

# Te whakahou i te whakahaere rawa

He tūranga tōtika ake mā te Māori

## Resource management reform

A more effective role for Māori

### Why we're reforming the resource management system

The Resource Management Act 1991 (RMA) is Aotearoa New Zealand's main law governing how we use our natural and built resources. Now more than 30 years old, the RMA is not delivering for the environment or for development and is no longer fit to help us respond to emerging issues, such as adapting to the impacts of climate change.

The Government is reforming the resource management system to create one that's more certain and efficient – a system that supports development within environmental limits and is required to give effect to the principles of Te Tiriti o Waitangi (the Treaty of Waitangi).

At its heart is te Oranga o te Taiao – a concept drawn from te ao Māori, and an intergenerational ethic that speaks to the health and wellbeing of the natural environment, and the essential relationship between a healthy environment and its capacity to sustain all life.

### Proposed laws

The Government announced in February 2021 that the RMA would be repealed and replaced with three new Acts: the Spatial Planning Act (SPA), the Natural and Built Environment Act (NBA) and the Climate Adaptation Act (CAA). The SP Bill and the NBE Bill are being introduced to Parliament in 2022. The CA Bill is expected to be introduced in 2023.

## A more effective role for Māori

When it was enacted over 30 years ago, the RMA promised a more effective role for Māori. However, the RMA has failed to achieve these goals. Issues have included:

- The RMA only requires that people exercising functions and powers under the Act must “take into account” the principles of Te Tiriti.
- Tiriti settlements have been more successful than the RMA in providing for Māori to become partners in decision-making, despite the RMA containing tools and mechanisms that are supposed to achieve this.
- Similarly, tools designed for Māori participation have not been well used. The RMA introduced the ability for local authorities to transfer functions or powers to an iwi authority, however this tool has only been used once since 1991.
- There has been a lack of financial support for Māori participation in RMA planning processes, and an absence of effective, strategic roles for Māori in the system.

The expert panel commissioned to undertake a review of the resource management system in 2020 found there needed to be changes made to give better recognition to the principles of Te Tiriti and te ao Māori, and to give Māori a more strategic role in the system.

## Decision-making roles at all levels

The new system will include decision-making roles at the national, regional and local levels for Māori. This includes roles in governance, planning and strategy development, including:

- membership on all regional planning committees (see below)
- providing input and expertise during regional spatial strategy and NBE plan development (see below)
- providing technical advice, such as cultural impact assessments.

The reforms introduce engagement agreements, a new tool that will more easily allow iwi, hapū and other Māori groups to agree with the regional planning committees on how they will be engaged in regional spatial strategy and NBE Plan development. This will enable local flexibility in relationships between hapū and iwi, and local authorities.

A new national Māori entity will be established to have roles in monitoring Tiriti performance and providing input into the National Planning Framework.

The Government is looking at how best to provide support and funding to assist these new roles.

Engaging on these reforms will continue to be critical. The Government has been working with several Māori entities on key policy elements of the reforms, including the Freshwater Iwi Leaders Group, Te Wai Māori (the Māori Freshwater Fisheries Trust) and Te Tai Kaha (comprised of New Zealand Māori Council, Kāhui Wai Māori/Ngā Kaiārahi o te Mana o te Wai Māori and the Federation of Māori Authorities).

## Regional planning committees

A regional planning committee will develop the NBE plan and regional spatial strategy for each region, with direction from the National Planning Framework, and with community engagement and input.

The regional planning committee will have members from local government and local iwi/hapū/Māori, with a central government representative on the committee developing the regional spatial strategy.

The overall size and membership of the committee will be determined by local authorities and Māori in the region. There will be flexibility on how committees are formed, but with some requirements to best ensure representation. There will need to be at least six representatives on a committee, with at least two Māori members.

Regions will be able to decide for themselves whether they want more members above these minimum requirements, and legislation will include guidance on the process of agreeing committee membership.

The committees will be able to determine their own chairing and sub-chairing arrangements and will be required to reach decisions by consensus.

## Te Oranga o te Taiao

At the heart of the future resource management system is te Oranga o te Taiao – a concept drawn from te ao Māori that speaks to the health and wellbeing of the natural environment, and the essential relationship between a healthy environment and its capacity to sustain all life.

Te Oranga o te Taiao is an intergenerational ethic that emphasises the importance of the intrinsic relationship between iwi and hapū and the environment, and between all New Zealanders and the environment. Te Oranga o te Taiao recognises the interconnectedness between the natural, built and people parts of the environment, and emphasises the need for integrated management so that all of these parts work together to support human and non-human wellbeing.

The Government has worked closely alongside iwi and Māori groups to bring te Oranga o te Taiao through the development of the future system. The concept will be included in both the NBA and the SPA, giving recognition to te ao Māori concepts at the centre of the new system.

## Giving effect to Tiriti principles

Currently, under the RMA, there is a requirement to “take into account” Tiriti principles, but this has not provided sufficient recognition of these principles.

Resource management reforms will better recognise Te Tiriti with a new requirement that people and organisations using the powers and performing duties and functions under the NBA and SPA need to “give effect to” the principles of Te Tiriti.

Introducing this requirement means that Tiriti principles will need to be considered and implemented in all decision-making under the NBA and SPA. In practice, this will require the provision for Māori to have stronger participation in the new system.

The Government is committed to upholding Tiriti settlements, marine and coastal area rights (Takutai Moana) and existing arrangements under the RMA in the future system.

Existing tools such as Mana Whakahono ā Rohe, transfers of powers and joint management agreements will be maintained and enhanced, and the legislative barriers to their uptake removed.

## More about resource management reform

Visit the [resource management system reform pages](#) on the Ministry for the Environment's website for more information, including more factsheets:

- [Overview of resource management reform](#)
- [The Spatial Planning Act](#)
- [The Natural and Built Environment Act](#)
- [Development and infrastructure](#)
- [Protecting the environment](#)
- [Roles and responsibilities](#)

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