

# Council-Māori Participation Arrangements

Information for councils and Māori when considering their arrangements to engage and work with each other

June 2017



**We are.  
LGNZ.**

**Foreword** p3

**Executive summary** p6

**1> Introduction** p8

**2> Engagement and consultation processes** p10

**3> Relationship agreements/memoranda of understanding** p12

**4> Representation and advisory structures** p14

**5> Formal agreements and joint entities** p17

**6> Council tools and practices to improve engagement** p21

**7> Discussion** p24

# Foreword

## Foreword



An opportunity exists for all local authorities to establish meaningful and ongoing relationships with Māori organisations within their cities, districts and regions.

The importance of the relationship between local government and Māori is reflected at a national level in the Memorandum of Understanding that Local Government New Zealand (LGNZ)

signed with the Iwi Chairs Forum in 2015.

Councils operate under a number of statutory regimes that require interaction and a relationship with Māori. Underpinning this is the assumption that dialogue should occur in order to understand the values, aspirations and interest of Māori organisations. The two dominant frameworks are the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA), but provisions are also found in a range of other legislation including that governing reserves, coastal management, flood management and transport.

Yet building relationships with Māori is not simply a matter of complying with legislation. Councils need to recognise, and be responsive to, the nature and diversity of their communities. In particular, they should recognise the mandate and structures established by Māori within their communities. How this occurs, in addition to requirements set out in legislation, should be a matter of mutual negotiation that suits the particular context.

Recent Treaty of Waitangi settlements have introduced new arrangements involving local authorities and Māori working together on strategy, policy and governance. Some local authorities have also moved to a new level of governance arrangement independently of Treaty settlement outcomes. This report summarises the arrangements in place across New Zealand and will give councils and Māori examples as they consider what will work best for their own circumstances.

LGNZ is helping to build stronger relationships between councils and Māori groups to support community wellbeing, by preparing a number of resources to assist councils.

I am pleased that LGNZ has worked with Te Puni Kōkiri (TPK) and the Ministry for the Environment (MfE) to bring this information together to assist Māori and local authorities.

A handwritten signature in black ink, appearing to read 'L. Yule'.

Lawrence Yule  
President  
Local Government New Zealand

## Foreword



Tēnā koutou katoa, ngā piringa karanga maha o ngā kaunihera o te motu, ki runga i ngā tini ahuatanga o te ao hurihuri nei. No reira, rau rangatira ma, tēnā koutou katoa.

When I look at the cover of this document and see that beautiful taonga pounamu, I don't just see a piece of jewellery. I see a representation of a toki (adze) and think of the past, present and future

of creativity, of things hewn from our natural resources which may just have the most menial function ... or possibly the most sacred.

I see the pounamu and think about the waterway it came from, the people who lived, live and will live there and their relationships to the water and each other. I think of our southern iwi, the rightful assertion of their mana over the taonga and their restrictions on its unfettered exploitation.

I see the colours, the inclusions and seams within the stone, the nuances of light and dark which will perform differently when held up to sunlight as opposed to sitting on the wearer's skin or the beneath the bright lights of a souvenir shop. I wonder who will wear it, what the occasions will be and where in the world it might travel to.

I recognise the skill of the artisan who saw the potential in the raw material, who understood the inherent beauty just waiting to be uncovered, who cut and shaped and polished the stone for many hours to get it to its present state. I think about who taught them and the whakapapa of that knowledge. I admire the dexterity needed to do the binding and plaiting of the chord, the patience, the practice and the honing of skills over years to finish the piece so beautifully.

I acknowledge its absolute individuality, its oneness, its autonomy and its ability to stand apart from the rest as recognisable within its own right, while still being connected to and part of the wider cultural narrative spanning millenia and generations. And finally, I appreciate its declaration of power and productivity, of unlimited potential and its promise of even more.

So what does all this have to do with the local government sector and relationships with Māori? Everything actually. I've just outlined the difference between just looking at something at face value versus actually seeing it, engaging with it, questioning it, reflecting on it, trusting it and believing in it.

Such is the potential for local and territorial authorities to create deeper, more meaningful interaction if they understand and appreciate that Te Ao Māori is all about interconnectedness. Nothing can be regarded in isolation. Just like the image on the cover of this document representing more than a piece of jewellery, everything for Māori is more than just a submission on a resource consent or a random comment or an autonomous decision at a hui.

Everything needs wider consideration because for Māori there are far-reaching implications across the the many realms which have become siloed portfolios within the Western management model. In Te Ao Māori, there is no separation, no divorce of accountability and responsibility between air, earth, water, flora, fauna and people. Different, but connected, just like councils' inter-related plans and policies and schedules and understanding of inter-generational equity.

There are many varied and nuanced ways in which local government can work with Māori, as outlined in this document. There is no singular answer, there is no sole correct structure. There is no one definitive response to the oft-proposed questions "what do Māori want?"

This document outlines some of those responses, which may or may not suit your people and your circumstances. The purpose of this document is not to tell you how to do things, but is instead to merely highlight that things can - and should - be done according to the needs within your communities.

Like the taonga gracing the cover of this resource, there are many stories, people, places, history, the present and the future all entwined in Te Ao Māori that affect us all, regardless of our whakapapa, how long we've been here and what our belief systems are. What's good for Māori is good for Aotearoa and what's good for Aotearoa benefits us in the here and now - and the generations to come.

*Nou te rourou, naku te rourou, ka ora tonu te iwi - by the contributions from your food basket and mine, the people will flourish.*

No reira, huri noa te motu, tēnā koutou katoa.

Bonita Bigham  
Chairperson - Te Maruata  
Councillor - South Taranki District Council

# **Executive summary**

In 2015, TPK, with support from MfE, developed a stocktake of council-iwi participation arrangements (“the stocktake”). The stocktake was based on a review of readily available public information, and included both voluntary arrangements, and arrangements developed under the RMA and LGA, as well as those delivered through Treaty of Waitangi settlements.

This report reflects some of the information gathered in the stocktake and provides examples of the different types of arrangements currently used by Māori and councils across New Zealand. There is a spectrum of arrangements from informal processes through to formal joint decision-making entities. For convenience, this report groups the arrangements under five broad categories as follows:

1. **engagement and consultation processes;**
2. **relationship agreements/memoranda of understanding** that set out how council and Māori will work together;
3. **representation and advisory structures;**
4. **formal agreements and joint entities;** and
5. **local authority tools and practices.**

This review highlighted that the arrangements are highly variable and tend to evolve over time. One key consideration on the adequacy of the current arrangement is related to the capacity of each party to engage at all levels, with a clear understanding of their mutual and individual goals, and transparent decision-making/engagement processes.

The scope of the review did not extend to assessing the success, limitations, advantages or disadvantages of the arrangements. Opportunities for further work include assessing the strengths of the different arrangements and relationships, and further understanding their effectiveness and limitations in order to determine what arrangements help facilitate a successful relationship and why.

This report does not cover the recent Mana Whakahono ā Rohe agreements that have recently been provided for through the RMA reforms. However, it will be useful as Māori and councils consider what type of arrangement they want to put in place, to respond to the expectations created by Mana Whakahono ā Rohe agreements.



# 1

# Introduction



The relationships between local authorities and Māori are strategically important for both and are based on a range of statutory and non-statutory instruments.

Although the Treaty of Waitangi is between Māori and the Crown, the LGA imposes certain obligations on local government to reflect those Treaty obligations. One of those is an obligation to provide an opportunity for Māori to contribute to the decision-making processes of a local authority. There is a range of other legislation that also imposes obligations on local government in relation to both the Treaty and Māori interests and values more generally.

Compliance with legislation is important for local authorities, but it should not be the sole basis for building relationships. There has been significant process in the building of relationships between local government and Māori. While those relationships have not always been strong or prominent, many local authorities now have developing and strong relationships with Māori in their district or region. In some cases, Treaty settlements have been the catalyst for this, and in many cases there has been a significant improvement in the knowledge and understanding of tikanga Māori and of the role of local government. There are many opportunities for mutual benefit and advancement that are now being realised.

Since 2002, LGNZ has been active in helping to build stronger relationships between local authorities and Māori to support community wellbeing, by preparing a number of resources to assist councils. Te Maruata, a sub-committee of the National Council of LGNZ, assists through promoting increased representation of Māori as elected members of local government, enhancing Māori participation in local government processes, providing the necessary support to councils, and providing Māori input on development of future policies or legislation relating to local government. These resources can be found on LGNZ's website under the online library on Local Authority-Māori arrangements.<sup>1</sup>

This report, commissioned by LGNZ, is a review and analysis of the information contained within the stocktake. The kaupapa (purpose /agreed principles of the work) was to group the participation arrangements according to what underpins them and describe the various practices, tools and processes used by councils and iwi to engage and enhance their relationships. It is designed to provide high-level guidance for Māori and local authorities wishing to strengthen their level of engagement. The various forms of engagement are collectively referred to as council-Māori participation arrangements.

This report adds to LGNZ's library on Local Authority-Māori arrangements. LGNZ's first report on this subject was prepared in 2007 and can be downloaded from the LGNZ website. Previous work by LGNZ in this area includes the 2011 paper "Council Māori Engagement: The ongoing story" and "Frequently asked questions on Council-Māori engagement" (2007).

Input and comment has not been sought from the Māori within these arrangements and the report does not seek to assess or evaluate the effectiveness of these arrangements. In addition, the report does not take into account the geographic, environmental, demographic or financial variances between councils, or the willingness of Māori to be involved in council activities and processes. These factors can all have differing impacts on the ability of councils to establish and maintain effective relationships.

The report groups participation arrangements under five broad headings (with subheadings), as outlined below. These groupings are intended to help provide a better understanding of the different arrangements that exist, how they function, and to provide some examples within each group. It is important to note there can be considerable overlap between the different groupings and individual arrangements may comprise elements from a number of groupings. In many cases, a suite of arrangements, council structures and tools are used to deliver on the broader council – Māori relationships.

As noted above, this report groups the arrangements under five broad categories as follows:

1. **engagement and consultation processes;**
2. **relationship agreements/memoranda of understanding** that set out how council and Māori will work together;
3. **representation and advisory structures;**
4. **formal agreements and joint entities;** and
5. **local authority tools and practices.**



<sup>1</sup> <http://www.lgnz.co.nz/home/nzs-local-government/council-ma/>

# 2

## **Engagement and consultation processes**

Engagement and consultation processes are key mechanisms to support the relationship between Māori and local authorities and are used extensively across the country. These processes not only recognise the mana of Māori in their local area, but also provide an important tool for information gathering and the exchange of ideas.

Engagement and consultation processes are not only seen as good practice and supporting working relationships, but are also required by legislation in a number of cases. For example:

- under the LGA, local authorities are required to have consultation processes in place with Māori;
- under the RMA, local authorities are required to consult with Māori early in the statutory planning processes;
- under the Land Transport Management Act 2003 there are specific requirements on local authorities to consult with Māori; and
- a number of Treaty settlement statutes require local authorities to engage with Māori in relation to certain areas and processes.

Even if there are no specific obligations to consult with Māori, often this is appropriate and necessary to ensure that local authorities can make informed decisions in relation to Māori values and interests.

The processes for engagement and consultation are often captured in relationship agreements, which are discussed further below.

The manner of engagement/consultation needs to be appropriate for the particular circumstances. Section 82 of the LGA sets out the following general principles of consultation:

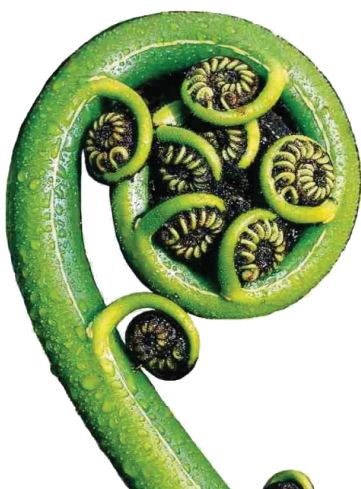
- that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons;

- that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority;
- that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented;
- that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons;
- that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration; and
- that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

A local authority is required under the LGA to have in place processes for consulting with Māori in accordance with these principles.

One challenge faced by local authorities and Māori across the country is to co-ordinate and integrate the many streams of engagement within even one local authority and a Māori group.

While engagement and consultation will always be important tools, relationships between Māori and local government are evolving and include joint entities and decision-making and joint venture or partnering on commercial and other projects.



# 3

**Relationship  
agreements/  
memoranda of  
understanding**

Many local authorities have and continue to use relationship agreements as a mechanism to record and build relationships with Māori.

Memoranda of understanding (MoU); memoranda of partnership; charters; and protocols are types of relationship agreements commonly used to provide a platform for a relationship between a local authority and a Māori group. The stocktake found that MoU and relationship agreements are in common use across councils nationwide.

The nature and purpose of the arrangements varies, from simply establishing a joint intent to work together (requiring the parties to act in good faith, agreeing to acknowledge the Māori world view, terms around processing resource consents and plan making), to addressing resource management issues in a particular area (for example a harbour, river or lake).

In most cases the agreements include a commitment to regular meetings for both parties to provide the necessary resources to work together, along with various council structures and tools to help implement the relationship (covered in later sections of the report). Examples include:

- The MoU between Waimakariri District Council and Te Ngāi Tūāhuriri Rūnanga provides for input to council projects and processes facilitated by monthly meetings with representatives of the Rūnanga Executive Management Committee. Forum meetings also provide for regular updates to the Rūnanga about council projects and activities, and give a chance for the Rūnanga to provide feedback.
- Wellington City Council has a MoU with two mandated iwi Post-Settlement Governance Entities (PSGEs): Te Rūnanga o Toa Rangatira Incorporated and Port Nicholson Block Settlement Trust. New draft MoU include Capacity Funding Agreements (CFAs) that acknowledge and support the capacity contribution by the PSGEs to the MoU.
- Tararua District Council has an MoU with Rangitāne and Ngāti Kahungunu which outlines a detailed policy for the development of Māori capacity to participate in council decision-making as required by the LGA.

- Te Uru Taumatua (post Treaty settlement entity for Ngāi Tūhoe) and its neighbouring councils entered into two protocol agreements in 2013:
  - Relationship Protocol between Te Uru Taumatua and the Bay of Plenty Regional Council. The purpose of the protocol is to increase the opportunity for engagement and input over shared goals, projects and initiatives. This protocol has set a clear platform to ensure councils interact in a timely and appropriate manner.
  - Integrated Planning Protocol between Te Uru Taumatua, the Bay of Plenty Regional Council, Hawke's Bay Regional Council, Wairoa District Council and the Whakatāne District Council. This protocol seeks to promote effective engagement and prevent misunderstandings around respective roles and statutory obligations. Given the Tūhoe rohe is intersected by multiple councils, this protocol is a useful mechanism.
- The Auckland Council has a Mana Whenua relationship agreement template for the purposes of entering into relationship agreements with mana whenua.
- Since 1994, the Kāpiti Coast District Council has had a Memorandum of Partnership in place with each of the three iwi. The goal of the partnership is to forge a relationship of mutual benefit between the Kāpiti Coast District Council and the tangata whenua that will develop into an effective and meaningful partnership. The partnership is managed by the council partnership committee, Te Whakaminenga o Kāpiti.
- A Charter of Understanding was established between seven councils (Environment Southland, Invercargill City Council, Gore District Council, Southland District Council, Queenstown Lakes District Council, Clutha District Council, and Otago Regional Council) and Ngāi Tahu ki Murihiku, in 1997. Te Aō Marama Inc represents the four Murihiku Rūnanga and is the point of contact for resource consent applicants in Murihiku.



# 4

## Representation and advisory structures

A number of local authorities provide for Māori representation on committees while some local authorities have formal Māori constituencies. In other cases, local authorities have in place Māori advisory committees or structures. Committees can exist of both elected and appointed members.

### Membership on Committees

Many councils have standing committees with Māori representation. Māori members can be full members with voting rights, or be observers, who generally have the right to speak but not vote.

Examples of standing committees with Māori appointed members with voting rights include:

- The Te Arawa partnership provides for Māori appointees with voting rights on two of the committees of the Rotorua Lakes Council.
- Napier City Council's resource consent hearing committee, which has one Māori appointee with full voting rights.
- In Clutha, Māori representatives are nominated to all committees when deemed appropriate. For example, there are two representatives from Hokonui and Otakou rūnanga who have voting rights on council's wastewater and solid waste working parties.
- In Kāpiti, Māori have representation on the standing committees and tangata whenua working parties which contribute to significant council work programmes. Candidates apply to sit on these committees, they are interviewed by Te Whakaminenga o Kāpiti and appointed by Council. The Chair of the partnership committee also has the ability to attend full meetings of council.
- Marlborough District Council has an iwi representative on each of its standing committees. These appointed representatives have full speaking and voting rights as accorded to elected members.
- In Auckland, the Independent Māori Statutory Board (IMSB) is represented on 16 Auckland Council committees. The IMSB promotes the advancement of issues for mana whenua and mātāwaka (Māori living in the Auckland region whose traditional rohe is not Auckland). In addition, they are represented on working parties and hearings panels and various fora.
- The Chair of the Māori Committee for Hawke's Bay Regional Council is an ex-officio member at council meetings with speaking rights only. There are two Māori appointees with full voting rights on the Environmental Management Committee, the Asset Management and Biosecurity Committee, and the Strategic Planning and Finance Committee. There is also one Māori

appointee with full voting rights on the Hearings Committee and one to the full Council.

- Ngāi Tahu's Te Rūnanga o Moeraki has representation on a number of Waitaki District Council committees including the Harbour and Heritage Sub-Committee, the Physical Activity and Walking and Cycling Strategy Implementation Group, the North Otago Museum Advisory Group, the Grants and Awards Sub-Committee, and the Culture and Heritage Group.

Examples of committees where iwi representatives have observer status include:

- Central Hawke's Bay District Council - representatives of Te Taiwhenua o Tamatea (all nine marae in Central Hawke's Bay) are invited to every scheduled ordinary, special, and extraordinary meeting of full council.
- Timaru City Council - there is Māori representation on the Safer Communities Committee and Local Arts Assessment Committee.
- Wellington City Council - the Strategy and Planning Committee has two non-elected members appointed to it, a representative from Port Nicholson Block Settlement Trust and a representative from Te Rūnanga o Toa Rangatira.
- West Coast Regional Council has no formal arrangements with iwi, however they invite representation on its Resource Management Committee from local rūnanga, Te Runaka o Ngāti Waewae, and Te Rūnanga o Makaawhio.

### Maōri wards or constituencies

The Local Electoral Act 2001 allows a local authority to establish Māori wards (in the case of a territorial authority) or constituencies (in the case of a regional council) for which eligible voters must be enrolled on the Māori roll. A council can establish a ward or constituency by passing a resolution to that effect, as in the case of Waikato Regional Council, or as a result of a binding poll. Polls can also reverse a council decision. Examples include:

- Bay of Plenty Regional Council has three Māori constituencies (seats on council). These were established under the Bay of Plenty (Māori Constituency Empowering) Act 2001; this was the first regional council to have Māori constituencies.
- In 2012, Waikato Regional Council created two Māori constituencies. As a result, two of the fourteen councillors specifically represent Māori.
- Territorial authorities can have Māori wards, the equivalent of the regional council constituency. There are none in place at this time.

- For Kāpiti, council's partnership committee (Te Whakaminenga o Kāpiti) reviews the proposal for Māori wards as part of the regular representation reviews. To date, the committee has elected not to pursue a Māori ward preferring to appoint iwi representatives to the standing committees of council.

### Māori advisory entities

A Māori standing committee is a formal council committee, set up to represent Māori interests within a district or region. The committee reports to council, and can have delegated power. Many provide input into council decision-making processes. Māori committees are also often formed to enable a council to meet its obligations under legislation such as the LGA (eg section 81) and the RMA (eg sections 6(e), 7(a) and 8).

Examples include:

- The IMSB was created through statute and has a purpose of assisting the Auckland Council to make decisions, perform functions, and exercise powers by promoting cultural, economic, environmental, and social issues of significance for mana whenua groups and mataawaka, and ensuring that the Council acts in accordance with statutory provisions referring to the Treaty of Waitangi.
- The Te Arawa Board sits outside of the Rotorua Lakes Council, to represent iwi interests, with board members elected by the Te Arawa community. The Te Arawa Board forwards nominations for appointment to certain council committees, RMA consent hearing panels and strategic working groups. Nominations are considered and appointments made by the full council and there are voting rights for appointed representatives on two of the committees.
- Central Hawke's Bay District Council, Hastings District Council and Hawke's Bay Regional Council each have a Māori Committee to provide policy advice to the councils.

- For Kāpiti District Council, the partnership committee, Te Whakaminenga o Kāpiti, drives the strategic direction for iwi and council relationships. This group also oversees an annual work plan and keeps an oversight of all service level activity across the organisation that addresses and enhances the values and aspirations of tāngata whenua.

- The Northland Regional Council had (during the previous triennium) a Māori Advisory Committee consisting of iwi and hapū representatives from across Te Tai Tokerau and four regional councillors. While the Committee had no delegated authority to make council decisions, the Committee provided policy advice to help improve council's engagement with Māori and inform the Council of Māori views on key topics. A decision has yet to be made regarding re-establishing this Committee for the current term.

- A River and Freshwater Advisory Committee has been provided for through the Te Tau Ihu (top of the South Island) Treaty settlements – this Committee provides formal advice to Marlborough District Council, Nelson City Council and Tasman District Council.
- Dunedin City Council's Māori Participation Working Party was established in 2005 as an informal advisory group to foster Māori participation. Like many arrangements, this has evolved from an informal agreement up until 2006 when a MoU between Council and Te Rūnanga o Ngāi Tahu and Kati Huriapa ki Puketeraki Rūnaka as mana whenua was entered into.





# 5

## Formal agreements and joint entities

In more recent times there has been a movement towards more formalised agreements and entities which provide for local authorities and Māori to work together in decision-making and other processes. Treaty settlements have been a major driver for these new arrangements, but some local authorities have entered into them independently of Treaty settlements.

### Formal agreements

These agreements tend to move beyond the relationship type agreement/MoU and into firmer commitments relating to specific statutory processes and decision-making.

One example is the joint management agreements (JMA) that are provided for under section 36B of the RMA. Until the Waikato River settlements provided for river iwi and local authorities to enter into JMAs, there had been minimal use of this mechanism.

Examples include:

- The JMAs between the Waikato River Iwi and local authorities that provide specifically for the Iwi and local authorities to work together on RMA and other processes.
- The JMA between Taupō District Council and Ngāti Tūwharetoa (2009) provides for councillors and accredited iwi appointees to make joint decisions on resource consents and private plan changes where they apply to Māori multiple owned freehold land. Two commissioners are chosen each by the Council and the Tūwharetoa Māori Trust Board.
- The recent JMA between Gisborne District Council and Te Runanganui o Ngāti Porou (2015) provides a mechanism for Ngā Hapū o Ngāti Porou to share in RMA decision-making within the Waiapu Catchment. The JMA provides for joint decision-making on notified resource consent applications, plan changes and private plan changes. The JMA provides for the Council and Te Runanganui to select hearing panel members, at least one member is appointed by each party.
- Environment Canterbury has a relationship agreement (Tuia) with the 10 Papatipu Rūnanga of the region, aimed at achieving sustainable environmental outcomes and effective iwi and rūnanga participation. Work includes building rūnanga capacity, actioning local joint projects with Papatipu Rūnanga, and building council staff capability and understanding of Ngāi Tahu values and tikanga.

- Te Waihora Co-governance Agreement (for Te Waihora/Lake Ellesmere, Canterbury), signed between Te Rūnanga o Ngāi Tahu, Canterbury Regional Council, Selwyn District Council and Christchurch City Council, is an agreement to share responsibility for Te Kete Ika a Rākaihautū and the wider Te Waihora catchment. The parties collaboratively exercise functions, duties and powers in the Te Waihora catchment. Te Waihora Co-governance Agreement is not a JMA under the RMA.
- Waimakariri District Council and Te Rūnanga o Ngāi Tahu through the Te Kōhaka o Tūhaitara Trust have a co-management agreement (formalised through a JMA). The Trust administers and manages reserves in coastal areas of the district. The Council vested 593 hectares of reserves in the Trust. The Council and Te Rūnanga o Ngāi Tahu work together under the agreement for the on-going management of these coastal lands. The Council appoints 50 per cent of the trustees with the balance appointed by Ngāi Tahu.

### Joint entities

Treaty settlements have also driven the establishment of new entities that provide for local authorities and Māori to work together in statutory and decision-making processes, often in relation to a particular area or natural resource. Many of these entities provide for a “co-governance” type approach where local authorities and Māori representatives work together on the entity, although that is not always the case.

One recent example is the Tupuna Maunga Authority that was created through the Tamaki Collective settlement. That Authority comprises six Auckland Council and six Tāmaki Iwi Collective members, and provides governance for a number of significant maunga (volcanic cones) in Auckland.

Other examples of joint entities include:

- In the Wellington region, Te Upoko Taiao - Natural Resource Management Committee comprises seven elected regional councillors and seven appointed members from the region's mana whenua, and is co-chaired by a representative of the council and mana whenua. This Committee is underpinned by a Charter of Understanding, and the Committee is responsible for overseeing the development of the new regional plan. In addition, there are mana whenua representatives on all regional council committees.

- The Bay of Plenty Regional Council's Komiti Māori comprises three Māori elected members, three general elected members and an ex-officio (BOPRC Chair). Its function is to set operational direction for Council's legislative obligations to Māori and monitor how these obligations are implemented. The committee can approve actions to enhance Māori capacity, recommend Māori engagement mechanisms, facilitate Māori input into community outcomes, formally receive iwi resource management plans, make submissions on Māori related matters and establish sub-committees and/or advisory committees. Komiti Māori rotates around the region and holds its meeting on Marae to enable and promote effective engagement with local Māori communities.
- Te Oneroa a Tohe Board (the joint local authority/Māori board for Ninety Mile Beach) which has a number of statutory functions including to prepare a strategic plan for Ninety Mile Beach, was delivered through the Te Hiku Treaty settlements.
- The Hawke's Bay Regional Planning Committee was established in April 2011 by Hawke's Bay Regional Council as Treaty of Waitangi redress for tāngata whenua (and subsequently provided for through legislation). Its role is to oversee the review and development of the regional policy statement and regional plans under the RMA. With an equal number of regional councillors and Māori representatives, this Committee is the co-governance group for the management of natural and physical resources in Hawke's Bay. All Committee members have full speaking and voting rights.
- The Waikato River Authority (WRA) was established through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and with additional responsibilities arising from the Ngā Wai o Maniapoto (Waipā River) Act 2012. The WRA is required to set the vision and strategy to achieve the restoration of the health and wellbeing of the Waikato River. The WRA is comprised of five Crown-appointed members and five from each river iwi. One Crown member is nominated by Waikato Regional Council with a second nominated by territorial authorities.
- The Rotorua Te Arawa Lakes Strategy Group was established to provide leadership for putting into effect the strategy for the Rotorua lakes and their catchments. As the governance group, it provides the direction, vision, and strategic oversight for the lakes programme. The Strategy Group approves funding decisions under the Rotorua Te Arawa Lakes Programme. The Group began as a joint committee under the LGA as a way of working together to preserve and protect the Rotorua lakes and their catchments. It was then formally mandated (as a permanent joint committee) under the Te Arawa Lakes Settlement Act 2006.
- Tararua District Council supports joint decision-making on the Dannevirke Domain through a joint committee - the joint committee comprises two representatives from each iwi and four council members.
- Te Maru o Kaituna (TMoK) the Kaituna River Authority is a co-governance entity that was created through the Tapuika Settlement. The membership is Bay of Plenty Regional Council, Western Bay of Plenty District Council, Rotorua Lakes Council, Tauranga City Council and representatives from Tapuika Iwi Authority, Te Tāhuhu o Tawakeheimoa Trust (Ngāti Rangiwewehi), Te Kapu o Waitaha (Waitaha) and Te Pumautanga o Te Arawa Trust (Te Arawa Affiliates). Ngāti Whakaue currently holds an observer status until such time as their Treaty legislation is enacted.
- The Ngāti Whare Claims Settlement Act 2012 and the Ngāti Manawa Claims Settlement Act 2012 established the Rangitāiki River Forum involving representatives from Bay of Plenty Regional Council, Whakatāne District Council, Taupo District Council, Te Runanga o Ngāti Whare, Te Runanga o Ngāti Manawa, Te Runanga o Ngāti Awa, Tūwharetoa (Bay of Plenty) Settlement Trust, Te Uru Taumatua (Ngati Tuhoe) and Te Kopere o Te Iwi o Hineuru Trust (Ngati Hineuru). The purpose of the forum is the protection and enhancement of the Rangitāiki River.
- Wellington City Council has three key joint decision-making arrangements with PSGEs in relation to co-management and partnership principles:
  - Ōruaiti Reserve (Point Dorset) Management Plan with Port Nicholson Block Settlement Trust;
  - Taputeranga Island Historic Reserve Planting and Restoration Plan with Te Rūnanga o Toa Rangatira Incorporated; and
  - Wellington Town Belt Management Plan and Wellington Town Belt Act 2016 with both PSGEs.

- The Canterbury Water Management Regional Committees comprise 10 water management zone committees with local territorial authorities, local rūnanga and community representatives.
- Te Roopu Taiao is made up of councillor and officer representatives from seven councils across Southland and western Otago: Environment Southland, Southland District Council, Gore District Council, Invercargill City Council, Queenstown Lakes District Council, Clutha District Council, and Otago Regional Council with representatives from the four Papatipu Rūnanga in Murihiku. Te Roopu Taiao deals with the higher-level political interface, budget setting, accessing resources, and commitments for members. Its area of interest covers the traditional area of Murihiku, which extends outside of the regional council boundaries, which is why councils from two regions are involved.



# 6

## **Council tools and practices to improve engagement**

There are a number of more informal practices, tools and processes that are also used by councils to provide for Māori participation in local government. Policies and practices within councils have been developed to meet the statutory (including LGA and RMA) obligations, and deliver on the various arrangements outlined above.

While some councils have formalised these in relationship agreements or consultation policies, there are also non-formal consultation or communication initiatives that councils use.

These include information-sharing hui, open door policies, regular newsletters, information mail outs, iwi liaison staff and Māori policy units.

There are also iwi capability building initiatives and arrangements including capacity building, training and relationship monitoring tools, funding and strategic development.

#### **Fora and hui**

Many councils use fora and hui for the purposes of open discussion and to provide regular updates to Māori about council projects and activities with an opportunity to provide feedback. Unlike an official council committee, they are often open to anyone who wishes to attend and discuss matters. Many councils reported that they use fora and advisory boards, having no decision making arrangements. These mechanisms provide for discussion and learning, for example:

- Whakatāne District Council uses a number of formal and informal fora in their MoU between Council and the Iwi Liaison Committee (a standing committee).
- The Watercare Mana Whenua Kaitiaki Forum holds regular hui to provide for an exchange of views on particular issues. The Forum, made up of a number of iwi representatives, discusses a range of matters, usually to promote partnership and seek feedback on organisational and operational matters.

There are a number of Mana Whenua and Tāngata Whenua Fora:

- Auckland Council, Hauraki District Council and Horowhenua District Council use these for resource management discussions.
- Palmerston North City Council has a regular bi-monthly hui with Rangitāne.
- Tauranga City Council has a Kaumātua Forum.
- Whangarei District Council uses its Te Kārearea Strategic Partnership Forum to address and resolve issues of significance to hapū and work towards an agreed vision for the district.

#### **Iwi management plans**

An iwi management plan (IMP) is a formal planning document that is provided for under the RMA. IMPs can be developed by iwi, whānau or hapū. They provide a statement on the position of the tangata whenua on a range of issues and must be taken into account when preparing or changing regional policy statements and regional and district plans.

#### **Iwi liaison and Māori policy units**

Some councils have a department dedicated to Māori interests, facilitating consultation, and/or plan and policy development. This includes:

- Auckland Council has Te Waka Angamua – the Māori Strategy and Relations Unit. The role of Te Waka Angamua is to drive Auckland Council's responsiveness to Māori and better enable it to contribute to Māori well-being. The department is responsible for providing advice on all Māori-specific policy, planning, research and evaluation, stakeholder engagement, relationship management, bicultural development and training, and Māori protocol.
- Bay of Plenty Regional Council has a Māori Policy Unit consisting of a manager, team leader, two senior treaty advisors, three māori policy advisors, a Pou Ngaiao position (Resource Consent Technical/Cultural Specialist) and a co-ordinator. The team provides strategic Treaty advice and is involved in implementation of Treaty mechanisms; leads/advises on Māori engagement, has input into Māori policy and planning issues and assists with Māori capacity building initiatives and projects.
- Palmerston North City Council has a principal advisor from Rangitāne to advise on all key matters.
- Wellington City Council has a dedicated business unit for maintaining relationships with Wellington Māori. The Treaty Relations Unit has a manager, senior advisor and cultural advisor. The manager is responsible for liaising between officers and iwi representatives and monitoring activity. The Unit issues a monthly eNewsletter called Nōna te Ao to subscribers.
- Tauranga City Council has had since 2000 the Takawaenga Māori Unit. There are three full time positions that support Council and its relationship with tangata whenua and understanding of Māori issues. The three key functions of the Unit are: relationship management, support and advice, training and education.
- The Iwi Consultative Group was formed in 2000 for the purpose of reviewing and providing input into consent applications being

processed by Rotorua Lakes Council. The Committee now reviews council matters that affect the resources of Te Arawa tribes, sub-tribes, hapū and whānau. It does not, however, assume tino rangatiratanga (sovereignty) of any Te Arawa iwi or hapū.

- Gisborne District Council has a Māori Liaison Group to assist with consultation and protocols.
- The Kāpiti Coast District Council has an Iwi Relationships Team which is responsible for the management of the relationship between Council and iwi.
- New Plymouth District Council has an Iwi Relationship Team.
- In Grey District Council the councillors have portfolios, one is “Māori Affairs” with monthly meetings between the portfolio councillor and an iwi representative.

### Internal staff and councillor training

There are various training programmes in place across councils.

- Hastings District Council runs staff and elected member training.
- Tasman District Council uses a local kaumātua who provides elected members with support around tikanga Māori at civic events.
- Tauranga City Council’s Takawaenga Māori Unit provides cultural training to elected members, senior management and city partners.
- Kāpiti Coast District Council provides cultural training programmes for staff and elected members, ensures that staff can access classes in te reo Māori, provides wāhi tapu tours led by iwi; and provides support around tikanga Māori at civic events.
- Whakatāne District Council runs Tumuaki Ki Te Tumuaki, which comprises Cultural Training Wānanga (workshops) to assist the organisation with Māori cultural ceremonies, engagement with Māori and Māori translation of corporate documents and promotional material. They also employ a part-time Māori Policy Analyst.

### Projects and funding

Many councils include provision of funding for capacity building or

towards their iwi relationships portfolio.

- Auckland Council provides funding to support iwi and hapū to complete Hapū/Iwi Environmental Resource Management Plans.
- In New Plymouth, Ngā Kaitiaki has mandated iwi and hapū representatives to review the District Plan. New Plymouth District Council resources an independent planner to work with Ngā Kaitiaki to undertake this review.
- Bay of Plenty Regional Council’s Te Komiti Māori Forum approves funding for Māori capacity building initiatives such as funds for the development of hapū and iwi management plans, sponsoring iwi representatives to undertake hearing commissioner training, holding regional Māori conferences, providing financial support for wananga and hui.
- Environment Canterbury, Christchurch City Council, Selwyn District Council and Waimakariri District Council all have service level agreements with Mahaanui Kurataiao Ltd (MKT). MKT is a tangata whenua advisory service owned and mandated by the six Papatipu Rūnanga of mid-Canterbury. It provides advice to the councils on consents, planning, compliance and/or operational functions and activities.
- Tauranga City Council remunerates tangata whenua representatives participation on all its committees and project groups.
- Northland Regional Council has a fund which aims to provide Māori with the opportunity to undertake monitoring projects within Northland. This contestable fund has an annual allocation of \$15,000 (as reported in 2015). In the past this council has funded projects such as macroinvertebrate, water quality, kokako, and shellfish monitoring.
- Kāpiti Coast District Council supports an annual programme of work which includes Māori economic development, marae grants, IMPs, wāhi tapu research, urupā grants, event funding for Waitangi Day, and heritage funding for iwi sites of significance.

# 7

## Discussion





Prior to the stocktake, the last national survey of council-Māori engagement was undertaken in 2004 and is outlined in the 2011 paper “Council-Māori Engagement: The ongoing story”. There were 84 councils at that time and 69 councils were reported as having a formal process for consulting with Māori. Seventy nine councils also had informal processes for consultation and information sharing.

In comparison, the current stocktake recorded that there are 78 councils, 81 per cent of which have structured arrangements with iwi (using the term iwi and Māori interchangeably). Of these, the “decision-making” arrangements represented 56 per cent of councils’ arrangements.

This review found that the nature of arrangements varies greatly.

The most common grouping is a relationship agreement such as MoUs (used by 40 per cent of councils). The purpose of these varies, from simply establishing an intent to work together, requiring the parties to act in good faith, to decision-making in resource consents and plan making or over specific projects.

In most cases, the agreements set out the ground rules for working together and include a commitment to regular meetings, for both parties to provide the necessary resources for working together, along with various council structures and tools to help implement the relationship.

Co-governance or joint management agreements are used by 23 per cent of councils. They are often established as an outcome of a Treaty settlement and also voluntarily to encourage involvement in decision-making and to help fulfil responsibilities under the RMA and LGA. These agreements are in place both at a governance and operational level. Some agreements are between a number of iwi organisations and span multiple councils as they concern a resource within a rohe that crosses council boundaries.

Councils have developed a number of different structures, mainly various types of committees (both formal and informal) for engaging iwi in decision-making and seeking their views. These were found to be both independent of, or alongside, other relationship or co-governance agreements.

A number of complimentary tools, practices, and policies are being used by councils to help deliver on the various iwi participation arrangements, such as non-formal consultation, use of iwi management plans, communication initiatives, capacity building, training, funding and strategic development. Most councils utilise some form of these as a minimum.

There are limitations to the information in this document and an assessment of the effectiveness of the various arrangements would be the most useful next step. It would appear from the statistics, that over the past 10 years there has not been any remarkable or significant change in the number of councils engaged in relationships with iwi. However, the nature of those relationships and frequency of engagement and interaction is likely to have changed and strengthened.







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Canterbury.	Hamilton.	Mackenzie.	Queenstown-	Tasman.	Waitomo.
Carterton.	Hastings.	Manawatu.	Lakes.	Taupo.	Wellington.
Central	Hauraki.	Marlborough.	Rangitikei.	Tauranga.	West Coast.
Hawke's Bay.	Hawke's Bay	Masterton.	Rotorua Lakes.	Thames-	Western Bay
Central Otago.	Region.	Matamata-Piako.	Ruapehu.	Coromandel.	of Plenty.
Chatham Islands.	Horowhenua.	Napier.	Selwyn.	Timaru.	Westland.
Christchurch.	Hurunui.	Nelson.	South Taranaki.	Upper Hutt.	Whakatane.
Clutha.	Hutt City.	New Plymouth.	South Waikato.	Waikato District.	Whanganui.
Dunedin.	Invercargill.	Northland.	South Wairarapa.	Waikato Region.	Whangarei.
Far North.		Opotiki.	Southland District.	Waimakariri.	