



# ***Mana Whakahono a Rohe***

## ***obligations and opportunities***



*He aha te kaupapa nei?  
Mana Whakahono ā Rohe*



- Mana Whakahono ā Rohe have a broad policy intent.
- The arrangements are not intended to be prescriptive; they are designed to provide parties (iwi/hapū and local authorities) with the opportunity to work collaboratively in a way that they see fit within the RMA framework.
- The principles provide a touchstone for the relationship.



- The purpose of a Mana Whakahono is:
  - to provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under the RMA; and
  - to assist local authorities to comply with their statutory duties under the Act, including through the implementation of sections 6(e), 7(a) and 8.
- The broad purpose is not simply limited to participation, or consultation, without decision-making.





*Preparing for a  
Mana Whakahono ā Rohe  
(See diagram)*

*Contents of a  
Mana Whakahono ā Rohe*



# A Mana Whakahono must record the parties agreement about;

- preparation or change of a policy statement or plan; how may an iwi authority participate
- consultation requirements; how will they be undertaken?
- methods for monitoring; how will the parties work together to develop and agree on methods?
- iwi participation legislation; how will it be given effect?
- conflicts of interest; how will these be identified and managed?
- resolving disputes about the implementation of the arrangement; what process will the parties use?

## A Mana Whakahono may also specify the parties agreement about;

- **resource consent matters;** how will a local authority consult or notify an iwi authority where it is provided for in the Act?
- **limited notification;** what circumstances may an iwi authority be given limited notification as an affected party?
- **Other functions, duties, or powers;** any other arrangement?
- **Multiple iwi authorities party to one arrangement;** how will they work collectively together?
- **iwi authority delegation;** has the iwi authority delegated any role in the arrangement to a person or group of persons, including hapū?

*What if we reach an impasse in the negotiations and we can't agree?*



- There is a process for disputes that arise in the context of negotiating a Mana Whakahono.
- The parties can choose binding or non-binding arbitration or mediation (at parties own cost).
- If the dispute remains unresolved after the non-binding process, the parties may seek the assistance of the Minister. The Minister may appoint a Crown facilitator or direct the parties to use an alternative dispute resolution process.



*What about Treaty settlements?*



- Mana Whakahono are not redress – they are available under the RMA as of right.
- A Mana Whakahono does not limit any relevant provision of any iwi participation legislation or any agreement under that legislation.
- However, Mana Whakahono do provide an opportunity to come together again and discuss how various Treaty settlement mechanisms may be working (or not working) and better give effect to these.



- Mana Whakahono are relevant and available for those iwi (and hapū) who have settled their historical Treaty grievances and those who have not:
  - Settled – enables another conversation about the Treaty settlement redress with local authorities to have new discussions and set out expectations again.
  - Not settled – enables an agreement outside of the Treaty settlement process so that the “Treaty settlement credits” do not have to be exhausted on matters that should be enabled under the RMA.
- Treaty Settlement legislation must be considered when developing Mana Whakahono.



# *Review and monitoring*



- Local authorities must review their policies and processes to ensure that they are consistent with the Mana Whakahono within 6 months of the Mana Whakahono being completed (unless otherwise agreed).
- Unless the iwi and local authority/authorities agree:
  - the contents of a Mana Whakahono a Rohe must not be altered; and
  - a Mana Whakahono a Rohe must not be terminated.
- Every 6<sup>th</sup> anniversary, or at any other time by agreement, the participating authorities must jointly review the effectiveness of the Mana Whakahono.



*What needs emphasis in the guidance?*



*Are there any positive / challenging examples that would be useful to refer to in the guidance?*



*What further support is needed?*



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