



He Tohu Whakamarama

A report on the interactions between local government and Maori organisations. The report identifies issues which affect Maori participation in Resource Management Act processes

Maruwhenua
Ministry for the Environment

January 1998



Acknowledgements

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He mihi aroha ki a koutou mo te awhina mo tenei kaupapa.

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He Tohu Whakamarama

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About the Ministry for the Environment

- *Making a difference through environmental leadership*

The Ministry for the Environment advises the Government on policies, laws, regulations, and other means of improving environmental management in New Zealand. The significant areas of policy for which the Ministry is responsible are management of natural resources; sustainable land management; air and water quality; management of hazardous substances, waste and contaminated sites; protection of the ozone layer; responding to the threat of climate change; Treaty claims to natural resources, and Maori environmental perspectives. Advice is also provided on the environmental implications of other Government policies.

The Ministry monitors the state of the New Zealand environment and the operation of environmental legislation so that it can advise the Government on action necessary to protect the environment or improve environmental management.

The Ministry for the Environment carries out many of the statutory functions of the Minister for the Environment under the Resource Management Act 1991. It also monitors the work of the Environmental Risk Management Authority on behalf of the Minister.

Besides the Environment Act 1986 under which it was set up, the Ministry is responsible for the Soil Conservation and Rivers Control Act 1941, the Resource Management Act 1991, the Ozone Layer Protection Act 1996, and the Hazardous Substances and New Organisms Act 1996.

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Foreword

Tena koutou katoa

Effective interactions between Maori and local government are an important element in the successful implementation of the Resource Management Act 1991. This report outlines the findings of a survey of these interactions.

For reasons which are outlined in the report, there were a number of limitations in the survey process and also in the information derived from this. It is, therefore, difficult to make a definitive analysis of issues or solutions from this report.

The report, however, raises questions which require further research or ongoing monitoring to establish a more complete and comprehensive picture of the interaction between councils and iwi in the resource management processes. For example, this report is based on a survey of information and perceptions of councils and Maori organisations, but it does not include a survey of resource consent applicants.

Further research is needed for a better understanding of the perceptions of all other participants (including applicants) in the resource consent process, and their experiences of interactions with Maori in resource management processes. The Ministry for the Environment is aware that some perceptions (particularly the applicants') of Maori participation may be quite different to those outlined in this report.

Since 1994 there have been a number of studies and reports about local government interactions with tangata whenua. Some of these give a broader picture of the issues and a number of positive examples of initiatives undertaken by local government and resource consent applicants when interacting with Maori. While this report contains little information about good practice, this should not be taken to mean that there are not useful examples to be promoted.

On the other hand, Maori organisations may be of the opinion that this report does not go far enough in describing their views and the often complex issues they are faced with. To a number of Maori organisations the findings in this report may be nothing new and are issues they have been raising since the inception of the Resource Management Act.

Despite its limitations, this report contributes to an important discussion. It raises questions about the importance and effectiveness of Maori participation in resource management processes. It also identifies a number of issues where further research and monitoring would help define good practice for all involved: councils, iwi, resource applicants and the community.

The Ministry for the Environment has recently developed a monitoring framework that will help judge how the Resource Management Act is working and what can be done to improve practice. An important part of this work is monitoring iwi participation in resource management processes. The issues raised in this report and other research will be used to guide and focus the Ministry's monitoring and its work in promoting good practice.



Neither monitoring nor promotion of good practice are issues for the Ministry alone. The Ministry needs to work closely with local government and Maori. Case studies in particular regions could be useful in developing a greater understanding of some of the issues and in providing advice on good practice.

The Ministry hopes this report will prompt further discussion for local government, iwi, and other participants in resource management processes. Feedback and comment on the issues raised by the report are welcomed. In particular, the Ministry would value suggestions on issues requiring further investigation, and examples of good practice.

No reira, heoi ano

Denise Church
Chief Executive
Ministry for the Environment



Executive summary

*Tungia te ururua kia tupu,
whakaritorito te tupu o te harakeke*

*Set the overgrown bush alight,
and the new flax shoots will spring up.¹*

This report contains information on the interactions between local government² and Maori organisations³ in relation to the Resource Management Act 1991 (the RM Act). This information primarily comes from responses to questionnaires intended to assess the interactions and to identify any obstacles to effective Maori participation in resource management processes.

The initial survey method involved two questionnaires - one for councils, and the other for Maori organisations. Questionnaires were sent to 86 councils and 46 responded. Eighty Maori organisations were sent questionnaires and 25 responded.

The Ministry recognises that the information contained in this report has significant limitations. The limitations of questionnaire design and the response rate mean the report is neither extensive nor definitive. Nor does it represent Ministry policy. It records the responses to the survey which were given at the time it was conducted.

The Ministry has published the report for the following reasons:

The report does provide an indication of the nature and extent of council/Maori organisation interaction and it identifies issues which are perceived to restrict effective participation by Maori in resource management processes. The responses pointed to a variation in approaches by councils when interacting with Maori organisations. Also identified were differences in the perceptions councils and Maori organisations have with regard to these interactions, and consequently with the nature of their relationship.

The final section of this report, “Issues for Further Consideration”, presents some of the key issues perceived by various individual council and Maori respondents to affect interaction and participation in resource management processes. Issues identified (though not by all respondents) include:

- methods of effective consultation between councils and Maori organisations
- early involvement and supply of information for Maori to effectively participate

¹ AE Brougham and AW Reed (1963) Maori proverbs - Wellington & Auckland

“Clear away what is bad and the good will flourish. Ihaka said: A fair interpretation of this is: Burn or dispose of whatever hinders progress in all that is done, in order that what is desirable may indeed grow and bear fruit”.

² “Local government” is used interchangeably with, and includes “council(s)”, “regional councils”, “local authorities”, and “territorial and unitary authorities”.

³ “Maori organisations” is used interchangeably with, and includes “iwi authorities”, “tribal runanga”, and “iwi organisations”.



- difficulties experienced by councils in identifying who to consult with
- adequacy of resources (both funding and support) for Maori to effectively participate
- availability of resources and skills for iwi/hapu to develop iwi resource management plans
- limitations of Maori professional expertise in resource management processes
- the need for some councils to develop a better understanding among staff of Maori resource management concepts and the Treaty of Waitangi, and to better identify and respond to iwi/hapu concerns
- a need for guidance to assist interactions and relationship building between councils and Maori organisations.

This report indicates the need for further research in order to better understand some of these issues. Suggestions for further work include:

- research into resourcing Maori participation
- guidance on protocols and frameworks
- provision of information on resource management processes and tools that will assist Maori participation
- the development of processes to monitor plans, policy statements, and methods employed by councils for the purposes of interacting with iwi/hapu.

1.0 Introduction

1.1 The report

Maori involvement in the Resource Management Law Reform was seen as an integral component of a new environmental regime for New Zealand. This involvement led to the inclusion of Maori-related provisions in the Resource Management Act 1991 (the RM Act) and expectations about how these provisions should work.

The purpose of the survey leading to this report was to identify interactions between local government and Maori organisations in resource management processes and any perceived obstacles restricting effective Maori participation

The initial survey material was collected in 1994 and was limited by the response rate and survey approach. However, the Ministry for the Environment felt the information collected contained indications of issues which should be discussed. In 1996 the Ministry's Maruwhenua directorate took up this information and, in order to place it in a wider context, consulted literature of relevant material, listened to a number of Maori professional persons and to iwi/hapu individuals on the issues.

The report should be useful to both local government and Maori organisations, and should assist in building more effective relationships. It will provide guidance to the Ministry for the Environment in setting priorities for work in this area.

The report does, however, indicate and identify a range of ways in which councils and Maori organisations interact and some of the issues which arise as a result. This information may be helpful in identifying some of the major obstacles to effective participation by Maori in resource management processes.

The end section offers some further discussion on areas of concern which arise from both the responses and general comments in the questionnaires.

1.2 Aims and objectives

The overall aim of this report was to investigate whether or not there were any obstacles to effective Maori participation in resource management processes.

Particular objectives included:

- ascertaining the extent of Maori participation in resource management processes
- examining the interactions between local government and iwi/hapu Maori
- identifying the issues arising from these interactions
- encouraging suggestions to address these issues and to build more effective relationships.

2.0 Background

2.1 Maori Participation in the Resource Management Law Reform

Traditionally, Maori have developed and practiced a concept similar to that now commonly known as sustainable management. The relationship Maori have with the land and its resources is reflected in Kaupapa Maori (the Maori world-view based on Maori cosmology) and tikanga Maori (practice based on Kaupapa Maori). These practices were exercised through kaitiakitanga (the practice of guardianship by Maori with a geneological tie to the resource) to protect the well-being of the people and the essence and integrity of the natural world. Maori have continually challenged the ill treatment of the natural world and inspired others to reflect on their treatment of it.

Throughout the Resource Management Law Reform process, Maori involvement was seen as a vital and necessary component of constructing a new and improved resource management regime. Extensive Maori involvement in the development of the RM Act resulted from not only the Crown's recognition of its Treaty obligations, but also from the increased recognition that Maori through their affinity with the natural world and their knowledge and practices, could contribute to the sustainable management of natural and physical resources. The result was the incorporation of provisions within the RM Act that would enhance the role and participation of Maori within this new environmental regime.

2.2 Requirements of the Resource Management Act 1991

The RM Act explicitly recognises and provides for the inclusion and implementation of Maori values, interests and environmental practices. Part II of the Act places an obligation on all persons exercising functions and powers under the Act to:

- recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu (sacred areas and sites), and other taonga (treasure, anything highly prized) [section 6(e)]
- have particular regard to kaitiakitanga (section 7(a))
- take into account the principles of the Treaty of Waitangi (section 8).

Integral to the adequate implementation of the Act, and implicit by these sections, is the requirement for local authorities to consult with tangata whenua. Clause 3(1)(d) of the First Schedule to the Act places an express obligation on local authorities to consult with tangata whenua. During the preparation of a proposed policy statement or plan, the local authority concerned is required to consult with “the tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga”⁴.

Part of this obligation requires local authorities to have regard to any relevant planning document recognised by an iwi authority affected by the regional or district plan. This obligation is reiterated in sections 66(2)(c)(ii) and 74(2)(b)(ii) of the Act. These provisions state that in the event of preparing or changing a regional policy statement or regional or district plan, the regional or territorial authority shall have regard to any “relevant planning document recognised by an iwi authority affected by the” regional policy statement or regional or district plan.

There is also a requirement in the Act to consult with tangata whenua if they are identified as an “affected party” in the consideration of applications for resource consents. These provisions create a need to build an effective working relationship between tangata whenua and those involved in regional and central resource management processes.

⁴ 4. K Maynard (1996) Requirements of iwi Consultation under the Resource Management Act - A presentation to the NZ Planning Institute, Bay of Plenty Branch (unpublished paper)

3.0 Research

3.1 Methodology

Local government and Maori organisation opinions were sought on the approaches employed for the purposes of interacting. This was to discover the similarities and the differences and therefore the relevant issues arising from this interaction.

The primary method used was the use of questionnaires (see Appendices 9.1 and 9.2).

The responses from the questionnaires have been documented at length in the findings sections of the report (see 4.0 and 5.0).

Because of the limited response from iwi organisations, background information was sought by way of a relevant literature review, case law and informal discussions with Maori with resource management experience (this included university lecturers and consultants). This was felt necessary so as the limited number of responses which were received could be seen in a context. The information gathered by this process confirmed that Maori often encounter obstacles which affect their input into resource management processes and it reinforced some of the difficulties identified by local authorities when interacting with iwi and hapu.

3.2 Questionnaires

There were two questionnaires used to identify the issues affecting interactions between local government and Maori organisations. The questionnaires were similar in structure and were sent to councils and Maori organisations respectively for their response (see Appendices 9.1 and 9.2).

Out of the 86 councils who were sent questionnaires, 46 responded (53.5%). In contrast, 25 responses were received from the 80 sent to Maori organisations (32%). A broad geographic response to the questionnaires was received (see Appendix 9.3).

4.0 Findings

Because of the diversity of opinion expressed in the questionnaire responses, analysis of the information was often difficult. For this reason, the results have been grouped into related sections rather than in the sequence set out in the questionnaires.

4.1 Responses from councils

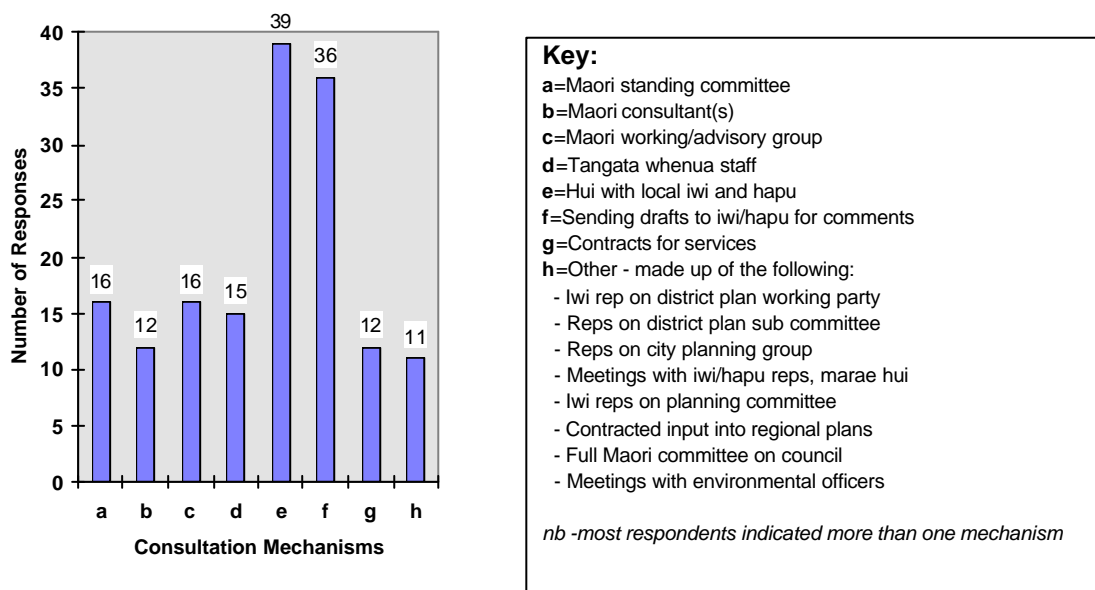
A questionnaire was sent to 86 councils. Of these, 46 were completed and returned (see Appendices 9.1 and 9.3). This questionnaire objective was to gather information from councils on:

- the methods of consultation they employ and their effectiveness
- Maori participation in council planning and the assessment of resource consent applications, the stages at which this occurred and whether Maori concerns were able to be met
- whether the council funded or supported Maori participation in resource management processes
- whether councils had received any request for a transfer of powers under section 33 of the Act and in what situations they would consider transferring powers to iwi organisations
- the council staff level of understanding of Maori resource management concepts and the Treaty of Waitangi
- the council relationship to the iwi/hapu in its region or district
- any recommendations for improving consultation and related processes.

4.1.1 Methods of consultation employed by councils

Council respondents were asked several questions about their methods of consultation with iwi. They were also asked if they have processes in place for streamlining consultation. (Questions 1, 2, 3, and 14 of the questionnaire. See Appendix 9.1).

Figure 1: Consultation mechanisms used when preparing policy statements or plans



This graph shows the most common options for councils when consulting with tangata whenua were either holding hui or sending drafts for comment. Most indicated that specific consultation methods were not used in isolation, but in a combination of mechanisms.

Most effective consultation mechanism

A diversity of opinion was expressed as to which consultation mechanism was most effective and this is reflected in the summary of the information which follows.

Hui/meetings with local iwi/hapu were identified by the majority of respondents as being the most effective method of consultation. The majority opinion was that direct personal contact with iwi or hapu was important as it allowed for varying perspectives to be expressed and effectively explained. A number of the respondents commented that goodwill and co-operation was established with local iwi/hapu when this particular mechanism was used and that those attending usually were seen to have an iwi mandate.

Seven respondents said that the use of Maori consultants was most effective. Consultants were valued because they were able to provide technical/administrative expertise, particularly in regard to reporting, and because they were able to liaise effectively with Maori organisations.

Seven respondents used Maori working/advisory groups, stating these groups appeared to have the mandate which enabled meetings between council staff and iwi to take place.

Four respondents identified contracts for services as being most effective for them. They commented that this method ensured full participation of local iwi in the district planning process, that the obligations and responsibilities of the two parties were clear, and the method promoted professionalism.

Six respondents variously stated that Maori standing committees, tangata whenua staff, or sending drafts to iwi/hapu for comments, were preferred. Only two elaborated. One highlighted the importance of staff selection and the other commented that sending drafts avoided having to fund the runanga for consultation.

Under the heading of “other” consultation mechanisms, a number of responses were received. Six indicated that a combination of the options provided was required, while another six stated that the options offered were inadequate. In relation to consultation mechanisms, most commented that co-opted iwi representatives were an effective mechanism. However, one respondent indicated that Maori representatives on the resource management committee would need full voting rights if they were to have a direct influence on the decision making.

Respondents felt that each method had its own particular strengths and weaknesses and that the appropriate mechanism essentially would depend on the particular circumstances each council faced.

Least effective consultation mechanism

Many of the respondents did not complete this question. Those who did failed to explain why the method they identified was ineffective.

The mechanism indicated as least effective was “sending drafts to iwi and hapu” followed by “holding hui with local iwi and hapu”. It is important to note that these were also identified by other councils as being the most frequently used mechanisms.

Processes for streamlining consultation

Over half of the council respondents said they have processes in place for streamlining consultation so that iwi do not have to meet various statutory deadlines. Most indicated that they expect consent applicants themselves to consult with the relevant iwi. Others said that where they believed an application would impact on iwi, they initiated consultation. Some relied on the judgement calls of Maori liaison officers or iwi committee members.

Although most responded to this question in relation to applications for resource consents, some respondents referred to input by iwi into their plans and policy statements. These respondents said they are often constrained by the deadlines associated with the plan, but endeavour to ensure that tangata whenua are consulted in the planning processes. (One respondent commented that the council holds two hui a year on a marae where they present to iwi the range of resource management activities outlined for that year and establish the consultation requirements in conjunction with the iwi.)

4.1.2 Maori participation in plans and policy statements

Respondents were asked questions about the stages at which Maori involvement occurred in the planning process, the extent to which Maori concerns expressed during consultation were accommodated in council planning, and whether iwi had requested regional councils to prepare a regional plan. (Questions 5, 6, and 7 of the questionnaire. See Appendix 9.1).

Stage at which Maori involvement occurred in the planning process

The majority of respondents said Maori were involved at the initial stages of the planning process (the preparation stage of the draft plan/policy statement). A minority said Maori involvement occurred at the next stage (the preparation stage of the proposed plan/policy statement).

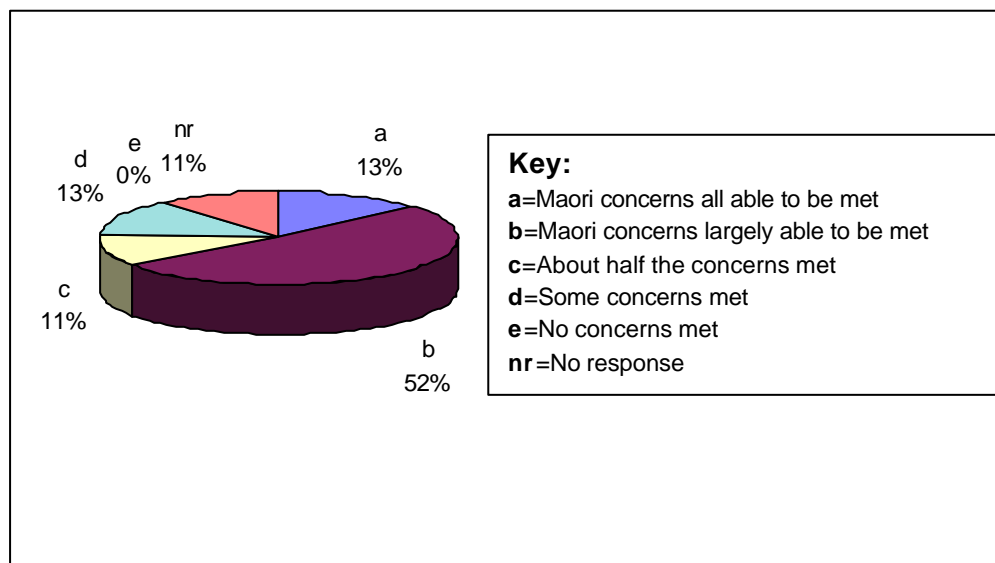
Extent to which Maori concerns were able to be accommodated in the plan/policy statement

Responses were diverse about Maori concerns that could and could not be met. Several respondents said that conservation, water, indigenous vegetation and forestry were concerns that could be met. Some respondents also identified certain statutory obligations such as regular consultation and environmental degradation as concerns that could be met. Others identified terminology and changes to the wording of plans and policy statements, which could also be met.

Maori concerns which could not be met included:

- Treaty of Waitangi grievance-based issues
- issues of resource ownership
- protection of particular resources such as mutton bird
- cleaning up waterways
- public health issues
- resourcing iwi for consultation
- transfers and delegations of powers.

Figure 2: Extent to which Maori concerns expressed during consultation were able to be accommodated in the plan/policy statement



This graph shows a diversity of responses. However, over half of the respondents indicated that most Maori concerns were able to be met.

Most councils commented that Maori often had expectations that fell outside the scope of the council's powers. Many concerns expressed by iwi/hapu were in relation to the degradation of the environment and the pollution of resources had been inadequately addressed. (One respondent said that tangata whenua had expressed a wish to replace the regional council and take on all resource management functions, and that this wish clearly could not be met.)

Requests from iwi to prepare a regional plan under section 65(3)(e) of the RM Act⁵

Most regional councils said they have not received any requests from iwi/hapu in relation to this section. (One said it is working with the iwi in its area on the notification of an iwi resource management plan.)

4.1.3 Maori involvement in resource consent applications

Councils were asked several questions in relation to resource consent applications. Questions included; whether councils had guidelines or protocols to determine which iwi groups to notify, when it was appropriate to notify, the level of consultation required, information supplied, and the timeframe for response. (Questions 11, 12, and 13 of the questionnaire. See Appendix 9.1.)

Guidelines or protocols to determine which iwi groups to notify resource consent applications

Most respondents said they relied on the Maori liaison officer or co-opted Maori committee members for the purposes of determining which iwi/hapu groups to notify in cases of applications for resource consents. Several indicated that they either have a policy or guideline in place, or are currently working on one.

(One respondent commented that it didn't have any guidelines in place but relied on lists identifying iwi groups. Another used iwi boundaries determined by the Waitangi Tribunal to assist with who to notify about resource consent applications.)

Guidelines or protocols to determine when it is appropriate to notify iwi of consent applications and what level of consultation is required

A number of respondents said they send all applications for resource consents to iwi authorities. Others consult their Maori liaison officer or iwi committee members. Some encourage the applicants themselves to consult where the proposal may affect areas of significance to Maori or Maori values. (One respondent noted that it intends to develop a memorandum of understanding with the iwi in its area.) Some said the notification would depend on a number of contingencies and essentially be left up to individual discretion whether or not to consult.

(One council said the iwi in its area had indicated when they would expect to receive applications and under what circumstances, and that they did not want to receive all applications, especially those that were seen as of minor concern.)

Level of information supplied to iwi on consent applications and the timeframe for response

Most respondents said they did supply information to iwi on resource consent applications where they were seen to be of particular interest to those iwi. They said iwi were expected to meet the statutory timeframes. Full copies of the applications and supporting data were sent to iwi prior to a decision to notify or not, the resource consent application. Some said they

sent copies to iwi at the same time that other parties were notified. Others referred all their applications to their Maori liaison officer who would then make the decision as to whether it was appropriate to notify iwi or not. Some respondents asked the applicants themselves to consult with iwi. Others said that they were still working on policies to determine whether and when to notify iwi or not, and how much information should accompany

⁵ Section 65(3)(e) of the Resource Management Act 1991:

"Preparation and change of other regional plans - without limiting the power of a regional council to prepare a regional plan at any time, a regional council shall consider the desirability of preparing a regional plan whenever any of the following circumstances or considerations arise or are likely to arise - Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources."

the application. Some sent all applications, notified or non-notified, to iwi and said they expected responses to be within the statutory timeframe.

(One respondent commented that applications were sent only when requested by iwi. However, this respondent did not say how iwi could acquire the knowledge to enable them to make the request.)

4.1.4 Funding and support of Maori participation

Respondents were asked whether or not they funded iwi participation in the consultation process and assisted iwi in the development of iwi management plans. (Questions 4 and 10 of the questionnaire. See Appendix 9.1).

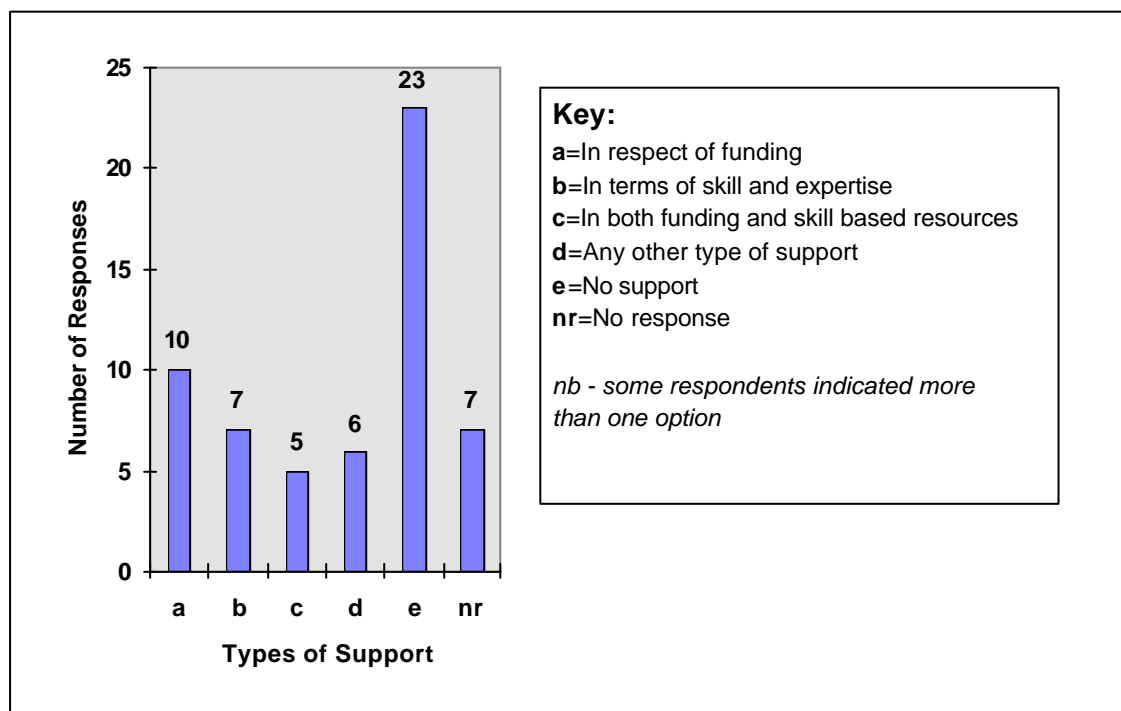
Funding iwi for participating in the consultation process

The majority of the respondents said they funded iwi participation in the consultation process.

There were a range of responses as to how councils determined the sum to be paid. The majority of respondents said most payments were in the form of consultancy services and were determined by consultancy rates or by specific contracts. Iwi representatives attending meetings were paid at the same rate as council representatives. Two respondents paid by way of koha. Several respondents said they paid reimbursements for travel.

(One respondent said iwi were paid for hui and travel costs when an invoice from iwi was received. One respondent indicated that payment was determined on the advice of the Maori liaison officer. Another said several factors determined the final amount. This respondent said that an allocation of money for tangata whenua consultation had been included in its district plan preparation budget.)

Figure 3: Council support to iwi in the development of iwi management plans



This graph shows that the majority of respondents supported iwi in the development of iwi management plans.

4.1.5 Requests by Maori under section 33 of the RM Act ⁶

Councils were asked if they had received any requests from iwi to use section 33 of the Act and if so, if they had used this provision. (Questions 8 and 9 of the questionnaire. See Appendix 9.1).

Requests from iwi to use the transfer of powers provision

The majority of respondents said they had not received any requests from iwi to use the transfer of powers under section 33 of the RM Act. A number had received requests but had not transferred the powers. Their reasons included:

- not enough research into the implications and possible areas where such powers could be transferred to iwi/hapu
- unrealistic expectations and demands by iwi/hapu groups
- insufficient understanding by iwi and hapu groups about the process
- a lack of any formal or specific proposal which could justify transferring such powers
- a lack of ability of iwi/hapu to meet the criteria specified in s33.

Situations under which councils would consider using section 33

Some respondents said they would consider the transfer of powers if an iwi management plan or specific proposal identifying how iwi would manage such powers was presented. Others said they would consider transferring powers where the iwi and hapu identified specific heritage issues, or specific lands of special significance to them, and where iwi demonstrated an expertise that councils lacked to protect such places. Others said they would consider transferring powers in response to either implementing a Waitangi Tribunal recommendation, where the conditions of section 33 were met, where there was a request to become kaitiaki, or where the iwi were interested in monitoring a certain resource. Others said they would transfer powers only in very special circumstances. Some commented that the issue of transferral had not as yet been discussed, nor a policy to transfer powers been established.

(One respondent said it would be concerned if there were to be a fragmented planning approach to certain areas of responsibilities it held. Another said provision had been made for the runanga to be a member of the council committees, including the hearing committee. While this kind of approach was favoured - as opposed to the total transfer of powers to iwi - any request relative to specific circumstances would be considered. One council said it would consider the transfer of powers in certain cases where there were resource consent applications that affected marae.)

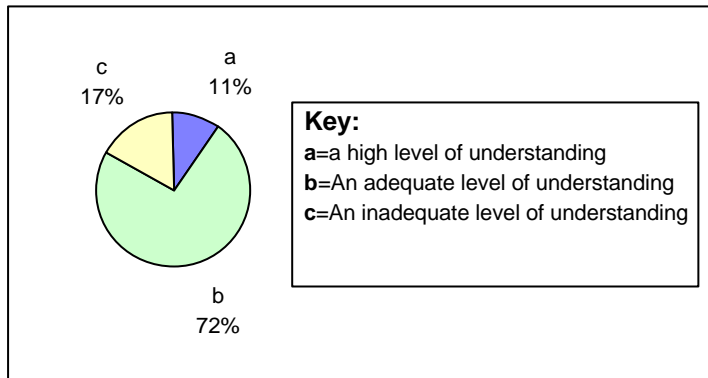
4.1.6 Understanding of cultural issues

Question 15 was intended to gather information about the extent to which council staff were aware of Maori cultural concepts and whether they provided training for their staff in this area (see Appendix 9.1).

⁶ Section 33 of the Resource Management Act 1991:

“Transfer of powers - (1) A local authority that has functions, powers, or duties under this Act may transfer any one or more of those functions, powers, or duties to another public authority in accordance with this section, except.....(2) For the purposes of this section, “public authority” includes any local authority, iwi authority.....”

Figure 4: Level of staff understanding of Maori resource management concepts and the Treaty of Waitangi



This graph shows the majority of the respondents felt they had an adequate level of understanding.

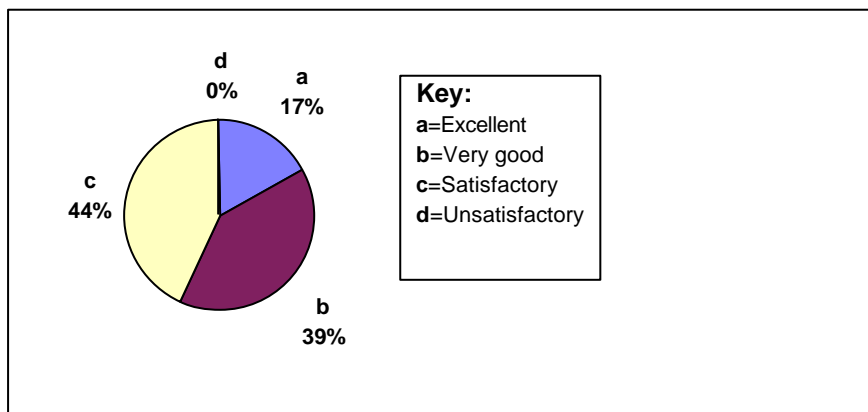
Most respondents said they have held several workshops on Maori issues and when they thought it was needed, training was provided. Some also said the majority of their employees have completed Maori-related papers and that they have sufficient Maori staff to promote cultural awareness among the rest of their staff. A couple of respondents commented that there is ongoing training for staff but did not indicate what form of training was provided.

Some respondents said that they encourage staff training in this area. Others said they were working on a staff training programme. Others said that they supply cultural awareness training in-house and on marae, in conjunction with Treaty workshops.

4.1.7 Relationship with iwi organisations

Question 16 was intended to elicit council respondents' perceptions of their relationships with iwi/hapu in their region or district (see Appendix 9.1).

Figure 5: Relationship rating with iwi/hapu



This graph shows that all of the respondents were of the opinion that their relationship with the iwi was satisfactory or better.

Respondents said they dealt with several iwi and hapu groups in their area and that some relationships with iwi were excellent while others were not. This has made it difficult to adopt a process of consultation appropriate for all iwi and hapu groups. (One respondent said it believed that the relationship with iwi would improve when a memorandum of understanding was agreed to between the council and runanga.) Others said there was a lack of co-ordination or formal process within the council to liaise adequately with iwi at this time and others

indicated limited contact with the iwi in their area. Several respondents believed that by employing an iwi liaison officer or by co-opting iwi representatives to their councils, their relationship with the iwi improved. Some said they were in the process of developing a good relationship. Some said their relationship with iwi was strained due to lack of council resources to assist iwi in the process, or due to council failing to address some of the iwi concerns.

Almost half of the respondents said their relationship with the iwi was very good. Some councils said there was a management commitment to ensuring a good relationship with iwi groups. Others felt that employing Maori staff or co-opting iwi on to committees ensured a good relationship. (One council said its good relationship was because tikanga Maori was used to determine iwi issues. Another said there had been considerable improvement by involving a Maori consultant, being prepared to meet on local marae, and by the establishment of a memorandum of understanding between the council and iwi.)

Several respondents stated they had an excellent relationship with iwi and hapu because full consultation with iwi and hapu took place. A feeling of mutual trust had been developed,

4.1.8 Recommendations and general comments.

Council respondents were asked to recommend other mechanisms for improving consultation with Maori and were given the opportunity to make general comments. (Questions 17 and 18 of the questionnaire. See Appendix 9.1).

Some general comments were:

- it was important to keep the communication open, honest and ongoing in regard to consultation
- the responsibilities of both the councils and resource consent applicants needed to be clarified in regard to consultation
- there was a need to continue or increase cultural awareness among all staff and councillors
- there was a need to educate Maori on the Act and its processes
- the quality of consultation is very dependent upon the relationship
- there is a need to develop protocols on a number of issues that affect the consultation process
- memoranda of understanding between runanga and councils have been beneficial
- clearer direction is needed to ensure that councils are consulting with the appropriate groups
- goodwill on the part of all parties is important to the process
- there is a need to establish regular contact at an iwi/hapu level
- issues of resourcing for the consultation process need to be addressed for both iwi and councils.

4.2 Responses from Maori organisations

A separate questionnaire was sent to Maori organisations. Of the 80 questionnaires sent, 25 were completed and returned (see Appendices 9.2 and 9.3).

The questionnaire was designed to gather information from Maori organisations in relation to:

- the effectiveness of consultation methods used by councils
- Maori involvement in council planning and the assessment of resource consent applications
- the level of information provided on applications for resource consents which are of particular interest to iwi and the timeframes for responses
- to what extent councils funded or supported in other ways Maori participation in resource management processes
- the Maori perspective of their council's level of understanding of Maori resource management concepts and the Treaty of Waitangi

- Maori relationship to the council in the region and district
- recommendations for improving Maori/council relationships and consultation processes and any other general comments.

4.2.1 Effectiveness of consultation techniques

Maori respondents were asked about the consultation methods employed by councils and the effectiveness of them. (Questions 1 and 2 of the questionnaire. See Appendix 9.2)

Most effective consultation mechanism used in the preparation of policy statements and plans.

The majority of respondents said they considered contracts for services were most effective, but failed to elaborate. (One did say that contracts ensured that councils would consult with iwi groups.)

Just under half of the respondents said hui with local iwi/hapu was the most effective mechanism. Several respondents said Maori standing committees, Maori consultants and sending drafts to iwi/hapu were most effective, but they failed to elaborate.

Two respondents said that all of the mechanisms were effective depending on the nature of consultation and the issue. A combination of mechanisms was seen to ensure the best input. Iwi representatives should be allowed to follow their own internal processes.

(One respondent said through planned hui councils can build ongoing relationships with local iwi authorities that may improve future consultation procedures. Another said that where there were several iwi/hapu groups in a district/region, Maori working/advisory groups would prove most effective. One respondent said tangata whenua staff were most effective because of their mana whenua status.)

Least effective consultation mechanism

Sending drafts to iwi/hapu for comment was seen as the least effective consultation mechanism by the majority of respondents, because it ran the risk of receiving no input from Maori. Respondents said it takes a lot of time to understand a plan in order to make submissions and iwi already bear a huge work load.

Several respondents said Maori standing committees and Maori working/advisory groups were least effective because they were not seen as representative of the iwi/hapu, and lacked expertise and sufficient financial resources.

Three respondents selected tangata whenua staff as least effective. One said that consultation with tangata whenua staff normally does not involve consultation with iwi/hapu. Another said the extent to which tangata whenua staff can be effective is limited by their role as employees/agents of councils. These staff, therefore, are perceived to be getting iwi input on the basis of the councils' needs and objectives rather than empowering iwi to define iwi resource management objectives and then working with the council to get these implemented.

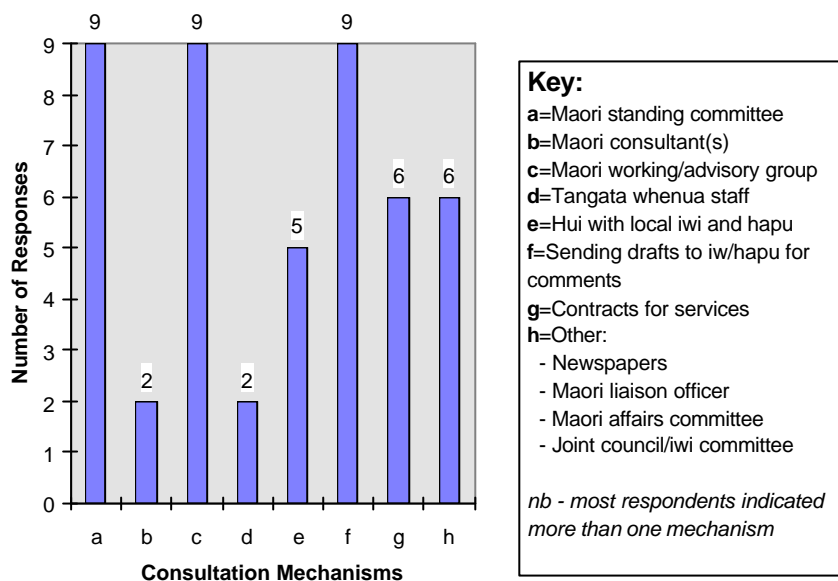
Hui were seen as least effective by several respondents because hui were often poorly attended and those who did attend were not necessarily aware of resource management issues or the medium or long-term effects of a plan or policy. Some said the hui process is unable to deal with matters of detail.

(One respondent said Maori consultants were least effective as their contribution in terms of consultation was dependent upon their relationship with iwi/hapu. Another identified contracts for services as least effective, but did not elaborate. One respondent felt reliance on one single consultation mechanism would prove least effective and that regular, ongoing communication would develop positive relationships.)

Consultation mechanism most used by councils

Some respondents commented on the consultation mechanisms used by councils. (One respondent said the representatives on the Maori standing committee had no mandate to act on behalf of the iwi/hapu. Another stated there are no agreed communication protocols in place and that it was important to clarify roles so they are mutually understood.) Others said that councils consult only on resource consent applications and that information accompanying an application is often not adequate.

Figure 6: Consultation mechanism felt to be most used by councils



This graph shows that the majority of respondents were of the opinion that councils, for the purposes of consultation, use Maori standing committees, Maori working/advisory groups or send drafts to iwi/hapu for comment.

4.2.2 Participation in plans and policy statements

Maori respondents were asked several questions about the stage at which they became involved in the planning process, the stage would they have preferred to be involved, the extent to which their concerns were accommodated and whether they had requested the preparation of a regional plan. (Questions 4, 5, and 6 of the questionnaire. See Appendix 9.2).

Stage of involvement

The majority of respondents replied their involvement occurred at the first stage of the process (the preparation of draft plan/policy statements).

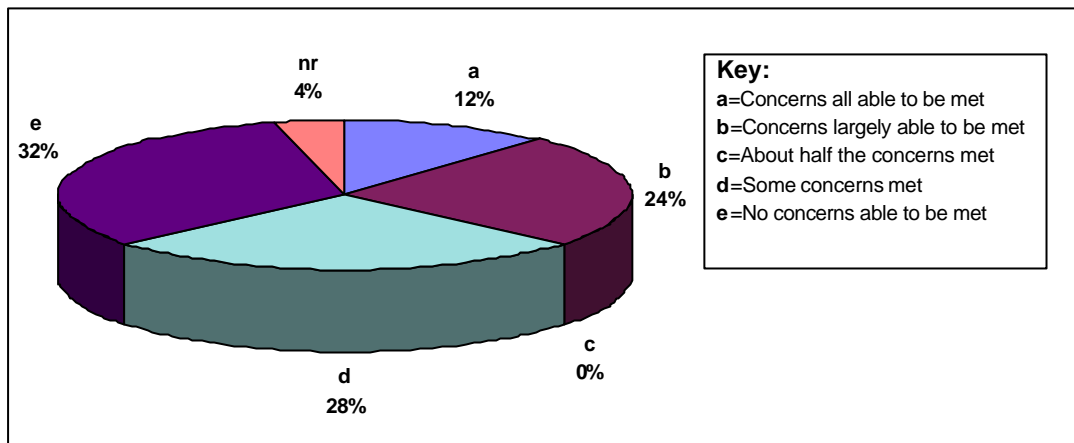
Those respondents who said their involvement occurred at a later stage, commented that they would have preferred it to have occurred at the initial stage (the preparation of draft plan/policy statements).

Extent of concerns accommodated in plan/policy statement

Responses to this (Question 5 of the questionnaire – see Appendix 9.2), are summarised as follows:

- because there is no financial support, iwi/hapu are unable to give time to provide constructive written submissions. This makes it difficult to be effective in the policy development process. Councils should be mindful of the workload of iwi/hapu
- iwi organisations are fed up with having to do submissions. Assistance to them in the planning process would save time and money
- submissions are often misunderstood by planners. Many council planners are unaware of the differences between the Maori and English texts of the Treaty. It would be much easier to communicate with planners who understand the issues. The operation of policies or plans and the level of staff training to deal with the issues is often deficient
- the Maori aspect in plans and policies is not well integrated, leaving them open to wide interpretation. Often, broad iwi statements are accommodated in plans but the objectives, policies and methods are absent.

Figure 7: Extent of concerns accommodated in plan/policy statement



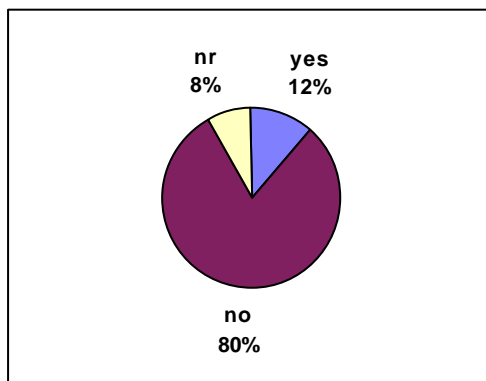
This graph shows the majority of respondents said either all or some of their concerns were accommodated in plans or policy statements. Just under a third of respondents said none of their concerns were accommodated.

Requests to council to prepare a regional plan under s65(3)(e) of the RM Act

Those who replied that they had requested that a plan be prepared, said it was either almost complete or that they were waiting its completion. (Question 6 of the questionnaire. See Appendix 9.2)

(One respondent commented that there was conflict between what the respondent and other community/interest groups wanted. The respondent felt its submission was ignored and the RM Act is grossly unbalanced and ineffective.)

Figure 8: Requests to council to prepare a regional plan under s65(3)(e)



This graph shows that the majority of respondents did not request such a plan.

Although the majority of iwi organisations did not make such a request, this was not indicative of their interest and most submitted several comments.

(One respondent commented that their council preferred each hapu and marae to write their own proposals, as they dealt with a large number of iwi. Another council is said to have contracted a consultant to develop a heritage policy statement to incorporate in its plan.)

4.2.3 Involvement in resource consent applications

Parts of question 8 and of question 9 were used to assess the adequacy of notification, timeframes for response and information provided to Maori organisations in relation to resource consent applications (see Appendix 9.2).

Adequacy of notification of resource consents

Just over half of the respondents said they believed they were inadequately notified of resource consents that impacted on them.

Adequacy of the information provided on resource consent applications and timeframes for response

The majority of the respondents who said they were adequately notified of resource consents, commented that their council does provide information on resource consent applications that are of particular interest to them.

Most said the provision of sufficient information was adequate. Just under half were of the opinion that the timeframe given to them to respond was appropriate.

Several respondents said in certain cases the information sent was difficult to understand or limited, the expectations of them to respond were too high given their inadequate resources, the timeframes were too short and the information was not sent early enough. (One respondent commented that the councils do provide further information on applications, if asked to. One respondent noted that the council needs to ensure that it is dealing with the correct iwi/hapu group. Another said not enough notice was taken of the Maori input and the council does not seek information from the iwi as to why they oppose certain submissions.)

4.2.4 Funding and support for participation

Maori respondents were asked several questions to assess the amount of funding and the types of assistance provided by councils for their participation in planning processes. (Questions 3, 7 and parts of question 8 of the questionnaire. See Appendix 9.2).

Funding for participation in the consultation process

Just over half of the respondents said the council paid their organisation for participating in the consultation process. Of those who received funding, under half felt it was adequate.

Among those who said the funding was inadequate, some said the amount provided was insufficient to fund a staffed resource management unit, a vehicle, and office overheads. According to these respondents this was the bare minimum needed to cope with the workload. Others said funding was inadequate because it did not take into consideration the preparation of legal advice, kaumatua (respected elder) advice, dissemination of information to the iwi/hapu and a professional response.

Some said that funding was based on providing lunch to those at the consultation hui and that this funding was inadequate.

Several respondents said the cost of consultation in terms of time, research, expertise, venue, and so on, was considered by councils to be the iwi authority's responsibility. These respondents suggested that iwi organisations need to be resourced at the same level as councils.

Some Maori respondents revealed that their iwi organisations tend to give priority to immediate policy and concerns of their people. Health, education, and employment issues therefore tend to receive greater attention and resources. This could contribute to limited input by Maori into draft policy statements/plans and a lack of response to resource consent applications

Council funding consultation in relation to resource consent applications

All of the respondents, with one exception, were of the opinion that the councils and also the applicants should fund the iwi involvement in resource consent applications.

Actual funding of consultation in relation to resource consents

The majority of respondents said that in many cases the applicants themselves have been required by councils to fund iwi input into processing resource consent applications. However, these respondents also said that only some of the applicants consider this appropriate.

Several respondents said that councils do not pay for iwi involvement. The iwi often meet their own participation costs. Some of these respondents said that because participation costs are not being met, they have now begun sending invoices to councils for the processing of resource consent applications.

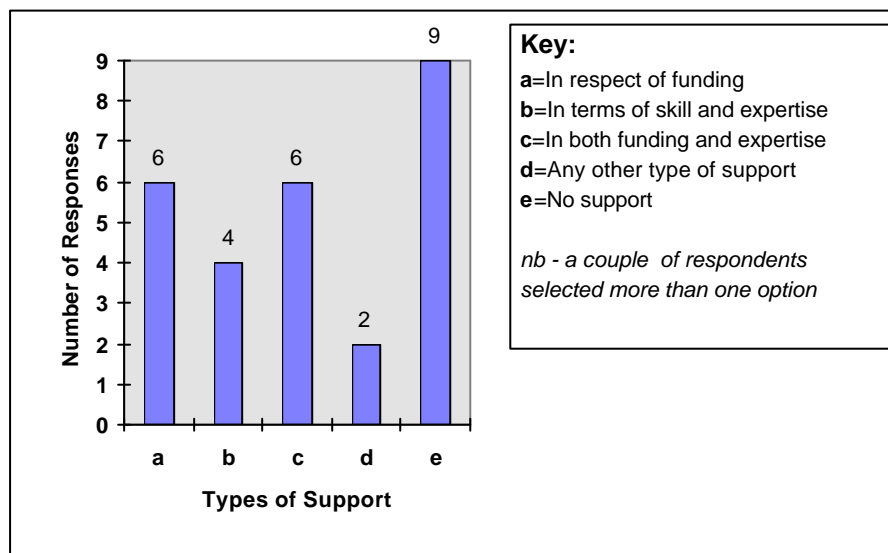
Others said that costs are usually met by the council or that iwi were paid to attend meetings at the same rate as councillors. Some replied they participate on a koha (donation, contribution) basis as they believe it is part of their networking.

Several respondents said they were cautious over who and how they charged for consultation because they did not wish to give an impression of either giving consent, or that iwi had been appropriately consulted.

Council support in the development of iwi management plans

Those respondents who said some support was given, did not elaborate on either the type or amount of assistance given.

Figure 9: Council support in the development of iwi management plans



This graph shows that, although the majority of Maori respondents said some support was given by councils in the development of iwi management plans, a third of the respondents said councils gave them no support.

4.2.5 Council understanding of cultural issues

Question 10 of the questionnaire asked Maori respondents to indicate the level of understanding councils should have on Maori resource management concepts and the Treaty of Waitangi (see Appendix 9.2).

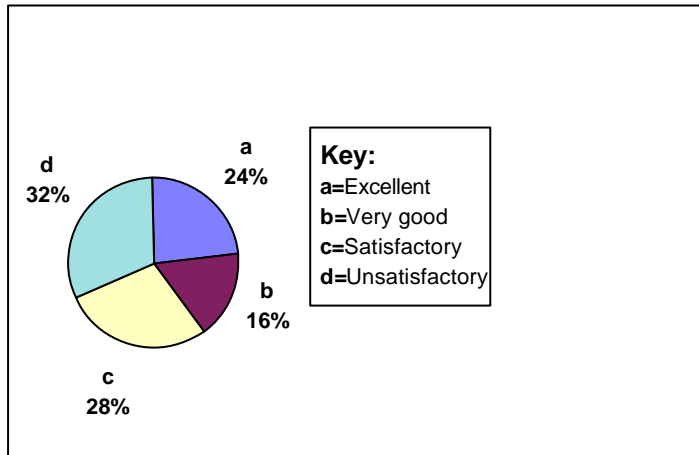
Level of understanding councils should have in relation to Maori resource management concepts and the Treaty of Waitangi

The majority of respondents believed that council staff should endeavour to have a high level of understanding in terms of Maori resource management concepts and the Treaty of Waitangi. (Two respondents believed that an adequate level of understanding would suffice. One respondent believed that not even an adequate level was necessary.)

4.2.6 Relationship with council(s)

Maori respondents were asked to provide a rating that would best describe their relationship with councils in their region/district. They were also asked for suggestions on how councils could improve their relationship with the iwi. (Questions 11 and 12 . See Appendix 9.2).

Figure 10: Rating of relationship with council(s)



This graph shows that the majority of respondents felt their relationship with their council(s) was satisfactory or better. About a third said their relationship with the council was unsatisfactory.

Most respondents commented on their rating. Comments included:

- Maori issues are viewed as unimportant by some council members
- many councillors have a limited understanding of their obligations under the Treaty of Waitangi
- there needs to be a legal requirement for councils to fund iwi/hapu participation;
- the RM Act does not work at a practical level
- while sympathetic to iwi/hapu needs, many council staff are often hamstrung by higher management and/or councillors' attitudes and budgets which do not cater for iwi/hapu involvement
- iwi/hapu do not have access to resources similar to those available to councils
- iwi/hapu are often overloaded by councils who do not appreciate the constraints - financial and staffing - iwi organisations are under
- inappropriate consultation procedures are often utilised by councils
- tangata whenua views are not reflected in the final decisions of the council
- councils are still coming to terms with the fact that Maori are not just another interest group.

Some respondents commented positively on their relationship with their respective councils. One respondent commented that council staff were only too willing to help. Also relationships are being established through charters or memoranda of understanding and contracts for services.

4.2.7 General comments

Maori respondents were asked to recommend any other mechanisms for improving consultation and were given the opportunity to add any general comments. (Questions 13 and 14 of the questionnaire provided this opportunity. See Appendix 9.2).

General comments were that:

- protocols and guidelines on how to consult with tangata whenua would be helpful
- council staff should learn more about the tangata whenua living in their districts and how to work with all tangata whenua by consulting with each marae and hapu
- council staff should be educated on Maori issues and values
- regular reviews of councils' relationships with iwi/hapu should be conducted and methods sought to improve such relationships
- iwi/hapu should not be expected to work on a voluntary basis and councils should meet the expenses incurred in consultation
- Maori liaison staff and iwi representatives on council committees would be helpful
- consultation should not be replaced by an iwi standing committee. The iwi standing committee's role should be to direct the council and applicants to the appropriate hapu and act as a liaison between those parties. They should be responsible for notifications, co-ordination of council and iwi/hapu affairs, and be accountable to iwi/hapu.
- councils should assist Maori in the development of iwi/hapu resource management plans
- more resources from central government to councils would provide better mechanisms for consultation
- consultation needs to be more effective in implementing iwi concerns. Consultation should relate to the notion of "kanohi ki te kanohi" (face-to-face) with iwi/hapu on the marae.
- councils should look toward a shared partnership, shared decision making and involvement of tangata whenua through the transfer of functions
- runanga should have the ability to provide an infrastructure that is capable of responding effectively to consultation demands from government departments, councils, and other authorities.

5.0 Summary of key findings

This section summarises the key findings gathered from questionnaire responses. The responses highlight the variation in approaches by councils when interacting with Maori organisations. They also show differences in the perceptions councils and Maori organisations have about these interactions and ultimately, the nature of their relationship.

Councils

The responses revealed that a variety of consultation methods are employed by councils and the effectiveness of these methods depends on the level of Maori response and receptiveness to the methods. Hui/meetings with local iwi/hapu were identified by majority as being the most effective as they provided personal contact, established goodwill. The use of Maori consultants and working/advisory groups were also seen as beneficial.

Over half of the councils were working on processes for streamlining consultation.

The majority of councils involved Maori at the initial stages of the planning and were able to address most of the concerns expressed. Those that were not able to be met included Treaty-based grievance issues, resource ownership issues, health issues and others which fall outside the councils' powers. Some councils feel that iwi/hapu have unrealistic expectations in regard to some of their concerns.

Several councils and applicants said they were having difficulties identifying who were the appropriate iwi/hapu groups for consultation. As well, several iwi members were concerned that they were not being consulted on numerous decisions that the iwi organisations within their rohe (area) were making on their behalf. They were also of the opinion that the iwi organisation was not representative of their views and did not have the mandate nor the knowledge to speak on their behalf without first consulting them.

Most council respondents used their Maori liaison officer or Maori committee members to determine which iwi groups to notify regarding resource consent applications and most supplied information about the application.

Funding for Maori participation was supplied by the majority of council respondents, the most common way being in the form of consultancy services and determined by consultancy rates.

Of the council respondents, the majority said they had not received any requests from iwi for the transfer of powers under s33 of the RM Act. Some said they would consider this if there was a specific iwi plan showing how the powers would be used.

Most council respondents (83%) felt they had an adequate level of understanding on Maori resource management concepts and the Treaty of Waitangi, and often provide staff training in this area. Most said they hold several workshops a year and that training is provided whenever needed. Employment of Maori staff and Maori-related studies by other staff were seen as helping improve cultural awareness. In-house and on-marae training and Treaty workshops were also used by councils.

Some relationships between councils and iwi organisations were identified as excellent while others as unsatisfactory. The nature of the relationship often depended on the approach taken by councils and their willingness to include Maori concerns into their decision-making processes.

General comments from both council and Maori respondents indicated there was still a need to increase cultural awareness amongst council staff.

Maori

Most Maori respondents felt the most effective consultation method for involvement in the preparation of policy statements and plans was through a contract for services. Just under half felt that hui was the most effective. The sending of drafts was seen as the least effective.

The majority of Maori respondents said they were involved at the first stage of the preparation of a draft policy statement or plan.

Over two-thirds of the respondents stated that either some or all of the iwi organisation concerns were accommodated in the statement or plan. Under a third said that none of their concerns were met.

Just over half of the Maori respondents said they were not adequately notified of the resource consents that impacted on them. Most of those who were notified said information was also provided.

Just over half of the respondents said that the council paid for their participation in the consultation process, but under half of these felt it was adequate. All of the respondents with one exception said that councils and applicants should fund the Maori involvement.

Although the majority of Maori respondents said there was some kind of support given to them by councils in the development of their iwi management plans, a third said councils gave them no support at all.

The majority of respondents said that council staff should try to have a high level of understanding of Maori resource management issues and the Treaty of Waitangi. Some Maori respondents said that inadequate levels of cultural understanding by councils was perceived as limiting the effectiveness of council receptiveness to, and consideration of, Maori concerns.

The majority felt their relationship with their council was satisfactory or better. A third felt it was unsatisfactory.

Overall, the need to provide guidance to assist interactions and relationship building between local authorities and iwi/hapu was apparent from both council and Maori organisation responses

Limitations of Maori professional expertise in the resource management area was identified by a number of Maori questionnaire respondents as an impediment to effective input into resource management processes. To ensure quality input and that they have an adequate understanding of their role in the resource management arena, Maori respondents felt they should have adequate support.

In general, some Maori respondents felt the expectations of iwi organisations to respond to planning and resource consent applications, are too high, given the limited financial and human resources available to iwi. Statutory constraints such as timeframes for responses from iwi organisations, were often perceived as being too short. Some respondents felt that Maori frustrations are heightened when their concerns are not incorporated into council planning processes.

6.0 Issues for further consideration

This section discusses further some of the basic issues which appear to be a barrier to the consultation process for some of the councils and Maori organisations. These issues are drawn from the general comments as well as the responses to the questionnaires.

It is important to remember the limitations of the sample size and the research methods of this report. This report is based on the perceptions of those who participated at the time of the survey. Further research would be required to achieve a better understanding of the wider perceptions and complex issues associated with resource consent applicants and other participants' interactions with Maori in resource management processes.

6.1 Methods for effective consultation

Some Maori questionnaire respondents said the consultation between councils and iwi organisations is ineffective or inadequate. Miscommunication and differences in expectations were seen to limit the establishment of more appropriate procedures.

On the other hand, several councils and iwi organisations have made progress in their relationships by developing protocols such as memoranda of understanding to assist their interactions. This is seen by those councils and iwi organisations as a useful tool and a positive step toward establishing a foundation upon which amicable and ongoing relationships can be built. Several iwi organisations indicated a willingness to develop protocols to assist their involvement in resource management processes. These protocols (or guidelines) will need to be developed jointly to be most effective. These procedures are needed for both planning input and resource consent applications.

Several iwi organisations said they felt it is important for more councils to consult face-to-face with the "grass roots" of Maoridom. This may help establish understanding between councils and iwi organisations and create trust which is integral to building and sustaining an ongoing relationship. The success of face-to-face consultation may depend on resourcing, time, and availability of iwi organisation members. Some experiences suggest that this approach is more successful when implemented on an ongoing basis with a small group of mandated iwi representatives.

Many respondents said a combination of mechanisms would prove most effective. This indicates that the process itself may need to be discussed prior to any consultation taking place to ensure that each party is fully aware of the process, implications, and possible outcomes of the consultation

Councils and iwi would need to work together in developing appropriate protocols to ensure that the consultation process adopted is one that meets the needs of both parties.

6.2 Early and informed Maori participation

The need to streamline consultation processes is recognised by many councils and over half stated they have processes in place to do this. Streamlining would need to take account of some of the concerns expressed by iwi organisations such as:

Maori involvement often occurs too late in the process for adequate response given the constraints and workload iwi organisations may be under.

Iwi organisations had often experienced difficulties in understanding what was required from them. When iwi organisations were not given adequate indication of what was required or support to respond, councils received an ad hoc or reactive response that often did not reflect the real concerns of the iwi/hapu group.

Several Maori respondents indicated insufficient funding and lack of skilled human resources impact on their efficiency and effectiveness when responding to resource management matters.

Councils could help alleviate some of the time pressures felt by Maori organisations by ensuring early and informed Maori participation in their processes.

6.3 Identifying and involving all iwi/hapu groups

The difficulties arising from identifying and involving the appropriate iwi/hapu groups may be reduced by combining a number of strategies such as:

- accessing a central geographical data base or information system which identifies the tangata whenua relevant to a particular region/district
- assisting iwi in the development of an iwi resource management plan which identifies in relation to specific resources the appropriate iwi/hapu groups to consult
- approaching iwi organisations for assistance to identify who should be consulted.

The strategies adopted will depend on the particular circumstances of each region/district.

Difficulties in identifying who to consult appear to be more of a problem in areas where there are substantially more urban Maori⁷ resident than the tangata whenua themselves. Questions are raised as to the basis for the involvement of urban Maori in resource management processes.

Iwi organisations need to ensure they are involving all appropriate iwi/hapu members who may be affected or have an interest in the information provided by councils. Accountability and reporting protocols could be adopted for efficiency as well as ensuring that iwi/hapu members are being informed. Such protocols could also apply to iwi representatives on Maori standing/representative committees and Maori working/advisory groups.

6.4 Funding and support

The survey did not reveal any actual data on the levels of funding to iwi for participation in the consultation process.

The majority of the 46 councils respondents, however, said they did provide some sort of funding. They used a range of methods to determine the sum. The majority said it was by consultancy rates or contract.

Approximately half of the 25 Maori questionnaire respondents indicated that councils partly fund their participation in consultation processes, but indicated that this was often inadequate to cover costs incurred. It was felt they should be funded either by councils or resource consent applicants. More were of the opinion that it should be councils.

Some councils have recognised the resourcing constraints of iwi/hapu and have responded positively by providing for iwi consultation in their planning budgets.

Financial constraints are felt to disadvantage iwi organisations who are unable to compete with other organisations in co-opting Maori experts onto their staff.

Maori respondents feel there is need for guidance on when it would be appropriate to pay for the expert information and advice they provide during the consultation process.

Several Maori respondents suggested that the funding should come from central government and should be accessed either by iwi organisations or councils to fund Maori participation in consultation and other resource management involvement, including the development of iwi resource management plans.

Some iwi organisations have developed processes or established consultancies and are now charging both councils and applicants for the provision of information and expertise sought. Such practices, however, have become a concern in some regions where the processes are inefficient and/or perceived by applicants and councils as purchasing iwi/hapu support.

The following questions are raised.

- Should iwi/hapu be resourced to participate in resource management processes?
- Who should provide the resourcing?

⁷ In this report reference to urban Maori includes those Maori who do not have strong iwi/hapu links to the particular region/district of which they are currently resident.

- What roles could central and local government play in resourcing Maori participation?
- When and how would it be appropriate for local government and consent applicants to fund consultation with iwi/hapu, when seeking the information needed to fulfil the requirements of the RM Act?
- Is it appropriate that central government fund the development of iwi resource management plans?

6.5 Development of iwi resource management plans

Iwi resource management plans are seen to be beneficial to both councils and iwi/hapu and an essential part of developing policies and plans for the management of natural resources in a region/district. The development of these plans involve iwi organisations in resource management and can lead to positive responses to resource consent applications and planning input. The lack of these plans can lead to continued reactive responses to resource consent applications and planning input by iwi organisations

The perception is that there has been an “inadequate” number developed to date and these are often not as comprehensive in scope or detail as regional or district plans. Until these plans are more widely established, it is likely that some councils will develop regional and district plans with inadequate provision for Maori values, interests and practices, and will find it difficult to fulfil their obligations under the Act. Options, such as transferring powers to iwi organisations, may therefore continue to be under-utilised by councils because of a lack of specific or realistic proposal/framework accompanying such requests. The development of iwi resource management plans however, may provide the necessary framework from which specific proposals for section 33 transfers could be realistically considered.

The costs of development, lack of available resourcing, insufficient support in staffing numbers and few skilled Maori in this area were felt to inhibit the progress of such plans. While the majority of councils lent some form of assistance to iwi organisations for the development of these plans, this was often felt to be insufficient.

This raises questions of who and how iwi organisations should be supported in the development of plans and the role central and local government should play in funding and supporting their development.

Some iwi organisations have already sought funding from other sources to assist them in preparing these plans. The Ministry for the Environment Sustainable Management Fund has been one source of funding accessed by some iwi organisations.

6.6 Skill-based support for Maori in resource management processes

Limited Maori professional expertise was felt by Maori respondents to be an impediment to effective input into resource management processes. Councils are likely to employ staff who have specific expertise in planning and the resource management area. In contrast Maori who responded felt they often had to employ people with generic, rather than specialist skills. Funding constraints too, can limit the ability of Maori organisations to compete for Maori expertise in resource management

Priorities of some iwi organisations tend to health, education, and employment issues and these therefore tend to receive greater attention and resources. This is seen as another factor limiting input to policy statements/plans and resource consent applications.

Two examples of ways to encourage better access by iwi to relevant skills and knowledge include:

- the establishment of resource management information services for tangata whenua and the general public
- councils and Maori organisations jointly consider some type of secondment arrangement.

Innovative approaches, such as secondment, may provide the avenue needed to improve skill and knowledge levels for both councils and Maori organisations and could assist in relationship building and an increased understanding of the constraints each party is under.

6.7 Cultural awareness

Most councils (83%) felt their level of cultural awareness was adequate or higher. Most hold workshops and training is provided whenever needed. Employment of Maori staff, Maori-related studies by other staff, in-house and on-marae training and Treaty workshops were also used by councils to promote cultural awareness.

On the other hand, several of the Maori respondents felt effective communication and interactions were impaired by inadequate levels of cultural awareness by councils, and that there was limited understanding of Maori resource management issues and the Treaty of Waitangi. They felt that council staff needed to be aware of their obligations under the Treaty of Waitangi and needed to have a basic understanding of tikanga Maori.

The approach councils take when interacting with tangata whenua is likely to reflect the level of understanding they have in relation to relevant Maori issues. There are obligations placed on councils by the RM Act to consult with tangata whenua, and to recognise and provide for Maori values, interests and practices. To resolve Maori issues, councils need to support and resource staff education on relevant Maori concepts.

Council respondents indicated that they tend to rely on the guidance and role of their iwi liaison officer to establish links and rapport with the iwi organisations in their areas. Linkages and communication to Maori through iwi liaison officers is one way of establishing a rapport generally and is likely to be helpful in this respect. However, Maori respondents felt this should not be seen as discharging the responsibility of other council staff to develop a basic understanding of Maori issues. The perception of many of the Maori interviewed is that it is often the council staff with insufficient knowledge of tikanga Maori who make the decisions about what is to be incorporated in plans, or whether an application for a resource consent is granted or not.

Respondents suggest that councils and iwi will need to work together in order to ensure that these concerns are addressed and that some greater appreciation of Maori issues is achieved. Again, some type of secondment arrangement between councils and Maori organisations may assist in this respect.

6.8 Identifying and responding to iwi/hapu concerns and needs

The range and scope of this issue may not be sufficiently drawn out because of the limitations of this survey.

Survey responses, however, suggest that there is often a degree of miscommunication between councils and iwi. Some councils perceive Maori as making unrealistic demands of them. Conversely, Maori often feel that their concerns are being undermined or trivialised.

Communication protocols between councils and iwi could go some way to addressing the concerns by identifying problems and developing any necessary processes. Maori respondents feel it would help if councils explained the reasons they were unable to address a particular concern or if it is unable to be addressed through the RM Act processes.

Another issue raised was whether there was a willingness on behalf of the council to seek a relationship with Maori that is more reflective of a Treaty-based partnership. Here, the protection of waahi tapu was an issue of concern. Joint management of specific resources and the transfer of powers in relation to these resources could be one means of demonstrating this. The implications of such mechanisms have yet to be assessed.

Communication difficulties are often associated with a confusion on issues of ownership and management, and the role local government plays in relation to Treaty claims and grievances. The degree of councils' decision-making powers over resources that are often central to Treaty claims, makes them a prime target for frustrations over issues of ownership and management.

The apparent lack of Maori representation in resource management decision-making processes is also an issue of concern for some respondents.

6.9 The need for guidance to assist interactions and relationship building

Many responses express the need for guidance to help interactions and relationships between councils and Maori organisations.

The survey shows that the majority of council respondents appear to be making real attempts to interact effectively with iwi/hapu and incorporate Maori concerns in their planning documents. There are others however, whose attempts appear to be limited.

There are differences between councils in the approaches they take when interacting with iwi organisations and in the degree to which Maori concerns are incorporated in plans/policy statements. Some of the differences reflect the diverse needs or constraints of the iwi/hapu in their area. This could be helped by the development of guidelines, the provision of policy direction, and/or the establishment of new initiatives such as information services, to ensure both parties are fully aware of their rights and obligations under the Act.

Much of the public information and guidelines currently available do not appear to take adequately into account many of the issues raised by the respondents in this report. They may need to be updated to reflect developments in the resource management area. The current monitoring by the Ministry for the Environment and councils of the implementation and effect of councils' practices may also assist in providing directions for guidelines.

7.0 Suggestions for further work

The findings indicate the need for further work with regard to researching and/or addressing the issues identified in this report. The following suggestions reflect those issues and some are, to a degree, inter-related. Suggestions include:

- further research into the funding and support structures for Maori participation in resource management processes
- guidance on appropriate frameworks for the development of iwi resource management plans
- guidance on consultation for both iwi/hapu and councils;
- guidance on developing suitable protocols that enable interactions to progress effectively between councils and iwi organisations
- providing information to Maori on resource management processes and tools
- monitoring the implementation and effect of Maori provisions in regional policy statements and regional /district plans
- monitoring the consistencies between regional policy statements and regional/district plans
- monitoring the processes put in place by councils for the purposes of interacting with iwi/hapu.

The conclusions drawn from the survey suggest that it could be beneficial for the Ministry for the Environment in consultation with Local Government New Zealand to develop a strategic plan which would prioritise, facilitate, and address the suggestions for further work. Part of the strategic plan could involve working with local government and Maori in developing best practice guidelines. Case studies from particular regions would also be useful in developing a greater understanding of some of the issues raised by this report.

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Tawa v Bay of Plenty RC (1995) A 18/95

Aqua King Ltd v Marlborough DC (1995) W 19/95

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9.0 Appendices

These appendices include the two questionnaires sent to councils and Maori organisations for their comment and a list of the councils and Maori organisations which responded to the questionnaire.

9.1 Questionnaire to councils

- 1 When preparing your regional policy statements, regional or district plans, which of the following consultation mechanisms have you used?
 - a) Maori standing committee (advisory)
 - b) Maori consultant(s)
 - c) Maori working group/advisory group
 - d) Tangata whenua staff
 - e) Hui with local iwi and hapu
 - f) Sending drafts to iwi/hapu for comments
 - g) Contracts for services (eg - local iwi authority)
 - h) Other (please specify)

- 2 Which method was most effective and why?

- 3 Which method was least effective and why?

- 4 Did the council pay iwi for participating in the consultation processes used?
If yes how was the sum arrived at?

- 5 At which stage(s) did your organisations involvement occur?
 - a) Preparation of draft plan/policy statements
 - b) Preparation of proposed plan/policy statements
 - c) Maori made submissions on proposed plan/policy statements
 - d) Maori attended hearings on proposed plan/policy statements

- 6 To what extent (in your view) were any Maori concerns expressed during the consultation process able to be accommodated in the plan/policy statement?
 - a) Maori concerns all able to be met
 - b) Maori concerns largely able to be met
 - c) About half the concerns met
 - d) Some concerns met
 - c) No concerns able to be met

Please give examples of concerns that could be met and concerns that couldn't be met.

- 7 Has the council received any requests from iwi to prepare a regional plan under s65(3)(e) of the Act?
If so, is a plan to be prepared as a result of that request?
- 8 Has the council received any requests from iwi to use the transfer of powers in s33 of the Act?
If so, have the transfer of powers provisions been used?
(please specify the reasons)
- 9 In what situations, if any, would councils consider using the section 33 mechanism?
- 10 Has the council given any support to iwi in the development of iwi management plans?
- a) In respect of funding
 - b) In terms of skill and expertise
 - c) In both funding and skills based resources
 - d) Any other type of support
 - e) No support
- 11 Does the council have guidelines or other criteria for staff when determining which iwi or other Maori groups to notify of resource consent applications?
- 12 Does the council have guidelines or other criteria for staff when determining when it is appropriate to notify iwi of resource consent applications and what level of consultation is required in particular circumstances?

For example, consultation at hapu level may be appropriate for a very localised resource consent application.
- 13 Does the council supply information to iwi on resource consent applications which are of particular interest to iwi?

If so, what level of information and in what timeframe?
- 14 Does the council have any processes in place for streamlining consultation so that iwi are not having to meet various different deadlines?

If yes, describe these.
- 15 What level of understanding of Maori resource management concepts and the Treaty of Waitangi does council staff have?
- a) A high level of understanding
 - b) An adequate level of understanding
 - c) An inadequate level of understanding
- Does the council provide training on Maori issues?

- 16 How would you rate your relationship with the iwi/hapu of your district/region?
- a) Excellent
 - b) Very good
 - c) Satisfactory
 - d) Unsatisfactory
- Please comment on the council's rating.
- 17 Would you recommend any other mechanisms for improving consultation with Maori?
- 18 Any general comments on the "Duty to Consult" document¹² and this process?
-

9.2 Questionnaire to Maori organisations

- 1 Which of the following mechanisms do you consider is the most effective means for councils to consult with your organisation in their process of preparing regional policy statements, regional or district plans? Why?
- a) Maori standing committee (advisory)
 - b) Maori consultant(s)
 - c) Maori working group/advisory group
 - d) Tangata whenua staff
 - e) Hui with local iwi and hapu
 - f) Sending drafts to iwi/hapu for comments
 - g) Contracts for services (eg - local iwi authority)
 - h) Other (please specify)
- Which mechanism do you consider is the least effective? Why?
- 2 What form of consultation mechanism are you aware of that is often used by the council in your rohe?
- 3 Does the council pay your organisation for participating in the consultation processes used?
- If your organisation has been funded, was the sum considered adequate?
- If not, why was the sum inadequate?
- 4 At which stage(s) did your organisations involvement occur?
- a) Preparation of draft plan/policy statements
 - b) Preparation of proposed plan/policy statements
 - c) Maori made submissions on proposed plan/policy statements

d) Maori attended hearings on proposed plan/policy statements

At which stages would you have preferred involvement to occur?

5 To what extent were your concerns expressed during the consultation process able to be accommodated in the plan/policy statement?

- a) Concerns all able to be met
- b) Concerns largely able to be met
- c) About half the concerns met
- d) Some concerns met
- e) No concerns able to be met

Please comment.

6 Have you requested that council prepare a regional plan to address matters under s65(3)(e) of the Act? If so, is a plan to be prepared as a result of that request?

7 Has the council given any support to your organisation in the development of their iwi management plans?

- a) In respect of funding
- b) In terms of skill and expertise
- c) In both funding and skills based resources
- d) Any other type of support
- e) No support

8 In your opinion have you ever been adequately notified of resource consents that may have an impact on iwi/hapu?

- a) Do you think council should fund your activities over resource consent applications?
- b) Do you think the consent applicant should fund your activities over resource consents?
- c) What actually happens over funding your activity in resource consents?

9 Does the council provide information to your organisation on resource consent applications which are of particular interest to iwi?

If yes, is the information adequate and within appropriate timeframes?

10 In your opinion what level of understanding of Maori resource management concepts and the Treaty of Waitangi should council staff have?

- a) A high level of understanding
- b) An adequate level of understanding
- c) An inadequate level of understanding

11 How would you rate your relationship with the council of your rohe?

- a) Excellent
- b) Very good
- c) Satisfactory
- d) Unsatisfactory

Please comment.

12 How could councils improve their relationship with you?

13 Would you recommend any other mechanisms (as opposed to those already outlined in this document) for improving consultation?

14 Any other comments on the “Duty to Consult” document ?

(A discussion document originally accompanied these questionnaires. Comments on this document have not been included in this report because so few responses were received.)

9.3 List of questionnaire respondents

Council respondents

Auckland City Council	Auckland
Banks Peninsula District Council	Lyttelton
Carterton District Council	Carterton
Central Hawkes Bay District Council	Waipawa
Christchurch City Council	Christchurch
Clutha District Council	Balclutha
Dunedin City Council	Dunedin
Environment BOP	Whakatane
Gisborne District Council (unitary)	Gisborne
Gore District Council	Gore
Hastings District Council	Hastings
Hawkes Bay Regional Council	Napier
Hutt City Council	Lower Hutt
Invercargill City Council	Invercargill
Kapiti Coast District Council	Paraparaumu
Manawatu District Council	Fielding
Manawatu-Wanganui Regional Council	Palmerston North
Manukau City Council	Manukau
Marlborough District Council (unitary)	Blenheim
MacKensie District Council	Fairlie
New Plymouth District Council	New Plymouth
North Shore City Council	North Shore City
Northland Regional Council	Whangarei
Opotiki District Council	Opotiki
Otago Regional Council	Dunedin

Palmerston North City Council	Palmerston North
Rangitikei District Council	Marton
Rodney District Council	Orewa
Ruapehu District Council	Taumararangi
Selwyn District Council	Leeston
South Waikato District Council	Tokoroa
Southland District Council	Invercargill
Southland Regional Council	Invercargill
Stratford District Council	Stratford
Taranaki Regional Council	Stratford
Tasman District Council (unitary)	Richmond
Timaru District Council	Timaru
Waimate District Council	Waimate
Waipa District Council	Te Awamutu
Wairoa District Council	Wairoa
Waitakere City Council	Waitakere
Wellington Regional Council	Wellington
West Coast Regional Council	Greymouth
Western Bay of Plenty District Council	Tauranga
Westland District Council	Hokitika
Whakatane District Council	Whakatane

Maori organisation respondents

Ahuriri Maori Executive	Hastings
Te Atiawa ki Whakarongotai	Waikanae
Hauraki Maori Trust Board	Paeroa
Heretaunga	Hastings
Ngai Tahu Maori Trust Board	Christchurch
Ngai Tuhoe Waikaremoana	Rotorua
Ngaruahine Iwi Authority	Manaiā
Ngati Kuri	Kaikoura
Ngati Wai Trust Board	Whangarei
Te Runanga o Otakou	Dunedin
Tauranga Moana Maori Trust Board	Tauranga
Te Atiawa Tribal Council	New Plymouth
Te Runanga o Ngati Porou	Ruatoria
Te Runanga o Te Koeti Turanga	Greymouth
Te Runanga o Ngati Awa	Whakatane
Te Runanga o Ngati Kuri	Kaitiā
Te Runanga o Rapaki	Lyttelton
Te Runanga o Raukawa	Otaki
Te Runanga o Ngai Tamarawaho	Tauranga
Te Runanga o Turanganui a Kiwa	Gisborne
Te Runanga o Tuwharetoa ki Kawerau	Kawerau
Te Runanganui o Te Arawa	Rotorua
Waihopai Runaka	Invercargill
Waikato Anti Racism Coalition for Ngaati Te Ata	Hamilton
Wellington Tenths Trust	Wellington