

Local Government Relationships with Māori

Ngā Hono i Waenganui i Ngā Tari Kawanatanga ā-Rohe me te Māori



Te Puni Kōkiri
Ministry of Māori
Development



Local Government New Zealand

te pūtahi matakōkiri



LOCAL GOVERNMENT RELATIONSHIPS WITH MĀORI
Ngā Hono i Waenganui i Ngā Tari Kāwanatanga ā-Rohe me te Māori

For **Local Government** *New Zealand*

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The growing relationships between local authorities and Iwi/Māori within their areas has been one of the significant changes since the reform of local government in 1989 and the passage of the Resource Management Act two years later.

While it has not all been smooth sailing virtually all local authorities have begun to recognise the importance of building effective relationships with Iwi/Māori in their districts, cities and regions. Iwi/Māori themselves are also beginning to acknowledge the important role local authorities can play in achieving their social and economic aspirations.

This report was commissioned by *Local Government New Zealand* and Te Puni Kōkiri to improve our understanding of the factors that make relationships work and to share the information so that local authorities and Iwi/Māori can learn from what has gone before.

Communities vary so it is not surprising that relationships have developed differently between areas, as local authorities and Iwi/Māori sort out local arrangements that work for them. There appears to be no “one way” as relationships grow and sometimes fade reflecting a variety of factors. We hope that this report will assist both local authorities and Iwi/Māori build on the good practice that has gone before and avoid the mistakes.

The report is also timely as the Local Government Bill, which defines new duties for local government in relation to consultation with Iwi/Māori, is currently before Select Committee. This report provides valuable information and insights that will assist local authorities to put in place the new Local government Act once enacted.

MR BASIL MORRISON
PRESIDENT
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The information contained in this report has been provided by a range of individuals and organisations. No liability is accepted for errors of fact, interpretation or opinion in this report whether or not due to negligence on the part of the Centre for Research, Evaluation or Social Assessment, its Directors, employees, or contributors.¹¹⁰



This report presents case studies of how five local authorities are currently building mechanisms, processes and practices to meet their Treaty obligations to the tangata whenua within their rohe (area). The five councils are: Manukau City Council; Waipa District Council; Gisborne District Council – a unitary authority; Wellington Regional Council; and Marlborough District Council – a unitary authority.

The report responds to the following questions:

- How and to what extent are the selected councils accepting and responding to statutory requirements in relation to iwi/Māori?
- What are the range and nature of the relationships that the selected councils have with iwi/Māori?
- What are the range of models and approaches used by each council?
- What models and approaches have worked or been successful, and why?
- What models and approaches have not worked, and why?
- What are the barriers to relationship development?
- What factors drive variation in council responses?
- How do iwi/Māori stakeholders see councils' responses?

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The research found that there is considerable variation among councils in the processes and mechanisms through which the relationship with tangata whenua is developed and cemented. Even with a single council those relationships may consist of a multiplicity of formal and informal interactions both at the governance and operational levels. None of the councils and tangata whenua have found that developing relationships is easy. In some areas it has been a continual process of trial and error. Mechanisms have evolved, changed and been transformed as the relationship has developed. While some councils and tangata whenua indicate gradual evolution and progress in their relationships, other councils in the case studies are struggling with fundamental aspects of relationships with tangata whenua.

There is no one simple model or mechanism that will work for all councils and tangata whenua, all of the time. What works in one area may not work in another. Each of the tangata whenua and councils have a specific history and circumstances. Relationships change and grow.

Some of the councils in these case studies have developed relationships that go beyond the requirements of the RMA, and they are well placed for responding to any wider provisions for the involvement of iwi and Māori in local government activities that may be enacted through changes to local government legislation.

Key initiatives among the councils include:

Manukau City Council:

- Treaty of Waitangi Unit
- Treaty of Waitangi Working Party
- Treaty of Waitangi City Services Plan
- Relationship Agreement Development Funding



- Te Reo Māori recognised as an official language for the Council
- Māori Liaison Officer position
- Māori Liaison & Advisor
- Māori Liaison Librarian
- Māori Community and Economic Development Position
- Marae Policy
- Treaty of Waitangi Training
- Annual Planning Consultation

Waipa District Council:

- Iwi Consultative Standing Committee
- Nga Iwi Toopu o Waipa
- Iwi representative on Council standing committees
- Iwi representative on special working parties
- Te Takawaenga (Community Liaison Officer)
- Waahi Tapu register
- Funding for resource consents

Gisborne District Council:

- Iwi Liaison Officer
- Māori Commissioners
- Whenua Rahui register
- Memorandum of Understanding with various groups
- Interim Tangata Whenua Committee

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Wellington Regional Council:

- Inter Iwi representative group
- Charter of Understanding
- Two Māori Policy Advisors
- Māori Hearing Commissioners
- Iwi representatives on council advisory committees
- Technical workshops
- Funding for resource consents
- Iwi Projects Fund
- Annual Planning Consultation
- Māori education strategy

Marlborough District Council:

- Māori Advisory Committee
- Māori representation on council standing committees
- Memorandum of Understanding
- Community Development Officer
- Joint management project

Hallmarks of successful relationships are:

- Balancing strong leadership and relationships with formal processes and structures
- Distinguishing between governance, participation and consultation
- Guidance around the role of councils in relation to the Treaty of Waitangi



- Managing conflict
- Adequate resourcing
- Raising the capacity of tangata whenua to engage with councils
- Building councillor and staff understanding of tangata whenua issues, history, tikanga Māori and Māori social and political structures.

The case studies indicated that there are some approaches that do not work:

- A single council response, as expressed in one type of mechanism, or focussed on one aspect of council activity is not enough.
- Mechanisms such as committees, working parties and Treaty or Māori Units will not be effective if linkages, communication and feedback loops are not established between those mechanisms and the decision-making and managerial processes within councils and within iwi.
- Council and tangata whenua relationships cannot be sustained without resources including sufficient staffing and provision of information and advice to tangata whenua.
- Responses that rely on specific individuals without structural and procedural support are unlikely to endure.
- Lack of review and evaluation, undertaken by both council and tangata whenua, will limit the growth of the relationship.
- A rigid approach and lack of ability to cope with change and tension may threaten relationships.

It must be emphasised that the successes demonstrated in the case study areas have been due to the commitment and willing engagement of all parties – both tangata whenua and council. Tangata whenua have not simply been reactive parties. They have shown considerable fortitude and patience as well as an ability to hold on to a fundamental optimism about continuing dialogue with councils. Councils who are seriously committed to forging successful relationships with tangata whenua demonstrate high levels of humility, respect, willingness to listen, eagerness to continue a relationship for the long term and willingness to share resources to build mutual understanding and improved environmental outcomes.





1. INTRODUCTION

This report presents case studies of the way in which five very diverse councils are currently building mechanisms, processes and practices to meet their Treaty obligations to the tangata whenua within their council territory (rohe). These case studies have been commissioned by *Local Government New Zealand* with assistance by Te Puni Kōkiri for two reasons. Firstly, the research is designed to assist *Local Government New Zealand* and key central Government stakeholding agencies – the Te Puni Kōkiri and the Department of Internal Affairs – to provide guidance to councils around implementing the new requirements likely to be placed on them after the enactment of the Local Government Bill.

Secondly, the case studies are designed to encourage shared learning among councils by providing information on the range of models and approaches used by selected councils in developing and maintaining relationships with iwi and Māori.

Local authorities in New Zealand are about to face profound new challenges in the evolution of their relationships with tangata whenua. It is clear that when the Local Government Bill is enacted it will require local and regional authorities to maintain and improve opportunities for Māori to contribute to local government decision making processes and involve iwi and Māori across the full range of local government functions. This is a major departure from the current obligations on councils. While the Resource Management Act 1991 has required councils to consult with tangata whenua, to take account of the Treaty of Waitangi, and recognise Māori values, other legislation governing councils' activities and functions is less clear about a Treaty responsibility, if any. Notably, the Local Government Act is currently silent on Treaty responsibilities and obligations.

Local Government New Zealand is aware that some councils, even in the context of the more limited legislative requirements presently extant, have established a variety of mechanisms and processes that recognise tangata whenua and facilitate the participation of tangata whenua in local governance. In commissioning this research, *Local Government New Zealand* wished to establish key information on:

- How and to what extent are the selected councils accepting and responding to statutory requirements in relation to iwi/Māori?
- A description of the range and nature of relationships the selected councils have with iwi/Māori.
- A description of the range of models and approaches used by each council.
- What models and approaches have worked or been successful, and why?
- What models and approaches have not worked, and why?
- Barriers to relationship development.
- What factors drive variation in council responses (e.g. organisational and contextual factors)?
- How do iwi/Māori stakeholders see councils' responses?
- The extent to which current responses are adequate in light of changes to the Local Government Act, and what, if any, new approaches are mooted.



The report is structured as follows:

- Chapter 2 provides a brief overview of the selection of the case studies and data collection method.
- Chapter 3 through to Chapter 7 provide a brief summary of each of the case studies respectively. Those summaries present a snapshot of each region from the 2001 Census. Each summary then provides a description of the:
 - council and its area
 - mechanisms, processes and practices the council uses to address its Treaty obligations, and
 - key issues in relation to current and developing relationships between the council and tangata whenua.
- Chapter 8 presents a commentary that identifies the:
 - similarities and differences between the case study councils in their key practices and mechanisms, and
 - key issues and challenges to councils in developing active recognition of tangata whenua and facilitation of the participation of tangata whenua in local governance.



2. THE CASE STUDIES

Five councils were approached, and agreed to participate in the research. They are: Manukau City Council; Waipa District Council; Gisborne District Council – a unitary authority; Wellington Regional Council; and Marlborough District Council – a unitary authority. *Local Government New Zealand* and Te Puni Kōkiri were keen for the participatory councils to cover a range of experiences:

- **Manukau City Council** was invited because of its history of responsiveness to Treaty issues, in part stimulated by the ground-breaking decisions of the Treaty of Waitangi Tribunal in relation to the Manukau Harbour. Manukau is also a strong urban council, and a rapidly growing city with a diverse ethnic population.
- **Waipa District Council** was invited because it has established formal mechanisms for relating to tangata whenua in the context of a rural community.
- **Gisborne District Council** was invited because it was a unitary authority dominated by a single city but with an enormous rural area and a high proportion of Māori in the population.
- **Wellington Regional Council's** participation was sought not only because it gave an insight into the workings of a regional council, but also because it is one council that has been actively developing mechanisms for relating with Mana Whenua since the early 1990s. Both iwi and the Council itself, therefore, have experience in developing and maintaining relations over the long term.
- **Marlborough District Council** like Gisborne District Council is a unitary authority. Out of the amalgamation processes of the 1980s, the Marlborough District Council established mechanisms for iwi representation on its key standing committees. Marlborough has a relatively small Māori population but a considerable number of iwi and one of the highest levels of resource consent applications in New Zealand.

In the course of the case studies, interviews were undertaken with:

- Council staff – managers, officers from the functional divisions and Māori staff engaged in advisory/liaison positions
- Council elected representatives
- representatives of tangata whenua, and
- members of any groups established by Council and iwi/Māori, such as Māori standing committees, advisory committees, working groups, or joint venture boards.

The research team endeavoured to speak to as many key people as possible, although they were not able to achieve interviews with everyone in the time available. Many of the interviews were on a one-to-one basis but some interviews were group interviews. In the course of the case studies the research team¹ also collected a considerable amount of documentary material including memoranda of understanding, training kits, information packs, plans and reviews. That documentation has also been analysed.

¹ See Annex 1 for a commentary on the research team.





3. MANUKAU CITY COUNCIL CASE STUDY

Census 2001 Snapshot

The usually resident population count for the Manukau City Council on Census night was 283,197 people. Of those 16.5% identify themselves as being of Māori heritage, slightly higher than the national average of 14.7%. At 4.7%, the proportion of the population who speak Māori is slightly over the national average of 4.5%.

Over one-quarter (27%) of the population is under 15 years of age, with under one-tenth (8.3%) in the over 65 age category. These proportions reflect a younger population than nationally when compared to the national average for both age categories (22.7% and 12.1% respectively).

The city has 83,826 occupied dwellings. Nearly two-thirds (61%) of private dwellings are owned with or without a mortgage. The majority of households (71.2%) are one-family households with the second most common being one person households (14.5%). The average number of usually resident household members across the city area is 3.3.

The individual median income for the Manukau City Council area is \$19,000 - slightly higher than the national average of the median individual income of \$18,500.



3.1 Council Description

Located to the south of the Auckland region, Manukau is currently the third largest city in New Zealand. Manukau is primarily an urban council - despite nearly two-thirds of Manukau's land area being rural, the majority of residents live in the urban areas of the city. With high rates of population growth projected, Manukau is expected to become the second largest city in New Zealand by 2016.

The Mayor of Manukau, Sir Barry Curtis, who has been mayor since 1983, had been a councillor in Manukau for two terms and an Auckland Regional Councillor prior to his election to the mayoralty. Twenty-two councillors represent seven wards. Six of the current councillors are new this term. Two councillors identify as Māori.

As home to over 150 ethnic groups Manukau city is one of the most culturally diverse areas in New Zealand - just over half the population is non-European. Over 44,000 Māori live in Manukau, the largest number of Māori in any council area. Nearly 12% of New Zealand's Māori population live in Manukau. There are 22 marae in the Manukau City Council area.

3.2 Tangata Whenua

The Council consults with a number of tangata whenua groups who have interests in the Manukau area. These include:

- Ngati Paoa Whanau Trust Board
- Ngaati Te Ata



- Ngai Tai ki Tamaki Tribal Trust
- Ngai Tai Umupuia Te Waka Totara
- Makaurau Marae
- Pukaki Marae
- The Huakina Development Trust
- Ngati Whatua o Orakei Māori Trust Board.

3.3 *Relating with Tangata Whenua*

3.3.1 *Overview of key initiatives*

- Treaty of Waitangi Unit
- Treaty of Waitangi Working Party
- Treaty of Waitangi City Services Plan
- Relationship Agreement Development Funding
- Te Reo Māori recognised as an official language for the Council in 1981
- Māori Liaison Officer position
- Māori Liaison & Advisor
- Māori Liaison Librarian
- Māori Community and Economic Development Position
- Marae Policy
- Treaty of Waitangi Training
- Annual Planning Consultation

Manukau City was a new town built on the lands around the Manukau harbour and Hauraki gulf in the mid 1960s. Both the land and the harbour have been enormously important for Māori. The establishment of Manukau City as well as infrastructure serving other cities in the Auckland region such as the Auckland airport and Mangere Waste Water Treatment plant had a profound effect on tangata whenua. Those impacts were acknowledged in the Waitangi Tribunal's report of 1986 regarding Treaty claims around the Manukau harbour.

While the Council has and continues to work closely with Māori through community development processes, the Waitangi Tribunal's decision was recognised by Manukau City Council as having fundamental implications for the way in which the Council needed to do its business and the way in which the city would develop.

The Council has sought to recognise its Treaty obligations as detailed below.

3.3.2 *Involving tangata whenua in its strategic and operational planning processes.*

In 1996 the Council approved a strategic direction that sought to improve Council's response to tangata whenua through the identification of hapu/iwi to develop on-going relationships with and organisational change to manage those ongoing relationships. Part of that process has involved the establishment of a Treaty Unit and this provides the organisation with a strong analytic resource for those parts of the organisation concerned with strategic planning, annual planning and operational planning.

The Council's recognition of the importance of tangata whenua is evident in the Council's key strategic planning documents. This has been generated by the longstanding practice of the Mayor, the City Manager and senior managerial staff to visit and discuss with tangata whenua at marae, the issues that the tangata whenua see as needing to be addressed over the short-to-medium term.

The Council recognises that many of the tangata whenua with whom the Council consults have themselves produced policy statements and development plans. Council has signalled that it will consider those in its consultation and policy development. The Treaty Unit has been given responsibility to monitor the promulgation of those policy statements by tangata whenua.



In the last annual planning cycle, there has been an attempt to integrate the views of tangata whenua into the annual plan prior to the Draft Annual Plan being released for general, public consultation. It is intended that this will continue in future planning cycles.

3.3.3 *Establishing a Treaty framework that recognises the tangata whenua and Treaty obligations in the Council's policy development.*

In 1999, the Council confirmed its desire to work with tangata whenua to develop ongoing Treaty-based relationships. A working party of councillors was established to manage that development in the light of Council's new strategic direction. The Council's Tiriti o Waitangi (Treaty of Waitangi) Unit works on assisting the Council organisation and staff to meet its objectives in relation to Māori and tangata whenua. The team consists of staff from the various sections of Council as well as staff with a particular interest in Treaty issues. In addition to the Council's direct resourcing of staff within the Treaty unit to develop with tangata whenua a Treaty framework, the Council also allocated around \$180,000 to resource tangata whenua to participate alongside Council in the development of relationship agreements. Those agreements were intended to provide the context for developing the Treaty framework alongside tangata whenua.



Infobox 3.A External Relations Objectives:

TREATY OF WAITANGI BUSINESS PLAN FOR MANUKAU CITY SERVICES 2001-2002

Objectives

MANUKAU LIBRARIES

- To develop and pilot a Māori language information literacy programme by 30 June 2002.
- To implement a Mana Whenua Marae Service Delivery plan by 30 June 2002.

COMMUNITY ADVOCACY FUNDING

- To provide a staff development programme which builds cultural harmony within the Community Advocacy & Funding Team by 30 June 2002.
- To increase the number of operational partnership relationships with Iwi by two by 30 June 2002

COMMUNITY ADVISORY SERVICES

- To develop relationships with Mana Whenua, Taurahere and Urban Māori throughout the City by 30 June 2002.
- To identify projects which enhance the capacity and sustainability of Māori organisations.
- To lead a project within a Treaty of Waitangi framework which identifies service benchmarks to minority ethnic communities.

MANUKAU MEMORIAL GARDENS

- To set up consultation with Tangata Whenua for the development of 2-3 acres of Māori land situated within Manukau Memorial Gardens.

LEISURE SERVICES

- Implement market research findings regarding preferences of Manukau City Māori population and develop programmes and services in line with identified needs: Establish one ongoing event and three new programmes by July 2002.

ENVIRONMENTAL SERVICES

Resource Consents and Compliance

- To develop a Service Contract with Iwi and consultation procedures for undertaking statutory obligations.²

FACILITIES AND PARKS MANAGEMENT

Manukau Parks

Tangata whenua will be consulted and/or have involvement with:

- Resource consents relating to development of culturally significant sites and management of selected parks of cultural interest (Otuaataua, Hampton/Te Puke o Tara).

BUILDING MAINTENANCE AND CONSULTANCY

- Contract and Project Specifications to be reviewed for Treaty obligations by 30 June 2002.

PROPERTIES

- 30% of processes to be reviewed to incorporate Treaty obligations where appropriate by 30 June 2002.

CITIZEN AND CUSTOMER SERVICES

- Completion of a map of items/features of special interest to Tangata whenua in the Manukau district.

² This relates to requirements for consultation, as per the Resource Management Act and is a continuation of last year's objective.



3.3.5 *Investing in Māori social and economic development*

The Community and Economic Development Group of Manukau City Council has workstreams dedicated to Māori Community Development and Māori Economic Development as initiatives within staff portfolios. In addition, the Council has adopted a Marae Policy that sets out the framework for Council to support marae in Manukau City. The policy involves the Council in providing advice, financial and other forms of support to Marae, maintenance and enhancement of existing Marae and facilities, and entering into partnership relations with Marae to underpin sustainable development as well as supporting Marae to retain absolute sovereignty over their Marae and its activities.

3.3.6 *Expanding the organisation's human resource capability to give it the ability to effectively relate with tangata whenua and Māori*

The Council has undertaken four primary forms of human resource capability development. It has:

- actively recruited Māori into the organisation
- developed positions dedicated to addressing tangata whenua and Māori issues and recruited individuals with strong tikanga, te reo, Māori development and/or Māori policy – those include the Māori Liaison position established in 1989, the Māori Liaison Librarian established in 1992, and more recently, the Māori Economic Development Planner, a Māori Community Development Planner, and the Treaty Unit led by a Manager of Mana Whenua Relations
- established a four level skills programme (Te Kete Training) for developing core competencies among staff and councillors directed at supporting work practices within the organisation consistent with its Treaty commitments (see Infobox 3.B), and
- established a programme of te reo training.

3.3.7 *Establishing an organisational structure (environment and leadership) that promotes the recognition of tangata whenua and Treaty obligations*

The Council promotes strong recognition of tangata whenua and Treaty obligations through:

- the establishment of the Treaty Unit, sponsored by the City Manager, and the Treaty of Waitangi Working Party involving management and councillors. These are significant organisational structures directed to working on the Council's Treaty obligations
- its strategic planning documents: out of its 1996/2010 Strategic Plan, the Manukau City Council identified improving the response of the Council to tangata whenua and Treaty obligations as a Key Results Area (KRA 2.1)
- leadership commitment both by the Mayor at the governance or political level and the City Manager at the management or operational level. Those commitments and expectations are publicly stated
- recognising Te Reo Māori as an official language of the Council and encouraging its use in Council publications
- publication of a resource booklet for staff "Te Tiriti o Waitangi (Treaty of Waitangi) Toolbox" detailing Council's progress and approach in responding to the Treaty. The booklet contains information on Treaty issues, consultation procedures, marae protocols and Council policies on Treaty-related issues as well as contact details for the Treaty Unit, mana whenua groups and Marae within the Council area
- the Manukau City Council District Plan Chapter 3A "Tangata Whenua".



Infobox 3.B Te Kete Training

SKILL LEVEL 1

- Demonstrates recognition of two Treaty partners;
- Demonstrates basic knowledge of the Treaty of Waitangi and Tikanga Māori;
- Recognises own deficiencies and acts to improve knowledge.

SKILL LEVEL 2

- Demonstrates understanding of the Treaty in their relationship with the two Treaty partners;
- Demonstrates acceptance of Tikanga Māori in working relationships;
- Demonstrates ability to analyse work issues from a Tikanga Pakeha and a Tikanga Māori point of view.

SKILL LEVEL 3

- Demonstrates an ability to manage personal responses to the Treaty of Waitangi;
- Tikanga Māori is demonstrated in their business practices;
- The Treaty of Waitangi and Tikanga Māori are visible in the policy/service delivery and strategic/business planning processes used on the job;
- Encourages and supports active participation in Treaty partnership development. Models behaviour that is consistent with Tikanga Māori when relating to Māori or designing processes affecting relationships with Māori.

SKILL LEVEL 4

- Demonstrates an ability to manage changes in processes and systems from a Treaty perspective Council-wide;
- Demonstrates an ability to support others in the process of developing change from a Treaty perspective;
- Identifies and ensures that equitable practices are endorsed e.g. sharing of resources and representation;
- Demonstrates an ability to communicate in both Māori and English e.g. bilingual in both verbal and written skills, appropriate use of waiata and karakia (Hampton/Te Puke o Tara).

BUILDING MAINTENANCE AND CONSULTANCY

- Contract and Project Specifications to be reviewed for Treaty obligations by 30 June 2002.

PROPERTIES

- 30% of processes to be reviewed to incorporate Treaty obligations where appropriate by 30 June 2002.

CITIZEN AND CUSTOMER SERVICES

- Completion of a map of items/features of special interest to tangata whenua in the Manukau district.



3.4 Issues

Participants in the case study discussed the following issues:

3.4.1 Representation and mandate

The Council is increasingly required to establish and develop relationships with more tangata whenua organisations. This is in part due to changes in the Huakina Development Trust, but it also reflects a wider movement in which tangata whenua are developing experience and expertise to the point that they can actively pursue their interests as tangata whenua at marae levels based on iwi and hapu structures. As a consequence, Manukau City Council finds itself in a period of profound transition in which it is establishing new ways of working with tangata whenua and hapu at marae level over a wider range of issues. This is requiring the extension of existing relationships into new areas of activity and the development of new relationships as well.

3.4.2 Capacity of tangata whenua to participate

Tangata whenua experience multiple pressures on them that stretch their expertise and infrastructure to respond. They have to deal with a number of councils in the greater Auckland area over a diverse range of resource management, social and economic issues. Some of the iwi/hapu have small population bases, with few of their members still living in the rohe. Consequently, the pool of people with the time and skills available to take on work is very limited.

Tangata whenua representatives identified the need for more information on how Council works. They were also concerned about how they could take up more opportunities to be involved in Council business, although it was acknowledged that they were currently stretched to their capacity and any further engagement would require more resources.

Tangata whenua are working on developing their expertise, for example, by training rangatahi (youth) to be involved in Council activities, and by developing internal communication processes so that representatives working with the Council can more effectively disseminate information to hapu and whanau. Some tangata whenua have received development funding from the Te Puni Kōkiri and other government agencies to assist with building up infrastructure and staff capacity.

3.4.3 The resource consents process

Iwi of the area are experiencing huge impacts from development of land for residential subdivisions, roads and business and retail areas. There are examples of tangata whenua working very effectively with developers to ensure that urupa, waahi tapu, archaeological and other sites or resources of value are appropriately protected. There are, nevertheless, significant issues around the resource consents process. These include:

- the need to rigorously monitor non-notified consents for potential impacts on tangata whenua. At present there is no process for tangata whenua to comment on non-notified consents. Some tangata whenua representatives observed that some non-notified consents have resulted in significant impacts
- the reluctance of some applicants, particularly individuals and smaller developers, to consult with tangata whenua, despite Council advice to applicants concerning when they should consult and how to approach consultation.

The expansion of the number of tangata whenua groups involved in the RMA consent process beyond Huakina Development Trust is generating additional complexity for Council staff dealing with consent issues. This is seen as largely a transitional issue, although one that needs to be managed carefully. The development of the Relationship Agreements with each of the tangata whenua groups is seen by the Council as a mechanism to support tangata whenua participation and providing an opportunity to establish processes around the contracting and resourcing of those services.

3.4.4 Adequate resourcing and contracting for services

The resourcing of tangata whenua groups occurs through a number of different pathways. In some cases, tangata whenua provide services such as consent advice. The proposed Relationship Agreements would provide a coherent framework for negotiating service



contracts. Tangata whenua are able to access resourcing through such policies as the Marae Policy. Tangata whenua can also apply, along with other groups, for funding which is allocated to community groups as part of the Council's broader investment in its communities. Finally, the Council set aside \$180,000 in the 2001-2002 financial year to fund the six tangata whenua groups with whom the Council wishes to develop relationships. That funding is not service contract funding, but intended to assist and resource tangata whenua to actively engage in that process with the Council. Tangata whenua groups expressed some confusion around these different forms of funding, especially funding in relation to developing Relationship Agreements. There was also some concern expressed about the extent to which funding is allocated among the different tangata whenua groups.

3.4.5 *Decision-making and consultation*

Tangata whenua representatives were strongly of the view that each tangata whenua should have a direct one-to-one relationship with Council. There was also strong support for the implementation of formal processes to be put in place so that relationships built up over time with key individuals will not be lost when those individuals go. As one tangata whenua representative commented "The people are not always going to be there, on both sides, so we must have processes to ensure that protection is there when the people with the relationships are gone. It's important that the relationships are formalised with the politicians, not with staff". Tangata whenua are concerned to sustain relationships at both the operational level and at the political or governance levels.

3.4.6 *Training of staff and councillors*

Tangata whenua representatives commented that, in general, they had built up very good relationships with Council staff over time. However, over the years relationships with councillors had been mixed. For some tangata whenua representatives this pointed to a need for hui with staff and councillors to increase understanding of the wide range of issues for tangata whenua, and the responsibilities of councils in regard to working with tangata whenua.

Tangata whenua representatives were keen for councillors and staff to come to Marae for meetings. Several representatives talked of one staff development hui held at a Marae that had proved to be very useful for both staff and tangata whenua to gain a better understanding of one another. There was also a suggestion that the Council could hear submissions on future annual plans on a Marae, for the whole community, not just Māori.

3.4.7 *Treaty Framework and the Treaty Unit*

The protection and management of land, sea, coastal areas and other resources in the region are of enormous significance to tangata whenua of the region. They regard councils as being important players in helping redress historical grievances and Treaty claims. Consequently, it is imperative that councils understand the history of Treaty of Waitangi claims of the respective iwi. Tangata whenua representatives also noted that there is a lack of understanding in the wider community of Treaty of Waitangi claims. They noted the strong support from the Mayor and Council staff in understanding and responding to the findings on the Manukau claim.

There is less clarity among tangata whenua around the establishment of a Treaty Framework to contextualise the Council's activities, not only in relation to tangata whenua but also for the people of Manukau generally. The lack of clarity around the place of and processes around the Treaty Framework appears to have been generated by delays in getting into the substantive work around the Relationship Agreements. As a consequence, some tangata whenua expressed concern about the possibility of the Treaty Framework holding up addressing practical issues concerning the protection of valued sites and resources in their own areas. Those tangata whenua commented that they saw the Treaty as a 'given'. There was also concern expressed by some tangata whenua as to whether the Treaty Unit would act as a barrier or gatekeeper to a direct relationship with councillors and with other council staff. On the other hand, others did not see the Treaty Unit as taking away access to operational staff and councillors, but rather as a mechanism to support the staff and councillors with sound advice about Treaty of Waitangi issues and the implications for the effective functioning of the Council.



3.5 Conclusion

Manukau City Council must be considered a leader in the way in which it has addressed the challenge of developing an on-going and dynamic relationship with tangata whenua. It has a variety of different mechanisms and processes to manage those relations. It has had the advantage of having strong political and managerial leadership over a continuous period since the early 1980s. Similarly, there has been considerable commitment among tangata whenua to developing a mutually beneficial relationship.

Tangata whenua were very positive about the Council's efforts to work with them. Relationships have been developed over many years. Tangata whenua gave several examples of Council's commitment to address grievances related to Treaty of Waitangi claims, e.g. through the handing back of key sites to the iwi concerned. Individuals had developed very close working relationships with both staff and councillors. The commitment of the Mayor and chief executive has been noted within Council and among tangata whenua as critical to the success of relationships. That strong relationship has meant that even where there have been conflicts and tensions over particular issues, the good will generated has provided a platform for the resolution of conflicts around particular issues.

Several factors appear to be important in generating and maintaining successful relationships in Manukau City Council:

- the Council's acknowledgement that the Treaty of Waitangi is a council responsibility, not just a Crown responsibility
- strong leadership from the Mayor Sir Barry Curtis, the City Manager Colin Dale, senior managers, kaumatua and iwi leaders
- acceptance by Council that the organisational responsibility for implementing the Treaty lies with all staff throughout the organisation
- the Council explicitly demonstrating good will and good intent in its actions
- the Council listening to tangata whenua
- there is mutual trust and respect between Council and tangata whenua
- building relationships over the long term, starting even before the enactment of the RMA.

Manukau City Council has established a diversity of responses to the Treaty of Waitangi. These go beyond responding to the requirements of the RMA and go beyond activities governed by the RMA. The big challenge lies in succession, and in responding to the new forms of engagement tangata whenua wish to establish.





4. WAIPA DISTRICT COUNCIL CASE STUDY

Census 2001 Snapshot

The usually resident population count for the Waipa District Council on Census night was 40,293 people. Of those 15.1% identify themselves as being of Māori heritage, slightly higher than the national average of 14.7%. In total, 4.4% of the district's population are Māori speakers, very similar to the national average of 4.5%.

Just under one-quarter (24.3%) of the population is under 15 years of age and over one-tenth (13%) is in the 65 plus age category, proportions slightly higher than the national average for both age categories (22.7% and 12.1% respectively).

The region has 14,448 occupied dwellings. Nearly three-quarters (71%) of private dwellings are owned with or without a mortgage. The majority of households (72.8%) are one-family households with the second most common being one person households (20.7%). The average number of usually resident household members across the Region is 2.7.

The median income for the Region is \$19,800 - higher than the national average of \$18,500 per individual.



4.1 Council Description

Located around 15 minutes south of Hamilton, Waipa District is a land locked semi-rural farming district. The District has two major towns - Te Awamutu and Cambridge and smaller settlements at Temple View, Ohaupo, Pirongia and Kihikihi.

The District has a high proportion of elite soils resulting in a strong agricultural base. Dairy farming is the predominant industry along with sheep and beef farming. Other agricultural based activities include thoroughbred horse studs, deer farming and fruit production. The District features two major rivers, large hydro lakes and smaller peat lakes.

Its Mayor, Alan Livingston, in his first term as Mayor after two terms as a District councillor, serves on the Council along with 12 councillors representing five wards. Four of the current councillors are new this term.

4.2 Tangata Whenua

Waipa District is entirely within the Tainui waka. There are eight marae in the district. Council has established relationships with all hapu in their area through the mechanisms described below. In total at least 23 hapu are represented.



4.3 *Relating with Tangata Whenua*

4.3.1 *Overview of key initiatives*

- Iwi Consultative Standing Committee
- Nga Iwi Toopu o Waipa
- Iwi representative on Council standing committees
- Iwi representation on special working parties
- Te Takawaenga (Community Liaison Officer)
- Waahi Tapu register
- Funding for resource consents.

Waipa District Council initially began to formalise the process of liaison with Māori in response to the requirements of the Resource Management Act. In 1991, Council called a hui with the three Trust Boards in the area, Tainui, Ngati Raukawa and Ngati Maniapoto. That process led to a number of organisational responses to Treaty issues. The Council has sought to recognise its Treaty obligations through the following.

4.3.2 *Establishment and funding of a consultative mechanism with tangata whenua*

In 1991 an Iwi Consultative Committee was established as a Standing Committee of the Council with representatives from each Trust Board along with Council representatives. In 1994, the composition of the committee was reviewed by Māori and a decision made that representation to the committee should primarily be at a more local level with individuals mandated to keep each Trust Board informed. Council accepted this proposal and this model is still used today.

Currently the committee consists of ten tangata whenua representatives (nine hapu members representing 23 hapu groups of Waipa and one kaumatua representative) and five Council representatives comprising the Mayor, Deputy Mayor, Chair of the Policy Committee, Chair of the Regulatory Committee and the General Manager (ex-officio). The attendance of the General Manager was at the request of the iwi who saw this as a way of having a direct impact on Council thinking and critical in the development of mutual understanding. The committee meets every three months alternately on Marae or Council premises. The appropriate kawa or protocol at each venue is observed. At times the committee has met on a marae outside of the district that is a Marae of one of the hapu of the district.

The Iwi Consultative Committee is a standing committee of Council and as such has the power to make recommendations to Council. Its purpose is to “assist in all communications between Council and the Tangata Whenua”. The Committee considers any matter impacting on tangata whenua, including but not limited to historical, cultural, recreational, health, housing, environmental and resource management matters. The Iwi Consultative Committee has an important role in advising on the Treaty of Waitangi implications for any policies and activities of Council.

4.3.3 *Involving tangata whenua in its planning and policy processes*

Over the 1990s, the Council actively sought tangata whenua participation in strategic planning. One of the outcomes of this was the joint management plan with the Regional Council and iwi for the recreational use of the Waikato River and the two hydro lakes in the area. The appointment of iwi representatives to the Council’s other standing committees – policy and regulatory committees respectively – mean that tangata whenua have a voice in the Council’s processes, planning and decision-making.

4.3.4 *Ensuring appropriate and effective delivery of the Council’s regulatory and service delivery functions*

Ensuring effective delivery of the regulatory function, the Council has established an iwi working group – Nga Iwi Toopu o Waipa (NITOW) – ‘the assembled people of Waipa’. This was established in 1994 as a result of the strategic planning process. NITOW is made up of representatives of all the hapu within the district and meets monthly to discuss and action issues from the formal Iwi Consultative Committee meetings, consider resource consent responses and discuss other



issues of concern. All resource consent applications to be considered by tangata whenua come to NITOW where they are allocated to the appropriate hapu representative for their comment. Funded mainly by Council, this hapu-driven initiative was in response to the heavy work-load required to meet consultation requirements. In a recent initiative the chair of NITOW will also be appointed to the Iwi Consultative Committee.

Council introduced the appointment of representatives from iwi to the Regulatory Committee in 1996 to assist the Committee, which conducts hearings, to recognise and understand issues of significance to tangata whenua. The Policy Committee also has an appointed iwi representative. NITOW makes recommendations on the appointment of the representatives to those committees.

Tangata whenua are also involved in:

- providing resource consent advice. The Council contracts resource consent advice for a handling fee
- sewerage committees (made up of community and Council representatives), including one iwi representative serving as a committee chair. Their participation has enabled tangata whenua to be closely involved in decisions about the most appropriate treatment processes
- other iwi representatives are involved in the Maungatautari Reserve Committee
- providing advice to Council on the divestment of non-strategic property, such as paper roads. Council provides a handling fee and research expenses that may be required to ascertain if tangata whenua have reason to object to Council selling
- the development of a Waahi Tapu register by tangata whenua to assist Council in the resource consents process. Council contributed \$10,000 to this project.

4.3.5 *Expanding the organisation's human resource capability to give it the ability to effectively relate with tangata whenua and Māori*

Waipā District Council is aware of the importance of reflecting in its own staff the make up of its population. To ensure a stronger representation of Māori on the staff, the Council intends to promote employment opportunities at the Council through contacts with tangata whenua and the local wānanga. Council has run a te reo Māori course and Treaty awareness courses for councillors and staff.

4.3.6 *Establishing an organisational structure, environment and leadership that promotes the recognition of tangata whenua and Treaty obligations*

The Council promotes both the recognition of tangata whenua and Treaty obligations in the Council's Strategic Plan. That plan states, "We accept and support the principles and terms of the Treaty of Waitangi." Those principles have been expressed in Council policy as:

- kawanatanga
- rangatiratanga
- equality
- co-operation, and
- redress.

Initiatives include:

- The Council has iwi representatives appointed to its two standing committees – the Policy Committee and the Regulatory Committee.
- A Community Liaison Officer position. In relation to tangata whenua, the Community Liaison Officer's tasks consist of facilitation of the consultation process with relevant Iwi and tangata whenua, including among other things:
 - establishing and maintaining links with tangata whenua
 - co-ordinating meetings of the Iwi Consultative Committee
 - attending NITOW meetings
 - providing a first point of contact for iwi



- ensuring staff and Council awareness of, and sensitivity to, the principles of the Treaty of Waitangi.
- The proportion of time spent on tangata whenua liaison tasks by the Community Liaison Officer varies but on average accounts for about 20% of the community liaison role.
- The Council has acknowledged the requirements for any Committee conducting a hearing to recognise Tikanga Māori and observe the provisions of the Māori Language Act 1987.

4.4 Issues

Participants in the case study discussed the following issues:

4.4.1 *An increase in iwi representation*

As iwi and hapu develop greater capacity to address issues, there may be an expectation that the number of groups Council consults with should increase. This expectation in turn may influence the number on the Iwi Consultative Committee and NITOW.

4.4.2 *Training for tangata whenua*

The iwi representatives on Council committees and members of NITOW expressed the need for:

- training and induction for iwi representatives on their roles and responsibilities on Council committees
- training on the RMA
- information on Council processes
- information and clarification around the roles and responsibilities of the Iwi Consultative Committee and NITOW and how each relates to the Council.

4.4.3 *Training for councillors*

A range of areas where councillors need education was raised by several participants in the case study. Those areas included taha Māori, Māori values and spirituality, iwi and hapu structures. Several suggested that an informal forum for tangata whenua and councillors, outside of the Council committee structure was needed for discussion of issues. This forum would enable wide ranging discussion that is not fettered by Council standing orders.

4.4.4 *Adequate resourcing*

Council has shown willingness to resource iwi participation. Currently the Council provides a 'handling fee' per consent, and meeting allowances for attendance at the Iwi Consultative Committee and NITOW. There have been contracts to produce reports, e.g. the waahi tapu register. Some instances where further resources need to be made available have arisen, such as for site visits and involvement in council opening ceremonies.

To address a wider range of funding needs, Council recently agreed to a bulk grant per iwi to cover general services and participation in council activities. In addition, Council is looking at funding an iwi management plan.

Tangata whenua commented that NITOW has difficulties in gaining funding to maintain its operation. Currently its only source of income is the Council.

4.4.5 *More involvement of tangata whenua*

While the relationship between Council and tangata whenua has tended to focus on RMA functions, there is potential for all Council areas of responsibility to be covered. Tangata whenua considered that widening out their involvement was as much a challenge to them as to the Council. Some councillors and staff expressed an interest in receiving more information and input from iwi into Council plans and documents. There was a view that the Council could be more proactive in getting issues and documents to the Iwi Consultative Committee for their consideration. There was also an understanding that funding would need to be made available to enable tangata whenua to increase their involvement.



4.4.6 *Acknowledgement of Māori protocol*

Council meetings and hearings have their own procedural requirements and protocols. Nevertheless, some tangata whenua suggested that the meeting environment could be enhanced and made more comfortable for Māori with the inclusion of karakia and mihi to Māori who may attend meetings as applicants or submitters.

4.4.7 *Educating the wider community on Māori and Treaty of Waitangi issues*

Council has contributed to educating the wider community on Māori and Treaty of Waitangi issues. In some respects the Council has moved ahead of local understandings of the constitutional status of tangata whenua, their role in local government and Council responsibilities with regard to consultation.

4.5 *Conclusion*

In general, everyone participating in the case study commented very positively on the structures and relationships that the Waipā District Council and tangata whenua have developed over the years. Tangata whenua consider that the Council demonstrates clear leadership to other councils in the wider region with regard to developing relationships with tangata whenua.

The Council and tangata whenua have developed a variety of structures and processes that include tangata whenua in the decision-making structures of Council through a standing committee and representation on Council committees, as well as providing a forum for iwi and hapu outside of those structures, through NITOW. Tangata whenua have also had input into the development of key documents, such as the District Plan. There is opportunity to improve linkages between these different structures, to explore ways of increasing tangata whenua involvement and support of that involvement, and to increase understanding of both Council processes, and iwi and Māori issues.

Participants commented that the relationship is an evolving one, of concentrated and continued effort. The relationship is characterised by mutual trust, openness, willingness to negotiate and goodwill. Maintaining on-going communication and having processes for working through problems have also been important. Several people emphasised that a crucial factor in 'making it happen' has been the leadership and commitment shown at the highest levels by the Mayor, senior Council staff, kaumatua and iwi leaders.





5. GISBORNE DISTRICT COUNCIL CASE STUDY

Census 2001 Snapshot

The usually resident population count for the Gisborne District Council on Census night was 43,971 people. Of those 46.2 percent identify themselves as being of Māori heritage, more than triple the national average of 14.7%. Nearly one-fifth (17%) of the population are Māori speakers.

Just over one-quarter (27.5%) of the population is under 15 years of age, with just over one-tenth (11.7%) in the over 65 age category. These proportions reflect a slightly younger population when compared to the national average for both age categories (22.7% and 12.1% respectively).

The region has 15,516 occupied dwellings. Nearly two-thirds (60%) of private dwellings are owned with or without a mortgage. The majority of households (67.9%) are one-family households with the second most common being one person households (23.4%). The average number of usually resident household members across the Region is 2.8.

The median income for the Region is \$15,300 – significantly lower than the national average of \$18,500 per individual.



5.1 Council Description

Gisborne District Council is one of four unitary authorities in New Zealand. Unitary authorities combine the functions of both district and regional council in one body. The Gisborne District Council is served by Mayor Meng Foon (currently in his first term as Mayor after serving as a councillor previously) along with 14 councillors representing seven wards. Three councillors identify as of Māori descent.

The District has one major town - Gisborne, and a number of smaller townships including Ruatoria, Tokomaru Bay, Tolaga Bay and Te Karaka. Consisting of a large hilly land mass (8,265 square kilometres – approximately 4.9% of New Zealand's total land area) the District is sparsely populated. The region's economy is based largely on agriculture and horticulture but forestry is also growing in importance. Tourism and viticulture are growing industries in the region.

The Council is one of five foundation members on the Tairāwhiti Development Taskforce. The Taskforce was set up in May 2000 as a partnership between key groups including central government, local authorities, iwi authorities, community and industry. The Taskforce encompasses the wider Tairāwhiti region and includes both Gisborne and Wairoa District Councils. With the overall purpose of contributing to sustainable economic growth the Taskforce's key action areas include:

- iwi/Crown/community partnerships and leadership
- infrastructure
- education and training
- health, housing, and social services
- forestry and wood processing



- land development - includes Māori land and environment
- tourism, and
- business development.³

Māori make up nearly half (46%) of the population in the Gisborne District, the highest proportion of persons of Māori descent anywhere in New Zealand. At the 2001 Census the District also had the highest rate of Māori language speakers. One third of the population is Ngati Porou. Other iwi/hapu in the region include Aitanga a Mahaki, Rongowhakaata, Ngai Tamanuhiri, Nga Ariki, and Ngati Oneone. The Gisborne District is characterised by a high proportion of multiple-owned Māori land compared to other districts (26% of land in the Tairāwhiti Region).

5.2 *Tangata Whenua*

Iwi groups with whom Council is developing relationships include:

- Te Runanga o Ngati Porou
- Te Runanga o Turanganui a Kiwa, and
- Ngati Oneone (hapu).

5.3 *Relating with Tangata Whenua*

5.3.1 *Overview of key initiatives*

- Iwi Liaison Officer
- Māori Commissioners
- Whenua Rahui register
- Memoranda of Understanding with various groups
- Interim Tangata Whenua Committee.

The Gisborne District Council has gradually developed a number of responses to the need to engage with tangata whenua. In 1995, the Council and eight local iwi authorities signed a Declaration of Understanding. The iwi authorities included the Tairāwhiti District Council, Tairāwhiti Federation of Māori Authorities, Tairāwhiti Māori Women's Welfare League, Te Runanga-o-Paikea, Te Runanga o Nga Ariki, Te Runanga o Ngati Porou, Te Runanga o Turanganui a Kiwa and the Turanganui a Kiwa Rangatahi Council. The status of this document is unclear and some tangata whenua indicated that there is confusion about whether Council sees it as a current framework for their relationship.

In the early 1990s the Council also had an iwi advisory group operating under a memorandum of understanding. That group has now ceased operating. Currently, the Council is working with iwi to develop a tangata whenua committee. The proposed tangata whenua committee would be a standing committee of Council and consist of ten members including two councillors and eight iwi representatives nominated by iwi/hapu. The committee's key role would be to develop policies on the wide range of social, economic and cultural issues that Māori have an interest in. Terms of reference have been drawn up and the Council has appointed an interim committee. Council was expected to vote on the establishment of the committee in August 2002.

Other important Memoranda of Understanding include:

- A protocol for the management of archaeological sites during on-site earthworks on the Heinz-Wattie site was developed in 2001. The Protocol constitutes an agreement between Council, the developers, and tangata whenua representatives (including Te Whanau-a-Iwi, Ngai Tawhiri and Ngati Oneone), in recognition that there are waahi tapu and other archaeological sites present. Under the Accord funding of meeting fees (including external reporting back to iwi groups) and site representative costs are shared between the Council and the developers. Part of the impetus for the Heinz-Wattie Accord arose from the identification of waahi

³ Gisborne District Council, 2002, Town and Country Matters - Special Issue 2002/2003 Annual Plan, April edition: 2.



tapu, including an urupa, on the site as part of the 'heritage alert layer' in the District plan that assists Council identify areas of concern for Māori.

- The Titirangi Accord between Ngati Oneone and Council was signed on 6 February 2002 as part of the District's Waitangi Day celebrations. The Accord commemorates the signing of the Treaty of Waitangi in 1840 and the 1995 Declaration of Understanding. Under the Accord the Council and Ngati Oneone accept the Treaty of Waitangi as a basis for on-going partnership and pledge to act towards each other with the utmost good faith.

Council has a full-time Iwi Liaison position, situated within the Chief Executive's Office. A main part of the job is to provide advice to council staff on iwi issues. The Council also involves Māori Commissioners in resource consent hearings for both their technical and cultural expertise. Council has a database of names to select Commissioners from and sources Commissioners from outside the area as well as locally, depending on the issues and any conflicts of interest.

Council has a policy where unproductive land is freed of all rates. The policy is targeted at multiple-owned Māori land but anyone can apply to be placed on the Whenua Rahui register. Council staff follow-up with all rate payers in arrears and make an assessment about the productivity of the land. Any land that is unproductive is placed onto the Whenua Rahui register and exempted from payment of rates. If landowners wish to make use of the land they can be removed from the register and re-enter the rates regime.

Some funding is available in conjunction with special projects. For instance Council provided funding for iwi to obtain an independent peer review of Council proposals as part of the Waste Water Project. The Council has also provided fixed-term funding for a part-time liaison person based at a runanga and in another instance provided funding to a runanga for a planner to provide them with independent advice on a Council project.

5.4 Issues

Participants in the case study discussed the following issues:

5.4.1 Representation and mandate

Some new iwi and hapu groups are emerging because of Treaty of Waitangi tribunal claims, and/or because they are developing a greater capacity to manage their own issues. Once settlements have been made, other groups may want to be recognised by Council. In addition, there is a range of pan-Māori urban groups involved in areas such as social services and health that have expectations of Council engagement with them.

5.4.2 Building iwi capacity

Iwi of the area vary in their ability to engage with local and central government agencies across the wide range of environmental, social and economic issues. Tangata whenua emphasised that some groups have very little capacity to respond to Council, and are reliant on voluntary labour and funding participation through iwi sources. In addition, iwi of the area are involved in Waitangi Tribunal claims, which take up significant amounts of time and resources. Tangata whenua favoured resourcing through a fee-for-service model, based on work agreed by Council and the respective iwi authority, in order to develop a work programme of mutual benefit with the Council.

Tangata whenua also commented that there needed to be training on RMA processes and information on technical issues related to consent applications, such as the types of conditions that can be imposed, and the difference between notified and non-notified consents. They saw this as part of building the capacity of their organisations to respond effectively to Council activities.

5.4.3 Training for councillors

A Treaty workshop was held for councillors in the last term, and similar workshops are planned for the current term. Several participants in the case study raised areas where they



considered councillors needed education and training. These include the need for greater understanding of:

- the constitutional status of iwi, and of the Treaty of Waitangi
- Treaty of Waitangi claims taken by iwi, the issues involved and the implications for Council
- partnership practices
- who are the iwi of the region and who has mana whenua over what area.

Several tangata whenua identified fundamental differences between Māori values and scientific evidence that they considered were not well understood by either councillors or staff. For example, despite water being scientifically defined as 'clean', there are still cultural issues around the health of shellfish beds in the harbour, waste water disposal in the harbour rather than on land, and the disposal of waste in rohe other than where the waste originates. One participant commented that a vehicle to open up dialogue between councillors and Māori to improve understanding of cultural issues was needed.

5.4.4 *Staff recruitment and training*

Staff training needs identified were: information on how Māori communities work, including hapu and iwi structures, and how to consult with iwi. Staff raised issues concerning the availability of funding for training, and the geographical isolation of the Council, which has restricted opportunities for travelling away to conferences and seminars.

Tangata whenua also commented on the lack of Māori employees in positions in the Council at all levels, but particularly in planning, management and community development. More opportunities could be considered for the recruitment and retention of Māori staff.

5.4.5 *Adequate resourcing*

A number of tangata whenua commented on the Council's lack of attention to the resources needed by tangata whenua to engage in Council processes. They said that the Council must address this issue if progress in relationships is to be made.

It appears that the Council has no policy or consistent practice in resourcing iwi. Some iwi have received fees for commenting on resource consents, while others have not. Sometimes meeting fees are provided. Some special projects have included contracts for iwi liaison, advice and peer review. However, a past disagreement about resourcing has resulted in one iwi withdrawing from working with the Council.

Even where a fee for considering resource consent applications is provided, it often does not cover actual costs. A major consent application may require the iwi to seek scientific, cultural impacts and other types of advice. In those instances, iwi authorities have sought and paid for expert advice themselves.

5.4.6 *Governance and decision-making*

Tangata whenua perceive that there is no channel for engagement in decisionmaking at the governance level of Council. Opinions vary on whether the proposed Tangata Whenua Committee will provide that engagement at the governance level. Some consider that the Committee will act as an important catalyst to improve relationships between Council and tangata whenua. As a proposed standing Committee of Council, the Tangata Whenua Committee is seen to fill a gap, and is also considered to be founded on a much stronger base than the iwi advisory group operating in the early 1990s.

However, there is also a perception that the Committee could be a potential barrier between tangata whenua and Council, and may not be an effective mechanism for raising issues of concern to tangata whenua.

5.4.7 *Consultation*

Some tangata whenua commented that consultation can be tokenistic, and not undertaken early enough in the process. They also identified a lack of information to iwi on issues of interest to them. A member of one of the large runanga commented that Māori should be closely involved in decisionmaking, not only because they are tangata whenua, but because



they are key players in the district economically and socially. Iwi authorities are major local providers of social services, employment programmes, education initiatives and small business development. They are also active partners in the Tairāwhiti Development Taskforce. Tangata whenua identified a number of issues where they considered consultation could be improved, including waste water treatment and disposal, the sale of Port land, infrastructure and local economic development.

5.4.8 *Iwi liaison position*

There are diverse views about the usefulness and effectiveness of having an iwi liaison position within the Council. There was resistance to the position on the grounds of the necessity of a Māori-specific position from some councillors, and comment that Māori positions were not supported by members of the public. Some tangata whenua consider the position acts as a gatekeeper between the Council and iwi. In their view the position has not been structured in a way to ensure that tangata whenua views are fully reflected in advice given to Council. Others observed that the position sometimes becomes the 'meat in the sandwich' between iwi and Council. There were also issues around the most appropriate person to have in the position, given the number of iwi in the region.

On the other hand, the position is located in the office of the Chief Executive, which may afford Māori issues a high profile in the organisation. Some staff members also commented that it was of benefit to have someone in the Council who could provide advice on Māori issues. Involving the Iwi Liaison Officer early on has helped identify issues in good time.

5.4.9 *The resource consents process*

As well as issues around funding iwi to provide advice consent applications, tangata whenua and staff raised other problems about the resource consents process. These included:

- consents are dealt with in at least three departments in the Council. All do things differently, and as yet there is no common way to liaise and consult with tangata whenua. A positive development has been the use of a case officer for large consents involving several Council departments. This has resulted in better co-ordination between departments and has positive spin-offs for iwi consultation, as iwi only have one person, the case officer, to deal with in relation to those large consents
- a high proportion of applications come to Council with no evidence of consultation with iwi. Applicants do not understand why they should consult with iwi, and also get frustrated with delays caused by iwi consultation
- one of the biggest hurdles for iwi is the timeframe for consent applications
- an issue for staff is the need to keep up to date with details of iwi contacts. This can be made difficult if iwi change their contact, or cannot sustain contact due to lack of capacity.

5.4.10 *Land issues*

Tangata whenua identified that some land held by Council is subject to Treaty of Waitangi claims. In other cases, Council holds land that was taken under the Public Works Act. There are deeply felt issues for Māori in relation to that land. Tangata whenua expressed concerns over the use and management of those land areas, and believed that Council should be developing dialogue with respective iwi over ownership, management and control of such land.

5.5 *Conclusion*

Participants identified some positive and constructive approaches to working with iwi that were happening in the Council. In particular, some excellent and on-going working relationships between Council officers and staff of iwi authorities or individuals representing iwi were identified. However, there was a view that the Council's organisational culture could be improved in respect of greater understanding of Māori perspectives and Council's responsibilities under the RMA. Lack of working structures, particularly at the governance level, effective liaison and consultation processes, and policies around resourcing to support iwi participation were also identified as impediments to building good relationships.





6. WELLINGTON REGIONAL COUNCIL CASE STUDY

Census 2001 Snapshot

The usually resident population count for the Wellington Regional Council on Census night was 423,765 people. Of those 12.5% identify themselves as being of Maori heritage, slightly less than the national average of 14.7%. Four percent of the population are Maori speakers.

Just over one-fifth (21.9%) of the population is under 15 years of age, with just over one-tenth (11.1%) in the over 65 age category, proportions similar to the national average for both age categories (22.7% and 12.1% respectively).

The region has 157,917 occupied dwellings. Nearly two-thirds (64%) of private dwellings are owned with or without a mortgage. The majority of households (66.4%) are one-family households with the second most common being one person households (24.1%). The average number of usually resident household members across the Region is 2.6.

The median income for the Region is \$22,400 - significantly higher than the national average of \$18,500 per individual.



6.1 Council Description

Wellington Regional Council is the only regional council included in the case studies. As a regional council spread over a large land area, WRC has a mix of urban populations, centred around the four main cities of Wellington, Porirua, Lower Hutt and Upper Hutt, and both rural and smaller township populations in the Wairarapa and on the Kapiti Coast.

The Region's four main industry sectors, finance/business, retail, manufacturing and government, reflect the city-based nature of its businesses and Wellington City's capital status.

Wellington Regional Council is served by 13 councillors representing six constituencies. Five of the current councillors are new this term. The Chair of the Council is Hon Margaret Shields. This is her first term as Chair and she succeeds the longstanding Chairperson – Stuart Macaskill.

6.2 Tangata Whenua

Council has a formal relationship with five tangata whenua iwi who are signatories to the Charter of Understanding with Council. Those iwi are currently represent by:

- Ngati Kahungunu ki Wairarapa
- Te Atiawa/Taranaki ki Te Upoko o te Ika a Maui
- Ngati Toa Rangatira
- Atiawa ki Whakarongotai
- Ngati Raukawa ki te Tonga,
- Rangitaane o Wairarapa, and
- Wellington Tenths Trust.



6.3 *Relating with Tangata Whenua*

6.3.1 *Overview of key initiatives*

- Inter Iwi representative group
- Charter of Understanding
- Two Māori Policy Advisors
- Māori Hearing Commissioners
- Iwi representatives on council advisory committees
- Technical workshops
- Funding for resource consents
- Iwi Projects Fund
- Annual Planning Consultation
- Māori Education Strategy

In 1993, prompted by the requirements of the RMA, the Wellington Regional Council signed a Charter of Understanding with tangata whenua who were mutually identified as having mana whenua. In 1999/2000 the terms of the Charter were reviewed and an updated Charter was signed in November 2000. Although that Charter is signed collectively, the Charter recognises the fundamental relationship between the Council and each of the tangata whenua tribes and their independence from each other.

The Charter identifies key principles that the signatories have agreed that in this context express their Treaty relationship. They are:

- **The 'Essential Bargain'** involving 'rangatira to rangatira' interaction between Council and Iwi representatives.
- **The Partnership/Mutually Beneficial Relationship** which imposes a duty on the Council and tangata whenua to act in relation to each other with reason and respect.
- **Shared Decision Making** which involves balancing the 'kawanatanga role of Article I of the Treaty and the rangatiratanga role of Article II of the Treaty.'
- **Active Protection** imposing a duty of protecting tangata whenua interests in resource management.
- **Tribal Self-Regulation** which recognises the responsibility and control of tangata whenua over the management and allocation of resources.

Neither the Council nor the tangata whenua see these principles as encompassing the full meaning of the Treaty either to them at the present or in the future. The Council and tangata whenua state in the Charter of Understanding that:

"The parties acknowledge that there will continue to be differences between the Council and tangata whenua regarding the interpretations of the Treaty and the obligations that flow from it.

The parties recognise that understanding of the Treaty of Waitangi is a developing area and new principles may emerge as the meaning and intent of the Treaty is further defined.

The principles of the Treaty describe a dynamic relationship between the treaty partners, recognising that the Treaty is a living document.

Council and tangata whenua may, with mutual agreement, decide to develop and adopt further principles."

The Council has sought to recognise its Treaty obligations through the following.

6.3.2 *Involving tangata whenua in its strategic and operational planning processes*

Since the early 1990s, the involvement of tangata whenua in the strategic planning and management processes of the Council has been recognised as a policy and managerial imperative. The major mechanism for collective involvement of mana whenua in critical planning processes is Ara Tahi.



Ara Tahi was formed initially in 1991. Ara Tahi is not a standing committee of Council but Council staff can undertake formal reporting back of consensus decisions. Funding for Ara Tahi is provided by Council and includes funding for the provision of administrative servicing, travel and meeting allowances.

Ara Tahi provides a meeting of mana whenua to review broader policy and strategic management issues around the environmental management of the region and its interface with mana whenua. Just as Council staff prepare papers, policy and operational advice to councillors, so Council staff also prepare papers, minutes and accept feedback from Ara Tahi. Mana whenua would like to see this committee have a stronger recommendatory role or even a decision-making role. But it is acknowledged as an important forum for mana whenua to meet as a collective with the Chair of the Wellington Regional Council and the Chair of the Environment Committee.

Ara Tahi does not replace the Council's direct engagement with mana whenua in the processes around the development of annual plans, regional and other policy statements. Nor is Ara Tahi concerned simply with the activities of the Council under the RMA. In reviewing the original Charter of Understanding, Ara Tahi advocated for much stronger recognition of the Treaty of Waitangi and its application to all Council business. The subsequent revised Charter of Understanding goes beyond environmental management under the RMA to include all the activities of the Wellington Regional Council from the planning and management of rivers, parks, and public transport to water supply.

The formalised early engagement for planning purposes with mana whenua directly and with Ara Tahi is becoming increasingly widespread. These include:

- In the 1990s when the Council was preparing its regional plan, specific funding was allocated for consultation with individual iwi.
- In 2000/01, provision of initial drafts of the annual plan and the long-term financial strategy at the same time as councillors. Neither tangata whenua nor Council saw this process as effective or satisfactory, although the principle of early involvement was widely supported.
- Agreement under the revised Charter, that Council staff will meet annually with each individual iwi to prepare a work plan of activities for the following financial year.

Council staff also noted that the development of iwi management plans will be an important resource for Council and will need to be taken into account in future plans and planning processes.

6.3.3 *Establishing a Treaty framework that recognises the tangata whenua and Treaty obligations in the Council's policy development*

In the review of the Charter of Understanding, both tangata whenua and Council acknowledged that a Treaty analysis framework is the next step in developing the relationship between mana whenua and the Council. All reports from staff to Council would be required to consider Treaty implications. The intention is that staff are supported in undertaking that analysis by a Treaty of Waitangi analysis framework. The development of this framework has been slow. There is some support within the Wellington Regional Council of the value of undertaking a Treaty responsiveness audit of the Wellington Regional Council's policy and practices.

6.3.4 *Ensuring appropriate and effective delivery of the Council's regulatory and service delivery functions*

While the relationship between mana whenua and Council under the original Charter was based on the obligations outlined in the RMA, in practice their relationship has been much wider. A key change in the amended Charter was a formal recognition of that wider relationship with the expansion of the Charter to include other areas of Council business, including:

- environmental management
- land management
- flood protection
- regional parks



- regional transport, and
- regional water supply.

Iwi representatives have participated in several council advisory committees, including the Otaki, Waikanae, and Hutt flood plan management advisory committees, and there is continuing iwi representation on the Hutt River Advisory Committee, a sub-committee of the Council's Landcare Committee.

To assist the Council to develop and sustain best practice in its regulatory and service delivery functions, the Wellington Regional Council has expanded the size of its staffing resource dedicated to dealing with Māori issues to two Māori Policy Advisors. Those positions involve:

- liaison with mana whenua and supporting the relationship between each iwi and Council's operational staff on operational matters
- advising Council on issues of tikanga
- providing policy advice and support to Ara Tahī, and
- providing policy advice to Council regarding Treaty implications and obligations.

With regard to the consent processing, Wellington Regional Council has two mechanisms for ensuring that the impacts on mana whenua are properly understood and taken into account:

- The Wellington Regional Council contracts mana whenua on a fee basis for the handling of resource consents at \$45 per consent. In a recent initiative, the Council has also provided a lump sum payment to assist each of the Ara Tahī mana whenua to develop their capacity to manage the significant demands that handling resource consents place on their infrastructure.
- The Wellington Regional Council has established a policy that a Māori Hearing Commissioner is a full member of every hearings committee set up to hear resource consents. To develop a pool of Māori commissioners, Ara Tahī has nominated five Iwi representatives to be put forward for the pool of hearing commissioners.

6.3.5 *Investing in Māori social and economic development*

Mana whenua and the Council expressed a common interest in sustainable resource management and improved environmental outcomes. For mana whenua, however, sustainable resource management is one component of their cultural viability and their social and economic development. The mana whenua have sought the Wellington Regional Council's recognition of and support for that broader kaupapa. The Wellington Regional Council has responded by establishing an Iwi project budget where tangata whenua can make application for funding of projects. To date this has included work by the Wellington Tenth Trust on a Geographic Information Systems mapping project.

6.3.6 *Expanding the organisation's human resource capability to give it the ability to effectively relate with tangata whenua and Māori:*

The Council has undertaken four primary forms of human resource capability development:

- It has actively recruited Māori into the organisation.
- It has expanded the staff resource dedicated to Māori policy analysis and tangata whenua liaison. The Wellington Regional Council had a formally dedicated, although only partial, staff position to Māori liaison since 1991. A full-time position for a Māori liaison adviser was established by the mid-1990s. The importance of the relationship between Mana Whenua and the Council was reflected in the review of the Charter of Understanding and the subsequent agreement that the single Māori Liaison position should be expanded to two Māori Policy Advisor positions. One of those advisors is located in the Council's Wairarapa Office and the other one is based in the Council's Wellington Office.
- The Wellington Regional Council has instituted training programmes for staff and councillors:
 - For councillors this involves specific training about tangata whenua in the context of their induction and on-going education.



- For staff this involves information about tangata whenua in the induction process. There is also a commitment to developing a full training programme including: te reo; tikanga, Treaty of Waitangi; Treaty claims and settlement processes; and consultation processes.

6.3.7 *Establishing an organisational structure, environment and leadership that promotes the recognition of tangata whenua and Treaty obligations*

The Council promotes recognition of tangata whenua and Treaty obligations through:

- supporting a wide range of Council and tangata whenua interactions including:
 - ara Tahi resourcing and the participation of the Wellington Regional Council Chair and the Chair of the Environment Committee on Ara Tahi
 - a commitment to technical transfer including secondments of tangata whenua to Wellington Regional Council and vice versa
 - technical workshops (see Infobox 6.A)
 - a commitment to annual rohe walkovers by tangata whenua, councillors from the constituency, and staff.
- expansion of the Charter of Understanding beyond the RMA to cover the broad ambit of Council business.

Infobox 6.A Technical Workshop Programme 2001/02

Purpose: To share information on a current issue at hand and come to a common solution or understanding.

- Current environmental indicators monitored by Wellington Regional Council
- Geographic Information Systems
- Parks and Forests – Management Plan Reviews
- Management of Water – Water Integration Proposal

6.4 *Issues*

Participants identified a variety of issues, the key ones were as follows:

6.4.1 *Representation and mandate*

The Charter of Understanding between tangata whenua and the Council allows for the expansion of Ara Tahi, but the process is undefined. Of more concern to tangata whenua has been the extent to which they have representation in Council discussion and decision-making. The revised Charter of Understanding provides new opportunities for members of Ara Tahi to make representation to Council. It is clear, however, that tangata whenua aspire to stronger involvement in governance.

6.4.2 *Adequate resourcing and contracting for services*

The Council has acknowledged the need for tangata whenua to receive financial and other types of support, such as officers' advice, and gradually increased the range of activities funded over the years. However, issues remain around how to provide and use funding most effectively. For example:

- Contracting for services, such as the production of reports and comment on resource consent applications, is a developing activity. Although Council staff see the value of such activities, there have also been concerns about quality and timeliness. For tangata whenua, further clarity around the nature of service contracting, conditions and levels of funding is required.
- While the Council has allocated funding for projects of tangata whenua, that budget has been under-spent. The intention is to fund projects designed by



tangata whenua that will be included in the Council's business plan. Clarification is required around the process for applying for funding, the criteria for allocation of project funding, the management and accountability structure around this project funding, and the ownership of project outputs.

6.4.3 *Decision-making and consultation*

The Council is still working to find an effective process for involving tangata whenua in the annual planning process and other key policy and resource allocation processes. There are also concerns around:

- The work planning for the Māori Policy Advisors. There are opportunities to improve the transparency of work plan development for the Māori Policy Advisors in consultation with Ara Tahī.
- The use of the technical workshops as a consultation mechanism for management plan proposals, rather than for the mutually defined and targeted problem-solving forum for which those workshops were originally designed.
- The risk of Ara Tahī discussions being dominated by councillors. The Wellington Regional Council's Chair is a member of Ara Tahī as is the Chair of the Environment Committee. As such they can speak as any other Ara Tahī member. While councillors have always been welcome, as staff are, to attend Ara Tahī, they have until recently been largely in an attendance role.

A trend has been noted for other councillors in attendance to initiate comment and discussion. This effectively transforms Ara Tahī from a tangata whenua space into a Council space and potentially undermines the ability of Ara Tahī to work through its own position on critical issues prior to entering into discussion with the Council.

The development of working parties of councillors and Ara Tahī members are an alternative venue for councillor and tangata whenua discussions that ensures the integrity of Ara Tahī as place for mana whenua to meet with each other and Council's 'rangatira'.

6.4.4 *Training, Information Exchange and Technical Transfer*

The reviewed Charter of Understanding identifies the need for active exchange and capacity building of all parties – Council and tangata whenua – in relation to the interface between the environmental concerns of tangata whenua and the environmental concerns of the Council.

Tangata whenua and Council staff noted a number of events, such as the technical workshop on water quality monitoring hosted by Atiawa ki Whakarongotai and the workshop on section 33 of the RMA, which had been particularly successful. Nevertheless, there is anxiety expressed about the depth of incoming councillors' understanding of the Treaty and the particular priorities, history and kaupapa of each of the tangata whenua represented in Ara Tahī.

Both Council and tangata whenua commented that the Māori Hearing Commissioner initiative had worked well. Tangata whenua expressed a desire for a systematic training programme for Māori Hearing Commissioners and Council acknowledged a need to provide the Māori Hearing Commissioners a stronger induction and training package.

6.4.5 *Treaty Responsiveness Analysis and Māori Policy Capacity*

The Council intends to develop a Treaty Responsiveness analysis framework, although progress on this has been slow. Tangata whenua expressed a desire that the development of that framework be undertaken in direct consultation with tangata whenua and with Ara Tahī.

While the additional resource invested in the second Māori Policy Advisor position has been welcomed, tangata whenua expressed concern that:

- The work programme for those policy advisors is not transparent and the priority for allocating their time is not well aligned with the needs of either Ara Tahī collectively or tangata whenua.
- Lack of analytic capacity to support Ara Tahī.
- The positions are pitched at too junior a level. As the positions are currently configured they do not provide for or constitute a senior Māori policy voice within the organisation.



6.5 Conclusion

The tangata whenua, within the area of the Wellington Regional Council, have worked hard with the Wellington Regional Council to establish a framework and mechanisms for an on-going working relationship. For more than a decade, the Council and tangata whenua have taken innovative paths to cement the relationship while acknowledging its dynamism.

The continuity of leadership in the Council, both at the governance level and among senior council officers, has been critical in this. There are tensions in the relationship at both levels, governance and operationally. But there is also a reservoir of good will on which the parties draw to manage those tensions. The Council is seen by the tangata whenua as showing very real leadership to local councils within the region.

Critical innovations have been the:

- Ara Tahi Committee
- charter of Understanding
- establishment of the Māori Hearing Commissioners
- technical Workshops
- Māori Policy Advisor positions, and
- extension of the Treaty response by Council to areas of Council activity outside the RMA.

Several factors appear to be important in generating and maintaining successful relationships in the Wellington Region:

- the council's acknowledgement that the Treaty of Waitangi is a Council responsibility, not just a Crown responsibility
- strong commitment from the Council Chair and senior managers, kaumatua and iwi leaders
- a recognition that the relationship between tangata whenua and the Council needs to be both among 'rangatira' and at the operational levels
- a recognition that the relationship between tangata whenua and Council needs to be between the Council and each iwi
- a willingness among all parties to acknowledge on-going differences of opinion and priority, but a desire to respond to the others' concerns
- the Council's commitment to funding, fees and resourcing tangata whenua for:
 - resource consent handling
 - participation in working parties
 - participation in planning and technical exchanges.

The Wellington Regional Council and the tangata whenua have established a diversity of responses to the Treaty of Waitangi. These go beyond responding to the requirements of the RMA and go beyond activities governed by the RMA. The big challenge lies in putting into operation the commitments captured in the revised Charter of Understanding particularly around the effective engagement of tangata whenua in resource planning and allocation and around decision-making.





7. MARLBOROUGH DISTRICT COUNCIL CASE STUDY

Census 2001 Snapshot

The usually resident population count for the Marlborough District Council on Census night was 39,555 people. Of those 10.1% identify themselves as being of Māori heritage. Only 2.3% of the population are Māori speakers. The district is one of the fastest growing areas with regard to Māori population growth, at 1.4% growth since 1991 compared to 1.2% for New Zealand as a whole.

Just over one-fifth (21.0%) of the population is under 15 years of age, with 15.5% in the over 65 age category. A slightly higher proportion of the population is in the over 65 age category than the national average of 12.1%.

The district has 15,510 occupied dwellings. Nearly three-quarters (71%) of private dwellings are owned with or without a mortgage, compared with the national average of 65%. The majority of households (70.6%) are one-family households with the second most common being one person households (23.5%). The average number of usually resident household members across the district is 2.5.

The median income for the district is \$17,000 – slightly lower than the national average of \$18,500 per individual.



7.1 Council Description

Marlborough District Council, like Gisborne District Council, is a unitary authority, combining the functions of both district and regional council in one body. The Marlborough District Council is served by Mayor Tom Harrison (currently in his first term as Mayor after earlier terms as a district councillor) along with 13 councillors representing five wards.

The Marlborough District Council area occupies the north-eastern corner of the South Island, from the Marlborough Sounds in the north southwards towards the province of Canterbury. The District has one major town - Blenheim, and a number of smaller townships including Picton, Havelock, Renwick, Woodbourne, Seddon and Ward.

Traditionally based on farming and forestry, Marlborough's economy is changing and new sectors have emerged. Viticulture and tourism are growth industries in the region with Marlborough recognised as one of New Zealand's most successful wine growing regions. In recent years marine based aquaculture has also expanded. With the lifting of the moratorium on marine farming more growth is expected in future. Marlborough's largest industries include: Aquaculture; Wine; Farming; Horticulture; Tourism; Defence/Aeronautical engineering; and Salt Manufacturing. Marlborough is experiencing significant growth in local development with a large number of resource consent applications being processed.



7.2 *Tangata Whenua*

There are eight iwi/hapu currently recognised by Council. These are represented by the following organisations/groups:

- Ngai Tahu
- Te Atiawa Manawhenua ki te Tau Ihu Trust
- Ngati Rarua Trust
- Ngati Koata Trust
- Te Runanga a Rangitane o Wairau
- Ngati Kuia Trust
- Ngati Apa, and
- Ngati Toarangatira Manawhenua ki te Tau Ihu Trust.

Many of the Marlborough tangata whenua are currently in the process of Treaty claim hearings.

Council also has contracted a pan-tribal organisation, Nga Mataawaka ki Wairau, to operate animal control services.

7.3 *Relating with Tangata Whenua*

7.3.1 *Overview of key initiatives*

- Māori Advisory Committee
- Māori representation on council standing committees
- Memorandum of Understanding
- Community Development Officer
- Joint management project

Marlborough District Council and tangata whenua have gradually evolved several relationship mechanisms since the early 1990s. The first of those mechanisms was the establishment of Māori representation on Council standing committees in 1992. Currently, Māori representatives are nominated by the Māori Advisory Committee and appointed to sit on each of Council's Finance, Assets and Services, and Environment Standing Committees. Those Māori representatives have the same powers and responsibilities as elected councillors.

The next major initiative was the establishment of the Māori Advisory Committee in 1997. The Māori Advisory Committee was established under a Memorandum of Understanding signed by Council and Iwi. The memorandum sets out the intention of both parties to support a partnership between tangata whenua iwi and the Marlborough District Council. The objectives of the Māori Advisory Committee are presented in Infobox 7.A.

The Memorandum of Understanding provides for funding of up to a maximum of \$20,000 for the operation of the Committee and for the Committee to provide written reports to the Council that may contain recommendations in relation to the Committee's objectives. The Memorandum of Understanding makes it clear that the Committee does not have a mandate to speak or act on behalf of any particular tangata whenua iwi. Council funds an annual budget for the Māori Advisory Committee to cover meeting fees and administrative expenses. Membership of the Committee consists of one representative from each of the tangata whenua iwi who are signatories to the Memorandum. One iwi, Ngati Kuia, has recently withdrawn from the Māori Advisory Committee.



Infobox 7.A Objectives of the Māori Advisory Committee

The objectives of the Māori Advisory Committee are to:

- Provide advice on the Council's obligations under the Treaty of Waitangi.
- Encourage awareness within all levels of the Council, of the Treaty of Waitangi and Tikanga Māori.
- Promote policies and management strategies for environmental issues that are in accordance with the Treaty of Waitangi, Tikanga Māori and consistent with the principles of Kaitiakitanga.
- Promote the development of appropriate broad level policies on issues affecting or of concern to tangata whenua iwi.
- Provide advice to the Council, to assist it to consult effectively with tangata whenua iwi.
- Provide advice (where appropriate) to the Council on tangata whenua/iwi who should be consulted or contacted in relation to specific matters affecting resources within a particular rohe.
- Provide generic advice, to increase the input of tangata whenua into the following:
 - annual Plans, including plans that are revised or developed from time to time;
 - regional Policy Statements;
 - regional Plans (including Coastal Plans);
 - consultation processes in relation to resource consents; and
 - any other resource/environmental management policy or strategy for the Marlborough area.
- Promote policies and strategies to enable and increase the development of iwi management plans for natural and physical resources in their rohe.
- Encourage information exchange and liaison between tangata whenua iwi and the wider Māori community (where appropriate) and the Marlborough District Council.
- Support the Māori representatives on the Council's Resource Management & Regulatory, Corporate Services, Community Services and Developments and Works and Services standing committees.
- Report back to tangata whenua iwi and where appropriate, the wider Māori community, on activities of the Māori Advisory Committee and the progress of initiatives, projects, issues, debates and achievements or arising out of the relationship with the Council.

In addition, one iwi authority, Te Runanga a Rangitane o Wairau, has chosen to develop a separate relationship with the Council. It is neither a signatory to the collective Memorandum of Understanding nor a member of the Māori Advisory Committee. The iwi authority and Council work together on a number of operational matters including resource consent applications and special projects. Both parties have agreed to the development of a Memorandum of Understanding, although that process has not been completed.

Council has made funding available for specific reports and projects, for instance the Grovetown Lagoon Project (see Infobox 7.B). Council has also assisted iwi with their applications to the Ministry for the Environment's Sustainable Management Fund (SMF) for funding to complete iwi management plans. Council has also engaged tangata whenua on a contractual basis to produce a report to contribute to the development of the Marlborough Sounds Resource Management Plan. Furthermore, on occasions tangata whenua have received fees for providing advice on waahi tapu and protocols concerning the uncovering of koiwi in the course of subdivision, roading or other development work undertaken by Council.



Infobox 7.B The Grovetown Lagoon Project

One innovative project has been initiated and led by iwi. It involves three iwi working with the Council and local community groups to restore a wetland. Iwi have identified what they would like to see in terms of restoration and management of the area. The Council has provided staff and technical assistance. One staff member working on the project said that they have found it a very rewarding experience, with everyone much better informed. One of the tangata whenua also considered that the project was working well, although commented that it needed to be underpinned by partnership at the governance level of Council.

A full-time Community Development Officer is employed by the Council. One of the Community Development Officer's key roles is to provide liaison and develop partnerships between the Council and community groups including iwi.

7.4 Issues

Participants in the case study discussed the following issues:

7.4.1 Capacity of iwi to be involved

While there is a large number of iwi in the top of the South Island, each iwi has a relatively small population. A critical issue for iwi authorities is how to establish and maintain the financial and staff resources necessary to respond to very high levels of Council business, which include one of the highest resource consent workloads in the country. Some iwi in the top of the South Island regularly deal with all three unitary authorities (Marlborough District Council, Nelson City Council, Tasman District Council). In addition, all iwi are deeply involved in Treaty of Waitangi claims. Consequently, a few people shoulder a heavy and increasing workload, and most of those work voluntarily on iwi business. These strains on iwi capacity have not only implications for involvement in commenting on consents and Council plans, but also on maintaining participation in the Māori Advisory Committee and on other Council committees or working groups. Recently one iwi authority ceased its participation in the Māori Advisory Committee because of staffing difficulties. Several people involved in iwi authorities commented on the difficulties of managing heavy workloads generated by Council business. As one person commented, "we can't be as effective as we would like to be."

Iwi authorities are working on improving their infrastructures and capacity. Two iwi with headquarters based outside of the district have introduced arrangements to facilitate closer communication with the Council. Some iwi authorities in the district are developing iwi management plans, which will not only assist the iwi in planning and development, but also provide information for councils and other government agencies in the top of the South Island. Tangata whenua expressed interest in receiving training on the resource consents process.

Some staff expressed interest in involving the Māori Advisory Committee in more issues, particularly in policy development. There was also interest in encouraging tangata whenua to feel comfortable in contacting the Council whenever they had an issue to discuss, rather than waiting for Council to approach them on Council business. Some staff considered that better use could be made of the Committee as a forum for sharing information and obtaining views. However, staff are very aware of the workload faced by tangata whenua, and some also observed a high turnover amongst staff in iwi authorities.

7.4.2 Adequate resourcing

Some within the Council consider that resourcing iwi participation is an issue wider than councils and needs to be addressed by Government. The Council's general approach to funding for iwi participation has resulted in funding for some purposes and activities. For example, some iwi authorities have received funding for producing reports, and to attend site excavations to ensure that resource consent conditions are met with regard to any uncovering of kōiwi or artifacts. Funding has also been provided for the operation of the Māori Advisory Committee,



and the iwi representatives on Council standing committees receive fees for attendance.

Currently the Council does not provide iwi authorities with fees for providing advice on consent applications. Representatives of iwi authorities indicated that considerable effort went into providing comments. Staff resources for commenting on resource consent applications ranged from 0.5 of a position in one iwi authority to three part-time positions in another.

7.4.3 *Leadership and governance*

Several participants in the case study emphasised the critical role of strong and positive leadership, on the part of both Council and tangata whenua, in developing and maintaining relationships of good faith. In general, participants considered that there was much good will on both sides and willingness to work together. Most agreed there was also a common value base, although there may be debates about the best way to achieve goals. But examples were given of incidents where participants felt that previously good relationships have been undermined by a lack of consultation on the part of Council, and failure to acknowledge the interests or concerns of tangata whenua.

Tangata whenua were especially concerned about what they saw as a lack of acknowledgement of the constitutional status of tangata whenua. Tangata whenua were strongly of the view that the Council must have a direct relationship with each iwi. The role of the Māori Advisory Committee is seen as a limited one. Tangata whenua emphasised that the Committee should not be used to deal with issues specific to any one iwi.

7.4.4 *Land issues*

Tangata whenua have expressed interest in certain areas of land that are under the ownership or management of the Council or central government agencies. At present the Council is not actively looking at ways of handing back land, although there has been some preliminary consideration of this matter in respect of one site. Recently a private company gifted back a site containing urupa to an iwi of the district.

7.4.5 *Representation and mandate*

Recently the Council has had new groups and individuals emerging who wish to establish a relationship with the Council. The Council is moving cautiously, and will seek guidance on matters of representation and mandate from the outcomes of Treaty of Waitangi Tribunal recommendations to Government.

7.4.6 *Training of staff and councillors*

Several participants in the case study suggested that the Council would benefit from seminars to gain a more detailed understanding of the Treaty of Waitangi. Staff expressed an interest in having guidelines on how to consult with tangata whenua, and who to consult with. Such knowledge is not only important so that staff can carry out their day-to-day business, but also so that they can advise resource consent applicants on how and who to consult with. Currently staff rely on sharing information and building up contacts with iwi. The Community Development Officer acts as a source of advice on iwi consultation matters, although there is no staff position dedicated to iwi liaison. The Council has held one seminar for staff on a local marae.

Several of the tangata whenua commented that the Council needs to develop greater understanding of Māori tikanga, the Treaty of Waitangi and the responsibilities of local government in respect of tangata whenua. Furthermore, Council lacks understanding of current Treaty of Waitangi claims and the diverse histories of iwi of the region.

7.4.7 *Consultation*

Tangata whenua raised issues both about the role of consultation in relationship development, and the process of consultation itself. There was a concern that building relationships with iwi can be reduced to ad hoc consultation on specific matters, rather than the focus being on the long-term development of ways of working together that include iwi participation at the governance level of Council business. One person commented that tangata whenua want a “treaty-based relationship, not a consultation-based relationship.”



With regard to consultation processes, several people commented that there has not been consultation on some issues that clearly affect tangata whenua. Other examples were given of consultation that has not been timely. Some tangata whenua were also concerned about the effectiveness of the Māori Advisory Committee as there is no formal process for feeding back comments from the Committee to councillors or the senior management except by letter or through the Māori members of the Council's standing committees.

Yet good examples of consultation were also mentioned, where there have been clear benefits in talking early with tangata whenua to clarify respective positions and work toward the resolution of concerns. Participants also gave examples of very effective working relationships between tangata whenua and staff on Council projects. This has included staff talking with tangata whenua before developing proposals, and consulting them throughout the proposal development stage. Such consultation approaches contribute to building on-going relationships.

7.4.8 *The resource consents process*

The Council endeavours to give tangata whenua early warning about consent applications so that if they have concerns those can be addressed in good time. The Council has also developed with some iwi authorities, standard conditions for certain types of developments that can be applied to a range of similar consents. This helps both tangata whenua and the Council to deal consistently and efficiently with a considerable workload. Consents staff have also started discussion with the Māori Advisory Committee about how the consents workload can be managed for tangata whenua.

Both staff and members of iwi authorities identified issues relating to the resource consent process. These include:

- resource applicants being unaware of or unclear about how to consult with iwi. Some applicants are also reluctant to meet their responsibility to consult with iwi
- insufficient resourcing for iwi to ensure they have the time and expertise to respond to consent applications.

7.4.9 *Māori commissioners*

Currently the Council does not involve Māori commissioners in hearings. Some tangata whenua strongly support the concept of Māori commissioners, so that a greater range of expertise is available to hearings committees about Māori tikanga and values. They considered that it is insufficient for Council to receive submissions from tangata whenua without having the expertise within the hearings committee to take full account of those submissions. One person suggested that the Council ask the iwi of the district for nominations for Māori to serve on the hearings committee.

7.4.10 *Educating the wider community on Māori and Treaty of Waitangi issues*

Both tangata whenua and staff commented that some within the local community lack understanding of Treaty of Waitangi claims, the responsibilities of Council in respect of iwi consultation, and issues of concern to Māori. Some sections of the community perceive that Māori receive 'special treatment' and question why other groups within the community should not receive the same opportunities for Council representation.

7.5 *Conclusion*

The Marlborough District Council is at different stages in its relationships with each of the eight iwi that have mana whenua in the district. Councillors and staff commented very favourably about the involvement of Māori representatives on Council committees, and on the involvement of tangata whenua in specific projects.

Staff consider that the most effective approaches have involved direct personal contact with tangata whenua, being clear about what the Council can and cannot do, and working through issues. Tangata whenua commented on the good will shown by individuals in the Council, and particularly the efforts made by some staff and councillors. But for them, key issues around the establishment of partnerships at the governance level with each iwi remained.



8. RESPONDING TO TREATY OBLIGATIONS

The way in which councils develop and sustain relations with tangata whenua has been a critical aspect of local government over the last two decades. Whereas a decade ago many councils thought around that relationship in the context of the RMA, many councils are now thinking through and responding to Treaty obligations throughout the full range of council activities and functions. Some of the councils in these case studies have developed relationships that go beyond the requirements of the RMA, and they are well placed for responding to any wider provisions for the involvement of iwi and Māori in local government activities that may be enacted through changes to local government legislation. The proposed local government legislation is likely to reinforce that trend.

8.1 Previous Studies into Council Responses to Treaty Obligations

Over the past decade, a number of studies have monitored the way in which territorial authorities have responded to those Treaty responsibilities in the context of the RMA. Those studies include:

- Parliamentary Commissioner for the Environment (1992), which focuses on regional councils. The Commissioner updated this study in 1998 and found improvements in tangata whenua participation in the RMA process, but also identified on-going problems in engagement with iwi.
- A Foundation for Research, Science and Technology (FRST) funded analysis (Nuttall and Ritchie 1995) of the extent to which councils recognised the Māori components of the RMA in regional policy statements and district plans. That analysis involved 12 regional authorities, three unitary authorities, and 10 territorial authorities.
- A *Local Government New Zealand* (1997) survey of 64 councils' current practices and processes found that relationships with Māori and obligations to the Treaty of Waitangi continue to be a major issue for local government.
- A Ministry for the Environment (1998) survey of 86 councils focusing on resource management processes found wide variation in councils' approaches and perceptions concerning Māori participation.

Unlike the research noted above, the *Local Government Treaty Perceptions and Responses Survey* of 74 territorial local authorities published in 1999 and funded by the Foundation for Research, Science and Technology (FRST), was not restricted to reviewing council responses to Treaty responsibilities in the context of the RMA. The survey explored how territorial authorities themselves defined their Treaty responsibilities, the areas of activity in which territorial authorities saw those responsibilities applying, and their actions in relation to those Treaty responsibilities.

That study found that many territorial authorities saw positive outcomes from cementing a relationship with tangata whenua. Those benefits included increased social cohesion, improved compliance with planning and resource management requirements, and improved council performance. There was widespread confusion among councils about the nature and extent of their Treaty of obligations. A wide variety of mechanisms for engaging with tangata whenua



were identified through the survey. Most of those mechanisms, although by no means all, were directed at RMA related activities.

8.2 *Relating with Tangata Whenua in the New Millennium*

These case studies confirm the diversity of paths that tangata whenua and councils walk to develop active and effective relationships with each other.

| <i>Infobox 8.A A Summary of Relationship Mechanisms and Processes Engaging Councils and Tangata Whenua in Five Case Study Areas</i> | | |
|---|---|---|
| COUNCIL | TANGATA WHENUA GROUPS | KEY INITIATIVES |
| Manukau City Council | <ul style="list-style-type: none"> • Ngati Paoa Whanau Trust Board • Ngaati Te Ata • Ngai Tai ki Tamaki Tribal Trust • Ngai Tai Umupuia Te Waka Totara • Makaurau Marae • Pukaki Marae • Huakina Development Trust • Ngati Whatua o Orakei Māori Trust Board. | <ul style="list-style-type: none"> • Treaty of Waitangi Unit • Treaty of Waitangi Working Party • Treaty of Waitangi City Services Plan • Relationship Agreement Development Funding • Te Reo Māori recognised as an official language for the Council • Māori Liaison Officer position • Māori Liaison & Advisor • Māori Liaison Librarian • Māori Community and Economic Development Position • Marae Policy • Treaty of Waitangi Training • Annual Planning Consultation |
| Waipa District Council | <ul style="list-style-type: none"> • Tainui Waka • At least 23 Hapu represented. | <ul style="list-style-type: none"> • Iwi Consultative Standing Committee • Nga Iwi Toopu o Waipa • Iwi representative on Council standing committees • Iwi representation on special working parties • Te Takawaenga (Community Liaison Officer) • Waahi Tapu register • Funding for resource consents |
| Gisborne District Council | <ul style="list-style-type: none"> • Te Runanga o Ngati Porou • Te Runanga o Turanganui a Kiwa • Ngati Oneone (hapu), and • Heinz Wattie Tangata Whenua Caucus. | <ul style="list-style-type: none"> • Iwi Liaison Officer • Māori Commissioners • Whenua Rahui register • Memorandum of Understanding with various groups • Interim Tangata Whenua Committee |



| | | |
|------------------------------|---|---|
| Wellington Regional Council | <ul style="list-style-type: none"> • Ngati Kahungunu ki Wairarapa • Te Atiawa/Taranaki ki Te Upoko o te Ika a Maui • Ngati Toa Rangatira • Atiawa ki Whakarongotai • Ngati Raukawa ki te Tonga • Rangitaane o Wairarapa • Wellington Tenths Trust. | <ul style="list-style-type: none"> • Inter Iwi representative group • Charter of Understanding • Two Māori Policy Advisors • Māori Hearing Commissioners • Iwi representatives on council advisory committees • Technical workshops • Funding for resource consents • Iwi Projects Fund • Annual Planning Consultation • Māori education strategy |
| Marlborough District Council | <ul style="list-style-type: none"> • Ngai Tahu • Te Atiawa Manawhenua ki te Tau Ihu Trust • Ngati Rarua Trust • Ngati Koata Trust • Te Runanga a Rangitane o Wairau • Ngati Kuia Trust • Ngati Apa • Ngati Toarangatira Manawhenua ki te Tau Ihu Trust. | <ul style="list-style-type: none"> • Māori Advisory Committee • Māori representation on council standing committees • Memorandum of Understanding • Community Development Officer • Joint management project |

As Infobox 8.A shows, there is considerable variation among councils in the processes and mechanisms through which the relationship with tangata whenua is cemented and developed. It should also be noted that even within a single council area these relationships consist of a multiplicity of formal and informal interactions both at the governance and operational levels.

8.3 What is needed?: Key themes

The mechanisms that have developed to manage the relationship between councils and tangata whenua in each of the case studies have significant differences. In Manukau City Council, Waipa District Council and the Wellington Regional Council, those mechanisms have evolved, changed and been transformed as the relationship itself has developed. There are significant differences in the way in which each iwi or tangata whenua group in a particular council territory wishes to relate to their council. Nevertheless, certain common themes emerge in the evolving relationship between councils and tangata whenua. These are:

8.3.1 *Balancing strong leadership and relationships with formal processes and structures*

Across the councils there was a general acknowledgement that strong leadership from the Mayor/council chairperson, councillors, senior staff, and tangata whenua are essential for generating and maintaining a successful working relationship. Some councils have experienced difficulties in sustaining relationships with tangata whenua when leadership has not been effective. Such a situation is exacerbated when there are no formal structures or processes in place that clearly set out the directions, roles and responsibilities of the relationship. Councils have developed a range of formal mechanisms that underpin strong leadership, including committees/advisory groups, memoranda of understanding/agreements and operating policies.

8.3.2 *Distinguishing between governance, participation and consultation*

Councils are mindful of tangata whenua interests in participating at a governance level. However, exactly what this means in practice is still elusive. None of the councils have established processes at a governance level that fully meet what tangata whenua might envisage as a Treaty-based response.



8.3.3 *Guidance around the role of councils in relation to the Treaty of Waitangi*

Several councils and iwi lamented a lack of guidance from central government on the Treaty-based responsibilities of local government. Despite this lacuna, most tangata whenua and councils are working out their own relationships that include reference to the Treaty of Waitangi and/or Treaty principles. Some areas are particularly difficult and need clear guidelines and processes to be established. These include tangata whenua involvement at the governance level of councils and processes for dealing with land under claim.

8.3.4 *Managing conflict*

It is inevitable that all relationships will experience tensions and conflict at some time. This is not in itself a problem, but will become a problem if there is no adequate process to manage and resolve conflict. Councils have experienced situations where differences have not been easily addressed because there were no mechanisms to allow the identification of conflict and the space to work through issues. On the other hand, councils have also found that having appropriate processes and policies that state general operating principles has helped in resolving conflict, or if conflict cannot be resolved, enabling the parties to continue to work together despite areas of difference.

8.3.5 *Adequate resourcing*

This is a continuing issue for all councils. Councils are at different stages of putting in place the most appropriate resourcing responses according to the needs of tangata whenua on the one hand, and the requirements and funding constraints of councils on the other. Two councils have little in the way of formal policies and processes for funding tangata whenua participation. In contrast, two of the larger councils have devoted upwards of \$300,000 in various ways to building relationships and increasing the involvement of tangata whenua. That funding is generally spent on a combination of council operational processes and the provision of direct funding to tangata whenua. Both of those councils have adopted a fee-for-service model as the method of directly funding tangata whenua. Issues around resourcing include the need to clarify contractual expectations, performance in meeting contractual requirements, and the range of activities that funding should encompass.

8.3.6 *Raising the capacity of tangata whenua to engage with councils*

While central government has recently focused on capacity building for tangata whenua, there is still much to be done. Almost all iwi in the case studies have been or are currently heavily engaged in Waitangi tribunal claims. These processes diminish the capacity of tangata whenua to address other matters. The longevity, infrastructural development, staffing capacity and skill/experience base of iwi authorities and other tangata whenua organisations in the case study areas vary enormously. With the increasing tendency of smaller iwi or hapu groups to have the interest and ability to establish their own organisational structures, the need to build capacity becomes even more acute as they are no longer under the umbrella of a trust board or runanga structure. Some iwi organisations have identified the need to plan for new people to move into the organisation as others move on or retire, as a significant issue that takes time and resources to address. For those iwi with few available members in their rohe, succession planning is critical. Councils are unsure how to most effectively contribute to capacity building, although all acknowledge that capacity limitations are a fundamental barrier to the active engagement of tangata whenua, as well as having implications for councils carrying out their own statutory responsibilities. Current approaches to building capacity of tangata whenua have included some funding, information sharing and training. However, all those areas need further development.

8.3.7 *Building councillor and staff understanding of tangata whenua issues, history, tikanga Māori and Māori social and political structures*

In all case study areas, suggestions for training of staff and councillors were given. Tangata whenua across the case study areas also considered that the organisational cultures of councils



must change to accommodate Māori perspectives and practices much more. Changing the organisational structure relates to a diversity of council activities, including the council's overarching strategic policies, training and induction for councillors and staff, recruitment practices to ensure that more Māori are recruited into positions throughout all areas of council business, the way in which meetings are conducted, the inclusion of Māori in decision-making processes such as hearings, and the general appearance and environment of councils as the main service delivery agency in communities.

8.4 *What doesn't work?*

The diversity of approaches among the case studies and the gradual evolution of relationships show that there is no one simple model or answer that will work for all councils and tangata whenua, all of the time. What works in one area may not work in another, because of the specific history and circumstances of tangata whenua and councils in each area. Also, relationships change and grow and any structures or processes that are developed must be flexible in accommodating new requirements.

While acknowledging that tangata whenua and councils must develop their own ways of working that will be unique to them, there are nevertheless some general observations that can be made about what doesn't work:

- A single council response, as expressed in one type of mechanism, or focussed on one aspect of council activity is not enough. Responses need to be developed and maintained that encompass both governance and operational levels of council activity.
- Links and feedback need to be made between the different mechanisms that are developed to manage the relationship between councils and tangata whenua. There need to be links between mechanisms and processes that have been established, both with the governance structures of councils and operational structures as well as with the decision-making processes of tangata whenua.
- Responses cannot be sustained without resources. Resourcing includes not only financial resources to establish and maintain relationships, but also sufficient staffing to support relationship development and maintenance at the appropriate levels of seniority in the council and provision of information and advice to tangata whenua.
- Responses that rely on specific individuals are unlikely to endure. Responses need to be formalised and established within an institutional structure.
- Lack of review and evaluation, undertaken by both councils and tangata whenua, will limit the growth of the relationship.
- A rigid approach and lack of ability to cope with change may threaten relationships. What worked some years ago may need to be changed to reflect different circumstances or priorities.

8.5 *A final comment*

What is clear is that the relationship between councils and tangata whenua is by its very nature dynamic. Allowing that relationship to change, being willing to review, acknowledging difference, and recognising that the capacity of parties to respond and move on can vary, are all important components of sustaining and developing effective and mutually beneficial outcomes for both councils and tangata whenua. It must be emphasised that any success demonstrated in the case study areas has been due to the commitment and willing engagement of all parties – both tangata whenua and council. Tangata whenua have not simply been reactive parties. They have shown considerable fortitude and patience as well as an ability to hold on to a fundamental optimism about continuing dialogue with councils. Councils who are seriously committed to forging successful relationships with tangata whenua demonstrate high levels of humility, respect, willingness to listen, eagerness to continue a relationship for the long term and willingness to share resources to build mutual understanding and improved environmental outcomes.