



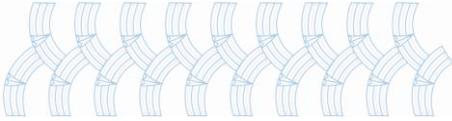
Poipoia

# Te Mana o te Wai

Introductory Guidance to support hapū  
and iwi to develop Te Mana o te Wai  
Statements



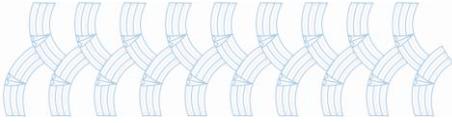
Guidance prepared by Poipoia for the Department of Internal Affairs

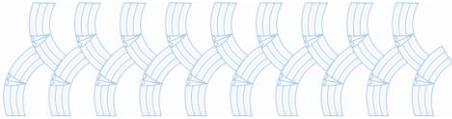


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- This Guidance has been informed by hapū and iwi case studies and the Department of Internal Affairs.





## He Wai Ora - Karakia mō te Wai

He ruruku, he karakia i whakahīa e Che Wilson mō te kiriata a te Freshwater Iwi Leaders Group, 2015.

This was composed recognising that each iwi has its narrative of creation and provides a view of the source of fresh water.

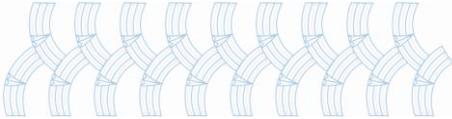
Matua te pō! Matua te ao!  
Whakaputa mai ana i a Rangi rāua  
ko Papa e takoto ake nei  
Ko te kawa ora, he wai ora!  
Tū mai Tangaroa, Atua matua o te  
takapau hora nui o Papa.  
Tāreia te Papa e hora nei  
Ko Rū, ko Rū-nuku, ko Rū-rangi  
Ko Rū-papa, ko Rū-take, ko Rū-  
kerekere  
Ko te pūpukenga i te au-pūpū, i te  
au-pūhā, i te au-pīpī  
Ka puta te ia, he wai nui, he wai  
roa, he wai ora  
Honoa Tāne ki a Tū-maunga ka  
puta ko Parawhenuamea  
Tānikotia ngā hukahuka, ngā  
karure o Papa  
Ko Rū-nuku, ko Rū-rangi  
Ko Rū-papa-wai, ko Rū-papa-  
pāheke  
Ko Rū-papa-mania, ko Rū-papa-ū  
He wai-whiwhia, he wai-rawea  
He wai-ki-tipua, he wai-ki-tawhito  
Ka tere i te kauhanga-nunui  
Ka tere i te kauhanga-roroa  
Ka tere i te kauhanga-māro  
Ki a Kiwa ki te takapau o  
Tangaroa.  
Ko Ranginui e tū iho nei  
Ko Papatūānuku e takoto ake nei  
He kawa ora! He wai ora!  
Tēnei te pō, nau mai te ao  
Hara mai te toki...

Behold the source of water!  
Through the emergence of Sky  
Father and Mother Earth  
Establishing the order of water and  
life.

The ocean (Tangaroa) resides over  
the surface of Mother Earth  
Carving out her surface through  
water  
and its interplay with volcanic  
movement and growth resulting in  
the welling up of water from the  
core of the earth.

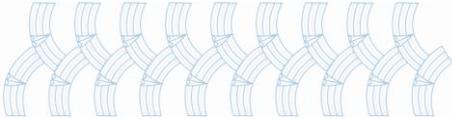
This water gains momentum,  
flowing and sustaining life (Tāne)  
and mountains (Hine-tū-maunga)  
through the God of Fresh Water.  
Decorating the earth with valleys,  
gully's, waterfalls and other features,  
this is enhanced through tectonic  
movement of land through glacial,  
geothermal activities and slips.  
This gives respect to the place of  
water,

this gives deference to the place of  
water, as it gains momentum,  
flowing and descending, expanding  
out to the ocean,  
reaching to the depths (Kiwa) of the  
ocean  
where the horizon reaches the  
heavens,  
where the sky becomes land.  
We confirm our universal order to  
water in our reality.  
Let this be engraved in our hearts...

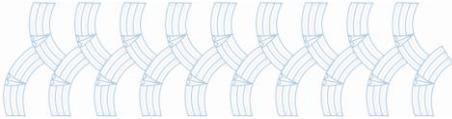


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## Purpose

For generations, hapū and iwi have been at the front line advocating for better management of their drinking water, wastewater, and stormwater. Often, the location, operations, takes and discharges associated with water service activities in respect of these waters have caused cultural and environmental damage to the mauri of waterways across the motu. In particular, hapū and iwi have concerns about the quality and access to drinking water in their communities and how wastewater is discharged into sacred waterways, impacting upon their relationships with wai and human well-being.

This introductory Guidance provides information to mana whenua about the Water Services Reform Programme and Te Mana o Te Wai within the Water Services legislative regime. It also provides mana whenua with an understanding of the role and purpose of Te Mana o te Wai Statements. Critically, to support mana whenua to prepare Statements, the Guidance steps through a process and outlines key content components to develop a Te Mana o Te Wai Statement.

While the Water Services reform landscape in which Statements will operate is new, and much is to be established and confirmed, we encourage mana whenua to draw on their enduring and intergenerational knowledge as they embark on the development of Te Mana o Te Wai Statements. Mātauranga-led conversations offer the water services regime an opportunity to move away from short-term and fiscally driven design to longer-term solutions that consider environmental externalities like climate change; they offer an opportunity to change the conversation around how infrastructure is designed, resourced, and operated. We encourage mana whenua to engage with the leadership and innovation Te Mana o Te Wai commands, as Aotearoa's water services regime will be better for it.

## Reader guidance

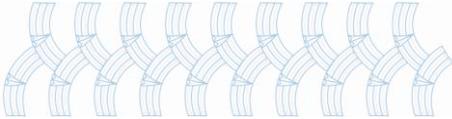
This Guidance is current as at October 2023. Given Water Services reform is ongoing, the information will be subject to change.

This Guidance is not intended to be a strict template. Core to Te Mana o te Wai is the essential role of hapū and iwi in defining what Te Mana o te Wai means for them. Only hapū and iwi in their own rohe or takiwā can define what the implementation of Te Mana o te Wai will look like. The power must be in the hands of those who whakapapa to the wai.

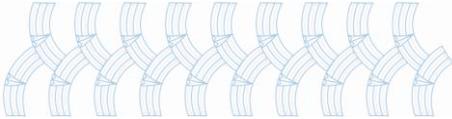
However, engagement with hapū and iwi around the country has highlighted the need for support to understand how Te Mana o te Wai statements may be developed. This Guidance is intended to demonstrate how Te Mana o te Wai Statements may be prepared, and how to ensure they respond to the requirements under the Water Services legislation while enabling transformative outcomes for the well-being of wai. To provide real-world examples, it draws on case studies developed with four mana whenua groups, showing what they considered when carrying out an exercise to pilot the compilation of their Te Mana o te Wai statements.

It is also intended to highlight areas that groups such as Water Services Entities, Regional Representative Groups, central government, and the water infrastructure industry will need to consider, to ensure equitable and meaningful participation in water services delivery by mana whenua.

At the time of release:



- The full suite of legislation to implement the Water Services reform, including the establishment of the 10 WSEs is now in force (the latest bills having been passed in August 2023).
- The 10 Water Services Entities and associated Iwi Collectives (providing a voice for mana whenua within the respective entity areas) are in differing stages of readiness to engage with the reform programme, following the April 2023 Government reset from 4 to 10 Water Services Entities.
- Key policy mechanisms to establish Water Services Entities are still under development, including Constitutions and Establishment Water Services Plans.
- No Te Mana o te Wai Statements have been submitted to Water Services Entities by mana whenua. Although the requirement to formally respond to Statements submitted by mana whenua will apply after the Water Services Entities are established, mana whenua are preparing Statements now to inform early discussions between hapū and iwi and WSE establishment teams.
- Wai Tāmaki ki Te Hiku (the Water Services Entity for Northland and Auckland) will be the first entity to be established, with a “go-live” date of 1 July 2024. Establishment dates for the other nine Water Services Entities are yet to be confirmed.



## Part 1: Water Services Reform

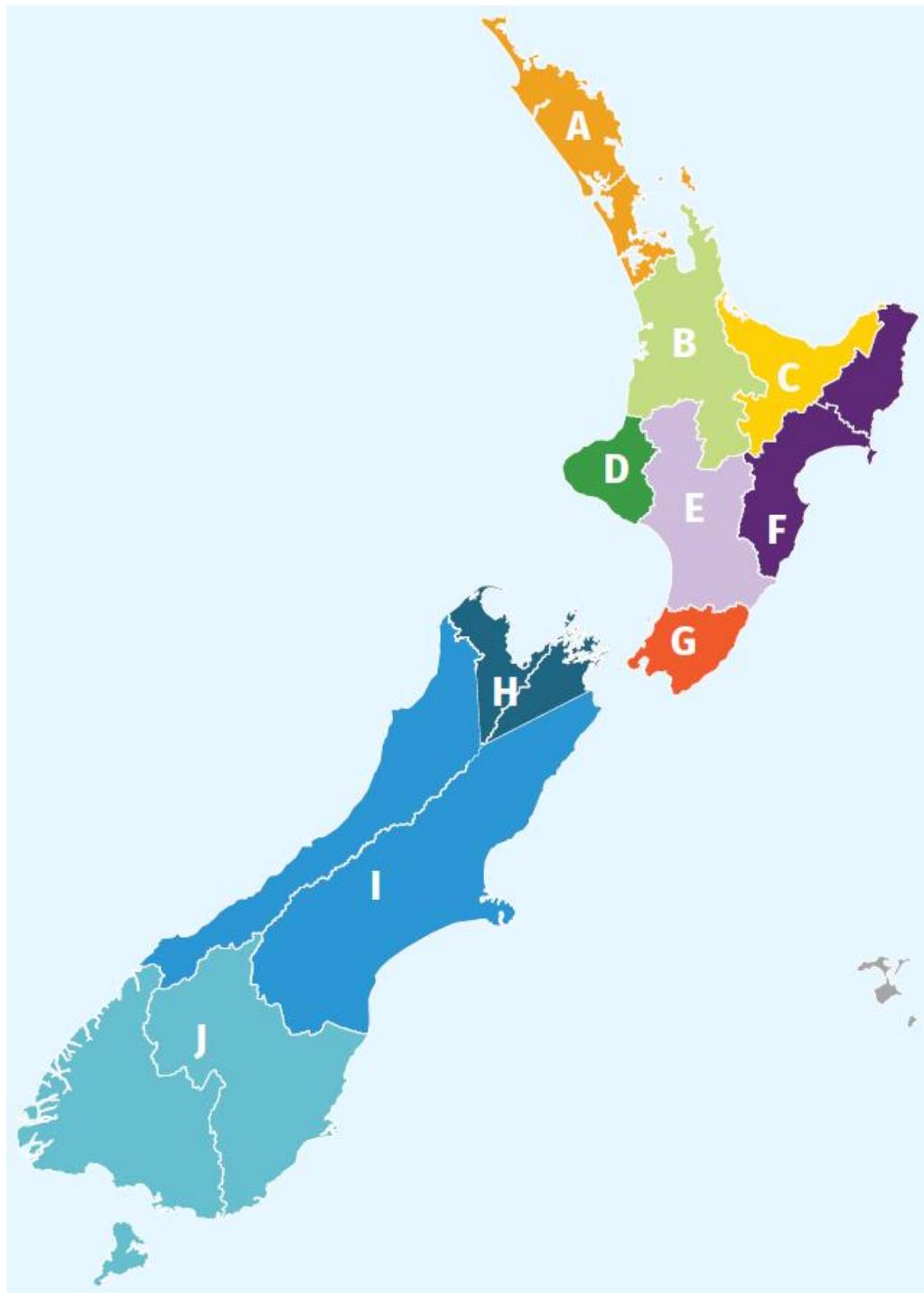
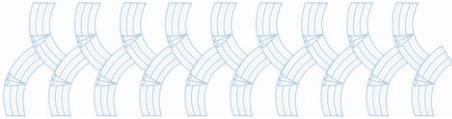
In July 2020, the Government launched the Water Services Reform Programme, which seeks to deliver significant improvements to the safety, quality, resilience, accessibility, and performance of Aotearoa's water services in ways that are efficient and affordable.

The reform is about changing and improving the management and delivery of water services in a way that meets the safety, cultural and environmental expectations and needs of all New Zealanders. 'Water services' are:

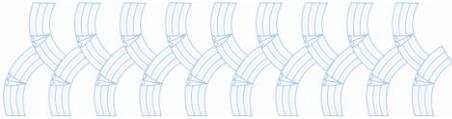
- *Drinking water*: Water that comes from water sources and Council supply networks that treat and distribute water to our taps.
- *Wastewater*: Water that has been collected, processed, and released from things like toilets, showers, sinks, and well as industry.
- *Stormwater*: Rainwater collected in pipes, drains, green infrastructure, or overland flow paths to manage flooding and pollution of streams, rivers, and coastal waters.

The reform promotes the following major changes to water services delivery in Aotearoa:

- *Regional model*: Water services that are currently run by 67 councils across Aotearoa will be combined into 10 specialised Water Services Entities (Entities A to J - See *Figure 1* below).
- *Ownership*: The Water Services Entities will be owned by local councils on behalf of the public but will be operationally and financially independent from them.
- *Governance*: Each Water Services Entity will be governed by a professional board, with members appointed for their competencies and skills.
- *Local voice and influence*: Strategic oversight and direction will be provided to each Entity by a Regional Representative Group, with an equal number of territorial authority and mana whenua representatives. The Regional Representative Group will appoint the Entity's board members, set its strategic direction, and monitor its performance on behalf of its communities.
- *Timeframe*: The Water Services Entities will start delivering water services in a staggered manner from 1 July 2024 to 1 July 2026. Wai Tāmaki ki Te Hiku (the Entity for Northland and Auckland) will go live on 1 July 2024.
- *Protecting the health and wellbeing of water*: Te Mana o te Wai is the guiding principle for Water Services Entities to make decisions on how best to deliver water services to all communities.



*Figure 1: Water Services Entities Boundaries in Aotearoa*



## Part 2: Te Mana o te Wai in Water Services Legislation

### What is Te Mana o te Wai

Te Mana o te Wai is a fundamental principle guiding Water Services Entities to make decisions on how best to deliver water services to all communities. Under the Water Services Entities Act 2022, all persons performing or exercising duties, functions or powers are required to give effect to Te Mana o te Wai.

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.<sup>1</sup> It also requires people to think about the water as a living breathing taonga that needs to be looked after, rather than a commodity to be pushed to its limits until it is gone or can no longer survive. It is about operating from a place of abundance, not abstraction.

There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- First, the health and well-being of water bodies and freshwater ecosystems
- Second, the health needs of people (such as drinking water)
- Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Te Mana o te Wai acts as the guiding principle for Water Services Entities to make decisions on how best to deliver water services to all communities:

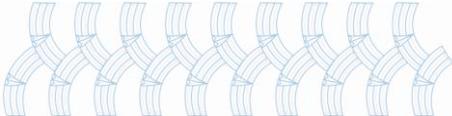
- Water Services Entities are required to give effect to Te Mana o te Wai through their strategic and operational planning and reflect this in their response to Te Mana o te Wai Statements submitted by mana whenua to deliver on those commitments.
- Giving effect to Te Mana o te Wai will require Water Services Entities to partner and engage early and meaningfully with mana whenua, identifying both how Te Mana o te Wai will be applied locally and the outcomes that mana whenua want for waterbodies now and in the future.

Te Mana o Te Wai is a transformative mechanism focused on re-aligning the relationship between people and water in all its forms, to ensure the well-being of our waters. It represents a paradigm shift. Te Mana o te Wai compels us to choose intergenerational decisions, to consider much more than just fiscal concerns, and to innovate to achieve outcomes, not only for ourselves but for the very waters and ecosystems themselves.

*In 2022, guidelines were developed for the implementation of Te Mana o te Wai in the context of the National Policy Statement for Freshwater Management 2020 under the Resource Management Act 1991, now the Natural and Built Environment Act 2023 (NBE). Mana whenua groups may prefer to develop a Te Mana o Te Wai position that covers both the NBE and Water Services regimes. If so, we recommend reviewing those guidelines as a companion to this document.<sup>2</sup>*

<sup>1</sup> National Policy Statement for Freshwater Management 2020 (NPS-FM), 1.3. Te Mana o Te Wai has the meaning set out in the NPS-FM, pursuant to section 6 of the Water Services Entities Act 2022.

<sup>2</sup> Te Mana o Te Wai Guidelines for Mana Whenua: <https://ourlandandwater.nz/wp-content/uploads/2022/11/Te-Mana-o-te-Wai-Guidelines-for-Mana-Whenua.pdf>



## **Understanding of Te Mana o te Wai must be informed by mana whenua**

Te Mana o te Wai is derived from mātauranga Māori. As such, what Te Mana o Te Wai means for water services in respect of each waterbody and freshwater ecosystem must be defined by, and continually informed by, mana whenua in their respective rohe and takiwā.

This Guidance lays a foundation for:

- Mana whenua to have the necessary information to assist in articulating their understanding of Te Mana o Te Wai through their Te Mana o Te Wai statements.
- Constructive discussions between mana whenua and Water Services Entities, as well as the wider community, ensuring that conversations start from a place of common understanding.

## **Te Mana o te Wai in the Water Services Entities Regime**

Te Mana o Te Wai is a central feature of Water Services reform.

Figure 2 provides a high-level illustration of the application of Te Mana o Te Wai Statements in the Water Services Entities regime.

While there is an obligation on all persons performing or exercising duties, functions or powers under the Water Services Entities Act 2022 to give effect to Te Mana o te Wai (and the principles of Te Tiriti o Waitangi), further specific references to Te Mana o Te Wai and Te Mana o Te Wai statements are located in the Water Services Entities Act 2022 and associated water services statutes, namely Taumata Arowai – the Water Services Regulator Act 2020, Water Services Act 2021 and Water Services Economic Efficiency and Consumer Protection Act 2023.

These references are all relevant to the development of statements by mana whenua, as the legislation provides direction on how the concept of Te Mana o Te Wai or Te Mana o Te Wai statements must be expressly engaged with by system participants such as Water Services Entities, councils, the Minister for Local Government, Taumata Arowai and the Commerce Commission.

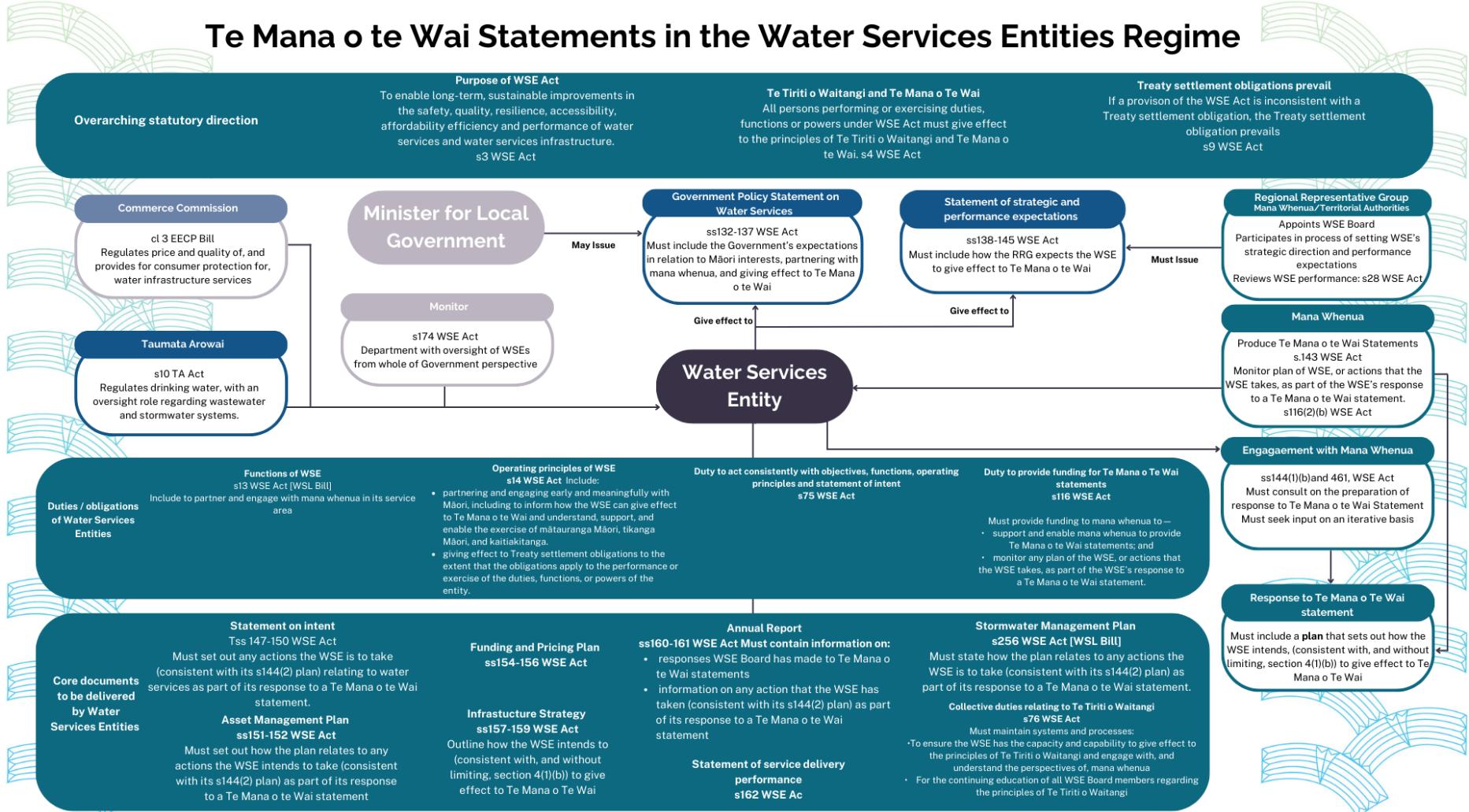
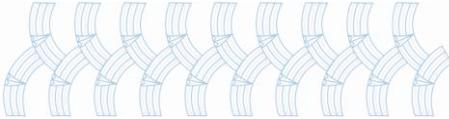
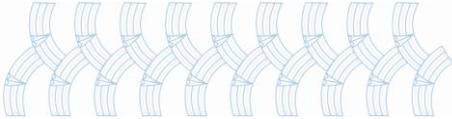


Figure 2: Te Mana o te Wai Statements in the Water Services Entities Regime



## Part 3: About Te Mana o Te Wai Statements

### What are Te Mana o Te Wai Statements? A snapshot

Te Mana o te Wai Statements are a key instrument under the Water Services Entities Act 2022 that enables mana whenua to express their views on how Water Services Entities in their rohe or takiwā should give effect to Te Mana o te Wai.

The Water Services Entities Act 2022 does not prescribe the contents of Statements. The emphasis is that mana whenua define what Te Mana o te Wai means to their specific location. There is no one single definition of Te Mana o te Wai for hapū and iwi; the concept is firmly reflective of the unique whakapapa, geography, and hydrology of mana whenua.

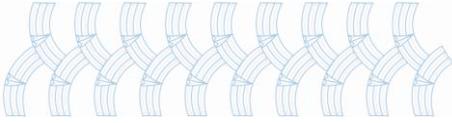
Te Mana o te Wai Statements provide an opportunity for mana whenua to communicate expectations for water services in their communities. The Statements also provide the opportunity to develop a framework for mana whenua and the relevant Water Services Entities (noting some iwi or hapū will have more than one Water Services Entity in their rohe or takiwā) to discuss, agree and record how they will work together, including how mana whenua will be involved in decision-making related to an Entity's duties, functions, and powers.

Statements can be provided by mana whenua whose rohe or takiwā includes a water body in the Water Services Entity's service area, or whose interests in the service area are recognised in a Treaty Settlement Act. Mana whenua may elect to provide statements as individual iwi or hapū, or as part of a collective group. Statements expire after 10 years but may be reviewed and replaced by mana whenua at any time (in which case the reviewed statement expires when it is replaced).

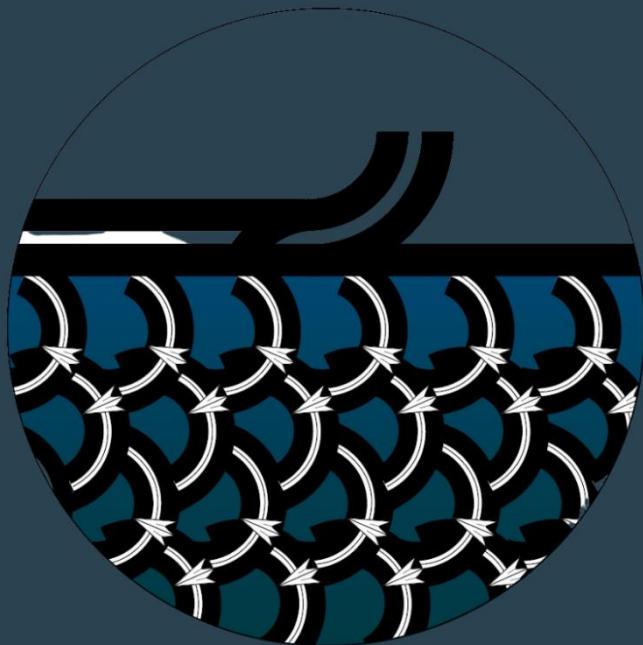
On receipt of a Statement, the Board of a Water Services Entity must engage with mana whenua and prepare a response, including a plan that sets out how the Entity intends to give effect to Te Mana o Te Wai. A Water Services Entity must make its response publicly available within two years of receiving a Te Mana o te Wai Statement.

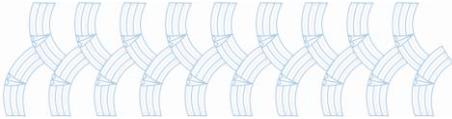
Mana whenua may present a Statement to the Water Services Entity at any time. The requirement to formally respond to Statements submitted by mana whenua will apply after the relevant Water Services Entity's establishment date, but a Statement prepared prior can support mana whenua to communicate, and seek to imbed, their expectations on how the Entity gives effect to Te Mana o Te Wai during the establishment phase. Developing robust statements can also be time intensive, so it is recommended that work on Te Mana o te Wai Statements by mana whenua begin as soon as possible.

*Refer Water Services Entities Act 2022, sections 143 - 145*



# Developing Te Mana o te Wai Statements



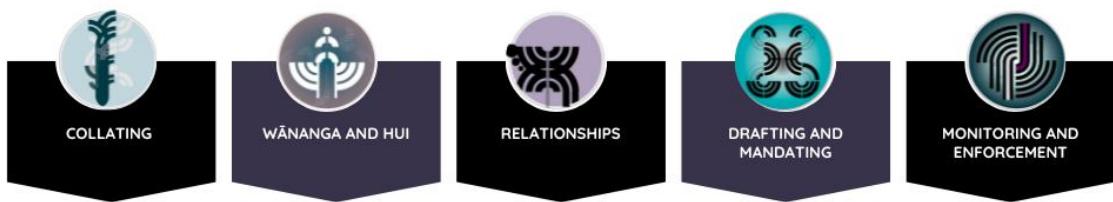


## Part 4: Developing Te Mana o te Wai Statements

Developing a Te Mana o Te Wai Statement will be unique to the mana whenua group or groups involved. The following recommendations are practical process steps to help mana whenua prepare a Te Mana o Te Wai Statement.



### Practical Process Steps



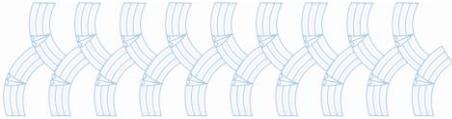
#### Step 1: Collating

##### Collating existing information

The Statements do not require mana whenua to develop from scratch. The first step is to identify and collate existing information into a single repository (preferably digitally, if the technology is available). Iwi and hapū have invested extensive resources, time and mātauranga into protecting their waterways across hundreds of years, such that the content that provides direction, principles and values relating to wai already exists for many groups. A stocktake of existing resources is recommended. Mana whenua should consider:

- Undertaking a literature review, including searching archival records for historical iwi records, academic research, early survey maps and hydrological maps.
- Drawing on the outcomes of previous wānanga and hui.
- Reviewing relevant documents that have been developed over time, from whānau, hapū or iwi archival records, to taiao strategies and Treaty Settlement arrangements, to consent or plan submissions, and detailed evidence in Council, Environment Court, or Waitangi Tribunal hearings.

Sometimes the information held will not be written, but within waiata, oriori, mōteatea, karakia, tauparapara, karanga and in traditional practices such as mahi toi (from the creation of a kete or kākahu to the carving of a wharenui). This collation process provides an early opportunity to gather these taonga and to analyse their meaning and depth in the context of Te Mana o Te Wai.



It is recommended that mana whenua groups catalogue a digital or physical repository of all gathered information to assist in future engagement with Water Services participants, particularly Entities. It can also be a valuable opportunity for knowledge transmission and succession planning to have rangatahi assist to complete this step, where appropriate.

## Step 2: Wānanga and Hui

Wānanga and hui are a critical component of the statement development process. For most hapū and iwi wānanga and hui are regular processes, so this step does not ignore that much mahi has been done in this space for generations. Having wānanga and hui that help answer specific gaps and questions that may exist in the knowledge base is a valuable component of robust and credible statements.

For hapū and iwi, Te Mana o te Wai is a specific representation of their relationships and obligations to their wai. Wānanga and hui offer further opportunities to explore those relationships in detail. However, the depth of relationship to wai may not always be understood or appreciated by the reader if they themselves are not of the hapū or iwi. When developing statements, consider what level of sharing to convey this is appropriate, noting some hapū and iwi prefer to reserve certain kōrero for themselves.

A process to consider for hapū and iwi is outlined below. These processes can take time – having robust wānanga alone may take up to 6 months – so it is important that this is factored into statement preparation.



## Te Mana o te Wai

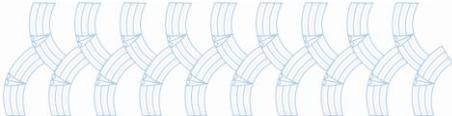
### POTENTIAL PHASES FOR WĀNANGA



### Phase One: Imbedding Mātauranga and Reconnection

Having the resourcing, focus and space to kōrero is crucial.

Mana whenua need space to discuss and imbed their whakapapa connections and relationships to wai, and their practices with their wai. Hikoi, led by experienced mātauranga experts of the hapū or iwi, are essential parts of the process. This allows for physical connection (or reconnection, noting the developed environments of some water bodies supplying water services infrastructure) with the water bodies and waterways of their rohe or takiwā. Hikoi may be varied with a mix of history, whakapapa, practice, and contemporary discussion.



The complexities of these wānanga will depend on the needs and capacity of mana whenua. The point is to explore the water services landscape within the rohe or takiwā through a hapū or iwi lens.

### **Phase Two: Rohe/Takiwā Determinations**

Hapū and iwi determine their rohe / takiwā, their relationships with neighbouring hapū and iwi, and how they may uphold their authority within exclusive and shared spaces. These are both relational and hydrological spaces, which may be assisted by mapping workshops, data, and visual aids.

The purpose of these kōrero is to confirm the physical area, and scope, of Te Mana o te Wai statements. For many, it will be as simple as identifying the rohe or takiwā in which the iwi or hapū hold mana whenua. However, for some iwi and hapū there may be exclusive areas, overlaps or special areas that are shared. It is helpful to be clear about these issues to ensure there is no confusion over which rohe/takiwā the statement is referring to.

### **Phase Three: Aspirational States**

Wānanga and hui provide an important opportunity to form clear positions on the expectations for whenua and wai within the water services context. Mana whenua have strong values and principles that relate to their wai. Asserting these, or packaging them for inclusion into their statements, may assist the development of both aspirational and bottom-line expectations and outcomes for matters such as mahinga kai, mauri, wāhi tapu, water quality and human health.

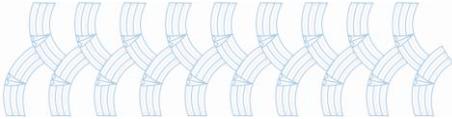
Many mana whenua may have these narratives prepared already. For example, Hapū and Iwi Environmental Plans, planning or consent submissions and cultural health monitoring documents often start with a description of what hapū or iwi want to see for their taonga. It may be appropriate to repackage these narratives to suit the statement outcomes, but it is helpful to test these in wānanga and hui.

For other mana whenua groups, broader discussions may need to be explored. To date, hapū and iwi have had limited access to water services decision-making. Understanding the system and what they want for it may take a series of wānanga and hui. Building relationships with water services experts, where required, can support stronger narratives of aspirational states that can drive Te Mana o te Wai statement content.

The description of mātauranga-informed aspirational states and operational processes provides an opportunity to push the system towards transformational change. In particular, utilising Te Ao Māori thinking and mātauranga to change the conversation around how infrastructure is designed, resourced, and operated. Mātauranga-led conversations offer the whole system a way of moving away from short-term and fiscally driven design to longer-term solutions that consider environmental externalities like climate change.

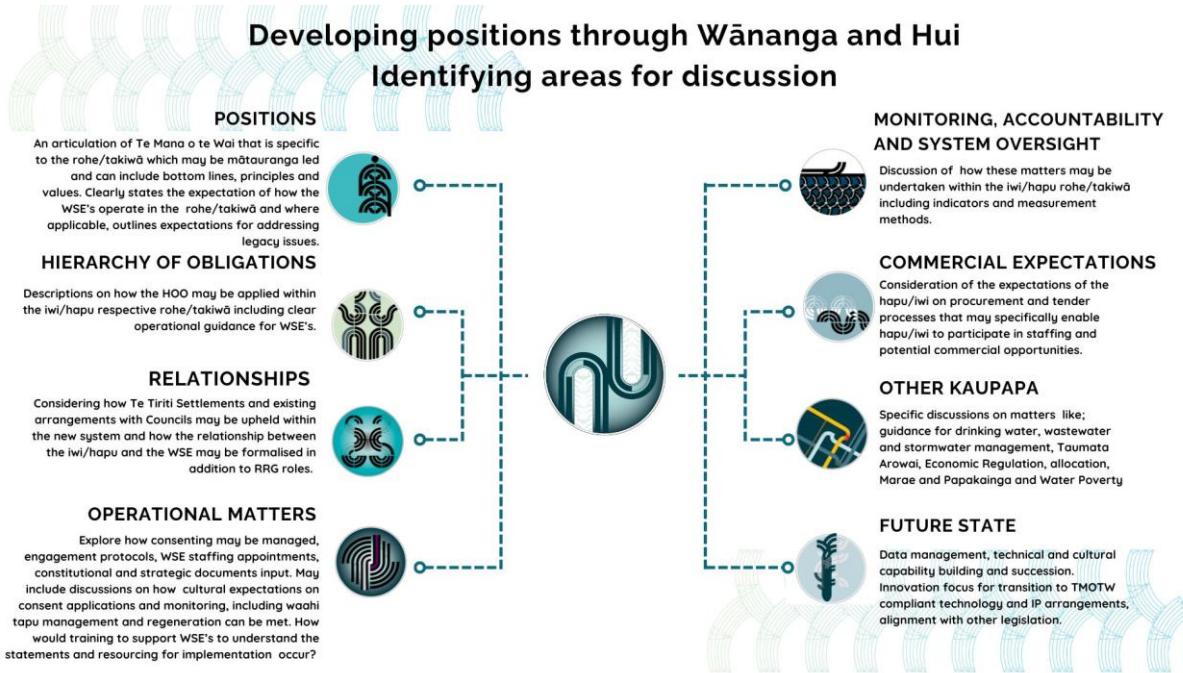
These aspirational states may lead to innovation within water services entities as they seek to respond to statements by describing in their plans how they will give effect to Te Mana o te Wai. It may not be an instant change, but describing aspirational states and the mātauranga-informed means to get there does provide clear expectations for how mana whenua seek transformative change; not merely a replication of actions that do not address the concerns of hapū and iwi in their rohe or takiwā.

We encourage mana whenua groups to make this a key focus of wānanga and hui, and a critical driver of the ultimate framing of Statements.



## Phase Four: Positions

There are a range of water services kaupapa that will benefit from focused wānanga and hui to inform the content of the statements. Having positions on these matters provides content for drafters of the statements to ‘translate’ these into helpful directives for water services governance and operations.



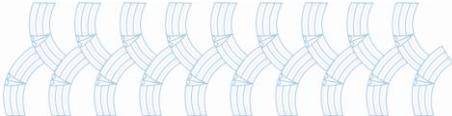
## Step 3: Relationships

### With stakeholders

The water services system has multiple stakeholders.

Water Services Providers	<ul style="list-style-type: none"><li>• Water Service Entities</li><li>• Small suppliers</li></ul>
Councils	<ul style="list-style-type: none"><li>• Regional Councils</li><li>• Territorial Councils</li><li>• Unitary Authorities</li></ul>
Government Departments	<ul style="list-style-type: none"><li>• Department of Internal Affairs</li><li>• Taumata Arowai</li><li>• Commerce Commission</li><li>• Te Arawhiti</li><li>• Te Puni Kōkiri</li><li>• Ministry for the Environment</li><li>• Ministry of Health</li></ul>
Consumers	<ul style="list-style-type: none"><li>• Local communities</li><li>• Hapū and iwi</li></ul>

Mana whenua will benefit from understanding the roles and responsibilities of participants so Te Mana o te Wai has the best opportunity to be given effect. Some of the stakeholders in the system



may not have a direct line to the mana whenua who develop statements, but all are directed to implement the concept. Engagement with these multiple stakeholders will depend on how mana whenua operationalise their statements and may require a prioritisation of time and resources.

Where time and resourcing permits, building long-term relationships with these sectors as an outcome of statement preparation is helpful to the overall imbedding of Te Mana o te Wai.

In developing the content of the statements, relationships with councils and water services entities will support the sharing of information about water services operations, where assets, roles and responsibilities sit, how they are currently managed and will be managed in the future, and how the statements may best reflect how these operational matters may be improved by upholding Te Mana o te Wai. This information and data is crucial to drafting a statement that supports operational implementation of Te Mana o Te Wai across stakeholders' various roles within the system. Offering stakeholders guidance will depend on a technical understanding of what they currently do, which hapū and iwi can learn over time through direct relationships.

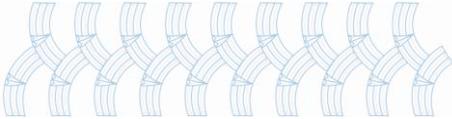
### **Other mana whenua groups**

All mana whenua within a shared water services entity area will benefit from close collaboration with each other. The system encourages Iwi Collectives and, at the time of writing, many hapū and iwi are working closely together. We are aware of concerns voiced by some mana whenua that these large groupings may see a 'watering down' of local voices that may struggle to be heard in the current model.

Te Mana o te Wai Statements offer the opportunity for local iwi and hapū voices to be represented in the operations of the Water Services Entity, so there is not a reliance on the mana whenua representatives on Regional Representative Groups to be the only perspective for the collectives of hapū and iwi within the relevant water services area. Statements can provide clarity to the Regional Representative Groups on how best to uphold the views of their authors and support their role in upholding Te Mana o te Wai at a macro level.

Having collective statements or statements that contain multiple perspectives may work better for some hapū and iwi who cover similar rohe or takiwa, or where the relationships between them are particularly aligned. For example, mana whenua groups may produce iwi-wide statements with sections that outline geographically specific matters that pertain to each of their hapū, or there may be collectives of iwi who choose to have Statements that cover high-level issues in the interim, while individual statements are being considered. All are acceptable and hui across mana whenua groups within a water services entity area are encouraged to agree what may best work, depending on capacity and capability.

Direct engagement with the water services entities for local issues should be considered a key outcome of the development of the Statement. Having early engagement with councils and water services entities around the content and perspectives of Statements provides an opportunity to clarify the understanding and delivery of Te Mana o te Wai outcomes in good time. Where the timing is aligned, Te Mana o te Wai Statements may support the design of the water services entities themselves, avoiding the need to re-design organisational structures and establishment documents. Where timing does not allow this, working closely with water services entities to support them to respond to statements in a meaningful manner will still be an important part of delivery of the statement outcomes.

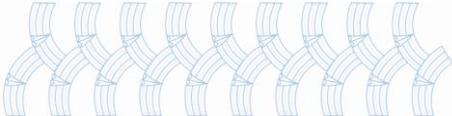


## Step 4: Drafting

Writing the statements can be one of the more challenging parts of the process. It is a balance of offering guidance to operational staff and the Water Services Entity Board, while ensuring that the aspirations of mana whenua are the ultimate focus.

Some important points to consider are:

- Audience: Te Mana o te Wai statements, while developed by the unique mātauranga and whakapapa of each hapū and iwi, are ultimately intended for a very specific audience that may require support to be understand how to implement. Hapū and iwi should bear in mind that the main user and responder to statements is, legislatively, the Water Services Entities.
- Tools for transmission: In the development of the statements, hapū and iwi may want to reflect the whakapapa, kōrero and mātauranga of their tīpuna. Some may see these statements as a chance to represent their connection to their wai, their rohe/takiwā and their obligations to their waters. As such the statements may be a transmission tool to their own communities to support mātauranga reconnections.
- Potential for multiple purposes: For many hapū and iwi, the opportunity presented by these documents may be multitiered and may hold multiple purposes. For example, the NPS-FM requires a clear articulation of Te Mana o te Wai under the Resource Management Act 1991, the Natural and Built Environments Act 2023 and the Spatial Planning Act 2023. Hapū and iwi may not want to create separate processes for participation across multiple statutes. They may create an overarching Te Mana o te Wai statement which reflects a range of desired outcomes.
- Expressing Te Mana o Te Wai: Expressions of Te Mana o Te Wai may not solely be written documents, though they should be referred to in the Statement. They may include visual expressions through art or performance narratives. They may have audio components. These expressions are all valid, they are all meaningful to the hapū and iwi creating them, and they may also require focused engagement for them to be well understood.
- Statements as 'living documents': Statements may be submitted at any time and will apply following the establishment of the Water Services Entity. Statements expire after 10 years and may be updated at any stage. These Statements are 'living documents', necessary both to reflect evolution of mana whenua thinking over time, but also the practical reality of developing Statements amid reform that is not yet fully implemented. As water services reform is implemented and mana whenua learn more about water services delivery in their rohe or takiwā, the Statements will no doubt change.
- Process to mandate, where relevant: If mana whenua groups have a particular process to mandate statements, this step must also include clear information and communication processes. This ensures that Statements are well understood by hapū or iwi members, the positions they express are agreed by those owners of the statement, and that they are comfortable for them to be shared.
- Drafting support: Finding external support to draft Statements is an option for mana whenua. However, it will be important that the drafter intimately understands the Te Mana o Te Wai outcomes that are being sought.



## Step 5: Monitoring and Enforcement

An important part of the process is clearly identifying in the statements a potential process for mana whenua to monitor the plan of the Water Services Entity and actions that the Entity takes as part of its response to a statement<sup>3</sup>. The Water Services Entity must include a plan that sets out how the Entity intends to give effect to Te Mana o te Wai.

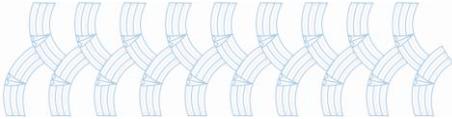
To support mana whenua to monitor and measure the outcomes and aspirations of the statements, the statements should include a process determining how hapū and iwi best want that to occur. Through this process, indicators, and measures or even audit procedures for a Water Services Entity to consider when upholding the statements, can be designed. This process is most successful when co-developed and implemented, however, the statements can provide the building block for an ideal process from a hapū and iwi perspective. For example, a statement can provide clear direction to the Water Services Entity on expectations from hapū and iwi about what giving effect to Te Mana o te Wai looks like, or what giving effect to Te Tiriti o Waitangi feels like, when it is successful.

These indicators or measures are also best developed when the hapū and iwi deeply understand all the roles and responsibilities of a Water Services Entity. Most will not want to be in every area, but there may be some spaces, including matters like consenting, discharges, takes, impacts on mahinga kai and wāhi tapu, where the statements have clear indicators of what is expected.

As part of the process, the statements may also outline what should happen where there are failings in the process and gaps in expectations. This will support a transparent and accountable transition to a Te Mana o te Wai, and Te Tiriti, compliant system.

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<sup>3</sup> Section 116(2)(b) WSE Act



## Part 5: Key Components of a Te Mana o te Wai Statement

### How to read this section

This section offers a ‘menu’ of options for statement content. An outline of topic headings, and an explanation as to the content that might be included in a Te Mana o Te Wai Statement under each, follows. Some options may be immediately relevant and other areas may become apparent through a deeper understanding by mana whenua of the water services regime over time.

What has become clear is that these Statements are not a replacement for direct engagement with hapū and iwi at place. As such, they should not be seen as the only mechanism through which Te Mana o te Wai can be upheld. Arguably, the relationship the Statements seek to establish between Water Services Entity and mana whenua is more important than the detail of the statements themselves. A Te Mana o te Wai Statement could simply be a ‘placeholder’ stating that when operating in the rohe/takiwā of the hapū or iwi, the Water Services Entity must engage directly with mana whenua. However, the opportunity to provide formal and written direction provides a helpful ‘paper trail’ in holding the Water Services Entity accountable.

There are a range of sections that may be helpful in developing the contents of statements. This is not definitive, particularly given that at the time of writing this Guidance, the policy environment and the implementation of the Water Services legislation is still in its infancy. There are some key areas that the Guidance could not respond to as they are still to be developed, including the Water Services Entity asset management plan process and the drafting of strategic documents, like Water Services Entity constitutions.

However, when considering the water services reform in its entirety, this Guidance reflects what would be most helpful in statements to uphold Te Mana o te Wai, and to give effect to the principles of Te Tiriti o Waitangi.

### Te Mana o Te Wai Statement Content

#### Introduction

The purpose of the introduction is to be able to demonstrate the relationship between the hapū or iwi and their waters and taiao. It may be an opportunity to articulate, in a manner that is appropriate, the obligations and authority that the hapū or iwi holds within their rohe/takiwā and articulate for the reader, why the statement applies and where.

This section may also describe their whakapapa to their taonga, it may provide whakatauki, waiata, móteatea, pūrakau. The way this section will be provided is as diverse as the community the statements represent. It is an opportunity for hapū and iwi, in their own words, to represent who they are and where they come from. This section also offers a chance to provide a Te Ao Māori framing to historical context and connections to the environment, including representations of tikanga, kawa and mātauranga.

It may also be a place to describe key cultural values and principles that will guide the expression of Te Mana o te Wai for each hapū or iwi.



Sacred and important sites including wāhi tapu, wāhi tipuna, puna, and mahinga kai sites may be discussed in this section. For example, if a hapū or iwi has significant sites impacted by water service infrastructure, details of these areas may be valuable for Water Services Entities to understand.

### **Te Tiriti o Waitangi**

This section may outline the relationship that the hapū and iwi have with Te Tiriti o Waitangi and how it is expected to be upheld in the system. Some iwi may not recognise the principles of Te Tiriti and only uphold Te Tiriti itself; others may have defined their own principles; some may acknowledge also, or instead recognise, He Whakaputanga.

What will be helpful for the Water Services Entities is a clear articulation of how they should give effect to the principles Te Tiriti o Waitangi within the water services system. Providing this clarity will reduce any confusion from Water Services Entities about how to give effect to their obligations under the Water Services Entities Act 2022 from the perspective of the hapū or iwi concerned, and will assist in monitoring and enforcement.

This section may also provide a summary of Te Tiriti Settlement redress including statutory acknowledgements, resource management relationship arrangements (such as Mana Whakahono ā-Rohe, transfers of powers or joint management agreements) that must be upheld, and an explanation of how these settlements are intended to be upheld in the water services regime.

The statements may articulate a preferred process for transitioning those arrangements across to the Water Services Entities. Other agreements may also be relevant in this section. Where hapū and iwi may have negotiated outcomes connected to resource consent mitigation agreements, these should be acknowledged within the statements. For example, a re-consenting of a wastewater plant may have included a range of hapū and iwi relationship requirements, monitoring conditions and/or mitigation measures. These can all be listed in the statements to support their implementation where consents are being transferred from councils to the Water Services Entities.

Some hapū and iwi have not yet settled their historical Treaty of Waitangi grievances. Water Services Entities do not require hapū or iwi to have a settlement with the Crown to engage. Where these hapū and iwi want to engage they may articulate in this section how best to address their needs.

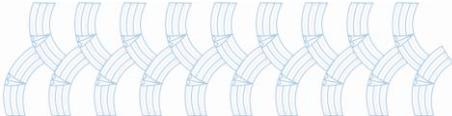
When upholding settlements some basic strategies or practices that maybe considered for implementation by the Water Services Entities are:

- The Water Services Entity having copies of relevant settlements and associated documents available for reference;
- Ensuring that operational guidelines align with settlement intentions; and
- Ensuring that all levels of staff, especially governance members, are informed about the details and implications of all settlements within the Water Services Entity boundaries, and how they should be upheld. This process should be part of all new staff inductions and hapū and iwi invited to shape how this training is to occur.

### **Contemporary structure of the hapū or iwi**

The purpose of this section is to:

- Make the process of who to contact and how to contact them clear to the Water Services Entities.
- Describe the operations of a post-settlement governance entity structure i.e., who holds relevant roles, current chair or chief executive and which parts of the organisation will respond to matters highlighted in the statement. It may also describe the range of interests



the hapū or iwi have in the water services system which can range from consenting to procurement to investment.

- Make clear the rohe in which the statement is relevant. Maps are helpful.

### Overlapping Interests

Some hapū and iwi may describe how overlapping interests, or relationships with other parties that may have interests within the rohe/takiwā, may be managed appropriately in the implementation of statements.

### Regional Representative Group

Regional Representative Group engagement would benefit from a section identifying the appropriate process for hapū and iwi to participate at this level, as well as operationally.

### **Engagement**

The purpose of this section is to describe the preferred engagement process of the hapū and/or iwi. This may be in the form of a draft engagement protocol, terms of reference, or describing a process by which this may be mutually agreed by the hapū and/or iwi and the Water Services Entity. Such a process may include:

- Principles of the engagement;
- Desired mutual outcomes;
- Levels of transparency and accountability;
- Resourcing of the engagement;
- Who are the parties and participants;
- Regularity of engagement;
- Shared decision-making;
- Information sharing;
- Dispute resolution.

### **Core services of a Water Services Entity**

The following three sections relate to wastewater, drinking water and stormwater. Core business for the Water Services Entities and the areas where specific Te Mana o te Wai guidance will be crucial to support transformative change.

In that regard, Statements offer an opportunity to mana whenua which has not been afforded them at this level in the past. Hapū and iwi capacity and capability in these areas will need to be extended as the water services regime, and their place supporting and leading that system, evolves. These sections should be read in that context; they are a very early foray into considering these matters.

### Operational documents

There are a range of operational documents required to support a Water Services Entity to meet its obligations, that will need to be specifically designed in the stand-up of the Entities:

Document	Description
Statement of Intent	A statement of intent promotes the public accountability of a water services entity by setting out the entity's strategic intentions; and providing a base against which the water services entity's actual performance can later be assessed. A statement of intent must set out any actions the Water Services Entity is to take relating to water services as part of its response to a Te Mana o te Wai Statement.

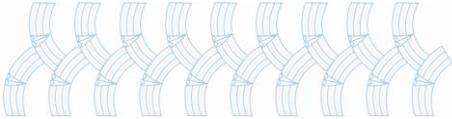


Document	Description
Constitution	Provides for the governance structure and operation of Water Services Entities, including procedures for appointing mana whenua representatives to Regional Representative Groups, and associated funding.
Asset Management Plan	An Asset Management Plan must set out: <ul style="list-style-type: none"><li>the investment priorities for the entity's infrastructure assets;</li><li>how the entity will operate, maintain, and renew its infrastructure assets;</li><li>how it incorporates any commitments that relevant local government organisations have made to mana whenua relating to water services infrastructure;</li><li>how the entity will provide new infrastructure assets;</li><li>how the plan relates to any actions the Water Services Entity intends to take as part of its response to a Te Mana o te Wai statement.</li></ul>
Funding and Pricing Plan	A funding and pricing plan for a Water Services Entity must, for the period to which it relates, set out: <ul style="list-style-type: none"><li>the sources of, and the entity's intended approach to, funding, revenue, and pricing;</li><li>the entity's intended approach to pricing its services and charging consumers;</li><li>a financial strategy for all of the consecutive financial years covered by the funding and pricing plan.</li></ul>
Infrastructure Strategy	The Infrastructure Strategy must identify significant infrastructure issues for the water services entity over the period covered by the strategy, and the main options for managing those issues and the implications of those options. It must outline how the Water Services Entity intends to give effect to Te Mana o te Wai.
Annual Report	The annual report must detail the affairs of the Water Services Entity in the previous financial year, including information on responses the Water Services Entity Board has made to Te Mana o te Wai statements and information on any action that the Water Services Entity has taken as part of its response to a Te Mana o te Wai statement.

In the Water Services Entity establishment period, the following documents will also be relevant:

Establishment Plan	An establishment plan: <ul style="list-style-type: none"><li>Provides for the transition of the functions, staff, assets, and liabilities from territorial authorities to Water Services Entities and sets out the process and timing for the initial Asset Management Plan and Funding and Pricing Plan.</li><li>Takes the place of the Entity's Statement of Intent until the end of the financial year following the establishment date.</li><li>Sets out performance expectations as part of the accountability framework and performance reporting cycle of the Water Services Entity.</li></ul>
Allocation Schedule	Preparing an allocation schedule for the Water Services Entity, specifying the assets, liabilities, and other matters that will be transferred to the Water Services Entity once it is set up.

These matters are highlighted here for hapū and iwi to consider their positions as Water Services Entities are developed. Later iterations of statements may include specific sections on each of these points.

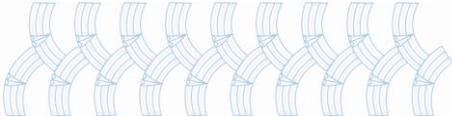


## Wastewater

Wastewater refers to water that has been adversely affected in quality by anthropogenic influence. This can include water from homes, industries, and businesses that contain a variety of contaminants, ranging from food scraps and soap to chemicals and human waste. Once water is used for various purposes (like washing, flushing, or industrial processes), it becomes wastewater, and it typically needs treatment before it is released back into the environment. In Aotearoa, district councils typically manage this process. These operations will be transferred to Water Services Entities in a staggered roll-out across the country.

Water Services Entities will be responsible for a variety of activities related to the collection, treatment, and disposal or reuse of wastewater. While the specific responsibilities may vary depending on the size and resources of a particular council, some of the key activities of wastewater teams are outlined here.

Infrastructure Management	<ul style="list-style-type: none"><li>• Regularly maintaining and repairing wastewater infrastructure such as pipes, pumps, and treatment plants.</li><li>• Regularly inspecting and monitoring the condition of wastewater infrastructure to prevent failures and ensure compliance with standards.</li></ul>
Treatment and Processing	<ul style="list-style-type: none"><li>• Operating wastewater treatment plants to remove contaminants from wastewater before it is discharged.</li><li>• Managing the treatment and disposal of sludge produced during the wastewater treatment process.</li><li>• Regularly testing the treated wastewater to ensure that it meets the required quality standards.</li></ul>
Compliance and Regulation	<ul style="list-style-type: none"><li>• Ensuring that all wastewater activities comply with local, regional, and national regulations and standards.</li><li>• Managing wastewater discharge permits and submitting regular reports to regulatory agencies.</li></ul>
Wastewater Collection	<ul style="list-style-type: none"><li>• Managing the network of sewers and pump stations that collect wastewater from properties.</li><li>• Managing the collection and treatment of stormwater to prevent contamination of water bodies.</li></ul>
Emergency Response	<ul style="list-style-type: none"><li>• Responding to and managing wastewater spills and overflows to minimise environmental impacts.</li><li>• Developing and implementing emergency response plans for wastewater incidents.</li></ul>
Planning and Development	<ul style="list-style-type: none"><li>• Planning and developing new wastewater infrastructure to meet the needs of growing populations and changing environments.</li><li>• Allocating resources and prioritizing investments in wastewater infrastructure.</li></ul>
Environmental Protection	<ul style="list-style-type: none"><li>• Implementing measures to protect ecosystems from the impacts of wastewater discharges.</li><li>• Promoting and implementing sustainable wastewater management practices.</li></ul>



The importance of wastewater management for hapū and iwi is deeply intertwined with cultural, spiritual, and environmental considerations. Each of these activities may benefit hapū and iwi positions on how Te Mana o te Wai can be given effect. Positions may take some time to develop as they familiarise themselves with the issues and develop their thinking on these kaupapa.

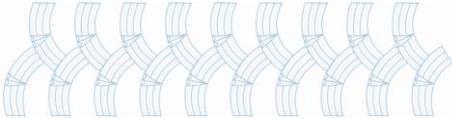
Te Mana o Te Wai Statements may identify the following matters for the Water Services Entity to consider. This is not an exhaustive list:

- What the culturally appropriate management of wastewater may look like in specific rohe/takiwā, including decision-making roles.
- Cultural principles regarding wastewater treatment, management, and disposal. Specifically, how mauri may be impacted and why they hold positions on methods and preferences.
- Concerns regarding the health and wellbeing of hapū and iwi in respect of the health implications of contaminated water. Being able to describe the perspectives of hapū and iwi regarding the cultural significance of wai as sources of food, such as fish and shellfish, as a key indicator of upholding Te Mana o te Wai will support transformative decision-making.
- Preferred infrastructure, design and application of technology led by mātauranga in the management of wastewater.
- Policies and limits that encourage option design that gives effect to Te Mana o te Wai.
- Implications for how water and wastewater should be managed, respecting hapū and iwi rights and interests.
- The historical practices or events of previous Crown actions may have degraded waterways or diminished the ability of hapū and iwi to access and use them. The location of wastewater discharges may be on wāhi tapu or in mahinga kai. Some lands may have been confiscated by actions of the Crown and are under claim or dispute. These matters should be summarised to signal that these will be issues for the Water Services Entity and mana whenua to resolve.
- Hapū and iwi economic interests are tied to the waterways, including tourism and fisheries. Contaminated waters can have direct economic impacts by reducing fish stocks or making areas less appealing to tourists. These narratives support how Te Mana o te Wai has wide ranging implications, cultural and environmental.
- Cultural monitoring and how mātauranga will be integrated into decision making.
- Perspectives on health standards and limits that are appropriate for hapū and iwi.
- Expectations on how climate change should be addressed in consenting and design.
- Expectations and partnerships in the event of emergencies and management of hapū and iwi relationships and cultural matters during this time.
- Specific environmental concerns with existing and new wastewater management systems.

### Stormwater

Stormwater refers to the runoff water that results from rain, flowing over impervious surfaces like roads, parking lots, and rooftops, and then into storm drains or natural water bodies like rivers and streams. The management of stormwater is important for hapū and iwi, particularly in urban or built-up areas.

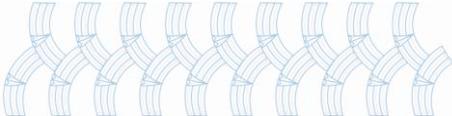
Stormwater can carry pollutants like oil, heavy metals, and chemicals from urban areas into water bodies, which can harm aquatic ecosystems and disrupt the balance of local flora and fauna. Effective stormwater management ensures the long-term sustainability of tāonga species, water quality and ensuring the mauri of waterways is protected. In some areas many iwi and hapū have wāhi tapu and wāhi tipuna located near water bodies. Proper stormwater management helps prevent erosion and degradation of these sites.



In addition, poorly managed stormwater can lead to waterborne diseases and health issues, affecting the well-being of iwi and hapū members who use or rely on these water sources for drinking, bathing, and food preparation.

Water Services Entities will hold primary responsibility for managing and maintaining water courses that have a stormwater function in urban areas, including on private land. Te Mana o Te Wai Statements can inform a system-based approach to stormwater networks and their regulations. Water Services Entities will need to engage with landowners who have a stormwater watercourse on their land as part of the development of stormwater management strategies and plans.

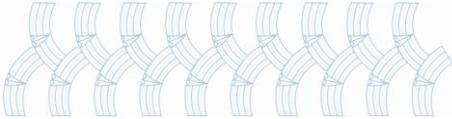
Planning and Design	<ul style="list-style-type: none"><li>Develop and implement Stormwater Management Plans (SWMP).</li><li>Design infrastructure to safely convey stormwater, considering factors such as climate change and urban growth.</li><li>Integrate stormwater solutions into urban planning and development, ensuring that future development is sustainable.</li></ul>
Construction and Maintenance	<ul style="list-style-type: none"><li>Build new stormwater infrastructure, including drains, retention basins, and treatment devices.</li><li>Regular inspection and maintenance of stormwater systems to ensure they function as designed and to prolong their service life.</li></ul>
Flood Management	<ul style="list-style-type: none"><li>Identify flood-prone areas and develop strategies to mitigate flooding risks.</li><li>Implement and maintain flood protection measures like levees, detention basins, and pumps.</li><li>Monitor rainfall and river levels to provide early warnings to communities in case of imminent flooding.</li></ul>
Water Quality Monitoring	<ul style="list-style-type: none"><li>Monitor stormwater discharges for pollutants and sediments.</li><li>Ensure compliance with the Resource Management Act (RMA) and other relevant regulations.</li><li>Implement and oversee water-sensitive urban design (WSUD) practices, which aim to improve water quality.</li></ul>
Public Education and Engagement	<ul style="list-style-type: none"><li>Promote public awareness about the importance of stormwater management.</li><li>Educate communities about the role they can play in preventing stormwater pollution, such as minimizing the use of fertilizers and properly disposing of hazardous waste.</li><li>Engage with communities during the planning and execution of major stormwater projects.</li></ul>
Climate Change Adaptation	<ul style="list-style-type: none"><li>Assess and adapt stormwater systems to cope with changing rainfall patterns and sea-level rise.</li><li>Re-evaluate infrastructure resilience and make necessary upgrades.</li></ul>
Data Collection and Modelling	<ul style="list-style-type: none"><li>Gather data on stormwater flows, pollutant loads, and system performance.</li><li>Use computer models to predict stormwater behaviour under various conditions and to guide the design of infrastructure.</li></ul>
Emergency Response	<ul style="list-style-type: none"><li>Develop and implement response plans for stormwater-related emergencies, like major floods.</li><li>Coordinate with civil defence and other emergency services during events.</li></ul>



A section in the Statements providing direction to Water Services Entity teams to enable effective and culturally appropriate stormwater management is essential for hapū and iwi due to its environmental, cultural, economic, and health-related implications. This will be more relevant for urban locations as stormwater management is largely more complex in built up areas.

Te Mana o Te Wai Statements may identify the following matters for the Water Services Entity to consider. This is not an exhaustive list:

- Aspirational narratives, what the culturally appropriate management of stormwater may look like in specific rohe/takiwa including decision making roles.
- Cultural principles regarding stormwater treatment, management, and disposal specifically how mauri may be impacted and why they have their positions on methods and preferences.
- The maintenance of high-water quality is a common objective, often including guidelines or rules around stormwater discharge quality and the management of runoffs to prevent pollution of water bodies.
- Hapū and Iwi may provide guidelines on erosion and sediment control to protect water bodies from sedimentation and to maintain the health of the aquatic ecosystems.
- Concerns regarding the health and wellbeing of hapū and iwi regarding the serious health implications of contaminated water. Being able to describe the perspectives of hapū and iwi regarding the cultural significance of wai as sources of food such as fish and shellfish as a key indicator of upholding Te Mana o te Wai will support transformative decision making.
- Preferred infrastructure, design and application of technology led by mātauranga in the management of stormwater.
- Policies and limits that encourage option design that gives effect to Te Mana o te Wai.
- Implications for how stormwater should be managed, respecting hapū and iwi rights and interests.
- The historical practices or events of previous Crown actions may have degraded waterways or diminished the ability of hapū and iwi to access and use them. The location of stormwater infrastructure may be on wāhi tapu or in mahinga kai. Some lands may have been confiscated by actions of the Crown and are under claim or dispute. These matters should be summarised to highlight these will be issues and how the WSE and the hapū and iwi may work to resolve these.
- Cultural monitoring and how mātauranga will be integrated into decision making.
- Requirements for stormwater treatment using natural methods like raingardens, swales, and repo before it enters water bodies.
- Requirements for rainwater harvesting as part of new developments may be included to minimise stormwater runoff and to utilize water resources sustainably.
- Requirements for the use of green spaces to support stormwater management.
- Perspectives on health standards and limits that are appropriate for hapū and iwi; and
- Objectives around the restoration and enhancement of water bodies and their catchments affected by stormwater discharges;
- Advocacy for water-sensitive urban design principles in developments that impact stormwater may be articulated promoting sustainability and the integration of natural water cycle management;
- Expectations on how climate change should be addressed in consenting and design;
- Expectations and partnerships in the event of emergencies and management of hapū and iwi relationships and cultural matters during this time.



## Drinking water

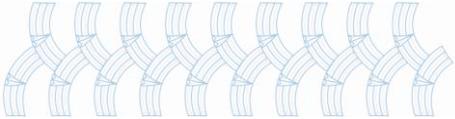
In Aotearoa, the provision of drinking water is currently managed by local councils or district health boards, and it must meet specific standards set by the government to ensure it is safe for consumption. Wāi Maori is essential to all communities and these responsibilities will be transferred to Water Services Entities under the new reform.

Councils may describe the source of the drinking water, which could be ground water, surface water, or spring water, and may also provide information about the treatment processes used to purify the water. This could include filtration, chlorination, UV treatment, or other methods, depending on the source and the contaminants present.

This overall approach to drinking water management in Aotearoa is generally aimed at ensuring the provision of safe, high-quality drinking water to all residents while also safeguarding the water resources for future generations.

Below are some of the key activities that will be transferred to Water Services Entities from councils.

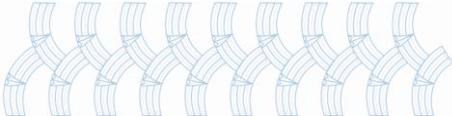
Supply Management	<ul style="list-style-type: none"><li>Source Protection: Identify and protect water sources to prevent contamination.</li><li>Allocation and Consents: Secure water allocation rights and manage consents for water take.</li><li>Water Quality Management</li></ul>
Monitoring	<ul style="list-style-type: none"><li>Regularly monitor water quality to ensure compliance with the Drinking Water Standards for New Zealand.</li></ul>
Treatment	<ul style="list-style-type: none"><li>Operate and maintain water treatment plants to remove contaminants and pathogens.</li></ul>
Testing	<ul style="list-style-type: none"><li>Regularly test water samples for various contaminants and microbial content.</li></ul>
Development and maintenance	<ul style="list-style-type: none"><li>Develop and maintain water supply infrastructure, including pipes, pumps, and reservoirs.</li></ul>
Asset Management	<ul style="list-style-type: none"><li>Implement asset management plans to ensure the longevity and reliability of water supply infrastructure.</li></ul>
Leak Detection and Repair	<ul style="list-style-type: none"><li>Regularly inspect the network for leaks and repair them promptly to avoid water loss.</li></ul>
Risk Management	<ul style="list-style-type: none"><li>Risk Assessment: Identify and assess risks to water quality and supply.</li></ul>
Emergency Response	<ul style="list-style-type: none"><li>Develop and implement emergency response plans for incidents affecting water supply, such as natural disasters or contamination events.</li></ul>
Public Health Protection	<ul style="list-style-type: none"><li>Implement measures to protect public health, including boil water notices or supply interruptions when necessary.</li></ul>
Community Engagement and Communication	<ul style="list-style-type: none"><li>Engage with communities, iwi, and stakeholders to discuss water supply issues and gather input on management plans.</li><li>Educate the public on water conservation, protection of water sources, and other relevant topics.</li><li>Regularly communicate with the public about water supply status, water restrictions, and any issues affecting water quality or supply.</li><li>Local councils and water suppliers are responsible for providing the public with information about the quality and safety of the drinking water supply. They often publish water quality reports that provide details on the source, treatment, and testing results of the drinking water.</li></ul>



Regulatory Compliance	<ul style="list-style-type: none"><li>Ensure compliance with local, regional, and national regulations and standards related to water supply.</li></ul>
Reporting	<ul style="list-style-type: none"><li>Provide regular reports to regional and national authorities on water quality and compliance status.</li></ul>
Licensing and Permitting	<ul style="list-style-type: none"><li>Obtain and maintain all necessary licenses and permits related to water take and supply.</li></ul>
Financial Management	<ul style="list-style-type: none"><li>Develop budgets and secure funding for water supply services and infrastructure development.</li><li>Determine water rates and charges to cover the cost of water supply services.</li></ul>
Planning and Development	<ul style="list-style-type: none"><li>Develop long-term plans for water supply, including source development, treatment, and distribution.</li><li>Work with planning departments to consider water supply issues in land use planning and development decisions.</li></ul>
Compliance	<ul style="list-style-type: none"><li>Water suppliers must regularly monitor and test the water to ensure compliance with the Drinking Water Standards of New Zealand. Non-compliance can lead to water alerts, such as boil water notices, and enforcement actions from the Ministry of Health.</li></ul>
Water Safety Plans	<ul style="list-style-type: none"><li>Develop and implement Water Safety Plans, which identify risks to the drinking water supply and outline measures to manage and mitigate those risks.</li></ul>

Te Mana o Te Wai Statements may identify the following matters for the Water Services Entity to consider. This is not an exhaustive list:

- Aspirational narratives, what the culturally appropriate management of drinking water may look like in specific rohe/takiwā including decision making roles.
- The right of hapū and iwi and marae and papakāinga to have free access to adequate clean and safe drinking water.
- Some hapū and iwi may propose stricter water quality standards than those set by regional councils, especially for water bodies that have significant cultural or spiritual significance.
- There might be specific wāhi tapu (sacred sites) or wāhi taonga (treasured sites) that are associated with freshwater sources. Hapū and iwi may seek to have these sites recognised and protected;
- Prohibition or Restrictions on Water Take: Concerns might be raised about excessive water extraction, particularly from aquifers and rivers. Some hapū and iwi might advocate for placing limits on the amount of water that can be taken, especially during dry periods;
- Cultural principles regarding drinking water treatment, management, and disposal specifically how mauri may be impacted and why they have their positions on methods and preferences.
- Concerns regarding the health and wellbeing of hapū and iwi regarding the serious health implications of contaminated water. Being able to describe the perspectives of hapū and iwi regarding the cultural significance of wai as sources of drinking water, food such as fish and shellfish as a key indicator of upholding Te Mana o te Wai will support transformative decision making.
- Preferred infrastructure, design and application of technology led by mātauranga in the management of drinking water.
- Policies and limits that encourage option design that gives effect to Te Mana o te Wai.
- Implications for how drinking water should be managed, respecting hapū and iwi rights and interests in drinking water.



- Policies might be put forward to protect drinking water sources from contamination, such as runoff from farming or industrial activities.
- Proposals for restoration or remediation of degraded water sources, including the replanting of native vegetation around water bodies, or efforts to rehabilitate ecosystems may be highlighted.
- The historical practices or events of previous Crown actions may have degraded waterways or diminished the ability of hapū and iwi to access and use them. The location of drinking water infrastructure may be on wāhi tapu. Some lands may have been confiscated by actions of the Crown and are under claim or dispute. These matters should be summarised to highlight these will be issues and how the WSE and the hapū and iwi may work to resolve these.
- Cultural monitoring and how mātauranga will be integrated into decision making.
- Perspectives on health standards and limits that are appropriate for hapū and iwi; and
- Expectations on how climate change should be addressed in consenting and design. As climate change can impact freshwater availability and quality, some statements might highlight the need for adaptative strategies and the inclusion of mātauranga Māori (Māori knowledge) in those strategies.
- Positions on hapū and iwi rights and interests in freshwater.
- Expectations and partnerships in the event of emergencies and management of hapū and iwi relationships and cultural matters during this time.

### **Other Sections for Future Development**

At the drafting of this guidance, many of the components of the Water Services Reform Programme have not yet been established, so some sections were not able to be explored. However, the following section provides proposed content that may be valuable to include in later iterations of Te Mana o Te Wai Statements.

#### Te Mana o te Wai: Operational Guidance

As capacity and capability grows within hapū and iwi, understanding of the operational layers of WSE will also deepen. In future iterations of Statements, it is expected that hapū and iwi will be able to provide specific advice to staff within WSE's on how to give effect to Te Mana o te Wai at the operational level. This will come with a joint maturity of both Iwi and WSE capability. Not all direction will come from the written statement, most improvements in this area will come from improved relationships between the WSE and the hapū and iwi growing shared understandings and supporting transformative change.

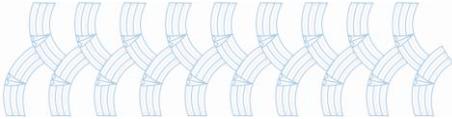
#### Consenting Processes

These processes may be developed specifically within the proposed sub-catchment arrangements and are expected to detail how consenting processes should occur. By having these processes in place, early and meaningful engagement should be enabled in the pre-consent lodgement phase. This provides the opportunity for hapū and iwi to co-develop outcomes for location and method of infrastructure design within the rohe.

#### Monitoring

Under Section 143 of the Water Services Entities Act, mana whenua has a role in monitoring the plan of the Water Services Entity and the actions it takes as part of the Water Services Entity' response to Te Mana o te Wai Statements.

A monitoring section in the statement may include specific methods of monitoring how the Water Services Entity is giving effect to Te Tiriti o Waitangi obligations and Te Mana o te Wai.



A series of indicators may be developed by hapū, and iwi based on their aspirations. The Water Services Entity would then have a helpful set of standards that would provide clear expectations on what outcomes are expected to meet sections 4 and 9 of the Water Services Entities Act.

These may form the basis of an audit style report delivered jointly by the Water Services Entity and hapū and iwi to create base line data on the current ability of the Water Services Entity to achieve the outcomes, clear targets, and a gap analysis. This gap analysis may form the basis of the actions that Water Services Entities should take to achieve the outcomes over an agreed period.

#### Cultural Induction and Training

To ensure that the WSE understands the context, expectations, and aspirations of hapū and iwi, cultural induction processes and training may be helpful for staff. These may be collectively provided at the Water Services Entity level, and locally delivered where helpful in place.

#### Resourcing

Resourcing arrangements to support and enable hapū and iwi to provide and monitor statements may be institutionalised within the Statements and any sub catchment arrangement and should be consistent with section 116 of the Water Services Entities Act.

#### Commercial Opportunities

Hapū and iwi may want to engage with Water Services Entities regarding potential commercial opportunities that may arise within the Entities. This could include investment and partnering opportunities. This may be supported by the procurement section at an individual level.

#### Procurement Policy

While Water Services Entities will be guided by all the government procurement guidelines, Te Mana o Te Wai Statements may include expectations and outcomes that promote:

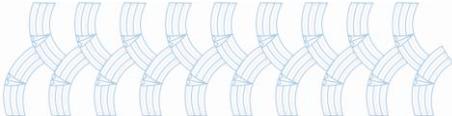
- Practical implementation of Te Mana o te Wai at place including workforce development, education, training, and clear pathways for professional development;
- Procurement approaches that drive Te Mana o te Wai outcomes including social and environmental benefits;
- Opportunities for Māori businesses and individuals to become active participants in the workforce and supply chain to deliver goods to, and services for the Water Services Entity;
- Ethically resourced goods and services;
- Value for money, and effective use of resources;
- Integrated planning and co-investment for infrastructure development.

#### Data

Gathering specific data on the current water services needs of our whānau will be required to ensure that they are not overlooked in a larger scale system. Partnering with Water Services Entities in the collation and management of data will require discussions on our data sovereignty and how this information may be utilised.

#### Taumata Arowai - Water Services Regulator

Taumata Arowai was established under the Taumata Arowai – Water Services Regulator Act 2020. The primary purpose of Taumata Arowai is regulating and ensuring the safety and quality of drinking water in New Zealand. Taumata Arowai responsibilities include setting and enforcing drinking water



standards, issuing permits for water suppliers, conducting inspections, and supporting local authorities in improving water infrastructure.

There are a range of matters under the jurisdiction of Taumata Arowai that directly impact the quality of drinking water. As capacity and capability expands in this space, it is expected that this section will in the future describe how these obligations will be undertaken.

### Water Poverty

Addressing water poverty and ensuring equitable access to drinking water is crucial for hapū and iwi within the water services systems. This issue should consider how to ensure all customers of Water Services Entities have access to drinking water irrespective of their socio-economic circumstances.

### Non- Municipal Water Services

For many hapū and iwi communities, wastewater and drinking water are entirely managed ‘off the grid’. These communities are often overlooked in the delivery of these services and often they include marae and papakāinga. Data is very patchy on these services and their needs are unique and vulnerable. The quality of this infrastructure is also largely unrecorded. As the Water Services Entities uphold their responsibilities to Aotearoa, it will be essential that those hapū and iwi who are not ‘counted’ in the same way as those on municipal supply should not be overlooked. Specific needs analysis, data collection and solutions may be developed as part of these statements to ensure accountability, where those communities request it.

## **Conclusion**

This introductory Guidance to developing Te Mana o te Wai Statements is to assist mana whenua to consider the scope of the Water Services Reform as it relates to their rohe or takiwā. As the legislation is new, this Guidance is expected to require updating. However, it does reflect current understandings of the Water Services regime.

There is much work ahead, including addressing capacity gaps, enhancing mana whenua capabilities, and nurturing relationships with Water Services Entities and other stakeholders. As this process moves forward, there may be constructive methods within the reform that provide further support to mana whenua to protect and enhance the well-being of the environment, to honour cultural identity, and to make intergenerational choices that align with their enduring values. Te Mana o te Wai offers a transformative approach with the aim of leaving a legacy of values-aligned sustainable water management that ensures a thriving natural world for all communities and generations to come.