

Summary of Findings on the Review of Waikato River Co-Management Arrangements

Currently Negotiated	Commentary	Recommendations	Proposed
<p>Vision and Strategy for the Waikato River</p> <p>Given status of a National Policy Statement for RMA purposes.</p> <p>Given status of a Statement of General Policy for conservation legislation.</p> <p>Must be had particular regard to under relevant statutes, including Fisheries Act.</p>	<p>Clear aspirational vision supported by broad objectives and a high-level set of strategies.</p> <p>Absence of standards threatens effectiveness and creates uncertainty.</p> <p>Does not currently apply to the whole of the Waipa River.</p>	<p>The Vision and Strategy should:</p> <ol style="list-style-type: none"> 1 be the primary co-management instrument; 2 be refined to be made more definitive; 3 continue to require public consultation as part of the amending process; 4 remain a National Policy Statement for RMA purposes; 5 remain a Statement of General Policy for conservation purposes; 6 continue to be an instrument to be had particular regard to under relevant Acts, including the Fisheries Act; 7 take a whole-of-river and whole-of-catchment approach and include the entire Waipa River and its catchment; 8 be accompanied by standards relating to the health and wellbeing of the River including water quality and the impact of land use management on water within the catchment, to be developed by the Guardians with public consultation and to have the status of National Environmental Standards; 9 be informed by Iwi Environmental Plans. 	<p>Vision and Strategy for the Waikato River</p> <p>Primary co-management instrument.</p> <p>Status of a National Policy Statement for RMA purposes.</p> <p>Status of a Statement of General Policy for conservation legislation.</p> <p>Had particular regard to under relevant statutes, including Fisheries Act.</p> <p>More definitive, including standards with the status of National Environmental Standards.</p>
<p>Guardians of the Waikato River</p> <p>One of 5 new co-management entities.</p> <p>Periodically amends the Vision and Strategy and promotes its implementation.</p> <p>5 River iwi appoint half the membership – Crown appoints the other half (including an Environment Waikato nominee).</p>	<p>Lacks clarity of purpose.</p> <p>Not enough 'teeth'.</p> <p>Duplicated functions with other entities.</p> <p>Uncertain resourcing.</p> <p>Unclear accountability.</p>	<p>The Guardians of the Waikato River should:</p> <ol style="list-style-type: none"> 1 be the sole co-management entity; 2 be the lead agency for River issues in the region; 3 be responsible for the content of the Vision and Strategy; 4 have an amalgam of the functions currently identified for itself and the statutory boards, plus responsibility for the clean-up fund, for promulgating standards, for compliance and enforcement, for effecting or recommending call-ins (including input into terms of reference and appointments for boards of inquiry), and for building internal resources and skill to provide leadership on all River related issues; 5 be given the statutory powers necessary to carry out its functions (including "public authority" status); 6 be resourced fully (based on a business plan prepared by the Guardians) to be the intellectual, technical, social and cultural leader of progress on River and catchment issues (this recommendation is fundamental – there is an offset as a result of our recommendation not to proceed with statutory boards); 7 reflect the Crown-Maori relationship on which co-management is based; 8 bring together those with the greatest potential to influence outcomes; 9 recognise fully the individual and differing interests of each iwi within their respective rohe; 10 have 10 members (5 appointed by iwi; 5 appointed by the Crown including at least one recommended by EW and at least one recommended by TLA's); 11 make decisions by consensus (with escalation to Minister and iwi representative who must decide if no consensus reached); 12 be accountable through a requirement to furnish annual reports to Parliament (allowing for Select Committee scrutiny) and to iwi governance entities (allowing for iwi scrutiny). 	<p>Guardians of the Waikato River</p> <p>Sole co-management entity.</p> <p>Resourced to be the lead agency for River and catchment issues in the region.</p> <p>Responsible for the content of the Vision and Strategy, including standards.</p> <p>Administers the clean-up fund.</p> <p>5 River iwi appoint half the membership – Crown appoints the other half (including an Environment Waikato recommendation and a recommendation from TLA's).</p> <p>Accountable to Parliament and Iwi.</p>

Currently Negotiated	Commentary	Recommendations	Proposed
<p>Waikato River Clean-Up Fund</p> <p>New fund to support rehabilitation of the River, available to any organisation on a contestable basis, informed by an independent scoping study.</p> <p>Crown contribution of \$210 million over 30 years.</p> <p>Administered by a separate trust.</p>	<p>Does not currently apply to the whole of the Waipa River. Independent scoping study has not yet commenced.</p> <p>Administering trust not yet established.</p> <p>Risk that it will substitute for funding which should be the responsibility of local/regional government or landowners instead of funding the identified legacy and restoration priorities.</p>	<p>The Waikato River Clean-Up Fund should:</p> <ol style="list-style-type: none"> 1 be administered by the Guardians, but kept separate from the Guardians operational funding; 2 be kept to the identified legacy and restoration priorities. <p>The scoping study should:</p> <ol style="list-style-type: none"> 3 be completed as a matter of priority; 4 have its recommendations implemented immediately they are received. <p>The Guardians Establishment Committee should:</p> <ol style="list-style-type: none"> 5 implement a programme of interim action on not less than 5 projects on which there is general scientific and matauranga Maori recognition (funded by bringing forward elements of the clean-up fund). 	<p>Waikato River Clean-Up Fund</p> <p>New fund to support rehabilitation of the River, available to any organisation on a contestable basis, informed by an independent scoping study.</p> <p>Crown contribution of \$210 million over 30 years.</p> <p>Administered by the Guardians.</p> <p>Used to fund a programme of interim action until the scoping study is completed (as a matter of priority).</p>
<p>Waikato River Clean-Up Trust</p> <p>Established by trust deed on terms to be agreed between Crown and iwi.</p> <p>Trustees appointed by Guardians.</p> <p>Administers the clean-up fund.</p>		<p>The Waikato River Clean-Up Trust should:</p> <ol style="list-style-type: none"> 1 not be formed (the clean-up fund should be administered by the Guardians). 	
<p>Waikato River Statutory Board</p> <p>New statutory entity to operate in the lower catchment area (Karapiro/Puniu to the sea).</p> <p>Membership drawn from local authorities and Waikato-Tainui (with provision for Maniapoto on Waipa River matters).</p> <p>Promotes implementation of the Vision and Strategy.</p> <p>Monitors and audits local authority performance and makes recommendations.</p> <p>Exercises transferred functions (if any) and enters into joint agreements with local authorities.</p>	<p>Attempt to promote mana whakahaere of Waikato-Tainui in own rohe detracts from whole-of-river, whole-of-catchment approach.</p> <p>Lacks clarity of purpose.</p> <p>Duplicated functions with other entities.</p> <p>Uncertain resourcing.</p> <p>Unclear accountability.</p>	<p>The Waikato River Statutory Board should:</p> <ol style="list-style-type: none"> 1 not be formed (its functions can be incorporated under the Guardians, with a requirement to respect the mana whakahaere of each iwi within their respective rohe). 	
<p>Waikato River Co-Management Authority</p> <ul style="list-style-type: none"> • New statutory entity to operate in the upper Waikato River catchment area (Huka Falls to Karapiro). • Membership yet to be agreed but to be drawn from iwi (Raukawa/Te Arawa/Ngati Tuwharetoa), the Crown, local authorities and community stakeholders. • Promotes implementation of the Vision and Strategy. • Monitors and audits local authority performance and makes recommendations. • Exercises transferred functions (if any) and enters into joint agreements with local authorities. 	<p>Attempt to promote mana whakahaere of individual iwi in their rohe detracts from whole-of-river, whole-of-catchment approach.</p> <p>Lacks clarity of purpose.</p> <p>Duplicated functions with other entities.</p> <p>Uncertain resourcing.</p> <p>Unclear accountability.</p>	<p>The Waikato River Co-Management Authority should:</p> <ol style="list-style-type: none"> 1 not be formed (its functions can be incorporated under the Guardians, with a requirement to respect the mana whakahaere of each iwi within their respective rohe). 	

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<p>Waipa River Statutory Framework</p> <ul style="list-style-type: none"> • New statutory entity to operate in the upper Waipa River catchment area (source to Puniu). • Membership yet to be agreed but to be drawn from iwi (Maniapoto), the Crown, local authorities. • Promotes implementation of the Vision and Strategy. • Monitors and audits local authority performance and makes recommendations. • Exercises transferred functions (if any) and enters into joint agreements with local authorities. 	<p>Attempt to promote mana whakahaere of Maniapoto in own rohe detracts from whole-of-river, whole-of-catchment approach.</p> <p>Lacks clarity of purpose.</p> <p>Duplicated functions with other entities.</p> <p>Uncertain resourcing.</p> <p>Unclear accountability.</p>	<p>The Waipa River Statutory Framework should:</p> <ol style="list-style-type: none"> 1 not be formed (its functions can be incorporated under the Guardians, with a requirement to respect the mana whakahaere of each iwi within their respective rohe). 	
<p>Iwi Management Committees</p> <ul style="list-style-type: none"> • Would operate in the upper Waikato River catchment area (Huka Falls to Karapiro). • Formed by Raukawa and Affiliate Te Arawa Iwi and Hapu. • Reference groups for other co-management entities on cultural matters such as matauranga Maori. • Provide liaison between co-management entities and the hapu, whanau and marae of Raukawa and Te Arawa. 	<p>Adds a further layer of co-management.</p> <p>Iwi members of the Guardians will have their own processes to reflect the views and aspirations of the respective iwi.</p> <p>Accords between the Crown and iwi governance entities provide a form to address matters of particular interest to individual iwi.</p>	<p>Iwi Management Committees should:</p> <ol style="list-style-type: none"> 1 not be part of the co-management framework. 	
<p>Integrated River Management Plans (3)</p> <ul style="list-style-type: none"> • Intended to provide an integrated approach, involving iwi, to the management of aquatic life, habitats and natural resources within the River. • Three separate plans for lower Waikato, upper Waikato and upper Waipa. • Deemed conservation management plans and freshwater fisheries management plans under Conservation Act. • Deemed fisheries plans under Fisheries Act. • Must be had regard to in RMA planning. 	<p>Adds a further layer of complexity and duplication to the co-management framework.</p> <p>Detract from whole-of-river, whole-of-catchment approach.</p> <p>Integration issue capable of being addressed by providing for specific, co-ordinated work programmes in Accords with relevant agencies.</p>	<p>Integrated River Management Plans should:</p> <ol style="list-style-type: none"> 1 not be part of the co-management frameworks (integration can be addressed through Accords). 	
<p>Iwi Environmental Plans (up to 5)</p> <ul style="list-style-type: none"> • Optional planning documents recognised by iwi authorities. • Reflect iwi perspectives on environmental management. • Must be taken into account in RMA planning. 	<p>Already provided for under RMA.</p>	<p>Iwi Environmental Plans should:</p> <ol style="list-style-type: none"> 1 continue as already provided for under the RMA; 2 inform the Vision and Strategy and, accordingly, be referred to the Guardians. 	<p>Iwi Environmental Plans (up to 5)</p> <p>Should inform the Vision and Strategy.</p> <p>Must be recognised and provided for in RMA planning.</p>

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<p>Regulations</p> <ul style="list-style-type: none"> Power to make regulations to manage customary fishing, recommend bylaws to restrict fishing, and manage aquatic life, habitats and natural resources managed under conservation legislation. 	<p>Power to make regulations to manage customary fishing, recommend bylaws to restrict fishing already exists under Fisheries Act.</p> <p>Power to make regulations to and manage aquatic life, habitats and natural resources managed under conservation legislation is new.</p>	<p>Regulation-making powers should:</p> <ol style="list-style-type: none"> remain as currently negotiated. 	<p>Regulations</p> <p>Power to make regulations to manage customary fishing, recommend bylaws to restrict fishing, and manage aquatic life, habitats and natural resources managed under conservation legislation.</p>
<p>Accords (40)</p> <ul style="list-style-type: none"> Non-statutory relationship instruments between individual iwi and individual Ministers and office-holders such as the Commissioner of Crown Lands. Establish protocols, a framework for engagement, and commitments to agreed work programmes. 	<p>Waikato-Tainui already have Accords with the Ministers of Fisheries, Conservation, and Arts, Culture and Heritage.</p> <p>Waikato-Tainui also have an overarching Accord with the Crown, the Kiingitanga Accord, which, among other things, establishes an annual Relationship Forum at a very senior tribal and government level.</p> <p>Potential for up to 40 individual Ministerial Accords</p>	<p>Accords should:</p> <ol style="list-style-type: none"> be retained as part of the co-management arrangements and (without disturbing the arrangements already made with Waikato-Tainui) should comprise one accord between each of the iwi and the Crown (with schedules, rather than separate accords, for relevant Ministers of the Crown and their Departments). 	<p>Accords (5)</p> <p>Non-statutory relationship instruments between individual iwi and the Crown.</p> <p>Establish protocols, a framework for engagement, and commitments to agreed work programmes within Ministerial portfolios.</p> <p>Include mechanisms to provide an integrated approach, involving iwi, to the management of aquatic life, habitats and natural resources within the River.</p>
<p>Funding</p> <ul style="list-style-type: none"> Funding is to be provided to each iwi to ensure iwi capacity to participate in co-management of the River. 	<p>Adequate funding to provide iwi with capacity to participate fully and confidently in the co-management arrangements is essential.</p>	<p>Funding should:</p> <ol style="list-style-type: none"> be provided to iwi at the currently agreed level of co-management funding; be provided to iwi (with pre-agreed limits) to buy resource needed to build capacity to participate fully in the co-management arrangements. 	<p>Funding</p> <p>Funding is to be provided to each iwi to ensure iwi capacity to participate in co-management of the River.</p>