



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Review of the
Local Government Act 2002 and the Local Electoral Act 2001
Background paper: Local Authority Engagement with Māori

June 2008

Local Authority Engagement with Māori

Purpose

This report outlines background information and considerations relating to local authority engagement with Māori. It is intended as a “think piece” as Commissioners work towards firming recommendations that will ultimately appear in their Review of the Local Government Act 2002 and Local Electoral 2001 report to the Minister of Local Government.

The report is divided into the following sections:

- 1 Requirements of the Local Government Act*
- 2 The Commission’s approach to issues relating to engagement with Māori*
- 3 Relevant legislative, regulatory and service delivery environment*
- 4 Reviewing the landscape*
- 5 Information, guidelines and reports on participation/engagement*
- 6 The way forward*

Annex A: Legislation regarding engagement with Māori

Annex B: Significant recent reports regarding Local Authority/Māori engagement

Annex C: Local Authorities and Māori representatives interviewed

1.0 Requirements of the Local Government Act

The Local Government Act 2002 includes recognition of the Crown's Treaty responsibilities and requires local authorities to:

- establish processes to give Māori an opportunity to contribute to decision making and to consider ways to foster Māori capacity to do so
- consult Māori where their interests may be affected by a decision
- take into account the relationship tangata whenua has with ancestral lands and waters

Details of relevant Local Government Act provisions are set out in Annex A.

The Local Government Act 2002 does not create a direct Treaty relationship between local authorities and tangata whenua. However, the Treaty principles do underpin the Act's provisions and help inform how the provisions of the Act can be applied.

2.0 The Commission's approach to issues relating to engagement with Māori

Although the Commission's role is to review the Local Government Act 2002, we have taken a broader approach and considered the wider picture regarding local and central government engagement with Māori. We have done so for two interrelated reasons:

- We believe that many factors and considerations relevant to engagement under the Local Government Act 2002 are the same as factors and considerations relevant to central and local government engagement under other legislative, regulatory and service delivery regimes.
- Whilst the many local and central government agencies each have their own kaupapa, the Māori organisations they deal with have holistic values and aspirations that span a range of activities. We consider it important that our considerations are based on a clear view of the wider picture and that our recommendations fitted with a 'whole of government' approach.

2.1 Māori constituencies

There are two broad Māori constituencies: tangata whenua and taura here.

Tangata whenua are the people of the land or iwi in a particular area (rohe). They have special rights and interests under Article II of the Treaty and legislation over land, waters, wahi tapu, valued flora and fauna and other taonga in their rohe. They also have interests in the social, economic, environmental and cultural wellbeing of the communities that live in their rohe. The community is part of their rohe.

Many of them reside locally. Those that don't reside locally have whanau in the area, may visit often, and/or may aspire to return home in the future. They may provide community services to members of their iwi and, in many cases, to other Māori and other citizens.

Taura here are Māori living in an area who are not tangata whenua in that area, including iwi, hapu and whanau and their members from elsewhere and urban authorities and other community based organisations and their members. Taura here have interests in the social, economic, environmental and cultural wellbeing of their communities in which they live.

Taura here do not have any specially recognised rights and interests under Article II of the Treaty over land, waters, etc. They have an interest in the social, economic, environmental and cultural wellbeing of the community because they are members of the community and they may provide community services to members of their iwi that live in the area and, in many cases, to Māori and other citizens.

2.2 Different obligations

Legislative and Treaty obligations are different for tangata whenua and taura here. Contemporary tangata whenua governance structures have evolved over the last two to three decades and continue to evolve. There is greater clarity on which iwi have interests in which areas, growing cohesion within iwi, and a trend to more clearly defined governance and representation structures. This evolution has been given impetus by Treaty settlement (both fisheries and land claims), resource management, local government, social service delivery, and other processes.

There has been a general shift in government regulatory and service delivery processes to focus more on a strategic approach to decision-making. This generally involves strategic plans that create a context within which decisions on specific matters can be made. Long-term council community plans are an example of this. Other examples are resource management, transport and fisheries (both customary and commercial) strategies, policies and plans.

Such strategic planning is enhanced when it is informed by clear information about the strategic interests and aspirations of tangata whenua and Māori, and indeed other groups.

Government social service delivery agencies are engaging with their communities (including Māori) in planning and designing social service delivery, and have moved some service delivery roles to community based organisations, including tangata whenua and taura here organisations.

This move reflects a view that:

- Design of social service delivery is enhanced when it is informed by clear information about the strategic interests and aspirations of Māori and other groups.
- Service delivery can be more effectively delivered by organisations that are on the ground and linked into and trusted by their communities.
- Community empowerment and capacity building supports better design and delivery of services.

Tangata whenua and taura here organisations have assumed an increasing role in land, social, economic, environmental and cultural planning and processes. Tangata whenua are increasingly formulating and articulating their aspirations at a strategic level, sometimes in response to the developments noted above. Sometimes, but not always, they do so on the basis of a holistic world view where all things (land and social, economic, environmental and cultural wellbeing) are interconnected. Where they do not do so, they may wish to do so if they were given the opportunity and were able to.

Local and central government agencies have made considerable progress on developing their capacity to engage with Māori. They have become more confident and better at it over time. Although the situation is evolving there are gaps and further progress is required. We aim to address what needs to be done by building on the progress to date and reaching a higher level.

A broad range of local and central government agencies share a common interest in being able to:

- access a clear articulation of tangata whenua and taura here strategic aspirations
- engage with clearly defined and representative governance structures.

In forming our recommendations on Māori engagement, we have considered the following:

- the legislative and regulatory framework (see below and Annex A for details)
- a number of studies, reports, and good practice guides (see Annex B for details)

- submissions and questionnaire responses from local authorities in 2007 and 2008
- input from Local Government New Zealand, Te Puni Kokiri, the Ministry for the Environment, the Department of Internal Affairs, the Ministry of Social Development, and the Ministry of Health
- a check with the office of the Auditor – General and the Society of Local Government Managers
- interviews with selected local authorities and Māori representatives (see Annex C for a list of interviewees).

2.3 Māori governance/representation developments

Tangata whenua governance has evolved over the last 20 years. Prior to the 1980s, tangata whenua governance and representation comprised a variety of organisations representing a range of tangata whenua interests including:

- trust boards that were generally established for a particular purpose and were accountable to the Minister of Māori Affairs
- land owning trusts that owned specific parcels of Māori land
- incorporated and unincorporated whanau, hapu and iwi organisations of various descriptions.

From the late 1980s, iwi wide runanga have emerged, driven in part by Treaty settlement processes. Treaty processes require that iwi negotiators are mandated by the iwi as a whole and that a representative organisation is established to receive Treaty settlement assets. These organisations are accountable to members of the iwi.

Especially where Treaty settlements have occurred, Runanga have clear governance, decision-making and representation arrangements and many have a significant resource base and have built organisational capacity and knowledge/expertise.

Iwi involvement in resource management processes has also helped build internal cohesions and capacity. Tangata whenua experience of engagement with local authorities and others has helped support capacity building. Many iwi organisations have developed increasing roles in social service delivery and community cohesion activities, for example, medical centres, radio stations, and employment and training related activities.

The degree of cohesion, the development of governance structures and capacity is patchy. Some iwi have consolidated their representation and governance structures, built a strong resource base, and now have resources and a solid skill base to support their active participation in resource management and local government activities.

Some iwi that have achieved a Treaty settlement and received assets tend to be the best placed. However, a Treaty settlement does not guarantee sufficient resources, particularly in the case of small settlements and/or where the rohe is very large. Other iwi have not yet resolved representation and governance issues and lack resources and capacity.

In some local authority areas, more than one iwi may be tangata whenua. This may be because the local authority areas span two or more tribal areas and/or because two or more iwi have shared or contested rights in the same area. In the past, lack of resources and, in some cases, iwi rivalries have often prevented different iwi joining together to engage with local authorities. More iwi are now finding common ground and/or working together on things they can agree on and 'agreeing to disagree' where they cannot agree.

Taura here governance has also evolved:

- Iwi based taura here (tangata whenua of another area) often have support structures in place for iwi members living outside their rohe and may run social services.
- A number of community based organisations have emerged and grown in strength, focusing on social service delivery.

3.0 Relevant legislative, regulatory and service delivery environment

3.1 The Local Government Act 2002 and the Resource Management Act 1991

The provisions of the Local Government Act 2002 are set out above in section 1 and in Annex A.

The Resource Management Act 1991 requires local authorities to recognise and provide for the relationship tangata whenua have with ancestral lands and waters and other taonga. It introduces the concept of iwi management plans (which can set out tangata whenua aspirations and values), and requires consultation with tangata whenua on plan preparation, regarding land, waters, and natural resources. Details are set out in Annex A.

Local government and resource management legislation together require local authorities to foster Māori capacity and Māori participation in decision-making. Legislation envisages that local authorities will engage with the following:

- tangata whenua on resource management matters and decisions (under the Resource Management Act 1991) and things that affect ancestral land and waters (under the Local Government Act 2002)

- tangata whenua and taura here on community wellbeing issues.

Both the Local Government Act 2002 and the Resource Management Act 1991 are part of a general shift over the last two to three decades in government and regulatory processes to focus more on a strategic approach. Other examples include some of the regimes noted in the following section.

3.2 Wider legislative/regulatory context

This generally involves creating strategic plans at national, regional and local levels that provide a context within which decisions on specific matters can be made. Long-term council community plans are one example. Other examples are resource management, conservation, coastal, water, renewable energy, flood management, transport, and fisheries (both customary and commercial) strategies, policies and plans. Such strategic planning is enhanced when it is informed by clear information about the strategic aspirations of tangata whenua and all other groups.

In this context, 'participation' and 'engagement' means more than traditional consultation. Traditional consultation models are generally based on a proponent floating a firm proposal and receiving and considering feedback prior to a final decision.

Participation and engagement requires local authorities to conduct a dialogue to understand the values, aspirations and interests of Māori so as to inform the development of the strategies and plans. Those strategies, policies and plans then inform the developing proposals for specific actions, following which proponents might conduct a traditional consultation process.

The broader legislative and regulatory environment includes regulatory regimes relating to:

- conservation, for example, the Conservation Act 1987, the Reserves Act 1977, the Marine Reserves Act 1971, the Wildlife Act 1953
- heritage, for example, the Historic Places Act 1993, the Protected Objects Act 2006
- the environment, for example, the Environment Act 1987, the Hazardous Substances and New Organisms Act 1996, the Bio-security Act 1993
- resources, for example, the Crown Minerals Act 1991, the Fisheries Act 1996
- transport planning (the Land Transport Act 1998)
- historic and contemporary Treaty settlement processes.

Most of these regulatory regimes impose requirements either explicitly or implicitly for the relevant government agency to engage with tangata whenua

and/or Māori/taura here. Relevant local and central government agencies share a common interest in being able to:

- access a clear articulation of tangata whenua strategic aspirations
- engage with clearly defined and representative governance structures/entities.

3.3 Social service delivery context

Government social service delivery agencies are now engaging with their communities (including Māori) in formulating and designing strategies and plans and social service delivery, and have moved some service delivery roles to community based organisations, including Māori organisations.

Under the New Zealand Public Health and Disability Act 2000, district health boards are expected to work in partnership with iwi and Māori communities and are required to involve tangata whenua and other Māori communities in developing strategies and plans to improve Māori health. District Health Boards (DHBs) also have an obligation to foster Māori capacity to participate and DHBs have contracts with a number of Māori service providers.

Local authorities engage with their communities (including Māori) on the four areas of wellbeing – social, economic, environmental and cultural. To varying degrees, local authorities play a co-ordination role in bringing together central and local government agencies, non-government organisations, Māori and other community groups.

The Ministry of Social Development has an overarching responsibility for improving social outcomes for all New Zealanders. Accordingly, the Ministry plays a role in bringing together central and local government agencies, non – government organisations, Māori and other community groups.

The Ministry facilitates Māori input into long-term council community plans largely through Māori participation in regional inter-sectoral forums. Participating government agencies vary depending on the issue and the region but might include relevant local authorities, district health boards, the Ministry of Education, the justice sector agencies (police, probation, courts), the Department of Labour (employment and immigration), Te Puni Kokiri, and tenancy services.

4.0 Reviewing the landscape

4.1 Information base

Overall there is a large body of information about local authority and central government engagement with Māori. Most of the information records structural arrangements and processes, and reports on local authority perceptions of progress, issues and problems. Information is light on the perspectives of Māori on progress, issues and problems. An exception is the soon to be released Puni Kokiri report that seeks to explore Māori perspectives, as expressed by Māori. See Annex B, No. 1 for more detail of that report.

4.2 Engagement processes and the impact of the Local Government Act 2002

The Local Government New Zealand survey in mid 2004 surveyed all (then) 86 local authorities and achieved a 100% response rate. According to this survey:

- 69 had a formal process for consulting Māori
- 79 had informal processes for consultation/information sharing
- 43 held one or more iwi management plans
- 55 had provided funding for one or more joint initiatives
- 41 had projects to work with the Māori community
- 22 had established a co-management regime for managing a site, activity or resource
- 57 provided internal training for councillors and staff on subjects such as statutory obligations, the Treaty, Māori language/culture, marae protocol.

The survey also revealed the following:

- 39 had set up Māori standing committees or advisory committees and 42 involved iwi/hapu representatives in sub – committees and/or working groups

- 44 had established relationship agreements with iwi organisations
- 32 had dedicated iwi liaison/policy staff.

Responses to the Local Government Commission's own 2008 survey of councils concerning the Local Government Act 2002 confirmed widespread and varied arrangements for engaging with Māori.

The 1997 and 2004 surveys and other reports suggest a significant increase in activity between 1997 and 2004 and further progress since 2004. The Local Government Act 2002 has clearly had an impact, though it is not possible to separate out the impact of the Act from the range of other influences referred to above.

There are a number of other reports on the extent and nature of engagement processes at various points in time. These reports reinforce the impression of significant progress over time. Some notable points from the reports:

- Engagement is predominantly with tangata whenua, often involving two or more iwi. This is understandable and probably appropriate given that tangata whenua will have interests and involvement both in land and resource issues and in community wellbeing issues.
- Some local authorities also engaged with taura here, sometimes in the context of a general Māori body which included both tangata whenua and taura here representatives.
- Engagement tended to be on land/water/resource issues, but engagement extended to beyond the Resource Management Act, for example, into management of reserves and important sites.
- The experience of engagement has led to increasingly better relationships and engagement processes and has helped build capability both within local authorities and within Māori organisations.

However, the reports and the interviews also reveal that activity is patchy:

- In some parts of the country, engagement processes are limited or even token. Some Māori groups we interviewed dealt with two or more local authorities. They indicated varying experiences – local authority A is “really good – they actively engage with us” but local authority B “just ticks the boxes and fobs us off.”
- There is a general view that local authority staff are more committed to and genuine about Māori engagement than elected members, though there were some notable exceptions to this general proposition.

4.3 Strategic approach by tangata whenua

Iwi management plans have emerged, largely in response to the Resource Management Act. A significant number of iwi have developed iwi management plans. Te Puni Kokiri estimates that there are 50 iwi management plans in existence. The Ministry of the Environment estimates that there are more than 100.

Early plans often focused on identity statements and/or relationship building and were often narrowly focused, for example, on wahi tapu. Later plans have moved to a more strategic focus defining customary values and environmental outcomes. Some plans have extended beyond a resource management focus to include community wellbeing values and aspirations.

Some iwi developed their plans without any input from the local authority. In some cases iwi saw the plan as “our business” and considered that engagement with the local authority would come after the plan had been formulated. In other cases, local authorities regarded the plan as iwi business and preferred to not engage with iwi at the plan development stage.

Some iwi liaised with local authorities in developing their plan. They did so on the basis that the plan would need to interface with planning and other council processes and accordingly should be designed to be as effective as possible. In a small number of cases, local authorities seconded a planner to the iwi to help the iwi develop a plan.

Iwi Management Plans:

- provide a means for iwi/hapu to define and advance their values/objectives and policies and influence local authorities and third parties. This enables them to step out of a reactive ad hoc response mode and move into a more strategic space
- are a tool for resource management and can also be (and are becoming) an effective means for Māori to promote their social, cultural and economic values/objectives/policies and influence community development planning.

Reports and interviews indicate that Māori, local authorities and professionals who work on resource consent applications found iwi management plans valuable.

Iwi management plans enabled Māori to:

- express their identity and have it recognised
- develop and agree on a clear statement of their world view, values and aspirations
- apply their world view, values and aspirations to specific circumstances

- move out of reactive mode and into a more strategic space.

Iwi management plans enabled local authorities to:

- engage more effectively with Māori
- take account of iwi management plans in developing their own plans
- reduce the scope for conflict over specific proposals.

Iwi management plans enabled professionals who work on resource consent applications to:

- articulate tangata whenua values and aspirations
- promote a pro-active engagement which in turn informed the development of proposals. This meant that the resulting proposals could be designed to be compatible with tangata whenua values and aspirations.

4.4 Tangata whenua role regarding specific proposals

Tangata whenua have also become more involved in processes relating to specific land and resource proposals. In some cases councils have regarded tangata whenua input as expert advice and have entered into contracts for services (and paid for that advice) or have required proponents to pay for it. Where this has not occurred, tangata whenua groups have generally struggled to participate effectively in processes related to specific proposals.

4.5 Māori capacity

Over the last 20 years, many iwi/tangata whenua have consolidated their governance and representation structures and have established a strong resource base. This is particularly so in the case of iwi which have achieved significant Treaty settlements (on land claims or as part of the fisheries settlement or both).

Many iwi have engaged with local authorities on a range of issues. They have developed significant capability to engage with relevant agencies (for example, local authorities, Department of Conservation, Ministry of Fisheries, Ministry of Health) on land, resource, environmental, wellbeing and other issues. This is particularly the case with iwi that have achieved Treaty settlements and/or have been active in resource management issues and developed iwi management plans.

Many iwi/tangata whenua have begun to move into the community wellbeing space especially iwi that have achieved Treaty settlements and/or have been active in resource management issues and/or have been active in social service delivery.

However, many iwi have made less progress. This appears to have been due to lack of resources (the strongest theme), governance issues, giving priority to other activities (for example, achieving a Treaty settlement) and a lack of readily accessible guidance material and shared learning opportunities (see section 4.7).

The information available is less clear on taura here. However, a number of taura here organisations have been active in social service delivery and other activities and have developed expertise in representing the interests of the Māori community. Some local authorities have engaged with taura here, sometimes in the context of a general Māori body which includes both tangata whenua and taura here representatives.

4.6 Local authority capacity

Often discussions on local authority/Māori engagement focus on weaknesses in Māori capacity to engage with local authorities. However, local authorities also need to develop capacity to engage with Māori. There are specific skills and strategies that assist in this process. Elected members and staff need to possess and demonstrate an understanding of the following:

- the history of tangata whenua and their need to re-establish and/or strengthen their mana whenua
- kaitiakitanga and tangata whenua's relationship with their land
- tribal governance structures and the appropriate people to engage with on which issues
- partnership concepts under the Treaty
- the Māori holistic world view (all things are interconnected)
- tikanga, te reo, meeting protocols, and marae protocol.

Meeting Māori on their own ground and recognising that Māori appreciate and relate well to kanohi ki te kanohi (face to face) communication is important. So is demonstrating respect for kaumatua, rangatira and other leaders and knowing, for example, that chiefs talk to chiefs.

In the past two decades, many local authorities have implemented training programmes for staff and have developed skills through participation in engagement processes. Some local authorities have built a strong capacity base, built and strengthened relationships and developed increasingly effective engagement processes. Others have been less successful and some have done little.

One of the difficulties that Māori have experienced has been the lack of capacity on the part of local government to engage effectively with Māori. This can be difficult for local authority members and staff. Lack of capacity and lack of confidence can mean that members and staff find engagement processes intimidating, especially if on a marae.

Resources are a problem for smaller local authorities. They have a limited financial base and engagement processes require resources.

4.7 Assistance available to local authorities and Māori

Guidance material on how to engage includes:

- guidance materials in the Resource Management Act and environmental planning area for local authorities and for tangata whenua
- guidance materials on The Local Government Act for local authorities
- guidance materials on how government and other agencies can successfully engage with Māori.

Most of the guidance material focuses on supporting and advising local authorities how to more effectively engage with Māori. Guides on how Māori can more effectively engage with local authorities are less evident.

Local Government New Zealand has been active in supporting local authorities by providing advice and sharing information on how local authorities can effectively engage with Māori. Local Government New Zealand has a long-term project to develop resources over time to assist local authorities to engage more effectively with Māori.

Advice and assistance to Māori has been less evident and there are no indications of any forums or organisations that can provide similar support and information sharing for Māori. Local authorities are able to fund engagement processes from their own resource base. Some iwi have resource bases sufficient to enable them to develop capacity and participate to one degree or another. However, many iwi completely lack resource bases.

Te Puni Kokiri estimates that iwi management plans cost between \$20,000 and \$200,000 to develop, depending on the issues to be covered, the size of the rohe, the size of the iwi, the amount of information already available and other factors.

Resources to support iwi in developing iwi management or other strategic plans are, or have been, available from:

- The Ministry for the Environment. In the early 2000s, MfE allocated funding from its Sustainable Management Fund to develop Resource Management Act guidance for iwi and provided funding to assist a small number of iwi to develop iwi management plans, for example, iwi at the top of the South Island.

- The Ministry for the Environment. In 2008, MfE funded workshops in the Queenstown area for iwi to present and explain their world view, values, and aspirations to local authorities. Further workshops are planned for Northland.
- Te Puni Kokiri. This has been in terms of funding to support iwi and others to develop iwi management plans.

Some government agencies have provided assistance in kind, for example, the Department of Conservation has provided information and mapping for some iwi.

Some local authorities have provided assistance in a variety of forms. This has included funding or seconding a professional planner to work with iwi, information and advice, peer review of strategic plans, assistance with production/printing and financial support. Various government agencies in the social services sector have provided assistance in kind, for example, information and advice.

Funding support from central government agencies has delivered pilot schemes and good practice examples. Whilst all of these initiatives assist, none of the agencies have programmes that are geared to support a general/nationwide take up of iwi management plans.

5.0 Information, guidelines and reports on participation/engagement

We refer to a number of reports and materials in the following paragraphs. Details of these reports are set out in Annex B.

5.1 Guidelines on Resource Management Act engagement

The Resource Management Act became law in 1991. The Ministry for the Environment produced various guides on tangata whenua and/or local authorities' participation in resource management and related processes. These guides included:

- 2000 guidance manual providing tangata whenua with tools to develop environmental plans/iwi management plans (Annex B, no. 18)
- 2001 guide to assist local authorities to deal with Iwi Management Plans (Annex B, no. 17)
- 2005 guide to assist tangata whenua to participate in resource management processes (Annex B, no. 15)

- 2006 guide on how to incorporate cultural perspectives/values into water management decision making (Annex B, no.14)
- guidance materials on the quality planning website (www.qp.org.nz).

5.2 Guidelines on Local Government Act engagement

Prior to the Local Government Act 2002, many local authorities had been developing relationships with Māori regarding local government issues.

In December 2003, the Department of Internal Affairs produced notes (Annex B, item 16) summarising the outcomes from LGKnowHow workshops on Māori provisions in the Local Government Act. The workshops and notes were designed to assist local authorities to implement Local Government Act requirements.

Local Government New Zealand produced a guide on engagement with Māori for local authorities (Annex B, item 13) in late 2007. The guide covered the benefits of engagement and the responsibility to engage, how to build effective relationships and engagement processes, and advice on Māori representation and organisational structures. Local Government New Zealand has a long-term project to help local authorities to build stronger relationships with Māori groups. The aim is develop resources over time (for example, case studies, tools/advice) for local authorities.

5.3 Other guides on engaging with Māori

- Various government departments have developed their own guidance materials which, whilst not specifically designed for local government, do provide useful guidance on how to engage effectively with Māori.
- www.goodpracticeparticipate.govt.nz (website of The Office of the Community & Voluntary Sector) contains guidance material.

5.4 Guidance material to be released

Te Puni Kokiri will shortly release a report on “Future directions on iwi management planning” (Annex B, items 1 and 11). Te Puni Kokiri kindly provided copies of the underlying research to Local Government Commission staff. The research:

- takes into account the idea that iwi management plans, whilst having a specific legislative function under the Resource Management Act, are also a vehicle for Māori to articulate and advance their aspirations regarding their ancestral lands, and social, economic, environmental and cultural wellbeing

- reviews progress on iwi management plans and where iwi management planning is evolving
- will form the basis for some useful guidance on how to develop an iwi management plan.

The Ministry for the Environment will shortly add new Resource Management Act 1991 related guidance materials to its quality planning website (see section 5.1 above). These new materials will cover FAQs (frequently asked questions) on iwi management plans and guidance on local authority engagement with tangata whenua.

5.5 Reports on engagement processes

There have been a variety of reports on engagement processes between local authorities and representative Māori organisations. These include:

- the soon to be published Te Puni Kokiri report referred to above
- The NZ Electoral Commission report of December 2006 (Annex B, item 4) on participation of Māori in decision making processes. The report canvassed developments in central government and district health boards as well as in local government.
- Farrell's report (Annex B, item 5) of 11 December 2005 on tribal governance arrangements
- Local Futures' report (Annex B, item 6) in August 2005 on local government consultation and engagement with Māori
- Local Government New Zealand's 2004 report (Annex B, item 7) on its survey on local authority engagement with Māori. This survey contrasted the situation in 2004 with the situation that existed in 1999 when an earlier survey was done.
- The Ministry for the Environment's reports on their biennial survey of local authorities. These surveys include information on tangata whenua participation in Resource Management Act 1991 processes.

Various case studies have been compiled including:

- The soon to be published Te Puni Kokiri report referred to above includes comments on eight case studies.
- A January 2007 Local Government New Zealand report (Annex B, item 8) on five case studies on local authority/Māori engagement.
- The NZ Electoral Commission report referred to above includes case studies on various local authorities.

- A Te Puni Kokiri report of February 2006 (Annex B, item 10) on Māori and council engagement under the Resource Management Act.

Other reports looked into the level of Māori citizen's awareness of and participation in local government. These included:

- A Colmar Brunton survey commissioned by us (Annex B, item 2) conducted in late 2007 and reported on in February 2008
- Cheyne and Tawhai's report (Annex B, item 3) of July 2007

5.6 Information gathered during the 2007/8 review of the Local Government Act

In late 2007, the Local Government Commission sought submissions from local authorities and others on the review of the Local Government Act. Only one submission touched on engagement with Māori. The Society of Local Government Managers (SoLGM) noted that local authority obligations to Māori are not well understood by the community at large and public misconceptions abound, especially regarding the obligation that local authorities have to consider how to foster Māori capacity. SoLGM suggested that the review provides another opportunity for government to explain what obligations exist and why.

As mentioned in the previous section we also commissioned a nationally representative survey on the public's knowledge of, and participation in local government (Annex B, item 2). This allowed for findings by Māori as of the demographics.

The Local Government Commission's 2008 survey of local authorities included the following questions:

- What processes does the local authority have in place to provide opportunities for Māori to contribute to decision making?
- How does the local authority foster the development of Māori capacity to contribute to the decision making process?
- In what ways does the local authority provide relevant information to Māori?

Answers to questions were on the basis of not identifying the local authority.

In May 2008, Commission staff conducted interviews with local authority and Māori representatives as follows in Christchurch, Manukau and New Plymouth. These interviews were conducted on a confidential basis. A list of interviewees is set out in Annex C.

6.0 The way forward

6.1 Māori needs

In working towards the recommendations that will ultimately appear in our review of the Local Government Act 2002 and Local Electoral Act 2001 report, we have incorporated the following needs of Māori:

- Tangata whenua groups hold knowledge about their history, lands, values and aspirations. They need support to collate that information and convert it into a format that is capable of interfacing effectively with local and central government processes.
- Tangata whenua, and to a lesser extent, taura here groups are being asked to input into a variety of local and central processes. Māori groups report an expectation that they will provide this input in their own time, unpaid. Tangata whenua and taura here organisations generally lack the necessary resources and have difficulty funding and accessing expertise to develop their plans. The legislative framework has perhaps created the vehicles but there is no petrol to make the vehicle run.
- Tangata whenua, and to a lesser extent, taura here groups are faced with an array of local and central government agencies seeking separate input on matters that often raise the same issues about Māori values and aspirations. The way forward needs to include finding ways of eliminating or minimising the duplication of effort that the system requires from Māori

6.2 Local authority performance

Local authorities and others can approach their obligations to engage with tangata whenua and taura here in one, two or all three of the following ways:

- **process compliance:** “We are required to engage with Māori so we will meet the procedural requirements for doing so.”
By itself, this approach can convey a sense of going through the motions and was described by one Māori group as “paying lip service”.
- **active compliance:** “We are very interested in your views because you have a right to a say and we take that very seriously.”
This approach can convey a sense of a preparedness to take on board Māori values and aspirations, even though “we may not have those values and aspirations ourselves.”
- **active enrichment:** “Māori culture and values are part of our national identity and embracing them enriches us all.”
This approach conveys a strong sense of incorporation of Māori culture and values in a respectful way and an inclination to view the results as a benefit to the community in general.

The impression that we have is that a number of local authorities are in the active compliance space and some of them are moving into active enrichment. However, in our view a number of local authorities remain located in the process compliance space.

6.3 Actions required by local authorities

The various steps already taken by local authorities to engage with tangata whenua and taura here are in Section 5 of this report. Whilst we identify the need for central government funding (see section 6.6 later in this paper) we consider that local authorities also have some responsibilities and that all local authorities need to consider some of the actions already being taken by some of them.

Local Government New Zealand and local authorities could usefully focus on:

- obtaining greater clarity on what is tangata whenua business (everything) and what is taura here business (community wellbeing) i.e. which groups to engage with on what
- making iwi management plans and other strategic documents widely available to all parties involved in developing strategies, policies, plans and specific proposals and requiring those parties to consider such documents
- supporting tangata whenua to develop iwi management plans and taura here to develop strategic plans that can interface effectively with local authority processes and build capacity. Supportive actions could include:
 - funding or seconding a professional planner and/or other relevant experts to work with tangata whenua and taura here
 - funding or seconding relevant council staff to work with taura here on their strategic plans
 - providing office space, equipment and meeting space
 - providing training and development opportunities
 - providing relevant information and advice
 - providing peer review on drafts
 - assistance with production/printing
 - financial support
- appointing Māori to shadow positions on committees (partnered with an elected member), especially where the electoral process does not deliver a Māori voice at the table

- continuing to develop member and staff capacity to engage effectively with Māori
- creating opportunities for more local authority members and staff to engage with Māori and supporting them in that process
- meeting tangata whenua on their own ground

We do not see a whole of government approach to tangata whenua and taura here input into specific proposals. At the local level local authorities should ensure that tangata whenua are paid for their expert advice and input into specific land, resource and other proposals.

6.4 Local authority review

We consider that an independent audit of the effectiveness of local authority engagement with Māori would be useful and that periodic repeat reviews would track progress over time. Such an audit should focus on the effectiveness of the engagement rather than on the existence of protocols and agreements. The Local Government Commission and/or the Auditor – General would appear to be best placed to conduct such a review.

6.5 Information sharing and guidance

Most guidance materials focus on assisting agencies to engage more effectively with Māori. There is less recent information on Māori experiences, issues and problems, although the soon to be published Te Puni Kokiri report will explore the Māori experience and provide some guidance.

We also struggled to find any recent evidence of extensive information sharing amongst Māori or forums at which they could share their experiences, issues and problems. We think action is required in this area.

Our recommendations will take on board the following:

- Numerous reports and case studies on engagement with tangata whenua and Māori by local and central government agencies are available. We do not think further reports or case studies on their own would assist.
- One option is that the Department of Internal Affairs develop specific guidance materials for the local government area involving a more holistic approach.
- There are advantages in holding forums for tangata whenua and taura here to meet and share their experiences and for them to develop guidance via that process. Māori prefer kanohi ki te kanohi (face to face) communication. The resulting materials are more likely to meet their needs and the process will assist capacity building.

- The development of guidance material by a combination of government agencies is an option. However, we think that this is an inferior option to the one above.
- Forums need to be well planned in conjunction with Māori at national, regional and local levels.

6.6 The strategic approach

Various central and local government agencies, in pursuing their own areas of interest, are engaging with tangata whenua and Māori at a strategic level. A number of them provide support or assistance for tangata whenua and taura here capacity building and the formulation of values, aspirations and interest.

A clear, comprehensive articulation of tangata whenua and taura here values, strategic aspirations, and interests on a holistic basis meets the needs of many central and local government agencies. This also provides a sound foundation for tangata whenua to be effective across the board and for taura here to be more effective on community wellbeing and service delivery.

An iwi management plan or similar strategic document might cover some or all of the following:

- a history of the landscape and its significance and importance
- a survey of the landscape identifying significant areas, physical features and sites and the reasons why they are significant
- values and aspirations relating to land, waters, other resources and taonga
- values and aspirations relating to the four areas of wellbeing (social, economic, environmental and cultural wellbeing in the present and in the future)
- Specific matters of concern.

We believe that issues related to the Local Government Act need to be dealt with within a 'whole of government' context. Various local and central government agencies are pursuing their own kaupapa. What is missing is an overall government strategy and funding to support and assist a lift in the extent and scope of iwi management plans and other strategic plans.

A platform has been established. To raise the level of that platform we recommend a strategy that will increase the extent and scope of strategic planning.

Possible features of a future strategy include:

- a 'whole of government' funding strategy (a dedicated fund) to support tangata whenua to develop iwi management plans or similar strategic

documents that contain a clear, comprehensive articulation of tangata whenua values, strategic aspirations, and interests on a holistic basis

- a 'whole of government' funding strategy to support strategic planning by taura here organisations that are involved in community wellbeing and service delivery
- criteria for access to funding that might be based on considerations such as:
 - *tangata whenua*: representative iwi organisations that have secured recognition through fisheries, Treaty mandate or settlement processes, or other processes
 - *taura here*: Māori organisations involved in planning and delivery of social services.
- a strategy for information sharing amongst and guidance for tangata whenua and taura here (see 6.5)
- support, by local authorities, for the development of iwi management plans and strategic planning by taura here (see 6.3)

6.7 Legislative change

We have considered options for legislative change. The Local Government Act 2002 currently requires local authorities to engage with Māori. These provisions are clear. The extent to which engagement is real, however, depends more on behavioural issues than it does on what is written in legislation or in protocols or agreements for that matter. We do not consider that the legislative requirements need strengthening.

The Local Government Act 2002 also requires local authorities to consider ways to foster Māori capacity. This is not a particularly strong legislative direction. However, we do not think legislative strengthening would have any practical effect. The legislation is adequate. We think other actions would be more effective, as outlined above.

Annex A: Legislation re engagement with Māori

1 The Local Government Act 2002

The principal relevant provisions of the Local Government Act 2002 are as follows:

- Section 4 states that the provisions referred to below are designed to give recognition to the Crown's responsibilities under the Treaty.
- Section 14 sets out a set of principles including one requiring a local authority to provide opportunities for Māori to contribute to its decision making processes.
- Section 77 requires local authorities to take into account the relationship of Māori with their ancestral land, water, sites, wahi tapu, valued flora and fauna and other taonga when making significant decisions relating to land and bodies of water.
- Section 81 requires local authorities to facilitate contributions to decision making processes by Māori by:
 - establishing and maintaining processes to provide opportunities for Māori to contribute to decision making processes
 - considering ways of fostering Māori capacity to contribute to decision making
 - providing relevant information to Māori for these purposes.
- Section 82 requires local authorities to have processes to ensure that people who might be affected by a decision have access to information, are encouraged and are given the opportunity to present their views, have their views considered, and are advised of decisions and the reasons for them. Section 81 requires specific processes for consulting Māori.
- Schedule 10 requires local authorities to:
 - set out, in the long term council community plan, what it intends to do to foster Māori capacity
 - report (in its annual report) on what it has done to provide opportunities for Māori to contribute to decision making processes

2 Resource Management Act 1991

The Resource Management Act 1991 recognises Māori interests in natural and physical resources:

- section 6 recognises the national importance of the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, other taonga and historic heritage
- section 7 requires that particular regard be given to kaitiakitanga
- section 8 requires that the principles of the Treaty of Waitangi be taken into account

Various provisions require regional and territorial authorities, when preparing policies/plans, to notify relevant iwi, and take into account iwi management plans lodged with the authority.

Annex B: Significant recent reports and case studies regarding Local Authority/Māori engagement

Reports

1 *Future Directions in Iwi Management Planning*

Te Puni Kokiri – to be finalised and published mid 2008

This report will be published shortly and:

- looks at eight case studies and is based on interviews with representatives of Māori groups, local authorities, and conservation and planning companies
- summarises recent advances re iwi management plans (IMPs), provides guidance for tangata whenua on IMPs, and aims to promote stronger uptake of IMPs

Research conducted in preparing the report indicates that iwi management plans:

- provide a means for iwi/hapu to identify their objectives/policies, strengthen their decision making, and build iwi knowledge/skills
- provide a means for iwi/hapu to advance their values/objectives and influence local authorities/third parties
- enable Māori to step out of an ad hoc response mode
- have a specific legislative function regarding natural and physical resources under Resource Management Act (RMA) – the RMA requires local authorities to “take into account” IMPs when creating/changing plans
- can also be a tool for Māori to promote their social, cultural and economic development and influence planning re community development
- meet a need for central and local government by providing a basis for them to pro-actively recognise and take into account Māori values.

Research conducted in preparing the report indicates that since the Resource Management Act 1991, a significant number of iwi have developed IMPs:

- Early plans focused on identity statements and building relationship with local authorities and often lacked polices/guidance or were narrowly focused on specific matters, for example, waahi tapu.
- Later plans have moved to strategically focused planning tools relating to the environment. Some have also focused on community outcomes.

- Some iwi welcomed local authority involvement in developing their IMPs because of the need to interface with LA planning policies/processes etc. Some iwi were disinclined to involve local authorities and some local authorities were reluctant to be involved.
- Recent IMPs:
 - emphasise translating customary concepts/values into planning language
 - are well researched/structured/written with clear sense of purpose/audience and clear policies/objectives/methods
 - focus on targeting specific outcomes

Research conducted in preparing the report indicates that support available in the past or present included:

- the Ministry for the Environment's Sustainable Management Fund
- Te Puni Kokiri funding
- funding from some local authorities
- information/mapping assistance from the Department of Conservation
- support in kind from local authorities and some government agencies, including funding a professional planner to work with the group, cadetships and secondments, advice/support/information, peer review, assistance with production/printing, financial support.

Research conducted, in preparing the report, indicates:

- an increasingly better relationships/engagement processes, but there is a need to focus on getting tangible results
- increased capacity/expertise and greater internal cohesion within Māori groups
- a recent trend to involve Māori in wider range of community outcomes

Local authority support varies - some provided funding/support and embraced IMP process as a way to build Māori capacity and provide a basis for informing local authorities about iwi values etc. Government departments and consultancy firms said IMPs were valuable in that they informed them of iwi values/aspirations and facilitated pro-active relationships

Māori/local authorities agree that IMPs have not been as effective or influential as they could be. Reasons include:

- lack of guidance and support for iwi/hapu
- other priorities facing iwi/hapu
- lack of established relationships between hapu/iwi and local authorities
- local authorities being poorly equipped to address IMPs.

Guidance, flowing from the eight case studies, covers the three stages in developing an iwi management plan – see item 11 below). :

Research conducted, in preparing the report, identified various issues including:

- the costs of developing an IMP are in the \$20,000 to \$200,000 range. There is a lack of any dedicated fund for IMP development
- a lack of information sharing between iwi/hapu
- iwi problems accessing the required resources and skills.

2 National Survey 2007: Knowledge of and participation in local government –final report

February 2008 for the Local Government Commission by Colmar Brunton

This report was based on a telephone survey of 1,035 New Zealand adults in late 2007. It surveyed knowledge of local government and its processes and voting behaviour. The report contrasts the views of various gender, age, ethnic, income etc groups on a variety of matters and is not directly relevant to local authority engagement (with iwi/Māori representative structures) processes but is indicative of the degree to which individual Māori feel engaged in local government.

Specific observations re Māori included:

- 53% of Māori rated their knowledge of the council as “do not know much” compared with 45% for all respondents.
- 30% of Māori were not aware of the difference between regional and local councils compared with 22% for all respondents.
- 65% of Māori voters (compared with 51% for other voters) are aware of the long term council community plans but 21% of Māori non voters are aware (compared with 34% of other non voters).
- 53% of Māori were aware of the council’s role to promote community well being compared with 40% for non Māori.
- Māori were more likely (33%) than others (18%) to be dissatisfied with the council’s contribution to community wellbeing.
- Māori (42%) are more likely than others (15%) to mention poor facilities and services.
- Māori (10%) are less likely than others (32%) to mention poor planning, management or processes.

- Māori (28%) are more likely than others (16%) to disagree that the council considers future generations.
- Māori (87%) are more likely than others (81%) to consider it important to have a say in council decisions.
- On ways that people can influence the council, Māori were less likely than others to mention voting (12% v 25%) or writing a letter (13% v 28%) but more likely (13% v 8%) to mention contacting the media.
- On most effective way to influence council, Māori were more likely than others to attend meetings run by the council (81% v 68%) or by members of the public (76% v 68%).

3 *He Wharemoa Te Rakau, Ka Mahue - Māori engagement with local government*

July 2007 Christine M Cheyne and Veronica M H Tawhai

The report overall:

- explores Māori knowledge, experiences and perspectives of local government
- is based on focus group discussions involving a cross section of Māori
- is not directly relevant to local authority engagement (with iwi/Māori representative structures) processes but is indicative of the degree to which individual Māori feel engaged in local government

Conclusions include:

- Māori had high level knowledge about LA responsibilities but low level knowledge of structures/processes/avenues to participate and a low level of participation.
- Māori found information hard to obtain/not user friendly.
- Māori had a positive view of services local authorities offer but had a perception of poor provision/access.
- Māori perceived little scope for Māori representation/issues/perspectives, and considered consultation to be not genuine/after the fact.

Recommendations include:

- more media coverage re local government
- more use of internet, cellphones, CD roms, DVDs
- forums for engaging with Māori
- information tailored for different Māori groups

- trained front line/first contact people
- greater visibility (offices in the community after hours, attendance at community events, hui on marae)
- greater representation of Māori at all levels, commitment to Māori kaupapa/tikanga, power sharing/effective communication networks with Māori communities, regular meetings with mana whenua.

4 *The participation and engagement of Māori in decision-making processes and other government initiatives. A literature review prepared for the Electoral Commission*
4 December 2006 Research New Zealand

This literature review covers engagement with Māori by central government, local government and district health boards and focuses on:

- what underpins Māori engagement/participation in public decision-making
- what external factors can impact on Māori participation/engagement
- how government departments and agencies have engaged with Māori.

Key points included:

- In recent years, local authorities and district health boards framed their relationships with Māori within legislative frameworks which have required them to reconsider their relationships. Many have formalised their relationships in memoranda or charters of understanding.
- There is little available information on why Māori participation rates are lower than desired.
- The main sources of information were government and local government - Māori groups were not directly contacted.

5 *Māori tribal governance arrangements and their relevance to local government*
11 December 2008 research paper by Jeff Farrell

This research paper was part of Mr Farrell's Master of Public Management programme. The objective was to identify iwi governance arrangements and determine their relevance to local government. The report was based on information from existing sources plus interviews with small numbers of local authority people and Māori.

Key relevant points included:

- Māori governance structures are evolving
 - Urban Māori organisations have emerged
 - Iwi Māori structures remain dominant, Treaty settlements are driving iwi governance structures accountable to members in place of trust boards accountable to Minister. Iwi governance structures are growing in number and strengthening as Treaty settlements occur and settlement assets begin generating income.
- Local authorities must foster Māori capacity to engage effectively and lack of capacity is a problem.
- Local authority councillors/staff are often weak on capacity to engage, and lack understanding of Māori.
- Local Government New Zealand has promoted local authorities to build their capacity to engage with Māori, did a survey in 1997 and repeated it in 2004, and has issued good practice guides. Reports indicate significant efforts by local authorities and Māori to develop meaningful relationships.

6 *Local government consultation and engagement with Māori* *August 2005 Local Futures*

The report draws on published sources (including much from the 2004 Local Government New Zealand report – see below) and reviews consultation practices in 19 local authorities.

Key points included:

- Prompted mostly by the Resource Management act, local authorities have developed processes/structures and practices for engaging/consulting with Māori.
- Engagement involved more than merely consulting.
- Māori are complex – there are a variety of groups:
 - waka, iwi, hapu, whanau, groups
 - Tangata whenua and taura here
 - runanga, iwi authority, urban authority
- Various local authorities have set up structures:
 - 10 of the 19 local authorities have a formally recognised committee in their political structure. Most are tangata whenua (some multi – iwi) but some both tangata whenua and taura here
 - 7 of the 19 have Māori representatives on committees
 - 4 of the 19 assign Māori affairs to a councillor of committee

- Almost all of the 19 have a formal agreement with tangata whenua groups(s) which provides for engagement/consultation processes/meetings.
- Various local authorities have dedicated staff to deal with Māori issues.
- Some provide training to staff/councillors re range of Māori matters.
- A few monitor the effectiveness of their relationships with Māori.
- A gap in the research is Māori views on engagement with local authorities.
- Capacity is an issue both for Māori (re planning, processes etc) and for local authorities (re reo, tikanga, how to relate to Māori etc).
- Funding is an issue for Māori.
- Local authorities have been particularly active in identifying the status of iwi/Māori groups and many have built relationships with a range of groups.
- Māori groups want to move to pro-active involvement regarding resource management planning.
- Developing strong ongoing relationships/collaborative partnerships with Māori organisations leads to reduced conflict/effective consultation compared to engaging on specific issues as they arise.
- Local authorities have developed a range of structures/processes including relationship agreements, Māori committees, co-opting Māori onto committees and Māori liaison staff. There are stronger arrangements with tangata whenua but some have progressed relationships with taura here.
- Kanohi ki te kanohi underpinned by formal relationship strategies are important for effective engagement.
- Māori organisations may be best placed to supply Māori specific resources directly to Māori.

The report also contains case studies (see under case studies below).

7 Local authority engagement with Māori: Survey of Current Council Practices

July 2004 Local Government New Zealand

The report:

- is based on a survey of all local authorities
- outlines policies/practices in local authorities
- compares 2004 results with those in an earlier (1997) survey.

Conclusions included:

- all 86 local authorities (100%) responded to the survey. In 1997, 64 (74%) responded
- formal process for consulting with Māori
 - 2004: 69 of the 86
 - 1997: 16 of the 64
- processes for informal consultation/information sharing:
 - 2004: 79 of the 86
 - 1997: 11 of the 64
- On particular types of initiatives:
 - 43 local authorities hold iwi management plans
 - 55 provide funding for one or more joint initiatives with Māori, 41 have projects to work with the Māori community, and 22 have established a co-management regime for managing a site, activity or resource
 - 57 provided internal training (councillors and staff) on subjects such as statutory obligations, the Treaty, Māori language/culture, marae protocols
- Some additional specifics included:
 - Various local authorities have set up Māori standing/advisory committees (39), involved iwi/hapu reps in sub – committees/working groups (42), and/or scheduled regular meetings with Māori organisations
 - Environment Bay of Plenty has established Māori wards
 - Various local authorities have established relationship agreements with iwi representative organisations (44, compared with 22 in 1997)
 - Various local authorities have dedicated iwi liaison/policy staff (32 compared with 12 in 1997).

8 *Management: case studies involving Local Authorities and Māori* January 2007 Local Government New Zealand

The report sets out five case studies of co-management and identifies important elements of co-management arrangements:

- Acknowledgement of iwi history/circumstances: characteristics included some/all of the following:
 - acknowledgement of the historical/cultural importance to iwi of the particular area
 - iwi/hapu links to the area
 - the history of engagement between the local authority and iwi prior to co – management
 - Māori land ownership nearby
- Goals/objectives:
 - agreed goals were important
 - important for Māori:
 - Regaining/restoring mana
 - Active kaitiakitanga role
 - Building a relationship with the local authority
 - important for local authorities:
 - Developing a relationship with/understanding of Māori
 - Meeting legislative requirements to engage/involve Māori
 - Reducing appeals over plans
 - Public benefit (enhanced enjoyment of reserve)
- Strong leadership
- Planning:
 - building capacity/capability within local authorities and iwi
 - succession planning
 - lengthy consultation
- Addressing the challenges of co-management
 - strong communication
 - succession planning
 - administrative support
 - capacity building
 - reasonable time frames

9 *The participation and engagement of Māori in decision-making processes and other government initiatives. A literature review prepared for the Electoral Commission*

4 December 2006 Research New Zealand

The report contains case studies:

- Environment Bay of Plenty's long term community plan. Features included:
 - relationship principles: accessibility (providing information in a way that meets preferences/needs), participation (encouraging presentation of views), clarity (re purpose of consultation & scope of decisions to be made), flexibility (opportunity for Māori to present views in ways that suit), openness (open mind, due consideration), responsiveness (feedback on decisions/reasons)
 - developing capacity: Māori constituency seats, assistance to prepare resource management plans, Māori representative committee and opportunities for input on activities & processes and plans & strategies
 - database of iwi contacts
 - regional newsletters and a regular column in Regional Guardian
 - a Treaty toolbox to guide councillors/staff/public
 - support for enhanced relationships
 - investigation of barriers and exploration of new methods of engagement
 - documents in te reo, interpreters for presenters who wanted to present in Māori
 - memorandum of understanding re statutory acknowledgements in Treaty settlements
 - iwi consultation guidelines for resource consent applicants
- Māori standing committees:
 - Waitakere: 2 councillors plus 10 representatives of iwi, marae, Māori Women's Welfare league, Waipareira Trust
 - Rangitikei: tangata whenua and Ratana representatives
 - Matamata – Piako
- Advisory bodies in various local authorities
- local authority staffing in various local authorities

- Manukau: strategic plan to implement the Treaty including strategy/planning/policy, building local authority capacity/capability, establishing effective relationships, establishing a Treaty team (staff), a Treaty toolbox (historical information, how to consult with tangata whenua/taura here/urban authorities, protocols for events, core competency system)
- Bay of Plenty Regional Council has established Māori seats (empowering Act 2001)
- Consultation processes:
 - Manukau – council met Māori and asked how they wanted to be involved in ‘Tomorrow’s Manukau’, Tauranga did the same
 - Nelson - networks with organisations/individuals who work with urban Māori to get taura here input, Manukau works via pan Māori organisations, Waitakere has Waipareira Trust alongside tangata whenua on standing committee and focuses mainly on community/social/employment areas
- Inter-agency project in Waikato:
 - 2003 project involving central government (Department of Internal Affairs, Te Puni Kokiri, Ministry of Social Development), local government, district health board and key Māori community organisations
 - aimed to assist local government to build Māori capacity to participate, encourage participation, develop resource kit (government processes and opportunities to participate), planning workshop, facilitate effective partnerships, develop resources, develop/utilise community skill base
 - since 2005, focused on community development facilitation process – Māori communities identify own issues, agencies broker relationships to work on issues, information provided to support Māori community participation, community issues hui.

10 Te Kotahitanga o te Whakahaere Rawa – Māori and council engagement under the Resource Management Act 1991
February 2006 report by Te Puni Kokiri

This report is based on information gathered from selected iwi/hapu groups and the corresponding local authorities regarding engagement under the Resource Management Act. Key points:

- Effective relationships were based on strong personal relationships, built through ongoing engagement, confirmed/clarified in formal relationship documents, supported by strong structural arrangements, and went beyond legal adherence to an appreciation of the role of tangata whenua.

- Māori participation in resource management processes is primarily at the consent stage. Māori want to move from reactive to pro-active participation at planning/policy stage but there are capacity/capability barriers.
- 11 out of 18 Māori groups were not involved in development of regional/district plans. Reasons included lack of local authority processes, other iwi priorities, scepticism from the past, insufficient resources (Māori groups, some local authorities), lack of Māori planners/senior Māori local authority staff, cost/length and complexity of process, lack of awareness, difficulty translating Māori values into planning etc, lack of iwi management plans, lack of direction/resources from central government.
- Effectiveness of local authority iwi liaison staff depended on independence/status, budget.
- In multi iwi situations, pan iwi committees/forums have been effective.
- All local authorities provided some form of administrative support to Māori groups and some helped fund iwi management plans. Some local authorities regard Māori input as expert opinion and pay accordingly.
- Local authorities and Māori considered central government should resolve the resourcing question in legislation.
- Lack of capacity is a big issue as is costs of participating. Many small/medium sized Māori groups lack the administrative capacity to engage.

Significant recent good practice guides regarding Local Authority/Māori engagement

11 *Future Directions in Iwi Management Planning*

Report by Te Puni Kokiri – to be finalised and published mid 2008

The report will provide guidance on:

- Pre – planning (purpose, scope, audience, resource/skill needs, governance & management structures)
- Plan development (involvement of Kaumatua, researchers, and experts; identifying and articulating iwi/hapu concepts/values; identifying issues, objectives, policies processes, and methods; consulting with third parties; refining the plan; getting iwi/hapu buy in; monitoring and evaluating the plan)
- Post plan actions (notification to local authorities and others, spreading awareness; applying the plan)

12 Local Government NZ: ongoing project

Local Government New Zealand:

- is working on a long term project to help build stronger relationships between iwi/hapu/Māori groups and local authorities
- has a reference group with participants from local authorities and iwi/hapu/Māori groups
- will develop resources over time (case studies, tools/information etc on the web e.g. see items above and below)

13 *Frequently asked questions on Council - Māori engagement* October 2007 guide by Local Government New Zealand

This guidance document (and summary pamphlet) answers FAQs on 'why', 'how to', and 'about what'. Matters covered include:

- the benefits of engagement and the responsibility to engage
- how to build effective relationships and engagement processes
- Māori representation
- issues of significance
- How to find out more.

14 *Using the cultural health index: how to assess the health of streams and waterways* February 2006 guide by the Ministry for the Environment

This is a guide to incorporating cultural perspectives/values into water management decision-making. It is aimed at allowing Māori to participate meaningfully in decision-making and assists Māori to assess the cultural health of waterways.

15 *Effective participation in resource consent processes: a guide for tangata whenua* March 2005 guide by the Ministry for the Environment

This is guide for tangata whenua aimed at equipping them to participate effectively in resource consent processes.

16 *The LGKnowHow seminar workshops: Māori provisions of the LGA 2002* (December 2003 materials produced by the Department of Internal Affairs)

In December 2003, the Department of Internal Affairs produced notes that summarised the outcomes from LGKnowHow workshops on Māori provisions

in the Local Government Act. The workshops and notes were designed to assist local authorities to implement Local Government Act requirements and covered:

- cross cutting themes:
 - talking to the right people
 - raising the capability of local authority staff
 - increasing trust in local government
 - establishing effective relationships
 - effective communications

- consultation with Māori:
 - capability
 - costs to local government
 - costs to Māori
 - location and process

- participation of Māori in decision-making processes

17 *Whakamau ki Nga Kaupapa – Making the best of iwi management plans under the Resource Management Act 1991* (June 2001 guide by the Ministry for the Environment)

This guide provides advice to local authorities on how council staff can work effectively with iwi using iwi management plans as a starting point.

18 *Te Raranga a Mahi: Developing Environmental Management Plans for Whanau, Hapu and Iwi*
August 2000 guide by the Ministry for the Environment

This comprehensive guidance manual provides whanau, iwi and hapu with tools to prepare environmental management plans/iwi management plans. It contains a step by step toolkit and templates to use at various stages of the process required to develop a plan.

Other significant materials

Other earlier materials and materials tailored for non local government audiences include:

- Ministry for the Environment May 2003. *Talking constructively: a practical guide for building agreements between iwi, hapu and whanau, and local authorities*

- Parliamentary Commissioner for the Environment 1998 *Kaitiakitanga and local government: Tangata whenua participation in environmental management* (covers the first few years of the Resource Management Act)

- Director-General of Health updated *Kawe Korero: Guidelines for communicating with Māori* (sets out practical information and advice about engaging effectively with Māori)
- Ministry for the Environment January 1998 *He Tohu Whakamarama: A report on the interactions between local government and Māori organisations*

Annex C: Local authorities and Māori representatives interviewed

Christchurch

Te Runanga o Ngai Tahu

- Donald Couch: Deputy Kaiwhakahaere
- Paul Horgan: Environmental Advisor

Environment Canterbury

- John Glennie: Natural Resources Policy Manager, Environment Canterbury
- Bob Tai: Māori Liaison Manager, Environment Canterbury
- Jude Pani: Manager Secretariat Democracy Services, Environment Canterbury

Manukau

Manawhenua forum

- Lucy Tukua: Deputy Chair and Ngati Paoa

Te Ora o Manukau (collective of Māori signatories to “healthy cities”)

- Tony Kake (Chair)
- Lee Cherie King (Pae Arahi)

Manukau City Council

- Moana Herewini: Manager, Te Tiriti o Waitangi Relationships
- Ree Anderson: Director, Environment

New Plymouth

Te Atiawa:

- Grant Knuckey: Deputy Chairperson, NPDC Iwi Liaison Committee and Chairperson of Puketapu Hapu
- Peter Moreahu: Puketapu Hapu, Ngati Te Whiti
- Anaru Wilkie: Puketapu Hapu

New Plymouth City Council

- Aroha Chamberlain: Kaitakawaenga of Iwi Relationship Team
- Louise Tester: Senior Policy Analyst, Corporate Policy and Strategy