMA specialist involved on behalf of the Crown in Waikato River settlement negotiations
- Paul Majurey – Senior law partner, advisor on Treaty settlements and a member of the Ministerial Technical Advisory Group on the RMA.

Please send the registration form and payment to the Executive Officer, Resource Management Law Association of New Zealand Inc, C/- 4 Shaw Way, Hillsborough, Auckland 1041 (ph/fax (9) 626-6068). To assist with catering, registration must be received **NO LATER than 3 June 2009**. Please make cheques payable to the Resource Management Law Association (Branch). Any enquiries to Karol Helmink.

Date: 8 June 2009
Time: 5:00pm-7:00pm (registration 4:45pm)
Venue: Chapman Tripp, Level 17, 10 Customhouse Quay.
Cost: \$25.00 Members; \$45.00 Non-Members (GST inclusive)

Registration Form/Tax Invoice	
GST No. 60-742-715	
(Keep a copy for your records – no receipts will be issued)	
Treaty Settlements Wellington	RMLA Member? <input checked="" type="radio"/> Yes <input type="radio"/> No
First Name: Michael	Surname: Plowman
First Name:	Surname:
First Name:	Surname:
Firm/Organisation:	
Address:	
Telephone:	Cheque enclosed for: \$ 25.00

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Tel/Fax (9) 626-6068 Email: karol.helmink@xtra.co.nz

1st June

Kyoto debt wiped out by trees: Smith

Satellite survey shows NZ has enough forest to offset increases in emissions

Fears of a billion-dollar bill under New Zealand's climate change obligations have been wiped out by a discovery that there are more trees than people thought.

Climate Change Minister Nick Smith said new data showed New Zealand had sufficient forests to offset increases in emissions to meet Kyoto Protocol obligations.

Under the agreement forests planted since 1990 offset rises in emissions since then.

Estimates of New Zealand's Kyoto liability have bounced around wildly from profits to multibillion-dollar payments due to different ways of making the calculations.

But the new satellite images and land analysis report shows New Zealand has enough trees to meet its obligations.

Dr Smith said the report was good news. "The Government has been cautious over New Zealand's Kyoto bal-

ance and future targets because of the billion dollar plus variations each year in the estimate of forest areas.

"The satellite data is good news in that it accurately confirms the area of post-1989 forests is sufficient to offset New Zealand's increase in emissions and meet our Kyoto obligations in the first commitment period from 2008 to 2012."

Yesterday Dr Smith released analysis that predicted economic costs of \$600, \$1000, \$1400 and \$3000 per capita per year for 2020 emissions targets relative to 1990 levels of plus 15 per cent, 0

per cent, minus 15 per cent and minus 40 per cent.

A minus 40 per cent target is being promoted by Greenpeace, but Dr Smith said that would cost \$15 billion a year by 2020 and the emissions trading scheme (ETS) would push up power prices by 10 per cent and petrol by six cents a litre.

The Government says it will set a target before an international meeting of climate change negotiations on August 10.

National campaigned on a 50 per cent cut by 2050, which would equate to about 15 per cent by 2020.

'New Zealand can't afford to look complacent by failing to set a serious reduction target.'

Charles Chauvel, Labour MP

Dr Smith hoped new legislation amending the ETS would be "sealed" before countries met in Copenhagen to discuss climate change policy.

Labour's climate change spokesman Charles Chauvel said it was better to be bold when setting the reduction target.

"Any economist

will tell you that it's hard to predict what costs will be in 11 years' time, so I take the institute's [NZ Institute of Economic Research] numbers with several grains of salt," Mr Chauvel said.

"What is certain is that, with our carbon pollution emissions rising rapidly and with other countries committing to action, New Zealand can't afford to look complacent by failing to set a serious reduction target."

Dr Smith said New Zealand had to do its part but targets and policy had to be realistic and achievable. — NZPA

Call for iwi to have more say on water

Iwi should be more involved in the management and allocation of fresh water, says Maori Affairs Minister Pita Sharples.

He has also come out against trading water consents.

In a speech to the Indigenous Legal Water Forum in Wellington on Sunday, Dr Sharples said local hapu and iwi needed to be full participants in decisions on water management in their areas, and water ownership issues needed national attention.

He said Maori believed water had a spiritual significance and they had a guardianship role to play.

"We seek to maintain our collective responsibilities to respect and protect the environment and communities that give us our identity, our rangatira-tanga, our mana."

The state of fresh water was not just an environmental issue but related to the Treaty of Waitangi yet Maori had not been given an adequate role.

"There remains a lot of uncertainty regarding the nature and extent of Maori rights and interests in fresh water and how these rights might be better reflected in New Zealand law," he said.

Dr Sharples did not support amending the Resource Management Act to better facilitate the trading of water consents (or excess water) as a way to manage availability issues.

"Not only does this set up quasi-private schemes where big business is able to buy up consents and control access to water, but allocating consents to maximise land-based activity inevitably leads to greater water quality issues," he said.

"This narrow focus on economics is driving the degradation of natural water sources by pollution, abstraction for irrigation or power generation, and the flooding and droughts made worse by deforestation and climate change."

— NZPA