



Planning Under
Co-operative Mandates

Ngä Mahi: A Kaupapa Mäori Outcomes and Indicators Kete

by

Richard Jefferies and Nathan Kennedy

PUCM Mäori Report 2

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Mihi

Ngā mihi ki ngā atua e tiaki nei i a tātou katoa. Ki a Ranginui e tū nei, ki a Papatūānuku e takoto nei. Ko Papatūānuku te whaea o tātou te tangata, te pūtake hoki o ngā whiriwhiringa kōrero i roto i ngā pepa nei.

Ngā mihi hoki ki a rātou mā kua huri ki tua o te ārai. Ko rātou hoki i poipoi, i ngaki, i tiaki hoki i te whenua, i mau hoki ki te mana o te whenua i nohoia e rātou. Heoi ano, ko rātou ki a rātou, ko tātou te hunga ora ki a tātou.

Kei te mihi atu mātou ki a koutou i āwhina mai nei i a mātou i roto i ngā rangahau, ngā kohikohi, ngā tātari i ngā take kei roto i ēnei pepa.

Ahako ko wai te tangata nāna te pepa nei i tito, ko te tūmanako mā te whakatakoto me te whakapāho o ēnei pūrongo kōrero ka kōkiritia ēnei kaupapa. Hei aha, hei painga mo te whenua, hei painga hoki mo te tangata - otirā ngā uri o Papatūānuku – i roto i ngā nekenekēhanga o tēnei ao hurihuri. Hei whakamāramatanga hoki ki te tangata e kimi nei i te mātauranga o te Ao Māori e pā ana ki te manaaki me te tiaki i te whenua.

Ko tōna mutunga, kia whai mana tonu ngā kaupapa Māori i roto i ngā tikanga a te Ao Pākehā.

Nā mātou iti nei,

nā,

Richard Jefferies – Ngāti Tūkorehe

Nathan Kennedy – Ngāti Whanaunga

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Preface

This report on *Ngä Mahi: Kaupapa Māori Outcomes and Indicators Kete* contains worksheets and guidelines for applying a kaupapa Māori framework to the assessment of outcomes for Māori from statutory plans. It is designed for use by staff in councils, Crown agencies, and iwi/hapū.

This kete (and supporting documents) emerged after 5 years of work by the PUCM Maori research project, which aimed to develop a Kaupapa Māori environmental outcomes and indicators framework and methodology. The project was led by Richard Jefferies, director of KCSM Consultancy Solutions Ltd, Opotiki. Research took place within a wider research programme on *Planning Under a Cooperative Mandate* (PUCM), led by the International Global Change Institute (IGCI), a self-funding research institute within Te Whare Wānanga o Waikato – The Waikato of University, in association with several research partners.

PUCM is a FRST-funded programme that since mid-1995 has been sequentially examining the quality of: policies and plans (Phase 1); plan implementation (Phase 2); and environmental outcomes (Phase 3) under the 1991 *Resource Management Act* (RMA) and more recently the 2002 *Local Government Act* (LGA). An important part of this planning and governance research was consideration of the interests of Māori as Government's Treaty partner.

Following Phase 1 analysis of RMA plan quality, Richard Jefferies of Ngāti Tukorehe and his firm, KCSM Consultancy Solutions Ltd were brought onto the PUCM research programme in 2002 to lead the Māori component of the research. KCSM staff initially assisted with interpretation of findings relating to plan implementation and Māori interests. Nathan Kennedy, an environmental officer for Ngāti Whanaunga iwi and with experience working in local government, was employed at the beginning of PUCM Phase 3 to undertake research on Māori environmental outcomes.

The PUCM Māori team has published a series of working papers and reports as a means for making public its research findings, and in an effort to influence change in response to observed issues with plan quality and implementation, and the environmental results, especially as they relate to Māori. These documents are downloadable from <http://www.waikato.ac.nz/igci/pucm>.

Located in grey in Figure 0.1 next page is the Phase 3 Māori RMA Objective with its published and proposed outputs identified in the lower row of boxes; the one shaded grey being this report.

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31 March 2009

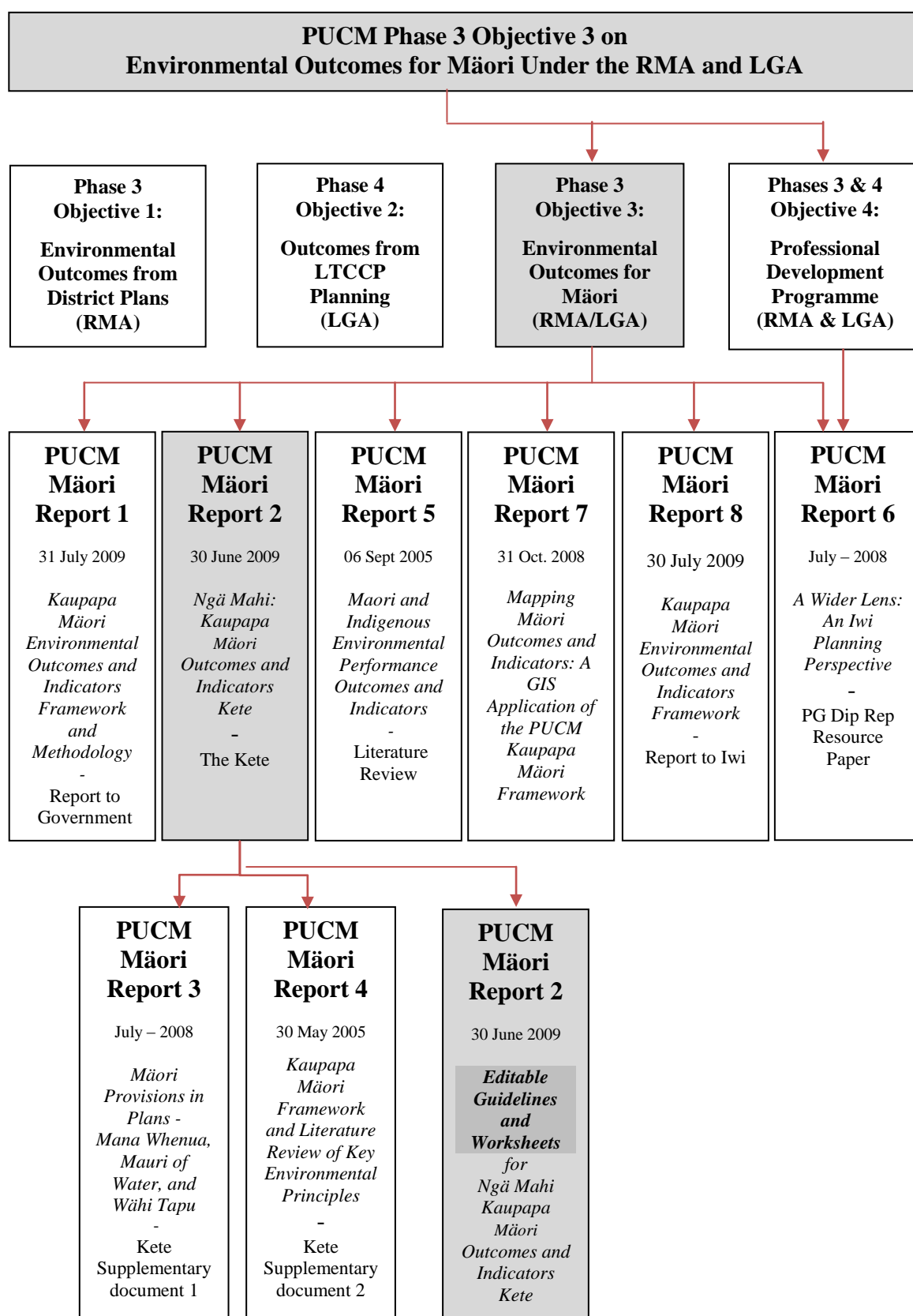


Figure 0.1. Māori Report 2 in context of the PUCM Research Programme on Planning Under Co-operative Mandates RMA (1991) and LGA (2002)

Acknowledgements

The PUCM Research Programme (Phases 3 and 4) was funded by FRST-PGSF under contract number UOWX0308 with the University of Waikato, and subcontracts to Planning Consultants Ltd (Auckland), KCSM Consultancy Solutions Ltd (Opotiki), Lawrence Cross Chapman and Co. Ltd (Planning and Resource Management Consultants, Thames), and Lincoln University. We appreciate the support of FRST and that of the PUCM team

Special thanks are due to the many peer reviewers in two tangata whenua working groups who contributed to the Māori component of the overall PUCM Research Programme, and the Māori project in particular. The “Māori experts group” was comprised mostly of Māori working within councils and Crown agencies. The “Practitioners group” was comprised of iwi environmental officers. The following peer reviewers have participated in these two groups at different times: Hori Parata, David Taipari, Tikitu Tutua-Nathan, Nassah Steed, Antoin Coffin, Reg Profit, Garth Harmsworth, Todd Taiepa, Waaka Vercoe, Beverley Hughes, Vaughan Payne, Rhonda Cooper, Barney Thomas, Nick Tupara, Saul Roberts, and Te Warena Taua.

We also give special thanks to the staff of our partner iwi, Ngāti Awa and Ngāti Maru, for assistance and guidance with both developing and trialling the environmental outcomes and indicators framework and outcomes and indicators kete. And, we thank staff of Matamata-Piako District Council and Environment Bay of Plenty and members of the tribal representatives on the Mana Whenua forum of Matamata-Piako District Council for their assistance and feedback.

We wish to acknowledge members of the wider PUCM team, who have contributed valuable advice throughout the research period, especially: Jan Crawford, Maxine Day, Neil Ericksen, and Lucy Laurian. Also thanks to Katarina Simons, IGCI PhD candidate, for insightful conversations. We give special thanks to Neil Ericksen, PUCM Research Programme leader, who supported our desire to develop a kaupapa Māori research approach and then encouraged us throughout the research endeavour. We are also grateful for him having reviewed and commented on drafts of this report.

Richard Jefferies – Ngāti Tukorehe

Nathan Kennedy – Ngāti Whanaunga

1. Introduction

As part of the Planning Under Cooperative Mandates research (PUCM) we developed a kaupapa Māori outcomes and indicators framework. This framework reflects tikanga Māori and Māori values. It also considers issues (including environmental issues) according to those tikanga that particular issues invoke. For example, tikanga brought into play in relation to council treatment and disposal of sewerage include tapu (sacred), and might also impact on the mauri (life-force) of water if treated effluent were to enter waterways.

The intention of our research has been to clarify and define key Māori environmental concepts so that stakeholders (including council staff) will have a terms of reference against which they can compare desired environmental outcomes from different perspectives and be better placed to integrate Māori environmental outcomes into planning processes. The end-point is this Nga Mahi kete report containing tikanga-based worksheets and the guidelines for using them.

Because the **worksheets** can be operated in the computer by users (e.g., staff in councils and iwi) and are *expandable* as new information is added by the user, they are replicated for that purpose in a separate WORD-file titled ***Kaupapa Maori Outcomes and Indicators: Guidelines and Worksheets*** (Jefferies and Kennedy, 2009c). The user of the kete (Report 2, Jefferies and Kennedy, 2009b) should therefore obtain the WORD-file in order to effectively use the kete.

The research that supported the development of the Kaupapa Māori framework, and eventual worksheets, was undertaken by Māori researchers with experience in environmental resource management, planning and policy writing. We were guided by two Māori peer review groups; one of iwi/hapū staff with environmental experience, the other of “Maori experts”, Māori planners and other professionals working mainly in government agencies and councils.

In preparation we undertook comprehensive literature reviews of writing on environmentally significant tikanga, and on Māori and other indigenous peoples’ indicators. We considered theoretical models relevant to Māori environmentalism, and to the development of Māori, indigenous, and environmental outcomes and indicators. The research approach and the framework itself, including the theoretical model which underpins it, are discussed at length in a series of reports, in particular *Māori Outcome Evaluation: A Kaupapa Māori Environmental Outcomes and Indicators Framework and Methodology* (Jefferies and Kennedy, 2009a). The reports include ones intended for councils and the Crown, and iwi or hapū. Each of these documents is downloadable at www.waikato.ac.nz/igci/pucm,

What we hope the kete and worksheets will achieve

Ultimately our kaupapa Māori outcomes and indicators kete are intended to evaluate whether high-level environmental outcomes, of particular importance to Māori, are being achieved. These outcomes are expressed in terms of particular tikanga. This allows for separate consideration of the parts that various groups play in relation to achieving these outcomes, these groups being councils, Crown agencies, tangata whenua, and the public. However, our expectation is that councils and iwi/hapū will be the parties that use the framework.

There are several additional things we hope our kaupapa Māori outcomes and indicators kete will achieve. For Māori these include the ability to:

- assess the condition of their environment in terms of Māori values, and the extent to which councils and other parties contribute toward this;
- assess and demonstrate the quality of their relationship with councils;
- compare their own situation to that of other iwi / hapū that have also used the framework;
- evaluate change over time for a particular area or across single or multiple council areas or rohe; and
- check the performance of councils in terms of both their promises as set out in their plans, and actions against these commitments.

And for councils and other Crown agencies, the outcomes and indicators kete will:

- present Maori aspirations and a Maori world view to staff and decision makers using these tools;
- provide councils with a practical understand of aspects of kaitiakitanga
- assist councils to assess their own policies and practices against Maori aspirations;
- provide useful markers for modifying practices in order to better meet Māori expectations and avoid impacting on traditional and legally established values and rights of tangata whenua; and
- allow councils to assess their performance over time, and against neighbouring and other councils.

In this document, we first introduce the kete and worksheets and explain the purposes of them, then provide guidance as to how they can be used by council or iwi/hapū staff. The majority of this document is taken up by the three worksheets (starting on page 10), which are the primary method for collecting the indicator information required to evaluate whether Māori outcomes are being achieved and for other uses described in this document.

2. The PUCM Kaupapa Māori Outcomes and Indicators Kete

This document provides advice for using three kaupapa Māori kete containing outcomes and indicators.. Kete translates as basket, and the three kete are tikanga-specific baskets of tools and methods for evaluating Māori values-based outcomes and indicators.

The tools and methods that the kete hold are mainly presented within three documents: this one - *Ngā Mahi: Kaupapa Māori Outcomes and Indicators Kete* (Jefferies and Kennedy, 2009b); *Kaupapa Maori Framework and Literature Review of Key Principles* (Kennedy and Jefferies, 2009); and *Maori Provisions in Plans* (Kennedy and Jefferies, 2008). The overall tools and methods therefore include the guidelines and worksheets in this *Ngā Mahi* document, an extensive literature review on environmentally significant tikanga, and a navigable collection of quality examples of Māori provisions within statutory planning documents.

To date, we have developed and trialled three kete, and these are named according to the tikanga on which they are based, these being; mana whenua, mauri of water, and wāhi tapu. Each kete includes a single high-level outcome relating to the tikanga of that kete, and multiple indicators grouped as indices. For most indicators a range of measures are provided.

The kete structure is shown in Figure 1.1 below, and descriptions for each tikanga is provided in Table 1.2.

Table 1.1. Kaupapa Māori outcomes and indicators kete

	Kete 1	Kete 2	Kete 3
Kaupapa	Mana	Mauri	Tapu
Tikanga	Mana Whenua	Mauri of Waterways	Wāhi Tapu
Outcomes And Indicators	1 Outcome	1 Outcome	1 Outcome
	Several Indices	Several Indices	Several Indices
	Several Indicators	Several Indicators	Several Indicators
	Various Measures	Various Measures	Various Measures

Table 1.2. Description of the outcomes and indicators hierarchy

Kete Contents	Description
Kaupapa	Overarching value or concept to which outcomes and

	indicators relate
Tikanga	High level principle or rule which must be upheld
Outcome	Expression of a group's aspiration or objective by which a particular tikanga will be observed or upheld
Indices (plural of Index)	Term for a series of indicators grouped by theme
Indicators	Higher level enquiry for evaluating whether outcomes are being achieved
Measures	Lower level enquiry or method, several of which collectively provide the information required for an indicator

2.1. Features of the Worksheets

The three Worksheets (starting on page 10) each share the same structure. In order to assist users in its application, the rationale for the worksheet structure is now explained along with each component of it.

Tables

Tables are the location for recording responses to each of the Measures. The tables have the following features.

Levels

The levels describe a range of conditions – ranking these from best to worst. Users select the description that best reflects their own situation. Because the measures investigate complex arrangements level descriptions are often quite detailed.

Criteria and examples

The criteria and/or examples help explain the rationale by which the levels were determined. They reflect good practice in relation to the issue the measure considered. Providing the rationale behind the levels is intended to help users locate their own situation in terms of levels of quality, even where these don't describe their own situation exactly.

Ideal and actual columns

The Actual column is where users indicate which of the level descriptions best reflects their actual situation. The Ideal column allows users to state whether one of the listed Levels – which may not be that identified by us as being the optimum – reflects their ideal situation.

For example, Wahi Tapu/ Index One/ Indicator Three/ Measure Two reads: “*Territorial Local Authorities effectively manage information associated with wāhi tapu*”. You might consider the ideal situation to be that the iwi/hapū holds and manages wahi tapu information for its rohe on behalf of Council (Level 1). However, the ideal situation for an organisation with limited capacity may be to have another party manage information (Level 4) where a strong relationship exists and appropriate management is assured.

Comments

Users can add any comments they feel are useful in an expandable comments box. For example; additional explanation where Level descriptions provided do not adequately

reflect a user's particular situation, or where users want to explain or elaborate on their selections.

Notes

There are notes throughout the worksheets aimed at assisting users, and providing guidance for particular indicators (notes precede measures), or measures (notes follow the measure concerned).

2.2 Supplementary Documents

In addition to the guidelines and worksheets in this *Nga Mahi* document, the overall kete also includes two supplementary documents called: *Māori Provisions in Plans*, and *Kaupapa Māori Framework and Literature Review of Key Environmental Principles*.

Māori Provisions in Plans is a collection of excerpts from council plans (both RMA and LGA). These are indexed according to the three kete tikanga. For each tikanga (mana whenua, mauri of water, and wāhi tapu) there are separate sections for RMA and LGA plans. To assist users of the kete evaluate statutory planning documents, examples of Māori plan provisions are provided for each of the following headings. For RMA plans:

- Definitions;
- Overall provisions;
- Issues;
- Objectives;
- Policies;
- Methods;
- Anticipated Results;
- Monitoring provisions; and
- Enforcement provisions.

And for LGA plans;

- Overall provisions;
- Outcomes; and
- Indicators.

Kaupapa Māori Framework and Literature Review of Key Environmental Principles provides a comprehensive discussion of many environmentally significant tikanga, including those in the three kete. This is expected to be of particular use to council staff with limited knowledge of Māori values or environmental perspectives, by familiarising them with a range of writing describing many environmentally significant tikanga (Māori values, practices, and customs). This in turn will allow staff to more effectively provide for tikanga in their efforts to fulfil statutory obligations to Māori.

Both documents will also help to achieve consistency and comparable results by users of the kete from different councils and iwi. This is important where results for different organisations are collated or compared, or where subsequent results from one organisation are compared.

3. Using the Kaupapa Māori Outcomes and Indicators Kete

This document, *Ngā Mahi: A Kaupapa Māori Outcomes and Indicators Kete*, is the primary means by which the PUCM framework is used. It contains the three outcomes and indicators kete, including the worksheets. This document is intended to assist with using the PUCM kaupapa Māori kete.

While there are some factors that will be determined by the particular purpose for which the kete are used, there are others that will apply in most instances the kete are used.

3.1 Using the Worksheets

Regardless of what use they are being put to, using the worksheets is, we believe, fairly self explanatory. The measures, levels, criteria and notes fields are each intended to assist the user interpret and use the worksheets. This section provides, however, some practical advice for users.

Working on-screen or printing out worksheets

The worksheets can be either used on a computer or printed and completed on paper. There may be reasons for using printed worksheets; if collecting information in the field (say for the condition of mauri or wāhi tapu), or some users may simply have a preference for working directly on paper.

However, we recommend using the worksheets and supplementary documents on-screen, rather than printing them out, for three reasons given below.

1) Expanding Tables

Completing the forms on the computer allows users to write as much as they wish in the comments boxes because the tables expand to accommodate any amount of text. As described in Section 2.1 above, the comments fields are an important part of the worksheet, in that they allow users to provide information additional to the level description selected. Users are encouraged to provide as much information as is needed to clarify their level selection, and to explain their specific circumstances.

If working on printed worksheets users can add additional text on separate paper, referencing this to the particular measure. But this makes reviewing information collected more difficult.

2) Multiple use of sections of the worksheets

Depending upon the purpose for which the kete are being used – these being discussed further below – it may be necessary to use only particular sections of one or more worksheets, or to use particular sections or parts thereof multiple times.

For example, if evaluating a statutory plan users may use only those indicators that deal with plan quality from (initially) the three worksheets, using each once. But if wanting to assess the condition of wāhi tapu, users will need to complete the site condition indicators (Wāhi Tapu Kete / Index 4) once for each site – potentially hundreds of times.

In both instances users can either use the worksheets electronically (on the computer) or print out those sections required as needed. Once again, we recommend using them electronically. It is a simple exercise to copy and paste multiple instances of the required sections into a new Word document.

3) Document Map

When viewing the worksheets on-screen the Document Map feature in Microsoft Word allows users to view an index of the document, and to use this index to navigate through it. See your help files for how to turn the Document Map feature on.

Even if working in the field, we recommend entering information directly into the tables on a laptop, and preference for using printed forms can sometimes be overcome by adjusting the size of the documents on the screen to make these easier to view.

Ultimately, however, either method is workable - it will be for the user to decide.

3.2 Overview of steps needed to undertake the evaluation

Before using the kete you should decide in advance what it is you want to achieve. Each of the kete includes indices that group similar indicators together – these relate broadly to Councils, Crown agencies, Māori, the Public, and Environmental indicators.

Consider identifying all the different actions required as an initial scoping exercise, and grouping and prioritising these for action. This will make using the kete more efficient. For example, identify all the information requests that will be required from each agency so these can all be done together, and early in the process in order to allow time for information to be returned.

Actions to undertake when using the kete

Depending on what the kete is being used for it will require you to carry out some or all the following activities in order to provide the information required to complete the worksheets:

- a desktop exercise, to evaluate statutory and other planning documents;
- deciding what information is required and preparing questions for staff of the council, agency, or iwi;
- unofficial, or where these fail, official information requests from agencies;
- searching through agency, public or iwi records;
- interviews or correspondence with key agency staff and iwi members;
- physical inspections of, and information gathering for, significant places;
- filling in relevant sections of worksheets;
- evaluation of findings and write up; and
- repetition of the same exercise and comparison of results over time

3.3 Full Use of the Complete Kete

Each kete articulates a single high-level outcome for Māori, and provides a range of indicators that are intended to be the means by which the achievement of those outcomes is measured, these are:

- Mana whenua is appropriately respected;
- The Mauri of all Waterways are in Optimum Health, and;
- Wāhi Tapu are Protected.

The kete can be used individually to determine whether the overarching objective articulated by the Outcome is being achieved. The range of indicators contained within each kete is ultimately aimed at evaluating the single outcome.

The various indices within each kete are intended to identify the extent to which different factors and agencies have contributed to the achievement of the outcome. This is intended to address the attribution problem – being the difficulty in attributing outcomes to particular interventions.

Based on extensive research, and input from our Māori peer review groups, the premise upon which the kete have been developed is that maximum scores against each of the indicators in a worksheet will most likely lead to the kete outcome. Accordingly, completing the worksheet for one or more of the kete will allow the user to identify those areas where scores are low, and to develop responses to address problem areas and thereby help achieve outcomes for Māori.

3.4 Purpose Specific-Uses

In this section we discuss ways in which councils or tangata whenua can use the worksheets for “purpose-specific”. In other words rather than apply the full kete they might want to select indicators that relate to a specific topic, like plan provisions, state of the environment monitoring and reporting. Below are bulleted a range of specific uses / topics. Later we select three of these and expand on them as examples.

Indicators consider whether Māori values are taken into account during resource consent and other planning processes under both the RMA and LGA. Others consider participation in decision-making by Māori, and still others the quality and extent of monitoring and enforcement relating to Māori values. There are 17 separate areas of enquiry between the three kete that specifically consider council performance, and most of these in turn investigate several means by which councils might act in order to provide for Māori values.

For example, within the Mauri of Water kete one of the council performance-related measures reads “Territorial Local Authorities have a track record in the protection of mauri”. The level descriptions for that measure articulate what might constitute an effective track record, and there are also nine criteria and examples provided, including; monitoring confirming healthy streams, visible stream protection measures, fencing and planting on council’s own land, undertaking education programmes for stream health, co-operation with private land owners to protect streams, and prosecution of polluters of streams.

Users might well use those parts of the kete that relate to, for example, Crown Agencies in order to scrutinise the performance against statutory obligations to Māori. Examples of these are listed below.

Purpose-specific uses by iwi:

- evaluating council plans, policies, and practices and testing whether these reflect tikanga Māori, and Māori environmental values and goals;
- evaluating the plans, policies, and practices of other relevant Crown agencies;
- supporting iwi/hapū arguments for improvements to unsatisfactory plans, policies, and practices;

- evaluating their own plans, policies, and practices;
- helping monitor the state of the environment within tribal rohe;
- investigating to what extent councils, Crown agencies, tangata whenua, and the public have contributed to the state of the environment;
- identifying and developing outcomes, either for their own purposes or in relation to statutory processes; and
- assisting tangata whenua in identifying and developing indicators, either for their own purposes or in relation to statutory processes.

Purpose-specific uses by councils:

- evaluating council policies and practices, in order to better understand and provide for mātauranga Māori and kaitiakitanga, thereby helping to build bridges of understanding;
- environmental monitoring consistent with Māori environmental perspectives;
- evaluating the state of significant Māori sites (either individually or collectively) within a councils' jurisdiction;
- assessing the state of the mauri of district or regional waterways; and
- assessing existing and new plan quality, effectiveness, and integrity evaluation in terms of tikanga Māori.

In Appendix 1 you will find an elaboration of three examples of purpose-specific uses: 1) Assessing plans, 2) Evaluating council performance; and 3) Assessing change-over-time. Each example summarises the nature of the topic, issues to consider, and methods to use.

4. Kete 1 - Mana Whenua

Cultural and Legislative Context

The contents of this Mana Whenua Kete are summarised on the next page. It is followed by the Mana Whenua **Worksheets** for the **Outcome**: “Mana Whenua is appropriately respected,” which is measured through three **Indices** and their associated **Indicators**.

As kaitiaki, tangata whenua have responsibility for safeguarding their ancestral lands. Māori define themselves in terms of ancestral lands – tangata whenua. Mana whenua refers to the authority tangata whenua have over their lands. Conversely, tribal mana is considered to be diminished where tangata whenua fail in their duty as kaitiaki of ancestral lands.

The RMA (1991) includes specific reference to tangata whenua: “*Tangata whenua, in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area,*” Further, the Act states: “*Mana whenua means customary authority exercised by an iwi or hapū in an identified Area.*”

Councils are required under RMA Section 35a to keep details of: 1) each iwi authority within the region or district and any groups within the region or district that represent hapū for the purposes of the Act; 2) the planning documents that are recognised by each iwi authority and lodged with the local authority; and 3) any area of the region or district over which one or more iwi or hapū exercise kaitiakitanga.

Around 11 years after the RMA, the LGA (2002) was enacted and it includes provision only for “Maori”, with no recognition for either tangata whenua, iwi, or mana whenua. The LGA does, however, refer to tikanga, and to ancestral lands, thereby providing an implicit obligation on Councils to respect mana whenua. The LGA states in Section 77.1(c) that:

“if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

Neither the RMA nor LGA include express mechanisms for resolving instances where there is dispute over mana whenua.

For tangata whenua, recognition of mana whenua is a fundamental issue that often precludes – or precedes – the effective participation by them in resource management processes. Where mana whenua is not recognised, or is otherwise ignored, whānau, hapū and iwi are often offended and unwilling to develop a working relationship with those, including councils, who do not recognise their unique status.

This Mana Whenua Outcome is, therefore, a critical and fundamental outcome that indicates the extent to which tangata whenua can participate in, and work effectively with, other stakeholders – particularly regional and district councils.

Contents of Kete 1 - Mana Whenua

KAUPAPA : MANA
TIKANGA : MANA WHENUA

OUTCOME : MANA WHENUA IS APPROPRIATELY RESPECTED

Index 1: Extent to which Local Authorities acknowledge Mana Whenua

Indicator One: Whether respondent agrees that Local Authority acknowledges mana whenua

Indicator Two: Extent to which iwi / hapū tribal boundaries are known to Council

Indicator Three: Whether Statutory Plans recognise and provide for mana whenua

Indicator Four: Extent to which Council monitoring has determined whether Anticipated Environmental Results (AERs) relating to mana whenua provisions have been achieved

Indicator Five: Extent to which Council provides for mana whenua input into decision making

Index 2: Extent to which Other Government Agencies acknowledge Mana Whenua

Indicator One: Whether respondent agrees that Agency acknowledges mana whenua

Indicator Two: Extent to which Agency's policy documents provide for mana whenua

Indicator Three: Extent to which iwi / hapū tribal boundaries are known to Agency

Indicator Four: Extent to which Agency provides for mana whenua input into decision making

Index 3: Extent to which Tangata Whenua assert Mana Whenua

Indicator One: Extent to which Tangata whenua assert mana whenua within statutory processes

Indicator Two: Extent to which Tangata whenua assert mana whenua generally

Indicator Three: Whether Iwi exercises mana whenua on behalf of its whānau and hapū

4.1 Mana Whenua Worksheet

OUTCOME : MANA WHENUA IS APPROPRIATELY RESPECTED

Organisation	
Name of person completing	
Position	
Date completed	

INDEX 1: EXTENT TO WHICH LOCAL AUTHORITIES ACKNOWLEDGE MANA WHENUA

Name of Council	
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Indicator One: Whether respondent agrees that Local Authority acknowledges mana whenua

Notes - This indicator reflects your personal opinion based on your experience

Level	Description	Response
Level 5	Strongly agree	
Level 4	Moderately agree	
Level 3	No impression – neither agree or disagree	
Level 2	Moderately disagree	
Level 1	Strongly disagree	
Other / Comments		

Indicator Two: Extent to which iwi / hapū tribal rohe are known to council

Measure 1. Council is familiar with the extent of tribal lands within its area

Level	Description	Ideal	Actual
Level 5	Council holds detailed maps of rohe prepared in consultation with or endorsed by hapū/iwi		
Level 4	Council holds a written description of rohe prepared or endorsed by hapū/iwi		
Level 3	Council relies on third party identification of tribal boundaries such as TPK's Te Kāhui Māngai		
Level 2	Council relies on maps or boundary descriptions not produced by hapū/iwi		
Level 1	Council has no record of tribal boundaries		
Other / Comments			

Notes - Assessing these measures might require you to ask Council what information they hold if you are not aware, official information requests could be used if council does not provide the information.

The above are examples of ways Councils might familiarise itself with tribal rohe, we consider detailed maps to be the most accurate. You might have other examples, or disagree with our assessment – please indicate if this is the case.

Measure 2. Extent to which Council holds information about mana whenua

Level	Description	Ideal	Actual
Level 5	Council has commissioned tangata whenua to write mana whenua report and holds comprehensive literature on this subject endorsed by tangata whenua		
Level 4	Council holds a range of literature on mana whenua in their area including relevant treaty claims documents and documents in which tangata whenua make statements regarding mana whenua. These have been endorsed by tangata whenua		
Level 3	Council holds some literature describing mana whenua possibly including some where tangata whenua make statements regarding mana whenua.		
Level 2	Council has minimal literature considering mana whenua and this has not been endorsed by local iwi		
Level 1	Council has no literature describing mana whenua		
Other / Comments			

Criteria / Examples

- Treaty claims reports and Waitangi Tribunal Reports
- Mana Whenua maps and report produced by tangata whenua
- Tribal documents such as iwi environment or management plans
- Māori Values Assessments or similar documents where rohe is described
- Publications by tribal members such as Te Takoto Whenua o Hauraki
- Publications by non tribal members

Notes - This literature is not necessarily limited to descriptions of tribal boundaries (as the previous indicator was), but might include tribal histories and other sources that describe how the iwi/hapū came to occupy its traditional rohe.

We should be mindful that literature from third parties, including the Waitangi Tribunal, might not accurately reflect tribal perspectives. It is important therefore that any such literature held by councils has been confirmed / endorsed by tangata whenua.

Measure 3. Funding or resources provided by councils to assist with the investigation of tribal lands / boundaries

Notes - Some iwi/hapū do not hold accurate details of their ancestral rohe, perhaps beyond a description of landmarks and features that define boundaries. Also some tribal lands are scattered. In these instances councils have been known to resource tangata whenua to identify their tribal lands within council's area. Projects might be funded by multiple councils or agencies where a rohe extends beyond one council

Level	Description	Ideal	Actual
Level 5	Rohe wide investigation funding and resources provided		
Level 4	Council district wide investigation funding and resources provided		
Level 3	Catchment or similar area funding or resources provided		
Level 2	Project area specific funding or resources provided		
Level 1	No funding provided		
Other / Comments			

Measure 4. Council addresses competing claims to mana whenua

Notes - This is a difficult issue. Under the RMA iwi/hapū that do not hold mana whenua for a particular location might be recognised as affected parties to a process, or if these are publically notified any group can join in.

There are different opinions about what actions a Council should take if any. The only legal avenue is a determination under Te Ture Whenua – however this means that the Crown through its courts is deciding mana whenua – and many find this offensive. Please provide comments to explain your position.

Level	Description	Ideal	Actual
Level 5	Council has policies or guidelines regarding competing claims to mana whenua. Agency advocates iwi settle disputes themselves and offers resources and mediation or other assistance if required. Only if no resolution is possible agency invokes Section 30(1)(b) Te Ture Whenua Act to settle disputes over mana whenua		
Level 4	Council invokes Section 30(1)(b) Te Ture Whenua Act to address disputes over mana whenua		
Level 3	Council consults with groups with competing claims to mana whenua to gain an understanding of their positions, but does not make any determination – all groups are accorded the same status		
Level 2	No acknowledgement of competing claims to mana whenua – all groups are accorded the same status		
Level 1	Council makes its own determinations about which group holds mana whenua based entirely on third party advice		
Other / Comments			

Indicator Three: Extent to which Statutory Plans provide for mana whenua

Measure 1. Extent of TLA plan provisions for mana whenua

Notes - Plans more often refer to ancestral lands or rohe and tangata whenua than mana whenua, therefore you should consider whether mana whenua is recognised or provided for even if it is not explicitly referred to.

Level	Description	Ideal	Actual
Level 5	Plans include a comprehensive cascade from Issues and Objectives		

	through to Methods and also monitoring Criteria / Examples and requirements including Anticipated Environmental Results (AERs)		
Level 4	Plans include provisions from Issues to Methods, but no monitoring Criteria / Examples or methods with which to determine whether mana whenua is being upheld		
Level 3	Plans include Objectives or Policies upholding mana whenua but no related Rules or other Methods		
Level 2	Plans refer to Issues associated with mana whenua but have no relevant Objectives or Policies		
Level 1	Plans include no reference to, or provisions for, mana whenua		
Other / Comments			

Measure 2. Quality of TLA planning provisions for mana whenua

Level	Description	Ideal	Actual
Level 5	Translation /description of mana whenua interests, number of measures, number of threats identified that could impact on mana whenua, adequate interpretation of range of effects on mana whenua, enforcement level provisions		
Level 4	Provisions explicitly stress and strongly require identification of potential effects on mana whenua interests and include compliance requirements for their protection		
Level 3	Adequate planning provisions relating to mana whenua		
Level 2	Limited provisions for mana whenua interests, Possibly expressed in other terms, e.g. rohe or ancestral tribal lands of tangata whenua		
Level 1	Plans make no reference to, or provision for mana whenua interests		
Other / Comments			

Criteria / Examples

- Consistency of provisions through plan “cascade”
- Most provisions as worded appear to provide reasonable recognition of and protection for mana whenua
- Mana whenua effects are identified in sections other than Maori specific sections
- Most provisions as worded are consistent with tribal tikanga
- All issues important to mana whenua are adequately addressed
- Anticipate Environmental Results (AERs) or Key Performance Indicators (KPIs) accord with aims of tangata whenua
- Presence of qualifying statements that potentially undermine provisions (negative indicator)

Notes - See *Māori Provisions in Plans* – Mana Whenua for examples

Measure 3. Council has non statutory instruments designed to protect mana whenua

Level	Description	Ideal	Actual
Level 5	TLA has a comprehensive range of effective non statutory instruments for the recognition and protection of mana whenua		
Level 4	TLA has a range of non statutory instruments for the recognition and protection of mana whenua		
Level 3	TLA has some non statutory instruments for the recognition and protection of mana whenua		
Level 2	TLA has minimal and weakly worded non statutory instruments for the recognition of mana whenua		
Level 1	TLA has no guidelines or similar non statutory instruments for the recognition or protection of mana whenua		
Other / Comments			

Notes - See *Māori provisions in Plans* – Mana Whenua for examples

Indicator Four: Extent to which Council monitoring has determined whether Anticipated Environmental Results (AERs) relating to mana whenua provisions have been achieved

Notes - Councils are required to monitor and report on both whether its anticipated environmental results are being achieved, and on the suitability and effectiveness of its plan provisions. The results of this monitoring are required to be reported every 5 years – councils usually do this in a state of the district or region report. However, it has been observed that few councils have reported on the achievement of the Māori AERs, and almost none have reported on the suitability and effectiveness of their plan. The information needed to answer these measures might be found in a council's State of the District/Region report, or you may have to request them under the Official Information Act. If a council has no AERs relating to mana whenua provisions note this in the comments box.

Measure 1. Council undertakes monitoring of whether Anticipated Environmental Results relating to mana whenua provisions have been achieved

Level	Description	Ideal	Actual
Level 5	Council has undertaken comprehensive monitoring into whether all AERs relating to its mana whenua provisions have been achieved, allowing firm conclusions to be drawn		
Level 4	Council has undertaken substantial monitoring into whether AERs relating to its mana whenua provisions have been achieved, allowing tentative conclusions to be drawn for some or all relevant AERs		
Level 3	Council has undertaken some monitoring into whether AERs relating to its mana whenua provisions have been achieved, such that no conclusions can be drawn for most or all AERs		
Level 2	Council has undertaken minimal monitoring into whether any AERs relating to its mana whenua provisions have been achieved, such that no conclusions can be drawn at all		

Level 1	No monitoring has been undertaken		
Other / Comments			

Measure 2. Council findings of whether Anticipated Environmental Results relating to mana whenua provisions have been achieved

Level	Description	Ideal	Actual
Level 5	All AERs relating to its mana whenua provisions have been fully achieved		
Level 4	Most or all AERs relating to its mana whenua provisions have been substantially achieved		
Level 3	Some progress has been made toward the achievement of most AERs		
Level 2	Minimal progress has been made toward the achievement of some but AERs relating to its mana whenua provisions		
Level 1	No progress has been made toward the achievement of any AERs relating to its mana whenua provisions		
Other / Comments			

Indicator Five: Extent to which Council provides for mana whenua input into decision making

Notes - The previous indicators all relate to the RMA; however the Local Government Act 2002 requires councils to provide for Māori participation in decision making. Relevant policies should be included in councils LTCCP.

Measure 1. Strength of Council policy provisions for tangata whenua participation in decision making

Level	Description	Ideal	Actual
Level 5	Policies including strongly worded comprehensive provision requiring tangata whenua participation in decision making at all levels		
Level 4	Strong policy provisions for tangata whenua in decision making		
Level 3	Policies with weak or limited provision for tangata whenua participation in decision making		
Level 2	High level LGA requirements referred to, but no meaningful policies adopted		
Level 1	No policy provision		
Other / Comments			

Notes - See Māori provisions in Plans for comprehensive examples

Measure 2. Extent to which relationship is formalised between tangata whenua and Council

Level	Description	Ideal	Actual
Level 5	Council promotes a comprehensive range of means by which relationships with tangata whenua are formalised to the highest level		
Level 4	Council has Maori working parties or advisory groups, MOUs with tangata whenua and/or Maori seats on Council, but no tangata whenua standing committee		
Level 3	Council has Maori working parties or advisory groups, and MOUs with tangata whenua		
Level 2	Minimal relationship, perhaps only operational or Governance level MOU		
Level 1	No formal relationship		
Other / Comments			

Criteria / Examples

- Iwi representation on tangata whenua standing committee
- Maori seats on Council
- Maori working parties or advisory groups
- MOU – governance level
- MOU – operational level

Notes - Judgement is required as to whether the above Criteria / Examples, or other relationship examples not included here represent an effective relationship.

OUTCOME: MANA WHENUA IS APPROPRIATELY RESPECTED**INDEX 2: EXTENT TO WHICH OTHER GOVERNMENT AGENCIES
ACKNOWLEDGE MANA WHENUA**

Agency Name	
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Note - You may want to repeat this section for each government agency you deal with that you think does or should acknowledge mana whenua.

**Indicator One: Whether respondent agrees that Agency acknowledges
mana whenua**

Level	Description	Response
Level 5	Strongly agree	
Level 4	Moderately agree	
Level 3	No impression – neither agree or disagree	
Level 2	Moderately disagree	
Level 1	Strongly disagree	
Other / Comments		

**Indicator Two: Extent to which Agency's policy documents provide for
mana whenua**

Level	Description	Ideal	Actual
Level 5	Translation /description of mana whenua interests, number of measures, number of threats identified that could impact on mana whenua, adequate interpretation of range of effects on mana whenua, enforcement level provisions		
Level 4	Provisions explicitly stress and strongly require identification of potential effects on mana whenua interests and include compliance requirements for their protection		
Level 3	Strong mana whenua provisions		
Level 2	Limited provisions for mana whenua interests		
Level 1	Documents make no reference to, or provision for mana whenua interests		
Other / Comments			

Criteria / Examples

- Most provisions as worded appear to provide reasonable protection for mana whenua
- Mana whenua effects are identified in sections other than Maori specific sections
- Most provisions as worded are consistent with tribal tikanga
- All issues important to tangata whenua are adequately addressed
- Anticipated outcomes accord with aims of tangata whenua
- Presence of qualifying statements that potentially undermine provisions (negative indicator)

Indicator Three: Extent to which iwi / hapū tribal boundaries are known to Agency

Measure 1. Agency is informed regarding tribal rohe within its area

Level	Description	Ideal	Actual
Level 5	Agency has commissioned tangata whenua to write mana whenua report and holds comprehensive literature on this subject endorsed by tangata whenua		
Level 4	Agency holds written description of rohe prepared or endorsed by tangata whenua		
Level 3	Agency relies on third party identification of tribal boundaries such as TPK's Te Kāhui Māngai		
Level 2	Agency relies on maps or boundary descriptions not produced by tangata whenua		
Level 1	Agency has no record of tribal boundaries		
Other / Comments			

Measure 2. Extent to which agency holds information about mana whenua

Notes - Literature (below) is not necessarily limited to descriptions of tribal boundaries (as the previous indicator was), but might include tribal histories and other sources that describe how the iwi/hapū came to occupy its traditional rohe.

We should be mindful that literature from third parties, including the Waitangi Tribunal, might not accurately reflect tribal perspectives. It is important therefore that any such literature held by councils has been confirmed / endorsed by tangata whenua.

Level	Description	Ideal	Actual
Level 5	Agency has commissioned tangata whenua to write mana whenua report and holds comprehensive literature on this subject		
Level 4	Agency holds a range of literature on mana whenua in their area including relevant treaty claims documents and documents in which tangata whenua make statements regarding mana whenua. These have been endorsed by tangata whenua		
Level 3	Agency holds some literature describing mana whenua possibly including some where tangata whenua make statements regarding mana whenua.		
Level 2	Agency has minimal literature considering mana whenua and this has not been endorsed by local iwi		
Level 1	Agency has no literature describing mana whenua		
Other / Comments			

Criteria / Examples

- Treaty claims reports and Waitangi Tribunal Reports
- Mana Whenua maps and report produced by tangata whenua

- Tribal documents such as iwi environment or management plans
- Māori Values Assessments or similar documents where rohe is described
- Publications by tribal members such as Te Takoto Whenua o Hauraki
- Publications by non tribal members

Measure 3. Agency addresses competing claims to mana whenua

Notes - This is a difficult issue. Under the RMA iwi/hapū that do not hold mana whenua for a particular location might be recognised as affected parties to a process, or if these are publically notified any group can join in. There are different opinions about what actions an Agency should take if any. The only legal avenue is a determination under Te Ture Whenua – however this means that the Crown through its courts is deciding mana whenua – and many find this offensive. Please provide comments to explain your position.

Level	Description	Ideal	Actual
Level 5	Agency has policies or guidelines regarding competing claims to mana whenua. Agency advocates iwi settle disputes themselves and offers resources and mediation or other assistance if required. Only if no resolution is possible agency invokes Section 30(1)(b) Te Ture Whenua Act to settle disputes over mana whenua		
Level 4	Agency invokes Section 30(1)(b) Te Ture Whenua Act to address disputes over mana whenua		
Level 3	Agency consults with groups with competing claims to mana whenua to gain an understanding of their positions, but does not make any determination – all groups are accorded the same status		
Level 2	No acknowledgement of competing claims to mana whenua – all groups are accorded the same status		
Level 1	Agency makes its own determinations about which group holds mana whenua based entirely on third party advice		
Other / Comments			

Indicator Four: Extent to which Agency provides for mana whenua input into decision making

Measure 1. Strength of Agency's policy provisions for tangata whenua participation in decision making

Notes - While various statutes under which agencies operate have Māori or Treaty provisions unlike the LGA these do not have a specific requirement that Māori participate in decision making. However some agencies make genuine efforts to include mana whenua.

Level	Description	Ideal	Actual
Level 5	Policies including strongly worded comprehensive provision for tangata whenua participation in decision making at all levels		
Level 4	Strong policies with some clear provision for tangata whenua participation in decision making		
Level 3	Policies with weak or limited provision for participation in decision making		

Level 2	Māori provisions from the Act referred to, but no meaningful policies adopted		
Level 1	No policy provision		
Other / Comments			

Measure 2. Extent to which relationship is formalised between tangata whenua and Agency

Notes - Judgement is required as to whether the below Criteria / Examples, or other relationship examples not included here represent an effective relationship

Level	Description	Ideal	Actual
Level 5	Agency promotes a comprehensive range of means by which relationships with tangata whenua are formalised to the highest level		
Level 4	Agency has Maori working parties or advisory groups, MOUs with tangata whenua and/or Maori seats on Council, but no tangata whenua standing committee		
Level 3	Agency has Maori working parties or advisory groups, and MOUs with tangata whenua		
Level 2	Minimal relationship, perhaps only operational or Governance level MOU		
Level 1	No formal relationship		
Other / Comments			

Criteria / Examples

- Tangata whenua positions seats on committees
- Maori working parties or advisory groups
- MOU – governance level
- MOU – operational level
- Co management arrangements in place

OUTCOME: MANA WHENUA IS APPROPRIATELY RESPECTED

INDEX 3: EXTENT TO WHICH TANGATA WHENUA ASSERT MANA WHENUA

Indicator 1: Extent to which Tangata whenua assert mana whenua within statutory processes

Measure 1. Extent to which tangata whenua assert mana whenua in TLA processes

Notes - As per discussion below regarding mana whenua residing with whānau / hapū rather than iwi, does the iwi acknowledge whānau / in relation to a particular consent / issue?

Level	Description	Ideal	Actual
Level 5	Iwi constantly asserts mana whenua within all TLA statutory processes available to it		
Level 4	Iwi regularly asserts mana whenua, particularly where statutory processes affect them directly		
Level 3	Iwi sometimes asserts mana whenua but generally only where statutory processes affect them directly		
Level 2	Iwi seldom participates or asserts mana whenua within TLA statutory processes		
Level 1	Iwi does not participate in statutory processes		
Other / Comments			

Criteria / Examples / Examples

- Making resource consent application submissions stating mana whenua status
- Seeking recognition of their rohe within District / Regional Plans, LTCCPs and other Plans
- Pushing for MOU's or similar arrangements in relation to projects within their rohe
- Pushing for participation in council decision making, for example on Mana whenua forums
- Negotiating devolution of authority from TLAs under Section 33 of the RMA for tribally important activities and functions

Measure 2. Extent to which Tangata whenua assert mana whenua within statutory processes of other Crown agencies

Notes - By "statutory process" we mean processes set in motion by Crown agencies or third parties which tangata whenua are able to respond to / participate in. Rather than those actions initiated by tangata whenua independently. Whether or not such participation is effective is assessed elsewhere, for example within the Kaitiakitanga section - Extent to which TLAs recognise and provide for kaitiakitanga.

Level	Description	Ideal	Actual
Level 5	Iwi constantly asserts mana whenua within all Crown agencies' statutory processes available to it		
Level 4	Iwi regularly asserts mana whenua, particularly where statutory processes affect them directly		
Level 3	Iwi sometimes asserts mana whenua but generally only where statutory		

	processes affect them directly		
Level 2	Iwi seldom participates or asserts mana whenua within Crown agencies' statutory processes		
Level 1	Iwi does not participate in Crown statutory processes		
Other / Comments			

Criteria / Examples

- Responding to HPT applications to modify or destroy sites
- Registering as a taonga collector and claiming taonga found within the rohe under Section 14(4) of the Protected Objects Act 1975
- Responding to DoC concession applications
- Pushing for tribal representation on agency regional consultative forums such as DoC conservancies, the Hauraki Gulf forum etc.
- Seeking MOU or similar arrangements with agencies providing for tangata whenua participation

Measure 3. Extent to which Tangata whenua proactively assert mana whenua within legislative instruments

Notes - By legislative instruments we mean legal arrangements (rather than processes as in measure 2 above) where Māori can seek a particular ongoing legal status or arrangement.

As above, whether or not such arrangements are effective is assessed elsewhere, for example within the Kaitiakitanga section - Extent to which TLAs recognise and provide for kaitiakitanga.

Level	Description	Ideal	Actual
Level 5	Iwi continuously and as a matter of policy asserts mana whenua via a large number of the available legislative instruments		
Level 4	Iwi regularly asserts its mana whenua using a range of available legislative instruments		
Level 3	Iwi sometimes asserts mana whenua via a limited legislative instruments		
Level 2	Iwi rarely seek to assert their mana whenua via a small number of legislative instruments		
Level 1	Iwi does not assert mana whenua within legislative instruments		
Other / Comments			

Criteria / Examples

- Seeking co management arrangements with DoC over ancestral lands, and representation on regional conservancies
- Declaring rohe boundaries on TPK's Te Kāhui Māngai website.
- Seeking recognition as kaitiaki for customary fisheries (permit issuer) by the Ministry of Fisheries
- Claims for recognition of mana whenua under Section 30 Te Ture Whenua Act
- Applying to Minister of the Environment to become a heritage protection authority under Section 188 of the RMA for tribally significant areas

Indicator 2: Extent to which Tangata whenua assert mana whenua generally

Notes - There are numerous ways in which Māori assert or communicate tribal mana whenua, apart from processes dictated by the Crown. This indicator seeks to identify the ways Māori organisations express mana whenua

Measure 1. Tangata whenua respond to encroachments by other iwi/hapū

Notes - Encroachments will often occur within statutory processes, including; Waitangi Claims, Claims to the Foreshore and seabed, RMA processes etc.

Level	Description	Ideal	Actual
Level 5	Iwi routinely responds to any encroachment upon its mana whenua by other Māori organisations, groups or individuals		
Level 4	Iwi often responds to encroachment, especially where this is considered particularly significant		
Level 3	Iwi sometimes responds to encroachments, but only where this is considered significant		
Level 2	Iwi seldom responds to encroachments		
Level 1	Iwi does not respond		
Other / Comments			

Criteria / Examples / Examples

- Call hui on the marae with other iwi/hapū regarding tribal mana whenua disputes
- Write to relevant agencies advising these of encroachments and of their rightful mana whenua status
- Appeal decisions where others have wrongfully been recognised as mana whenua
- Seek declarations under Section 30 Te Ture Whenua Act regarding mana whenua

Measure 2. Tangata whenua make public statements regarding their mana whenua

Level	Description	Ideal	Actual
Level 5	Iwi continuously and consistently publically asserts mana whenua through a variety of means		
Level 4	Iwi regularly takes a range of steps to publically assert mana whenua, particularly where this is deemed important		
Level 3	Iwi makes a limited number and range of public statements		
Level 2	Iwi infrequently makes public statements asserting mana whenua, and only using a narrow range of methods		
Level 1	Iwi does not make any public statement to assert mana whenua		
Other / Comments			

Criteria / Examples

- Release of iwi / hapū management plans which define tribal boundaries
- Responses (for example via media statements) in response to any claims disputing tribal mana whenua
- Iwi/hapū erects pou or similar tribal boundary markers
- Iwi/hapū negotiate placement of plaques expressing tribal mana whenua
- Iwi/hapū occupies ancestral lands in response to threats to their mana whenua

Notes - There are no doubt additional ways in which tangata whenua assert mana whenua – feel free to consider and note these also.

Indicator 3: Whether iwi exercises mana whenua on behalf of its whānau and hapū

Measure 1. Iwi Authority has delegated authority of its whānau/ hapū which hold mana whenua

Notes - It is widely considered that mana whenua does not reside at an iwi level, but rather with hapū or whānau. If this is accepted then iwi authorities (often being the only group with a formalised structure) exercise mana whenua on behalf of their member whānau/hapū. This indicator investigates the manner in which this happens.

Level	Description	Ideal	Actual
Level 5	Whanau / hapū are sufficiently organised to address their own mana whenua issues		
Level 4	Iwi authority assists its whānau/ hapū to address their own mana whenua issues		
Level 3	Iwi authority operates under formal delegated authority of its whānau/ hapū		
Level 2	Iwi authority operates with either informal or no authority from its whānau / hapū		
Level 1	Iwi authority operates with no authority from its whānau / hapū		
Other / Comments			

Criteria / Examples

Whether whānau / hapū are organised so as to delegate authority.

Means by which authority is delegated, e.g:

- specific provisions in constitution of iwi or hapū authorities
- representation of whānau/hapū on iwi authority
- letter delegating authority
- informal or verbal authority given

Measure 2. Iwi authority consults its whānau/ hapū on issues relevant to their mana whenua

Level	Description	Ideal	Actual
Level 5	Routine formalised and regular arrangement for consulting with hapū / whānau		

Level 4	Consultation regularly takes place with hapū / whānau where whānau / hapū is affected		
Level 3	Consultation takes place where issues of significance to whānau / hapū are involved		
Level 2	Minimal and informal consultation takes place		
Level 1	No consultation takes place		
Other / Comments			

Criteria / Examples

- Iwi representative meets with hapū/whānau - e.g. monthly to discuss any developments
- Iwi provides regular report to whānau / hapū allowing for feedback and input
- Contact is made with mandated hapū/whānau representative for each issue in their area
- Informal contact is made with non-mandated whānau / hapū member e.g. kaumātua

4.2 Worksheet Evaluation: Mana Whenua

OUTCOME - MANA WHENUA IS APPROPRIATELY RESPECTED

Index 1: Extent to which Local Authorities acknowledge Mana Whenua

Indicator One: Whether respondent agrees that Local Authority acknowledges mana whenua	
Indicator Score (Maximum Score = 5)	

Indicator Two: Extent to which iwi / hapū tribal boundaries are known to Council		
1	Council is familiar with the extent of tribal lands within its area	
2	Extent to which Council holds information about mana whenua	
3	Funding or resources provided by councils to assist with the investigation of tribal lands / boundaries	
4	Council addresses competing claims to mana whenua	
Indicator Score (Maximum Score = 20)		

Indicator Three: Whether Statutory Plans recognise and provide for mana whenua		
1		
2		
3		
Indicator Score (Maximum Score = 15)		

Indicator Four: Extent to which Council monitoring has determined whether Anticipated Environmental Results (AERs) relating to mana whenua provisions have been achieved		
1		
2		
Indicator Score (Maximum Score = 10)		

Indicator Five: Extent to which Council provides for mana whenua input into decision making		
1		
2		
Indicator Score (Maximum Score = 10)		

Index 1 Score (Maximum Score = 60)	
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Index 2: Extent to which Other Government Agencies acknowledge Mana Whenua

Indicator One: Whether respondent agrees that Agency acknowledges mana whenua	
Indicator Score (Maximum Score = 5)	

Indicator Two: Extent to which Agency's policy documents provide for mana whenua	
Indicator Score (Maximum Score = 5)	

Indicator Three: Extent to which iwi / hapū tribal boundaries are known to Agency	
---	--

1	Agency is informed regarding tribal rohe within its area	
2	Extent to which agency holds information about mana whenua	
3	Agency addresses competing claims to mana whenua	
	Indicator Score (Maximum Score = 15)	

Indicator Four: Extent to which Agency provides for mana whenua input into decision making		
1	Strength of Agency's policy provisions for tangata whenua participation in decision making	
2	Extent to which relationship is formalised between tangata whenua and Agency	
	Indicator Score (Maximum Score = 10)	

Index 2 Score (Maximum Score = 35)	
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Index 3: Extent to which Tangata Whenua assert Mana Whenua

Indicator One: Extent to which iwi / hapū participate in kaitiaki activities.		
1	Extent to which tangata whenua assert mana whenua in TLA processes	
2	Extent to which Tangata whenua assert mana whenua within statutory processes of other Crown agencies	
3	Extent to which Tangata whenua proactively assert mana whenua within legislative instruments	
	Indicator Score (Maximum Score = 15)	

Indicator Two: Extent to which Tangata whenua assert mana whenua generally		
1	Tangata whenua respond to encroachments by other iwi/hapū	
2	Tangata whenua make public statements regarding their mana whenua	
	Indicator Score (Maximum Score = 10)	

Indicator Three: Extent to which iwi / hapū protect and maintain their mana whenua		
1	Iwi Authority has delegated authority of its whānau/ hapū which hold mana whenua	
2	Iwi authority consults its whānau/ hapū on issues relevant to their mana whenua	
	Indicator Score (Maximum Score = 10)	

Index 3 Score (Maximum Score = 35)	
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5. Kete 2 - Mauri of Water

Cultural and Legislative Context

The contents of this Mauri of Waterways Kete are summarised on the next page. It is followed by the Mauri of Waterways Worksheets for the **Outcome**: Mauri of all waterways are in optimum health, which is measured through five **Indices** and their associated **Indicators**.

Mauri has been translated as the life-force, essence, or life-principle that resides within all aspects of creation. The maintenance and protection of mauri is fundamental to the health of any waterway (streams and rivers) or water body (lakes harbours and oceans). A critical responsibility of kaitiaki Māori is to ensure that their waterways remain healthy. (For further reading on the cultural significance of mauri, see supplementary document PUCM Māori Report 4 (Jefferies and Kennedy, 2005).)

The mauri of waterways was chosen because it is of particular importance to tangata whenua, as evidenced by the numerous planning processes in which tangata whenua participate in an effort to protect mauri. For example, highlighting the importance of protecting mauri, the Waitangi Tribunal observed in *The Whanganui River Report* that:

if the mauri of a river or a forest, for example, were not respected, or if people assumed to assert some dominance over it, it would lose its vitality and force, and its kindred people, those who depend on it, would ultimately suffer. Again, it was to be respected as though it were one's close kin. (Waitangi Tribunal 1999).

While mauri is not specifically referred to in either the RMA (1991) or LGA (2002), the RMA Section 6(e) does recognise as a matter of national importance “The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga,” and numerous other provisions that have been interpreted by the courts to require the protection of mauri. The Act also provides for kaitiakitanga defining this as “*the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.*”

The LGA in setting out requirement that councils provide for Māori participation in decision-making acknowledges Crowns Treaty obligations thus:

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to local government decision-making processes Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Maori in local authority decision-making processes.

The LGA does acknowledge tikanga, defining it as “Maori custom and practice.”

Statutory plans under the RMA often include specific recognition of and protection for mauri. For example the ARC Regional Policy Statement states in the introduction to its Matter of significance to Iwi section that: “*Traditional approaches to resource management focus on maintaining and enhancing the mauri of ancestral taonga,*” associated Objective 3.3(1) is ‘*To sustain the mauri of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Maori*’ with the combined effect of the associated Anticipated Environmental

Results being: *“These results mean that the mauri of ancestral taonga in the Auckland Region will be sustained.”*.

This Outcome (Mauri of all waterways are in optimal health) and its associated indicators are intended to not only provide tangata whenua with a suite of tools to judge whether the mauri of waterways within their rohe are in good health, but also the contribution Councils (Councils) and other Crown agencies make toward achieving that goal.

Acknowledgement

The final Index in the Worksheet includes indicators reflecting physical characteristics of mauri. Some of these come from two MfE reports on Māori indicators, but are also widely known tohu, as confirmed by both PUCM tangata whenua working groups. Those reports were *A Cultural Health Index for Streams and Waterways Indicators for recognising and expressing Maori values* (Tipa 2003), and *Coordinated Monitoring of New Zealand Wetlands* (Harmsworth 2002). We wish to acknowledge use of their work.

Contents of Kete 2 - Mauri of Water

KAUPAPA:	MAURI
TIKANGA:	MAURI OF WATER
OUTCOME:	THE MAURI OF ALL WATERWAYS ARE IN OPTIMUM HEALTH
Index 1:	Extent to which local authorities protect mauri
Indicator One:	Whether respondent agrees that Local Authority actively protects mauri
Indicator Two:	Whether Territorial Local Authority documents contain provisions to protect mauri
Indicator Three:	Whether territorial local authorities act to protect mauri
Index 2:	Extent to which tangata whenua protect mauri
Indicator One:	Whether respondent agrees that tangata whenua actively protect mauri
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Indicator Two:	Characteristics of the water
Indicator Three:	Characteristics of the waterway and its immediate environment
Indicator Four:	Characteristics of waterway inhabitants.
Indicator Five:	Presence of potential human threats

5.1 Mauri of Water Worksheet

OUTCOME: THE MAURI OF ALL WATERWAYS ARE IN OPTIMUM HEALTH

Organisation	
Name of person completing	
Position	
Date completed	

INDEX 1: EXTENT TO WHICH LOCAL AUTHORITIES PROTECT MAURI

Name of Council	
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Indicator One: Whether respondent agrees that Local Authority actively protects mauri

Level	Description	Ideal	Actual
Level 5	Strongly agree		
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Whether Territorial Local Authority documents contain provisions to protect mauri

Measure 1. Extent of Council planning provisions designed to protect mauri

Level	Description	Ideal	Actual
Level 5	Plans include a comprehensive cascade from Objectives through to Methods and also monitoring criteria and requirements – Anticipated Environmental Results (AERs)		
Level 4	Plans include provisions from Objectives to Methods, but no monitoring criteria or methods with which to assess and protect mauri		
Level 3	Plans include Objectives or Policies referring to mauri but no related Rules or other Methods		
Level 2	Plans refer to Issues associated with mauri but have no relevant Objectives or Policies		
Level 1	Plans include no reference to, or provisions for, the protection of mauri		
Other / Comments			

Criteria / Examples

- Point and non point discharge effects on Mauri
- Sedimentation and earthworks include consideration of effects on Mauri

- Stock and animal effects including waste disposal are managed
- Waste Water specific effects
- Riparian Margin provisions include consideration of Mauri – both that of the margin and the waterway
- Avoid unnatural mixing of waters
- Fauna / native fisheries / biodiversity

Measure 2. Quality of Council planning provisions designed to protect mauri

Level	Description	Ideal	Actual
Level 5	Translation /description of mauri, number of measures, number of threats identified that could damage mauri, adequate interpretation of range of pressures on mauri, enforcement level provisions		
Level 4	Provisions explicitly stress and strongly require identification of potential effects on mauri and include compliance requirements for its protection		
Level 3	Adequate provisions within plans specifically acknowledging mauri		
Level 2	Limited provisions that provide some protection for mauri		
Level 1	Plans make no reference to, or provision for, the protection of mauri		
Other / Comments			

Criteria / Examples

- Consistency of provisions through plan “cascade”
- Most provisions as worded appear to provide reasonable protection for mauri
- Mauri effects are identified in sections other than Maori specific sections
- Most provisions as worded are consistent with tribal tikanga
- All issues important to tangata whenua are adequately addressed
- Anticipate Environmental Results (AERs) or Key Performance Indicators (KPIs) accord with aims of tangata whenua
- Presence of qualifying statements that potentially undermine provisions (negative indicator)

Measure 3. Council has non statutory instruments designed to protect mauri

Level	Description	Ideal	Actual
Level 5	Council has a range of effective non statutory instruments for the protection of mauri		
Level 4	Council has a range of non statutory instruments for the protection of mauri		
Level 3	Council has adequate non statutory instruments for the protection of mauri		
Level 2	Council has minimal non statutory instruments for the protection of mauri		
Level 1	Council has no guidelines or similar non statutory instruments for the protection of mauri		
Other / Comments			

Criteria / Examples

- Water quality standards / guidelines
- Guidelines relating to disposal of human waste
- Harbour or river management plans

Measure 4. Council has planning provisions which - while not referring explicitly to mauri – will help protect mauri

Level	Description	Ideal	Actual
Level 5	Council has a substantial range of planning provisions which individually and collectively provide protection for mauri		
Level 4	Council has a range of planning provisions which individually and collectively provide protection for mauri		
Level 3	Council has some planning provisions that potentially offer effective protection for mauri		
Level 2	Council provisions appear to offer little protection for mauri		
Level 1	Council provisions offer no protection for mauri		
Other / Comments			

Criteria / Examples

- Provisions relating to pollution / contaminants entering waterways
- Provisions for addressing historic metal structures in waterways. Safeguards are in place to warn of such hazards.
- Provisions requiring establishing open space covenants or reserves adjacent to waterways
- Provisions managing point and non point discharges to waterways
- Provisions requiring riparian margins, fencing of streams, and weed management on stream edges
- Provisions restricting water take
- Water quality monitoring requirements when any activity potentially reduces water quality.

Indicator Three: Whether Territorial Local Authority acts to protect mauri**Measure 1. Council takes measures to foster understanding of mauri**

Level	Description	Ideal	Actual
Level 5	Council takes an ongoing wide range of measures to foster understanding of mauri		
Level 4	Council regularly takes a range of measures to foster understanding of mauri		
Level 3	Council takes some measures to foster understanding of mauri		
Level 2	Council takes occasional, inadequate or inconsistent measures to foster understanding of mauri		
Level 1	Council takes no identifiable measures to foster understanding of mauri		
Other / Comments			

Criteria / Examples

- Council provides literature describing the spiritual significance of mauri to Maori.
- Council staff and councillors seek advice and training relating to the protection of mauri.
- All relevant council documents include discussion of mauri
- Council provides public educational material promoting the protection of mauri

Measure 2. Territorial Local Authority effectively manages information associated with mauri

Level	Description	Ideal	Actual
Level 5	Council implements a range of effective practices – developed in consultation with tangata whenua - for collecting and managing mauri information		
Level 4	Council has a range of mauri information protocols - developed with tangata whenua input		
Level 3	Council has limited mauri information protocols - developed without tangata whenua input		
Level 2	Council has no specific practices but makes an ongoing effort in managing mauri information		
Level 1	Council holds no mauri information and/or takes no measures to manage it		
Other / Comments			

Criteria / Examples

- Council effectively hold and manage information relating to mauri (do we want council holding this type of information? Or do we tangata whenua do it – delegated authority.
- Council work closely with tangata whenua in the management of the information.
- Council effectively monitor and report on the condition of mauri.

Measure 3. Territorial Local Authority utilises a range of strategies designed to protect mauri

Level	Description	Ideal	Actual
Level 5	Council effectively utilises a range of strategies which effectively protect mauri.		
Level 4	Council regularly utilises a range of strategies designed to protect mauri		
Level 3	Council utilises some strategies designed to protect mauri		
Level 2	Council inconsistently applies limited strategies designed to protect mauri		
Level 1	Council doesn't utilise any strategies to protect mauri		
Other / Comments			

Criteria / Examples

- Limited strategies may include: identification of issues and likely impacts on mauri.

- Range of strategies may include: Council and local DoC conservator share an understanding of mauri and have agreed on a mutual approach to its protection, protocols, and statutory references to this in their respective planning documents; Council actively works to educate and raise awareness about mauri.
- Range of effective strategies may include: Council actively advocates to private landowners for the protection of mauri; riparian management strategies.

Measure 4. Territorial Local Authorities have a track record in the protection of mauri

Level	Description	Ideal	Actual
Level 5	A large number of Council activities contribute significantly toward the improvement of the mauri of waterways		
Level 4	Council activities have had a slightly positive effect on the mauri of waterways		
Level 3	Council activities have had a neutral effect on the health and protection of mauri		
Level 2	Council activities have had a slightly negative effect on the mauri of waterways		
Level 1	Evidence suggests that overall Council activities have a strongly negative effect on mauri		
Other / Comments			

Criteria / Examples

Track record might include;

- All streams in territory are healthy
- Contrasts with adjacent councils re healthy streams
- Council stream protection measures are obvious – signs
- Fencing and planting on Council’s own land
- Council signs on private land reporting council – private cooperation
- Record of waterways education material including a description of mauri and the significance of waterways to tangata whenua
- Prosecution of waterways polluters
- Ongoing monitoring regimes with associated public reporting
- Council has a record of seriously implementing sound plan provisions for mauri and waterways health

Notes - Given the “attribution problem”, i.e. the difficulty in attributing an environmental outcome to the implementation of a particular planning intervention, you need to think widely about what possible measures (indicators) of positive or negative environmental results you can identify, that can be reasonably attributed to Council activities?

OUTCOME: MAURI ARE PROTECTED**INDEX TWO: EXTENT TO WHICH TANGATA WHENUA PROTECT MAURI**

Iwi / Hapū organisation	
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Indicator One: Whether respondent agrees that tangata whenua actively protect mauri

Level	Description	Ideal	Actual
Level 5	Strongly agree		
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Tangata whenua have documents with provisions designed to protect mauri

Level	Description	Ideal	Actual
Level 5	Tangata whenua have released a range of documents including provisions designed to protect mauri including iwi management or environmental management plans with information for environmental protection in accordance with tikanga Maori, encouraging iwi participation and explaining protocols		
Level 4	Tangata whenua author high level documents including iwi management plans and governance level MOUs with all relevant agencies within their rohe, that protect mauri		
Level 3	Tangata whenua has released some documents including adequate provisions designed to protect mauri		
Level 2	Tangata whenua have only project level documents (e.g. MOU) that include some measures to protect mauri		
Level 1	Tangata whenua have no documents with provisions designed to protect mauri		
Other / Comments			

Criteria / Examples

- Project level memorandums of understanding / agreement with provisions for mauri
- Project specific Maori values assessments
- Governance level memorandums of understanding / agreement with provisions for mauri
- Tangata whenua write the mauri sections of council plans
- Comprehensive Iwi management plans and Environment management plans

Indicator Three: Tangata whenua act to protect mauri**Measure 1. Tangata whenua are actively involved in processes associated with protecting mauri**

Level	Description	Ideal	Actual
Level 5	Tangata whenua are routinely heavily involved in processes		
Level 4	Tangata whenua are substantially involved in processes		
Level 3	Tangata whenua are moderately involved in processes		
Level 2	Tangata whenua have limited and occasional involvement in processes		
Level 1	Tangata whenua are not actively involved in processes		
Other / Comments			

Criteria/ Examples

- Minimal contact with Councils,
- Seek education of council about mauri
- Seek consent conditions protecting mauri
- Seek plan provisions protecting mauri
- Seek council allocate money for stream improvement programmes

Measure 2. Tangata whenua are working with landowners to ensure mauri are protected

Level	Description	Ideal	Actual
Level 5	Tangata whenua are continuously heavily involved with landowners working toward protecting mauri		
Level 4	Tangata whenua are frequently involved working with landowners to protect mauri		
Level 3	Tangata whenua are moderately involved working with landowners		
Level 2	Tangata whenua have limited involvement with landowners toward mauri being protected		
Level 1	Tangata whenua are not actively working with landowners to ensure mauri are protected		
Other / Comments			

Criteria / Examples

- Memorandums of understanding or agreement are negotiated with landowners for mauri protection (for example fencing off waterways, riparian planting)
- Encouraging and working with landowners to fence off waterways
- Supporting landowners to work through statutory provisions for protection
- Prosecute, injunct, or take other legal action against landowners to protect mauri

Measure 3. Tangata whenua take direct action to protect mauri

Level	Description	Ideal	Actual
Level 5	Tangata whenua take a range of ongoing actions in order to protect		

	mauri		
Level 4	Tangata whenua take frequent actions in order to protect mauri		
Level 3	Tangata whenua take moderate number and frequency of actions intended to protect mauri		
Level 2	Tangata whenua take occasional actions in order to protect mauri		
Level 1	Tangata whenua do not take direct action to protect mauri		
Other / Comments			

Criteria / Examples

- Tangata whenua purchase or acquire land to ensure protection of mauri
- Tangata whenua carry out protest and occupation activities to protect mauri
- Tangata whenua carry out restoration activities to protect mauri

Measure 4. Tangata whenua effectively manage information associated with mauri

Level	Description	Ideal	Actual
Level 5	Take comprehensive measures to effectively collect and manage mauri information		
Level 4	Employs a range of measures to maintain mauri information		
Level 3	Take moderate measures to maintain mauri information		
Level 2	Has no formal information management initiative but information is retained – for example knowledge is held by kaitiaki		
Level 1	Little or no mauri information is held by tangata whenua		
Other / Comments			

Criteria / Examples

- Tangata whenua hold and manage information relating to mauri in their rohe
- Tangata whenua share information regarding the condition of mauri with Council
- Tangata whenua effectively monitor and report on the condition of mauri

OUTCOME: MAURI ARE PROTECTED**INDEX 3: EXTENT TO WHICH OTHER GOVERNMENT AGENCIES ACTIVELY PROTECT MAURI**

Agency Name	
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Note - You may want to repeat this section for each government agency you deal with that you think has a role in the protection of waterways

Indicator One: Whether respondent agrees that other Government agencies actively protect mauri

Level	Description	Ideal	Actual
Level 5	Strongly agree		
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Whether agency takes measures to foster an understanding of mauri

Level	Description	Ideal	Actual
Level 5	Agency takes a comprehensive and ongoing range of measures aimed at fostering understanding of tikanga including mauri		
Level 4	Agency takes a range of measures aimed at fostering understanding of tikanga including mauri		
Level 3	Agency takes a moderate number of measures aimed at fostering understanding of tikanga including mauri		
Level 2	Agency takes minimal and occasional measures aimed at fostering understanding of tikanga including mauri		
Level 1	Agency takes no measure to foster an understanding of mauri		
Other / Comments			

Criteria / Examples

- Agency personnel seek advice from tangata whenua relating to protection for mauri
- Agency holds literature describing the spiritual significance of mauri to Māori
- Agency sponsors workshops on tikanga including the protection for mauri
- Agency has guidelines or advice notes on tikanga including the protection for mauri

Indicator Three: Whether agency has strategies designed to protect mauri

Level	Description	Ideal	Actual
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Level 5	Council effectively utilises a wide range of strategies which effectively protect mauri		
Level 4	Council utilises a range of strategies designed to protect mauri		
Level 3	Council utilises limited strategies designed to protect mauri		
Level 2	Council holds but does not effectively apply strategies designed to protect mauri		
Level 1	Council doesn't have or utilise any strategies to protect mauri		
Other / Comments			

Criteria / Examples

- Agency actively identifies degraded mauri
- Agency and local authorities share an understanding of mauri and have agreed on a mutual approach to its protection, protocols, and statutory references to this in their respective planning documents
- Agency actively advocates to the Crown for the protection of mauri
- Agency actively works to educate and raise awareness about mauri
- Agency engages in restoration projects

OUTCOME: MAURI ARE PROTECTED**INDEX 4: EXTENT TO WHICH ACTIONS OF THE WIDER COMMUNITY AFFECT MAURI**

Indicator One: Whether respondent agrees that actions of the wider community affect mauri

Level	Description	Ideal	Actual
Level 5	Strongly agree		
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Extent to which individuals and groups are informed about mauri and how it should be protected

Level	Description	Ideal	Actual
Level 5	A large portion of the general population is well informed about mauri and how it should be protected		
Level 4	A moderate and increasing proportion of the public is well informed regarding mauri, while a larger number have some understanding		
Level 3	A moderate and increasing section of the community has some understanding about mauri		
Level 2	A small but growing proportion of the public has some understanding of mauri		
Level 1	Virtually none (say 1%) of the general public has any understanding of mauri		
Other / Comments			

Criteria/ Examples

- Are aware that their actions might impact on mauri
- Have and have read information describing mauri
- Have attended wananga / workshops with tangata whenua and are informed
- Have relationships with tangata whenua and are informed

Indicator Three: Whether individuals and groups take active measures to protect mauri

Level	Description	Ideal	Actual
Level 5	Individual or Group effectively utilises a range of strategies which effectively protect mauri		
Level 4	Individual or Group utilises a range of strategies designed to protect mauri		

Level 3	Individual or Group utilises a strategy designed to protect mauri		
Level 2	Individual or Group utilises limited strategies designed to protect mauri		
Level 1	Individual or Group doesn't utilise any strategies to protect mauri		
Other / Comments			

Criteria/ Examples

- Fencing off streams / preventing stock access
- Riparian planting
- Ensuring contaminants do not enter waterways
- Monitor stream levels to ensure extraction does not reduce levels as to effect mauri

OUTCOME: MAURI ARE PROTECTED

INDEX 5: PHYSICAL EVIDENCE THAT MAURI IS HEALTHY

Indicator One: Whether respondent agrees that mauri is protected

Level	Description	Ideal	Actual
Level 5	Strongly agree		
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Characteristics of the water

Note - The following questions can be answered for particular sections of each waterway, and the various answers brought back together to form an overall picture of mauri within your area and over time. Because it may not be practical to assess every place on every stream you might want to choose particularly significant waterways, or those that are in very good and very bad condition. To do this you will need to reprint this section, or re-save the electronic version, naming or numbering it according to stream.

Measure 1. Water is safe to drink

Level	Description	Ideal	Actual
Level 2	Yes		
Level 1	No		
Other / Comments			

Measure 2. Water clear so that the stream bottom can be seen

Level	Description	Ideal	Actual
Level 5	Completely clear		
Level 4	Generally clear – clear most of the time		
Level 3	Moderately clear more than half the time		
Level 2	Murky most of the time		
Level 1	Can't see bottom		
Other / Comments			

Measure 3. Absence of visible foam on the water surface

Level	Description	Ideal	Actual
Level 5	Scum absent		
Level 4	Small amount and occasional scum		

Level 3	Some scum		
Level 2	Considerable amount of scum regularly		
Level 1	Excessive and widespread scum		
Other / Comments			

Measure 4. Water has a natural taste

Level	Description	Ideal	Actual
Level 2	Natural taste		
Level 1	Unnatural taste		
Other / Comments			

Measure 5. Water has natural smell

Level	Description	Ideal	Actual
Level 3	Natural smell		
Level 2	Moderately Unnatural		
Level 1	Completely unnatural		
Other / Comments			

Measure 6. Water feels oily when rubbed between the fingers

Level	Description	Ideal	Actual
Level 5	No oily feel		
Level 4	Occasional minimal oily feel		
Level 3	Slight oiliness		
Level 2	Strongly oily feel		
Level 1	Excessively and or continuously oily		
Other / Comments			

Measure 7. Sediment/slime absent on riverbed

Level	Description	Ideal	Actual
Level 5	Slime absent		
Level 4	Minimal and occasional slime		
Level 3	Small amount of slime periodically		
Level 2	Large amount of slime regularly		
Level 1	Excessive slime present continuously		
Other / Comments			

Notes - This series of tests should be repeated regularly to determine changes to mauri health. Recommend annually if condition is good and up to monthly where problems are observed.

Indicator Three: Characteristics of the waterway and its immediate environment

Measure 1. Presence or absence of stock in the riparian margins and waterway

Level	Description	Ideal	Actual
Level 5	No stock present on stream margins or in waterway		
Level 4	Occasional stock present in small numbers		
Level 3	Regularly stock present moderate numbers		
Level 2	Frequently stock present and / or large numbers		
Level 1	Stock constantly present and in large numbers		
Other / Comments			

Measure 2. The extent of riparian vegetation, including the presence or absence of overhang

Level	Description	Ideal	Actual
Level 5	Intact and continuous riparian margins to beyond waters edge		
Level 4	Generally intact and continuous riparian margins to waters edge		
Level 3	Fragmented riparian margins or frequently set back from water		
Level 2	Infrequent riparian margins		
Level 1	No riparian margins		
Other / Comments			

Measure 3. Natural range of plant species within riparian margins

Level	Description	Ideal	Actual
Level 5	Natural density and range of appropriate indigenous plant species		
Level 4	Primarily indigenous species, with few exotic		
Level 3	Mix of indigenous and some exotic species		
Level 2	Primarily exotic species		
Level 1	Exotic species only present		
Other / Comments			

Measure 4. River flow characteristics

Level	Description	Ideal	Actual
Level 5	Waterway flows naturally		
Level 4	Water level occasionally low		

Level 3	Water level often low and/or occasionally very low		
Level 2	Water level constantly low or very low		
Level 1	Waterway dry		
Other / Comments			

Notes - Requires assessment according to known seasonal variations

Indicator Four: Characteristics of waterway inhabitants

Measure 1. Number of indigenous fish species present

Level	Description	Ideal	Actual
Level 5	Natural range and mix of indigenous fish species present		
Level 4	Above average number of species present		
Level 3	Average number of species present		
Level 2	Narrow range of species present		
Level 1	Few or no indigenous species found		
Other / Comments			

Measure 2. Number of specimens of each species

Level	Description	Ideal	Actual
Level 5	Species is plentiful		
Level 4	Species is found in average numbers		
Level 3	Species is found in slightly lower than average numbers		
Level 2	Few examples of some species		
Level 1	No examples of certain species		
Other / Comments			

Notes - Fish numbers per species will need to be determined against previous or typical population density for a particular stream size, habitat, and location.

Measure 3. Health of fish present

Level	Description	Ideal	Actual
Level 5	All specimens are healthy		
Level 4	Very rarely unhealthy or dead fish found		
Level 3	Sometimes unhealthy or dead fish found – but in small numbers		
Level 2	Frequently unhealthy or dead fish found – increasing numbers		
Level 1	Unhealthy or dead specimens are common		
Other / Comments			

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Indicator Five: Presence of potential human threats

Measure 1. Withdrawal of water from waterway for other uses.

Level	Description	Ideal	Actual
Level 5	No water is extracted from the waterway		
Level 4	Small proportion of water is extracted without any noticeable reduction in flow		
Level 3	Moderate amount of water extracted resulting in periodic noticeably lower water level and/or flow		
Level 2	Large amount of water is extracted resulting in a regular noticeably lower water level and flow		
Level 1	Excessive extraction of water resulting in regularly dangerously low water levels and flow		
Other / Comments			

Measure 2. Incidence of point or non point discharge to waterway

Level	Description	Ideal	Actual
Level 5	No discharge present		
Level 4	Occasional discharge free from contaminants		
Level 3	Occasional discharge with contaminants		
Level 2	Regular discharge with some contaminants		
Level 1	Continuous discharge often containing contaminants		
Other / Comments			

Notes - The source/content of any discharge needs to be determined to assess potential threat.

Unnatural mixing of waters impacts on mauri, and such water should be passed through Papatüānuku prior to reaching waterway.

In particular human waste and severely contaminated waters are tapu, tikanga surrounding their treatment must be observed.

5.2 Worksheet Evaluation: Mauri of Water

OUTCOME: THE MAURI OF ALL WATERWAYS ARE IN OPTIMUM HEALTH

Index 1: Extent to which Local Authorities Protect Mauri

Indicator One: Whether respondent agrees that Local Authority actively protects mauri		
Indicator Score (Maximum Score = 5)		

Indicator Two: Whether Territorial Local Authority documents contain provisions to protect mauri		
1	Extent of Council planning provisions designed to protect mauri	
2	Quality of Council planning provisions designed to protect mauri	
3	Council has non statutory instruments designed to protect mauri	
4	Council has planning provisions which - while not referring explicitly to mauri – will help protect mauri	
Indicator Score (Maximum Score = 20)		

Indicator Three: Whether territorial local authorities act to protect mauri		
1	Council takes measures to foster understanding of mauri	
2	Territorial Local Authority effectively manages information associated with mauri	
3	Territorial Local Authority utilises a range of strategies designed to protect mauri	
4	Territorial Local Authorities have a track record in the protection of mauri	
Indicator Score (Maximum Score = 20)		

Index 1 Score (Maximum Score = 45)		
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Index 2: Extent to which tangata whenua protect mauri

Indicator One: Whether respondent agrees that tangata whenua actively protect mauri		
Indicator Score (Maximum Score = 5)		

Indicator Two: Whether tangata whenua have management documents with provisions designed to protect mauri		
Indicator Score (Maximum Score = 5)		

Indicator Three: Whether tangata whenua act to protect mauri		
1	Tangata whenua are actively involved in processes associated with protecting mauri	
2	Tangata whenua are working with landowners to ensure mauri are protected	
3	Tangata whenua take direct action to protect mauri	

4	Tangata whenua effectively manage information associated with mauri	
	Indicator Score (Maximum Score = 20)	

Index 2 Score (Maximum Score = 30)	
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Index 3: Extent to which other agencies protect mauri

Indicator One: Whether respondent agrees that other Government agencies actively protect mauri	
	Indicator Score (Maximum Score = 5)

Indicator Two: Whether agency takes measures to foster understanding of mauri	
	Indicator Score (Maximum Score = 5)

Indicator Three: Whether agency has strategies designed to protect mauri	
	Indicator Score (Maximum Score = 5)

Index 3 Score (Maximum Score = 15)	
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Index 4: Extent to which actions of the wider community affect mauri

Indicator One: Whether respondent agrees that actions of the wider community affect mauri	
	Indicator Score (Maximum Score = 5)

Indicator Two: Extent to which individuals and groups are informed about mauri and how it should be protected	
	Indicator Score (Maximum Score = 5)

Indicator Three: Whether individuals and groups take active measures to protect mauri	
	Indicator Score (Maximum Score = 5)

Index 4 Score (Maximum Score = 15)	
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Index 5: Physical evidence that mauri is protected

Indicator One: Whether respondent agrees that mauri is protected	
	Indicator Score (Maximum Score = 5)

Indicator Two: Characteristics of the water		
1	Water is safe to drink (Maximum score = 2)	
2	Water clear so that the stream bottom can be seen	
3	Absence of visible foam on the water surface	
4	Water has a natural taste (Maximum score = 2)	
5	Water has natural smell (Maximum score = 3)	
6	Water feels oily when rubbed between the fingers	
7	Sediment/slime absent on riverbed	

	Indicator Score (Maximum Score = 27)	
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Indicator Three: Characteristics of the waterway and its immediate environment		
1	Presence or absence of stock in the riparian margins and waterway	
2	The extent of riparian vegetation, including the presence or absence of overhang	
3	Natural range of plant species within riparian margins	
4	River flow characteristics	
	Indicator Score (Maximum Score = 20)	

Indicator Four: Characteristics of waterway inhabitants		
1	Number of indigenous fish species present	
2	Number of specimens of each species	
3	Health of fish present	
	Indicator Score (Maximum Score = 15)	

Indicator Five: Presence of potential human threats		
1	Withdrawal of water from waterway for other uses	
2	Incidence of point or non point discharge to waterway	
	Indicator Score (Maximum Score = 10)	

Index 5 Score (Maximum Score = 77)		
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6. Kete 3 - Wāhi Tapu

Cultural and Legislative Context

The contents of this Wahi Tapu Kete are summarised on the next page. It is followed by the Wahi Tapu Worksheets for the **Outcome**: Wahi Tapu are protected, which is measured through four **Indices** and their associated **Indicators**.

The protection of wāhi tapu is of the utmost importance to tangata whenua. The outcomes and indicators included in the Worksheet are intended to provide the means for users to evaluate tribal wāhi tapu with respect to statutory plans and provisions for their protection.

Wāhi tapu are specifically recognised and provided for in several pieces of legislation, including the RMA (1991), the *Historic Places Act* (1993), the LGA (2002), and the *Foreshore and Seabed Act* (2004).

The Outcome (Wahi Tapu are protected) and some of its indicators relate to these statutes and to obligations they impose on councils and Crown agencies when preparing and implementing statutory documents. For example, Section 6 of the RMA (1991) requires that:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall **recognise and provide** for the following matters of national importance: e. The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (Emphasis added.)*

The *Historic Places Act* (1993), Part 2, is titled Registration of Historic Places, Historic Areas, Wāhi tapu, and Wāhi tapu Areas. This includes separate registration and protection provisions and definitions for wāhi tapu (primarily Section 25), and for wāhi tapu areas (primarily Section 31). The Act also, of course, provides the statutory mechanism for permitting the modification or destruction of wāhi tapu, these provisions being frequently used by developers.

And the LGA (2002), states in Section 77:

*Requirements in relation to decisions (1) A local authority must, in the course of the decision-making process —
(c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, **take into account** the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga. (Emphasis added.)*

Best wording examples of Māori provisions from statutory plans are provided in the supplementary document, PUCM Māori Report 3, *Māori Provisions in Plans* (Kennedy and Jefferies, 2005).

Contents of Kete 3 - Wāhi Tapu Kete

KAUPAPA –	TAPU
TIKANGA –	WĀHI TAPU
OUTCOME:	WĀHI TAPU ARE PROTECTED

Index 1:	Extent to which Local Authorities Actively Protect Wāhi Tapu
Indicator One:	Whether respondent agrees that Local Authority actively protects wāhi tapu
Indicator Two:	Territorial Local Authority documents contain provisions to protect wāhi tapu
Indicator Three:	Territorial Local Authorities act to protect wāhi tapu
Index 2:	Extent to which Tangata Whenua Actively Protect Wāhi Tapu
Indicator One:	Whether respondent agrees that tangata whenua actively protect wāhi tapu
Indicator Two:	Tangata whenua have documents with provisions designed to protect wāhi tapu
Indicator Three:	Tangata whenua act to protect wāhi tapu
Index 3:	Extent to which Other Government Agencies Actively Protect Wāhi Tapu
Indicator One:	Whether respondent agrees that other Government agencies actively protect wāhi tapu
Indicator Two:	Historic Places Trust works to protect wāhi tapu
Indicator Three:	Other government agencies work to protect wāhi tapu
Index 4:	Extent to which Wāhi Tapu are identified and protected
Indicator One:	Whether respondent agrees that wāhi tapu are widely identified and protected
Indicator Two:	Physical characteristics of wāhi tapu
Indicator Three:	Characteristics of immediate environment
Indicator Four:	Presence of potential threats

6.1 Wāhi Tapu Worksheet

OUTCOME: WĀHI TAPU ARE PROTECTED

Organisation	
Name of person completing	
Position	
Date completed	

INDEX 1: EXTENT TO WHICH LOCAL AUTHORITIES ACTIVELY PROTECT WĀHI TAPU

Notes - You can repeat this section – Index 1 – for each local or regional council you deal with.

Name of Council	
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Indicator One: Whether respondent believes that Local Authority actively protects wāhi tapu

Level 5	Strongly agree	Ideal	Actual
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Territorial Local Authority documents contain provisions to protect wāhi tapu

Measure 1. Extent of TLA planning provisions designed to protect wāhi tapu

Level 5	Plans include a comprehensive cascade from Objectives through to Methods and also monitoring criteria and requirements including Anticipated Environmental Results	Ideal	Actual
Level 4	Plans include provisions from Objectives to Methods, but no monitoring criteria or methods with which to assess and protect wāhi tapu		
Level 3	Plans include Objectives or Policies referring to wāhi tapu but no related Rules or other Methods		
Level 2	Plans refer to Issues associated with wāhi tapu but have no relevant Objectives or Policies		
Level 1	Plans include no reference to, or provisions for, the protection of wāhi tapu		
Other / Comments			

Notes - For assistance see the *User Guidelines* that are found toward the end of this document and the supplementary document *Māori provisions in Plans – Wāhi tapu*.

Measure 2. Quality of TLA planning provisions designed to protect wāhi tapu

Level 5	Includes translation /description of wāhi tapu, number of measures, number of threats identified that could damage wāhi tapu, adequate interpretation of range of pressures on wāhi tapu, enforcement level provisions	Ideal	Actual
Level 4	Provisions explicitly stress and strongly require identification of potential impacts on wāhi tapu and include compliance requirements for their protection		
Level 3	Provisions provide apparently adequate protection		
Level 2	Limited provisions that provide limited protection for wāhi tapu		
Level 1	Plans make no reference to, or provision for, the protection of wāhi tapu		
Other / Comments			

Criteria / Examples

- Consistency of provisions through plan “cascade”
- Most provisions as worded appear to provide reasonable protection for wāhi tapu
- Wāhi tapu effects are identified in sections other than Maori specific sections
- Most provisions as worded are consistent with tribal tikanga
- All issues important to tangata whenua are adequately addressed
- Anticipate Environmental Results (AERs) or Key Performance Indicators (KPIs) accord with aims of tangata whenua
- Presence of qualifying statements that potentially undermine provisions (negative indicator)

Measure 3. Local Council has Guidelines designed to protect wāhi tapu

Level 5	TLA has a range of effective guidelines for the protection of wāhi tapu against a wide range of threats	Ideal	Actual
Level 4	TLA has a range of guidelines offering		
Level 3	TLA has some guidelines for the protection of wāhi tapu		
Level 2	TLA has minimal or inadequate guidelines for the protection of wāhi tapu		
Level 1	TLA has no guidelines for the protection of wāhi tapu		
Other / Comments			

Criteria / Examples

- Extent to which councils try to or avoid ranking sites of significance but rely instead on tangata whenua to determine significance. E.g. pathways vs. urupā
- Requirement for consultation with tangata whenever wāhi tapu are potentially affected
- Integrated communication with HPT – is there a means / procedure to ensure Historic Places Act is followed through?

- Inclusive descriptions / definitions that do not recognise only urupā (for example) as being wāhi tapu
- Precautionary approach

Measure 4. TLA has planning provisions which - while not referring to wāhi tapu – will help protect them

Level 5	TLA has a substantial range of planning provisions which individually and collectively provide protection for wāhi tapu	Ideal	Actual
Level 4	TLA has a number of provisions that provide protection for wāhi tapu		
Level 3	TLA have some planning provisions that potentially offer some protection for wāhi tapu		
Level 2	TLA provisions appear to offer little protection for wāhi tapu		
Level 1	TLA has no non wāhi tapu provisions that will protect wāhi tapu		
Other / Comments			

Criteria / Examples

- Heritage protection provisions
- Cultural values provisions recognising relationships between Māori and their ancestral lands
- Earthworks or subdivision provisions which identify potential affects on Māori values or sites

Indicator Three: Territorial Local Authorities act to protect wāhi tapu

Measure 1. Territorial Local Authorities have a track record in the protection of wāhi tapu

Level 5	A significant proportion of wāhi tapu have been protected through TLA activities	Ideal	Actual
Level 4	TLA activities have made a moderate impact on the protection of wāhi tapu		
Level 3	TLA activities have had a neutral effect in terms of the protection of wāhi tapu		
Level 2	TLA activities have had a small detrimental effect in terms of the protection of wāhi tapu		
Level 1	TLA activities have had a significant detrimental effect in terms of the protection of wāhi tapu		
Other / Comments			

Measure 2. Territorial Local Authorities effectively manage information associated with wāhi tapu

Level 5	TLA has formally transferred its functions in terms of managing wahi tapu information to tangata whenua, who implement a range of effective strategies, policies and practices for managing this information. Information is available to council subject to appropriate protocols.	Ideal	Actual
Level 4	TLA implements a range of effective strategies, policies and practices		

	– developed in cooperation with tangata whenua - for managing wāhi tapu information		
Level 3	TLA has limited or no specific policies but makes a genuine effort in managing wāhi tapu information		
Level 2	TLA relies on third parties – e.g. the Historic Places Trust or New Zealand Archaeological Association – to maintain wāhi tapu information for its area and receives updates		
Level 1	TLA takes no measures to manage wāhi tapu information or holds no such information.		
Other / Comments			

Criteria / examples:

- TLA effectively hold and manage wāhi tapu information
- TLA work closely with tangata whenua in the management of the information
- TLA effectively monitor and report on the condition of wāhi tapu
- TLA works with other agencies with responsibility for wāhi tapu
- TLA employs best practice information management practices

Measure 3. Territorial Local Authorities utilise a range of strategies designed to protect wāhi tapu

Level 5	TLA effectively utilises a wide range of strategies which effectively protect wāhi tapu	Ideal	Actual
Level 4	TLA utilises a moderate range of strategies designed to protect wāhi tapu		
Level 3	TLA utilises a small number of strategies designed to protect wāhi tapu		
Level 2	TLA utilises minimal or limited strategies designed to protect wāhi tapu		
Level 1	TLA doesn't utilise any strategies to protect wāhi tapu		
Other / Comments			

Criteria / Examples

- Strategies may include:
- designating sites as reservations
- establishing Memorials over titles to protect sites
- registering wāhi tapu with the Historic Places Trust
- advocating to private landowners for the protection of wāhi tapu
- educating and raising awareness about wāhi tapu
- enforcing provisions associated with wāhi tapu, including prosecutions
- section 42 and other methods used to protect / conceal sensitive information
- using methods to recognise / provides for broad expressions rather than specific locations

Notes - For example, TLA might protect sites on Council land or have policies that require or promote the various preservation mechanisms listed above when consent applications are received.

OUTCOME: WĀHI TAPU ARE PROTECTED**INDEX 2: EXTENT TO WHICH TANGATA WHENUA ACTIVELY PROTECT WĀHI TAPU**

Notes - The extent to which tangata whenua actively protect wahi tapu must be considered in the context of a group's capacity - including resources and abilities available to the group. Also there will often be various other issues competing for their time, often processes prescribed by the Crown and priorities that these carry with them. Tribal capacity is considered under the Mana Whenua outcome.

Indicator One: Whether respondent agrees that tangata whenua actively protect wāhi tapu

Level 5	Strongly agree	Ideal	Actual
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Tangata whenua have documents with provisions designed to protect wāhi tapu

Level 5	Tangata whenua published comprehensive iwi management or environmental management plans with information for environmental protection in accordance with tikanga Maori, encouraging iwi participation and explaining protocols. As with District Plans a suite of objective, policy, and method or similar structure. Also working documents such as MVA and MOU with wāhi tapu protection provisions.	Ideal	Actual
Level 4	Tangata whenua have strong iwi management or environmental management plan and other documents with specific provisions for protecting wāhi tapu. Also some project specific documents		
Level 3	Tangata whenua have an iwi management or environmental management plan or other documents with specific provisions for protecting wāhi tapu		
Level 2	Tangata whenua have released only project or place-specific documents expressing need and means for wāhi tapu protection		
Level 1	Tangata whenua have no documents with provisions designed to protect wāhi tapu		
Other / Comments			

Criteria / Examples

- Project level memorandums of understanding / agreement with provisions for wāhi tapu
- Project specific Maori values assessments

- Governance level memorandums of understanding / agreement with provisions for wāhi tapu
- Tangata whenua write the wāhi tapu section of council plans.
- Comprehensive Iwi management plans and Environment management plans

Indicator Three: Tangata whenua act to protect wāhi tapu

Measure 1. Tangata whenua are actively involved in processes associated with protecting wāhi tapu

Level 5	Tangata whenua are regularly and heavily involved in processes	Ideal	Actual
Level 4	Tangata whenua are often involved in processes		
Level 3	Tangata whenua are fairly regularly moderately involved in processes		
Level 2	Tangata whenua have minimal or occasional involvement in processes		
Level 1	Tangata whenua are not involved in processes		
Other / Comments			

Criteria / Examples

- HPT applications to modify and destroy
- Registration of wāhi tapu under the Historic Places Act 1993.
- Consents processes
- Plan changes or notifications
- Annual planning processes
- Reserves plans
- Legal lodgement of memorials on land titles

Measure 2. Tangata whenua are working with landowners to ensure wāhi tapu are protected

Level 5	Tangata whenua continuously undertake a range of activities with landowners in their rohe to protect wāhi tapu as a matter of policy	Ideal	Actual
Level 4	Tangata whenua often undertake a range of activities with landowners in their rohe to protect wāhi tapu		
Level 3	Tangata whenua fairly undertake a activities with landowners in their rohe to protect wāhi tapu		
Level 2	Tangata whenua undertake infrequent activities with landowners aimed at protecting wāhi tapu		
Level 1	Tangata whenua do not engage with landowners to protect wāhi tapu		
Other / Comments			

Criteria / Examples

- Memorandums of understanding or agreement are negotiated with landowners for wāhi tapu protection.
- Encouraging and working with landowners to fence off wāhi tapu
- Supporting landowners to work through statutory provisions for protection
- Prosecute, injunct, or take other legal action against landowners and or Historic Places Trust to protect wāhi tapu

Notes – It would be valuable to indicate how often this happens or the nature of some examples

Measure 3. *Tangata whenua purchase or acquire land to ensure control over wāhi tapu*

Level 5	Often and as a matter of policy	Ideal	Actual
Level 4	Quite regularly		
Level 3	Occasionally		
Level 2	Very occasionally – perhaps once or twice		
Level 1	Not yet		
Other / Comments			

Criteria / Examples

- Purchase land outright
- Have land land-banked for return in later settlement
- Negotiate return of lands from private land owner, Council or Crown – with or without payment
- Receive lands as part of negotiated settlement

Notes - It is acknowledged that few iwi/hāpu have the financial resources to routinely purchase lands in order to protect wāhi tapu

Measure 4. *Tangata whenua negotiate and implement management arrangements over wāhi tapu*

Level 5	Legally binding and meaningful arrangements for a significant proportion of their wāhi tapu	Ideal	Actual
Level 4	Effective arrangements for a fair number of wāhi tapu		
Level 3	Some formal management arrangements, for a minority of sites but these might including particularly significant wāhi tapu		
Level 2	Informal arrangements only, and for a small proportion of wāhi tapu		
Level 1	None to date		
Other / Comments			

Criteria / Examples

- Covenant requiring ongoing participation in management by tangata whenua
- Registration as wāhi tapu with HPT
- Setting side as a reserve
- MOU or similar arrangement
- Informal arrangements with land owner

Measure 5. *Tangata whenua carry out protest and occupation activities to protect wāhi tapu when these are threatened*

Level 5	Frequently, in a variety of places and for a range of reasons	Ideal	Actual
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Level 4	Often		
Level 3	Sometimes – generally for particularly significant sites		
Level 2	Very occasionally against extreme threats to particularly significant sites		
Level 1	Never		
Other / Comments			

Criteria / Examples

- Occupies lands where necessary; including private, Maori, Crown or Council lands
- Range of reasons for protesting – e.g. Crown Land surplus to requirement issues or land banked land, confiscated land, protest against failure to prevent degradation of the environment, protest against activity impacting on tangata whenua, refusal by agency involved to include tangata whenua in management of wāhi tapu, protection of wāhi tapu

Notes - What constitutes “frequent” might be different for each iwi / hapū depending upon your circumstances. A small group might be hard pressed to undertake two occupation / protest activities in a year, while a well resourced large iwi might do so monthly.

This measure might also be influenced by the above indicators – if you have effective protection provisions of wāhi tapu you are less likely to have to protest to protect them.

Measure 6. Tangata whenua effectively manage information associated with wāhi tapu

Level 5	Take comprehensive measures to effectively record and manage wāhi tapu information	Ideal	Actual
Level 4	Employs a range of measures to maintain wāhi tapu information		
Level 3	Has no formal information management process but information is retained – for example by tribal kaitiaki		
Level 2	Little wāhi tapu information is held by tangata whenua		
Level 1	No wāhi tapu information is held by tangata whenua		
Other / Comments			

Criteria / Examples

- Hold and manage information relating to publically recorded wāhi tapu in their rohe.
- Safeguards information on behalf of whānau hapū to which they belong
- Hold and manage information relating to wāhi tapu in their rohe that are not on the public record.
- Share information regarding the condition of wāhi tapu with councils / agencies where needed
- Have policies or guidelines regarding managing and improving information

OUTCOME: WĀHI TAPU ARE PROTECTED

INDEX 3: EXTENT TO WHICH OTHER GOVERNMENT AGENCIES ACTIVELY PROTECT WĀHI TAPU

Notes - You can repeat this section for each government agency you deal with that has a role in protecting wāhi tapu.

Agency Name	
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Indicator One: Whether respondent agrees that other Government agencies actively protect wāhi tapu

Level 5	Strongly agree	Ideal	Actual
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Historic Places Trust works to protect wāhi tapu

Measure 1. Historic Places Trust acts to protect wāhi tapu

Level 5	HPT consistently employs a large range of effective methods for the protection of wāhi tapu	Ideal	Actual
Level 4	HPT generally acts to protect wāhi tapu		
Level 3	HPT often acts to protect wāhi tapu – particularly where these are significant		
Level 2	HPT only very occasionally acts to protect wāhi tapu – and only where these are significant		
Level 1	HPT never acts to protect wāhi tapu		
Other / Comments			

Criteria / Examples

- Historic Places Trust takes enforcement action to protect wāhi tapu
- Historic Places Trust insists that applicants for modification or destruction adopt least damaging option, and advise in this regard
- Historic Places Trust insists that applicants consult tangata whenua
- Historic Places Trust promptly processes applications for registration of wāhi tapu
- Historic Places Trust grants interim registration where immediate protection is required
- HPT has public education programme including production of educative literature on wāhi tapu

Measure 2. Historic Places Trust and tangata whenua have established a positive relationship

Level 5	Strong relationship - maintained and valued by both parties	Ideal	Actual
Level 4	Relationship moderately good		
Level 3	Neutral or changeable relationship		
Level 2	Moderately bad relationship		
Level 1	Bad relationship		
Other / Comments			

Criteria / Examples

- HPT is familiar with appropriate contact people
- Historic Places Trust has established relationships with tangata whenua for the protection of wāhi tapu
- Historic Places Trust and tangata whenua meet regularly to work together toward protection of wāhi tapu
- HPT advises tangata whenua regarding applications within their rohe
- HPT is familiar with local conditions and issues

Indicator Three: Other government agencies work to protect wāhi tapu.

Notes – If there is more than relevant government agency please repeat this section (print another paper and attach or repeat this electronic document saving with a different name), recording the indicator and naming the agency.

Measure 1. Agency actively protects wāhi tapu within its own lands.

Level 5	A significant proportion of wāhi tapu have been protected through Agency activities	Ideal	Actual
Level 4	Agency activities have made a moderate impact on the protection of wāhi tapu		
Level 3	Agency activities have had a neutral effect on the protection of wāhi tapu		
Level 2	Agency activities have had a small negative impact on the protection of wāhi tapu		
Level 1	Agency activities have had a strongly negative impact on the protection of wāhi tapu		
Other / Comments			

Measure 2. Agency effectively manages information associated with wāhi tapu

Level 5	Agency implements a range of effective strategies, policies and practices – developed in consultation with tangata whenua - for managing wāhi tapu information	Ideal	Actual
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Level 4	Agency has limited wāhi tapu information policies - developed without tangata whenua input		
Level 3	Agency has no specific policies but makes a genuine effort in managing wāhi tapu		
Level 2	Agency relies on third parties – e.g. the Historic Places Trust or New Zealand Archaeological Association – to maintain wāhi tapu information for its area		
Level 1	Agency takes no measures to manage wāhi tapu information or holds no such information		
Other / Comments			

Criteria / examples:

- Agency maintains and manages wāhi tapu information.
- Agency works closely with tangata whenua in the management of the information
- Agency effectively monitors and reports on the condition of wāhi tapu
- Agency works with other agencies with responsibility for wāhi tapu

Notes - Most likely agency is Department of Conservation as it has responsibility for conservation of heritage values.

OUTCOME: WĀHI TAPU ARE PROTECTED**INDEX 4: EXTENT TO WHICH WĀHI TAPU ARE IDENTIFIED AND PROTECTED**

Indicator One: Whether respondent agrees that wāhi tapu are widely identified and protected

Level 5	Strongly agree	Ideal	Actual
Level 4	Moderately agree		
Level 3	No impression – neither agree or disagree		
Level 2	Moderately disagree		
Level 1	Strongly disagree		
Other / Comments			

Indicator Two: Physical characteristics of wāhi tapu

Notes - The following measures all assess conditions of particular sites as opposed to sites collectively. The section can be reprinted and used to assess multiple sites.

It can also be used to report on the condition of sites generally – these might be stated (e.g. 50% or 125 out of 250), or numerically e.g. wāhi tapu in pristine condition = 50.

The site assessment detailed here relies on the collection of site-specific condition information. This might be obtained from the recent NZAA site inspection information once this is complete, or from archaeological site reports or similar records. For unrecorded, private, and particularly sensitive sites tangata whenua might want to collect this information themselves.

Measure 1. Wāhi tapu Condition

Level 5	Pristine	Ideal	Actual
Level 4	Good		
Level 3	Average		
Level 2	Poor		
Level 1	Destroyed		
Other / Comments			

Measure 2. Sites for which permission has been granted to modify or destroy

Level 5	Permission granted but site unmodified or restored and now protected	Ideal	Actual
Level 4	Minimal modification or site buried intact		
Level 3	Some modification but integrity of site not greatly affected		
Level 2	Site substantially modified following permission		
Level 1	Site completely destroyed		
Other / Comments			

Indicator Three: Characteristics of immediate environment**Measure 1. Whether site location is privately or publicly owned**

Level 5	Private land	Ideal	Actual
Level 4	Crown land		
Level 3	Council Land		
Level 2	Iwi land		
Level 1	Site extends over multiple land owners		
Other / Comments			

Measure 2. Description of immediate environment

Level 5	Residential	Ideal	Actual
Level 4	Rural		
Level 3	Farm		
Level 2	Forestry		
Level 1	Coastal		
Other / Comments			

Indicator Four: Presence of threats**Measure 1. Type of threat**

Level 5	Human passive –trampers, cyclists – activities threaten	Ideal	Actual
Level 4	Human active – developer wants to dig up site		
Level 3	Animal – intervention practical		
Level 2	Plants – invasive species, tree root damage		
Level 1	Environmental – weather / river/ climate change etc		
Other / Comments			

Measure 2. Whether use of site is consistent with tikanga

Level 5	Activities are completely consistent with tikanga	Ideal	Actual
Level 4	Activities are generally consistent with tikanga		
Level 3	Activities are neutral		
Level 2	Activities are slightly or occasionally offensive to tikanga		
Level 1	Activities are completely offensive to tikanga		
Other / Comments			

Measure 3. Level of statutory protection for site

Level 5	Range of legal mechanisms in place offering secure ongoing protection	Ideal	Actual
Level 4	Some legal mechanisms in place offer reasonable ongoing protection		
Level 3	One or more statutory protections offer immediate protection		
Level 2	Minimal legal provisions in place with limited likelihood of protecting site		
Level 1	No statutory protection		
Other / Comments			

Criteria / Examples

- Site within appropriate reservation (Crown or Council)
- Covenant on title
- Resource consent conditions in place
- HPT listing and registration of site

Notes - This measure might require investigation. Identify the location (physical address) to get information - likely sources include; land title (LINZ) to see if a covenant exists, Historic Places Trust to see if the site is recorded or registered, local council check land status, to see if it is on Council's heritage register, or if consent conditions exist.

6.2 Worksheet Evaluation: Wāhi Tapu

OUTCOME: WĀHI TAPU ARE PROTECTED

Index 1: Extent to which Local Authorities Actively Protect Wāhi Tapu

Indicator One: Whether respondent agrees that Local Authority actively protects wāhi tapu		
Indicator Score (Maximum Score = 5)		

Indicator Two: Territorial Local Authority documents contain provisions to protect wāhi tapu		
1	Extent of TLA planning provisions designed to protect wāhi tapu	
2	Quality of TLA planning provisions designed to protect wāhi tapu	
3	Local Council has Guidelines designed to protect wāhi tapu	
4	TLA has planning provisions which - while not referring to wāhi tapu – will help protect them	
Indicator Score (Maximum Score = 20)		

Indicator Three: Territorial Local Authorities act to protect wāhi tapu		
1	Territorial Local Authorities have a track record in the protection of wāhi tapu	
2	Territorial Local Authorities effectively manage information associated with wāhi tapu	
3	Territorial Local Authorities utilise a range of strategies designed to protect wāhi tapu	
Indicator Score (Maximum Score = 15)		

Index 1 Score (Maximum Score = 40)		
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Index 2: Extent to which Tangata Whenua Actively Protect Wāhi Tapu

Indicator One: Whether respondent agrees that tangata whenua actively protect wāhi tapu		
Indicator Score (Maximum Score = 5)		

Indicator Two: Tangata whenua have documents with provisions designed to protect wāhi tapu		
Indicator Score (Maximum Score = 5)		

Indicator Three: Tangata whenua act to protect wāhi tapu		
1	Tangata whenua are actively involved in processes associated with protecting wāhi tapu	
2	Tangata whenua are working with landowners to ensure wāhi tapu are protected	
3	Tangata whenua purchase or acquire land to ensure control over wāhi tapu	
4	Tangata whenua negotiate and implement management arrangements over	

	wāhi tapu	
5	Tangata whenua carry out protest and occupation activities to protect wāhi tapu when these are threatened	
6	Tangata whenua effectively manage information associated with wāhi tapu	
	Indicator Score (Maximum Score = 30)	

Index 2 Score (Maximum Score = 40)	
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Index 3: Extent to which Other Government Agencies Actively Protect Wāhi Tapu

Indicator One: Whether respondent agrees that other Government agencies actively protect wāhi tapu		
	Indicator Score (Maximum Score = 5)	

Indicator Two: Historic Places Trust works to protect wāhi tapu		
1	Historic Places Trust acts to protect wāhi tapu	
2	Historic Places Trust and tangata whenua have established a positive relationship	
	Indicator Score (Maximum Score = 10)	

Indicator Three: Other government agencies work to protect wāhi tapu		
1	Agency actively protects wāhi tapu within its own lands	
2	Agency effectively manages information associated with wāhi tapu	
	Indicator Score (Maximum Score = 10)	

Index 3 Score (Maximum Score = 25)	
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Index 4: Extent to which Wāhi Tapu are identified and protected

Indicator One: Whether respondent agrees that wāhi tapu are widely identified and protected		
	Indicator Score (Maximum Score = 5)	

Indicator Two: Physical characteristics of wāhi tapu		
1	Wāhi tapu Condition	
2	Sites for which permission has been granted to modify or destroy	
	Indicator Score (Maximum Score = 10)	

Indicator Three: Characteristics of immediate environment		
1	Whether site location is privately or publicly owned	
2	Description of immediate environment	
	Indicator Score (Maximum Score = 10)	

Indicator Four: Presence of potential threats		
1	Type of threat	

2	Whether use of site is consistent with tikanga	
3	Level of statutory protection for site	
	Indicator Score (Maximum Score = 15)	
Index 4 Score (Maximum Score = 40)		

Appendix 1

Purpose-Specific Uses of Kete

Example 1: Assessing Plans

Summary

Prior to this framework being developed there were no readily available methods for assessing the quality of Māori provisions in plans. We anticipate that this is one of the purposes for which the framework will be most widely used.

Several of the indicators for each of the three tikanga in the Worksheets relate to statutory plans. Here we provide guidance to assist in evaluating Māori provisions within council and Crown plans. In judging a plan to determine the likely effectiveness of its provisions several issues must be considered together.

Several indicators in the Worksheets judge statutory plans to determine how good these are at protecting Māori provisions under the RMA. These indicators require you to consider those plans in detail, which might take several hours. We suggest that you complete the plan-related indicators for the three kaupapa/kete at once, as this should prove much quicker than redoing the exercise for each kaupapa.

The Worksheet sections relating to councils include substantial information intended to assist the user in evaluating council performance. This is found in the level descriptions, the criteria / examples, and the notes that are provided throughout the worksheets.

Issues

Plans are a product of a particular area, and need to reflect and provide for the needs and aspirations of particular communities. For this reason particular plan provisions might be effective for one location but ineffective or even irrelevant in another.

Other considerations:

- Quality of plan provisions
- Quantity vs. Quality - there might be only one issue, objective, or policy relating to a particular tikanga issue in a plan – but it might be a very good one.
- Qualifying statements - are statements such as; “Council will as consult with tangata whenua on issues relevant to Māori”.
- Extent of plan provisions - By Extent we are concerned with whether or not a particular issue recognised in a plan is addressed at each of the different planning levels, i.e., is the issue identified at the Issues and Objectives levels, but also is it followed up at the Policy, Method, and Monitoring levels?
- Regulatory and non-regulatory planning methods.

Methods

Plan evaluation is a desktop exercise. It will ideally be undertaken by staff familiar with statutory plans; however the Worksheets are designed to assist less-experienced users.

Assess the plan against other plans that you are familiar with, particularly those considered strong in terms of Māori provisions.

Use the *Māori Provisions in Plans* supplementary document in order to evaluate specific plan sections against quality examples from a range of other plans.

Speak with tangata whenua (there may be multiple groups) to determine what input they had into the plan, and whether the plan adequately reflects tangata whenua history, tikanga, and aspirations.

Example 2: Evaluating Council Performance

Summary

The previous section discussed use of the kete for the evaluation of Māori provisions within council planning documents, using those indicators relating to council plans. Each of the three kete also includes indicators relating to council performance in terms of Māori values. Ultimately, council performance is assessed in relation to achievement of the single outcome of each of the three kete.

Unlike plan evaluation, where you can read what is written and make an assessment, evaluating council performance and practice requires a number of different approaches. The different indicators and associated measures relate to particular aspects of council performance, and thereby provide an initial template for evaluating performance in relation to the particular tikanga upon which each kete is based.

Issues

Both iwi and council staff might already have experience of a council's performance and practices – and this experience will provide a basis for some answers.

Evaluating council performance in relation to Māori values and Māori-specific outcomes and objectives is a difficult task. Councils undertake numerous activities, and it is sometimes difficult to determine what they are doing and more so the effectiveness with which activities are undertaken. Nevertheless, there are means for identifying the range of ways in which council activities affect Māori, and these are outlined in the Worksheets, and others noted below.

Methods

The following methods are for assessing what activities councils undertake that affect Māori, and the effectiveness with which these are undertaken in terms of Māori values. They are not provided strictly in the order they should be undertaken. Additionally, users will not necessarily use all the methods described, and may use other methods not listed here.

- **Scrutinise the Annual Plan** – annual plans describe the range of activities councils undertake, and particularly the budgets and time-frames associated with these.
- **Statutory Plans** – the Worksheets also include indicators for evaluating statutory plans. While this is a different exercise to evaluating performance, performance can be judged against the promises made in plans, e.g., are council actions apparently consistent with its own objectives and policies?
- **Consents Processes** – these are where the RMA and plans are largely given effect. Some councils have undertaken evaluation of their own consents processes in terms of Māori values. It is not practical to investigate all consents, and users are advised to identify those consents important in terms of Māori values. If there are many it may be necessary to

select a sample of the most important, determined perhaps through discussion between tangata whenua and council planning staff. Guiding questions include:

- Which of the planning methods available are used, and how regularly?
- How often are methods used that are not among those listed in council's plans?
- How often are engineering solutions used rather than softer environmental alternatives that might be more consistent with tikanga? (e.g., using land and wetlands as storm water solutions).
- Are western scientific explanations and approaches routinely preferred to tikanga Māori solutions and are reasons for this given? If so what are the reasons?
- What monitoring has been recorded / reported to date – to satisfy the assessment commitments made in plans?
- Does Council respond when Māori values are affected and if so how?
- Has Council published State of the District/Nation reports? If so, are Māori values specifically considered and how does the council report its own performance.

Additionally, there may have been reports written regarding council and Māori, such as audits or reviews of councils policy and practice. How does council perform according to the Ministry for the Environment's three yearly assessment of local authority performance?

Also relevant are things like attitudes of and treatment by council staff and councillors toward tangata whenua and toward the Māori provisions of their own organisations. Attitudes and treatment can be significant elements in the quality of iwi / council relationships, but these things can be difficult to assess.

As for each of the different purpose-specific uses non-council users are encouraged to approach council staff informally in the first instance with requests for information, having first determined exactly what is required. There is significant merit in tangata whenua and their councils using the kaupapa Māori kete simultaneously, so that the information needs of both coincide thereby reducing any additional burden of locating and providing information to the other party.

Failing co-operation, tangata whenua users are able to use the Local Government Official Information and Meetings Act 1987 to obtain information from councils. Councils can charge for information sought under that Act, information can take some weeks to receive, and sensitive information can be withheld.

Example 3: Assessing change-over-time

Summary

Each Worksheet collects information about a single council, a single iwi/hapū organisation, and a single central agency at a particular moment. However, as described above, there is a number of occasions where information will become increasingly valuable if this is collected and evaluated over time.

Some examples are:

- Subsequent plans – do 2nd generation plans improve on their predecessors in terms of Māori provisions?
- What is happening to Māori significant sites over time?
- Is stream health improving or deteriorating over time?

- Is council improving in terms of its obligations to Māori for participation in decision-making?

Issues

Assessing change requires on-going evaluation of the issue under consideration, by definition the same evaluation needs to be undertaken at least twice at a sensible interval of time.

The frequency and duration of analysis will depend upon what is being investigated, but will also be influenced by practical consideration, such as your ability and capacity to undertake the necessary research.

Similarly, we encourage either councils or iwi to reuse the framework periodically. This will be useful, for example, when regional councils draft new plans. District councils are required to ensure that their plans give effect to higher order policy statements, and are not inconsistent with higher order plans.

As observed in the Mauri of Water kete, the Worksheet can be used to evaluate mauri for a single location or waterway, or across a district or tribal rohe. For assessing the quality of mauri of water, particularly where mauri is initially found to be in poor health, regular testing will be important.

For both the Wāhi Tapu and Mauri kete it is anticipated that both iwi and councils will achieve a more effective picture of what is happening within their area by using the framework repeatedly. The frequency and extent of such use will be determined by particular environmental conditions. As observed previously, use will also be influenced by the resourcing and capacity of your iwi/hapū or council and competing claims on these.

Methods

Methods do not differ for the primary activities for which the kete were designed, these being identified within the respective indices and indicators within the Worksheets. Evaluation of change-over-time, as discussed above, involves repeating the initial evaluation periodically, and comparing the results.

Comparing results presents challenges in terms of how to assess the respective results and to ascertain what variations mean. Currently, users can only look at multiple Worksheets side-by-side and make judgements as to the relevance of variations for individual indicators and indices.

In order to make sense of large amounts of information, for example as would be expected by an analysis of all significant sites within a given area, users are directed to load all information into a spreadsheet. This will take advantage of the large amount of data analysis functionality of spreadsheet software.

We have not provided spreadsheet templates at this time because of the large number of potential use variations it was not considered practical for us to draft templates. However, it is our intention to develop a database for collecting, managing, querying, and reporting on information collected against our indicators.

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