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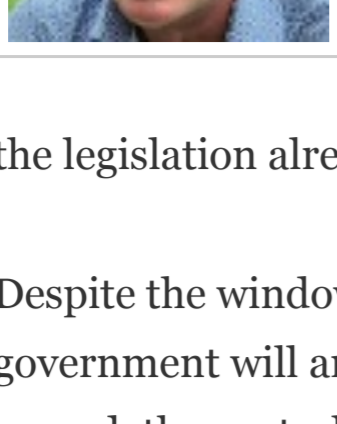
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FRIDAY, APRIL 21, 2023

## Jason Smith: The overlooked part of Three Waters

Labels: Jason Smith, Te Mana o Te Wai Statements



Since PM Hipkins's February announcement that there would be changes to the Government's controversial Three Waters programme, anticipation has grown about the reboot by the Hipkins-led Labour Government. Something clearly is deeply wrong with the programme and the legislation already in place.

Despite the window-dressing announcement last week of how the government will amend aspects of the Three Waters laws it's already passed, the central Three Waters idea which Government has been advancing all along has been staunchly defended by barely being mentioned at all.

Te Mana o Te Wai Statements, as prescribed in legislation at Part 4, Subpart 4 of the Water Services Entities Act (2022), are the very core, the citadel at the heart of the Three Waters programme. Yet there was little mention of Te Mana o Te Wai Statements in last week's announcement. The emphasis here is on the word "statements"; this concept is a slippery hook from which most politicians have slid when questioned by journalists, which is why most people aren't aware there's something very fishy in the waters here.

**Te Mana o Te Wai Statements are in a league of their own within the Three Waters reforms, far removed from the already-controversial co-governance arrangements or entity size and shape which have drawn the heat and the light and where much debate has been, and will continue to be. Te Mana o Te Wai Statements are legislated to cover every square centimetre of all the land, including under every home, road, farm or place of business as well as many kilometres out to sea. They're not just about broken pipes but something much wider. Simple and powerful, it is already law that whatever these statements contain must be put into effect, no questions asked. The problem is only some parts of society are allowed to write them, though they affect us all. There is no co-governance in the simple truth that it's only Maori who may write Te Mana o Te Wai Statements. There is nothing "co-" about this, it's a different type of constitutional arrangement from anything we've seen before. It's racially exclusive.**

As a member of the Government's Three Waters Working Group for Representation, Governance and Accountability in 2021-22 I know well what's intended by Te Mana o Te Wai Statements. I've been critical of the unacceptable direction of what the Government was going for with this. The ideas behind the TMOTW statements are something quite separate from the co-governance arrangements but still absolutely part of the story here. For more than a year I've written on this, been interviewed on this and even presented to the Parliamentary Select Committee for the Water Services Entities Bill, where I was surprised MPs were unaware of or confused about what was proposed for Te Mana o Te Wai statements. Even now, having had a chance to reconsider what they're doing with all aspects of Three Waters, Government is still following the idea of what iwi leaders call "ending the tyranny of the majority". It's not about a joined up New Zealand where everyone is leaning in to fix our water challenges, it's simply racially divisive.

That Three Waters has become a hot political mess is no surprise. Wide-spread roadside signs reminding travellers to "Stop Three Waters" are part of the largest sign protest since "Stop The Tour" signs more than forty years ago. The Springbok tour of 1981 nearly brought the country to a form of civil war, and Three Waters issues are no less ominous.

The justification for the Government building a hiding-in-plain-view-race-based policy around water and land use affecting us all has never been explained. Simple questions have been deftly avoided by the current Prime Minister and his predecessor and the former and current Ministers of Local Government. The fact most New Zealanders are not lawfully able to contribute to their local Te Mana o Te Wai Statement sets up the authors of those statements to fail and sets up everyone for civil unrest in the future. The opportunity to correct this has been missed in the most recent ministerial revision. The dark heart of Three Waters remains hidden in plain sight, defended at all costs in last week's policy rebranding. Beyond the things we already know, there's something sinister in the waters after all.

*Dr Jason Smith was Mayor of Kaipara District from 2018-22, where he was a vocal critic of the Three Waters policies of the Government. This article was first published [HERE](#)*

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AT 5:11 AM [Social Media Icons]

3 COMMENTS:

**E** Anna Mouse said...  
Te Mana o Te Wai statements make a mockery of governance in our Liberal Democracy.

The fact that only one ethnic group have the rights to make them is simply apartheid legislated.

The Labour Government hiding these and of course their precursor He Puapua makes them traitors to the very democracy that they have utilised to come to power.

Civil disorder is a real possibility in the future because of this.  
APRIL 21, 2023 AT 7:15AM

Anonymous said...  
TMOTW Statements are an open cheque book for mana whenua and this provision makes a complete mockery of co-governance and any potential savings this scheme could produce. If the public swallow the lies of this Govt, we will be an ethnostate and civil unrest will surely be on the near horizon.

These politicians have now proved beyond doubt that they cannot and should not be trusted with our future. They have ruined our health, education and economy, and crime is out of control. They are also working on making our planning laws worse - so why on earth would any thinking person vote for them?

Make no mistake, this is He Puapua in action. We each have an obligation to save our country from damnation and we need to send a very clear message. Vote wisely, watching out for those that wish to 'leave the door open' in pursuit of their own ego.  
APRIL 21, 2023 AT 9:03AM

Anonymous said...  
most people assume the elected government are doing whats right for the majority, so dont take a lot of interest in politics, the current labour govt have set up maori control under cover, with lies and deceit something i havnt seen before in a political party, to try and bring this to the voters attention with a brought and paid for msm is a huge task  
APRIL 21, 2023 AT 9:16AM

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## NZCPR Newsletter: Labour Delivers Control of Fresh Water to Maori

"Hipkins and McAnulty can only hope the mainstream media remains largely dozy, lazy and uninformed on the role of Te Mana o Te Wai statemen..."

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