

Independent Voices

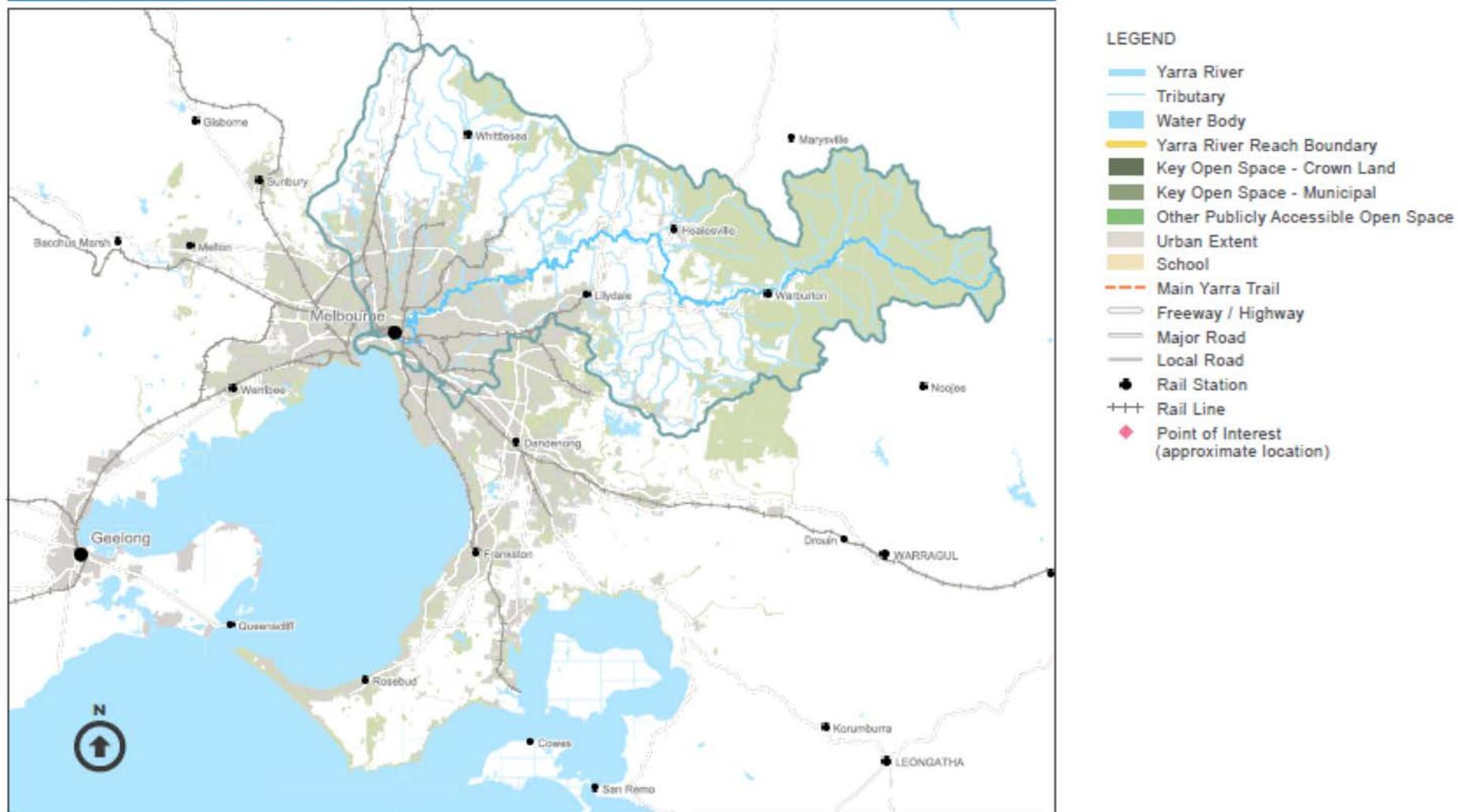


**The Yarra River's Birrarung Council and Te Pou Tupua,
the Human Face of the Whanganui River, Te Awa
Tupua, Compared**

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Yarra River, 'Birrarung'

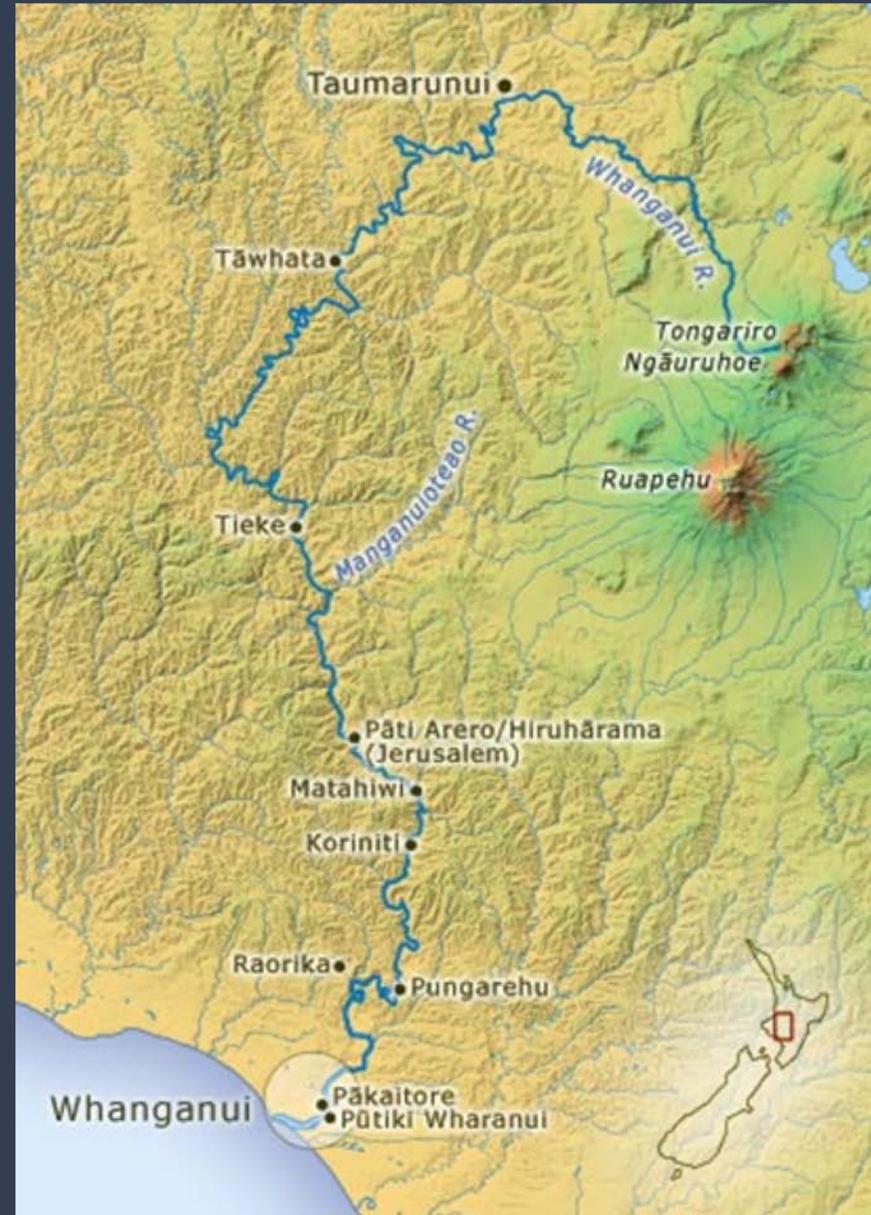
Figure 3: The Yarra River and its catchment



Yarra River, 'Birrarung'



Whanganui River



Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 (Vic)

Five features of significance to Aboriginal Victorians:

1. Aboriginal language in the title and preamble;
2. Recognition as one living and integrated natural entity;
3. Overarching strategic plan;
4. Yarra Protection Principles; and ...

Yarra River Protection (Wilip-gin Birrarung murrong) *Act 2017 (Vic): Key features*

5. Birrarung Council (the 'independent voice')

- At least two Indigenous members out of 12 ✓
- Advisory only ✗
- Involved in developing the Strategic Plan ✓
- Advocates for the protection and preservation of the Yarra ✓
- Independent from government ✓

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (NZ)

- Whanganui River ('Te Awa Tupua') as a legal entity:
 - Statutory recognition.
 - Represented by a river guardian ('Te Pou Tupua'):
 - Membership of two: one appointed by Whanganui Iwi, one by government.
 - Role of Guardian is to protect the River and its values.
 - Decision-makers must consider the River values in any decisions they make.

Some Benefits

- River values are Māori river values ('Tupua te Kawa').
- Standing is guaranteed.
- Independent from government.
- Deemed a public authority under the *Resource Management Act* (NZ)
- Administers/makes decisions on applications to the fund established to protect the health and well being of the river.

Some Disadvantages

- Indirect role for Whanganui Iwi:
 - River Guardian doesn't represent the interests of its members.
- Indirect role for River Guardian in management:
 - Not involved in decision-making (potential only)
 - Not involved in developing the river strategy
- But in the context of wider settlement – a positive development.

Some Comparisons

Yarra River Protection Act 2017	Te Awa Tupua Act 2017
No independent legal status for the river	Independent legal status for the river
Protection of Aboriginal and other values	Protection of Māori river values
Aboriginal language in the title and preamble	Māori language used more widely in the Act
Birrarung Council:	Te Pou Tupua:
Represents community interests in the river	Represents the interests of the river
12 members (2 Indigenous), no government members, 4 year terms	2 members, 1 nominated by government, one by Māori, 3 year terms
Advice and advocacy role, no involvement in decision-making	Manages the river rehabilitation fund, but no direct role in river management



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