

Do we use Statutory Acknowledgements correctly?

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Napier

Presenter

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BRINGING TWO WORLDS TOGETHER

Opening Question

- What is the role of planners?
- Write a list.....

Context – Use of Statutory Acknowledgements

- Informed Decision-Making
- What is informed decision-making? What does it require?
- What qualifies our information/evidence?
 - Representation and qualification of expertise
 - Methodology and Peer Review

What are Statutory Acknowledgements?

- Is an acknowledgement by the Crown
- Are statements in Treaty of Waitangi settlement legislation (as well as some Agreements in Principle)
- Identifies statutory areas (Survey Office Plans)
- Focus on cultural, spiritual, historic, and traditional association of iwi with statutory area
- Are over Crown land as well as water bodies, landscapes, and coastal marine areas
- Tend to require a resource consent involvement process
- Triggers affected party status
- Recorded in RMA Planning documents
- Local authorities, Environment Court and Heritage NZ are required to have regard to statutory acknowledgements

What are Statutory Acknowledgements?

- How are Statutory Acknowledgements developed?

Through Treaty of Waitangi settlement legislation (as well as some Agreements in Principle) of historical claims

Treaty of Waitangi settlement process

Settlement provides:

- An historical account of the Treaty breaches, and Crown acknowledgement and apology
- Cultural redress
- Commercial and financial redress

Treaty of Waitangi settlement

Four Stages

1. Pre-Negotiation
2. Negotiation
3. Legislation
4. Implementation

<https://www.govt.nz/browse/history-culture-and-heritage/treaty-of-waitangi-claims/settling-historical-treaty-of-waitangi-claims/>

Treaty of Waitangi settlement

Stage 1 – Pre-Negotiation

- Mandate and Representation
- Deed of Mandate
 - Defines Group
 - Demonstration of Consultation
 - List of Claims to be settled
 - Overlapping interest

Robust Discussions on the What, Who, Where, Why

Representation and Qualification of Expertise

Treaty of Waitangi settlement

Stage 2 – Negotiation

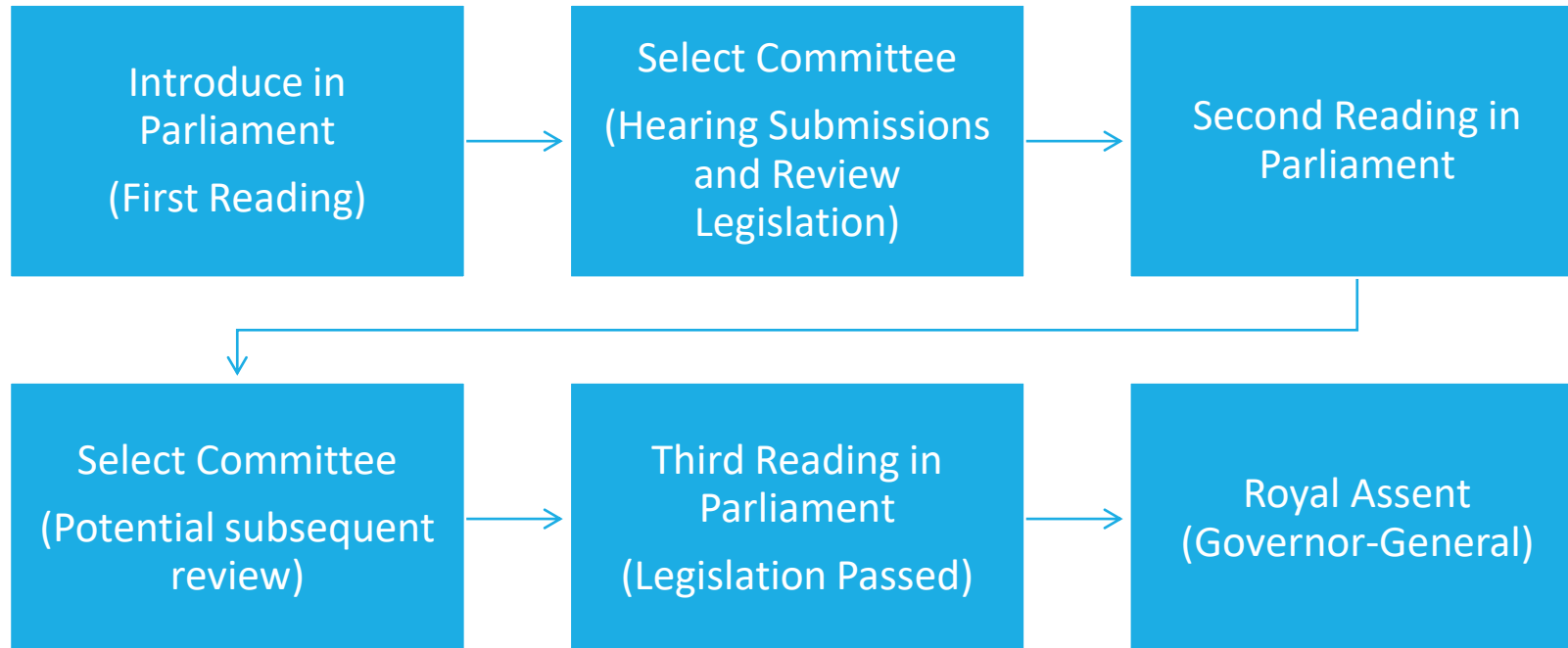
- Two key documents: Agreement in Principle and Deed of Settlement
- Agreement in Principle
 - Can take two years to develop
 - Outlines initial redress to settle historical claims
 - Enables engagement and discussion with government parties
- Deed of Settlement
 - Can take two years or more to develop
 - Engagement with government agencies and
 - Engagement with other iwi
 - Engagement with tribal members (claimants)
 - Outlines an agreed set of redress measures

Understanding the issues, the mechanisms of government and expert reports

Representation and Qualification of Expertise and Methodology

Treaty of Waitangi settlement

Stage 3 – Legislation



Representation; Qualification of Expertise; Methodology and Peer Review

Treaty of Waitangi settlement

Stage 4 – Implementation

- Redress measures
 - Participation in resource management process
 - Statutory acknowledgements

Statutory Acknowledgements

- How are Statutory Acknowledgements being used?
 - Implementation is narrow and focuses on statutory requirements and legal directions

Context of “Informed Decision-Making”

- Information and Evidence

What are the opportunities for Planners to use that information and evidence that support Statutory Acknowledgements ?

Informed Decision-Making through Statutory Acknowledgements

Resource Consents

- Assessment of Environmental Effects (Suitably Qualified)
- Section 95 Notification
- Section 104 Consideration
- Section 108 Conditions of Consent

Policy and Plans

- “Competently Prepared” Plan
- Coherent set of Policies
- Mana Whakahona a Rohe/Treaty Partnerships