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## **Report 00.576**

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Report to Policy and Finance Committee  
from Councillor Ian Buchanan, Chairperson, Environment Committee

### **Proposal to appoint Māori as hearing commissioners**

#### **1. Purpose**

To seek the adoption of a proposal to appoint a Māori commissioner to all resource consent hearings.

#### **2. Background**

Report 00.113 to the Policy and Finance Committee on 9 March 2000 outlined a proposal to strengthen the relationship between the Council and tangata whenua. This proposal was adopted and is currently being implemented.

One element of the proposal was to hold a series of technical workshops to enable Iwi and Council staff to gain a common understanding of technical matters prior to any consideration of policy options or implications. Ara Tahi agreed on the topics that they wished to discuss in the three technical workshops planned for this calendar year. These were the appointment of Māori as hearing commissioners, resource consent conditions that protect Māori interests, and section 33 transfer of powers under the Resource Management Act 1991.

The first technical workshop on the appointment of Māori as hearing commissioners was held in May of this year. Independent legal advice was sought and different models of better practice were debated. Through a series of in-house meetings and a further workshop, Council staff and Iwi have worked through the various issues that have arisen. Feedback from Iwi on the process and structure of the technical workshops has been very positive.

The outcome of the technical workshops was a proposal put forward by Iwi. Ara Tahi considered and adopted the proposal at its meeting on 19 July 2000.

### 3. **The proposal**

The proposal recommends that a Māori be appointed as a hearing commissioner to every resource consent hearing. This would be a new policy for the Council.

If the basic policy is accepted, there are four steps necessary to implement it:

1. Iwi representatives of Ara Tahi will put forward a list of names to be included in the Council's list of commissioners. It is envisaged that at the beginning the list will be small due to the lack of resources within Iwi to carry out this kind of work. However as time progresses and people are up skilled this list may increase.
2. The Council will appoint one of the Māori commissioners from the list to sit at every resource consent hearing.
3. The Council will provide training and support to Māori serving as hearing commissioners. Non-Māori commissioners used by the Council will also be provided with training on tikanga Māori.
4. That Council and Iwi will evaluate the process after it has been in place for one year.

The proposal represents a more systematic way of appointing Māori as hearing commissioners than the current system. Iwi feel that the current regime is less than satisfactory and could be improved.

Another issue raised by Iwi is that Māori commissioners who have been appointed to a hearing are not from the Wellington Region and therefore do not have a good understanding of the history and important sites of this Region. This proposal creates a system that allows Iwi to nominate appropriate Māori commissioners from within the Region while Council retains the right to choose someone from the list that they consider to be without bias.

### 4. **Communication**

The outcome of the Committee's consideration will be communicated to the Iwi of the Region by Council staff.

### 5. **Recommendation**

1. *That the Committee recommends that Council adopt a policy of appointing a Māori as a commissioner to all resource consent hearings.*
2. *That the Iwi representatives of Ara Tahi be invited to nominate Māori as hearing commissioners.*
3. *That the Council provide training for Māori and non-Maori commissioners as outlined in this report.*

4. *That the Council and Iwi evaluate the success of the policy one year following its implementation.*

Report prepared by:

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