



# Governance of the Hauraki Gulf

## A review of options

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Environmental Defence Society



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## 4.2 Co-governance

Treaty settlements have had a strong influence on New Zealand natural resource management over recent years. They have changed the make-up and decision rules of governance structures to reflect the Crown-Iwi partnership. Co-governance arrangements see iwi and the Crown co-operating together in a power-sharing capacity to make important decisions about natural resources and areas. For Māori, the co-governance structure allows them to participate in a form of resource management that they have been locked out of for many generations, in an effort to compensate for historical injustices. For the Crown, these arrangements allow it to devolve decision-making power, while retaining some control.

In co-governance schemes, iwi representatives and Crown agents sit on governance boards to decide the crucial governance visions of the organisation. The agents that act on behalf of the Crown are generally representatives from local, district or regional government. Iwi and Crown membership numbers are equal or close to being equal. Sometimes a central government member oversees meetings and management actions. Some co-governance boards, such as the Waikato River Authority, have powers to request call-ins and appoint commissioners to hearings committees and boards of inquiries under the Resource Management Act 1991 (RMA).

The term 'co-governance' is rarely defined in the New Zealand context and it means different things to different people. It is often used interchangeably with the term 'co-management', and there is no official guidance as to what it means. Sources outside of legislation have at times provided definitions, such as the 2010 *Deed in Relation to Co-governance and Co-management of the Waipa River*, which describes 'co-governance' as setting the primary direction to achieve restoration goals, while 'co-management' is a collaborative partnership that implements the direction under the co-governance framework.<sup>57</sup>

Outside of legislation and Treaty settlements various academics have considered co-governance and co-management in depth. Co-governance has been said to be about the ability to direct, for example to set the policy, procedures and planning framework for work and ensure the work is done.<sup>58</sup> Co-management has been described as the '*sharing of knowledge, power and responsibility between the government and local resource users*'.<sup>59</sup> Authors largely agree that there is a continuum of possible co-management schemes providing for different degrees of power sharing. These extend



from information provision and consultation at one end to full partnership, joint decision-making, institutionalisation and delegated power to the community at the other end. The highest levels of co-management empower the community to make decisions over the affected resources or place, in conjunction with government and stakeholders.

In a 2016 review of the operation of eight natural resource co-governance bodies in New Zealand, the Auditor-General proposed five principles to guide their establishment and operation:<sup>60</sup>

- Build and maintain a shared understanding of what everyone is trying to achieve
- Build the structures, processes, and understanding about how people will work together
- Involve people who have the right experience and capability
- Be accountable and transparent about performance, achievements and challenges
- Plan for financial sustainability and adapt as circumstances change

Whilst co-management has similar characteristics to co-governance, such as shared responsibility and decision-making power, co-governance has a connotation of greater authority and power sharing. Co-governance is about directing while co-management focuses on doing, carrying out policies/procedures and implementing strategy.<sup>61</sup> However, at a practical level the terms overlap, and in any one situation there may be elements of both co-governance and co-management present.

For the purposes of this review, co-governance involves the following elements:

- A degree of power sharing between the parties
- An ability to make decisions
- Some responsibility and accountability
- A degree of sharing of management functions
- Sharing of knowledge

Co-governance and co-management schemes are different, but, for the purpose of investigating the positive and negatives of these power-sharing agreements, the literature discussing them has been examined together. Power-sharing agreements have been positively received by some and heavily criticised by others.

Advocates of co-governance say it can:

- Enhance people's rights which leads to more effective governance and management of resources. Some academics see increased Māori decision-making power in resource management as essential, explaining that power-sharing schemes are empowering for Māori who have often been locked out of resource management decisions for the majority of post-Treaty history.<sup>62</sup>
- Be linked with the rise of decolonisation of public administration. Through co-governance, some power has been removed from the hands of central government and returned to iwi.<sup>63</sup>
- Be a method of Māori regaining respect for their right as tangata whenua, a recognition that 'they were here first'. Iwi are willing to engage in co-governance systems because it is one way of establishing control over resources that they used to manage traditionally. While it is not the full hand over of control that may be preferred by some iwi, it is one – significant – concession that the central government has been prepared to make.<sup>64</sup>

Co-governance has also been critiqued by indigenous and non-indigenous commentators:

- Some non-indigenous commentators view the system as undemocratic because decisions are made by appointees rather than elected representatives. Opponents to co-governance have argued that Māori should aim to secure more influence through election to local government.<sup>65</sup>
- Others say co-governance is an *'interpretation of case law well beyond what the courts have actually said about the Treaty'*.<sup>66</sup>
- Some indigenous commentators view the system as a compromise. It is argued that co-governance has arisen as a result of the parameters of negotiated settlement that *'change as quickly as the governing political parties'*.<sup>67</sup>
- Scientists have raised concerns over the clash of mainstream science and tikanga Māori.
- Co-governance was found to be a *'far from successful means to empower local indigenous communities and to promote sustainable practises'*.<sup>68</sup>

It is evident that while co-governance is aspirational and generally well received by Māori, the system is not perfect. This reflects the diverse and evolving nature of Treaty relationships, and the ongoing development of law and policy in this area.

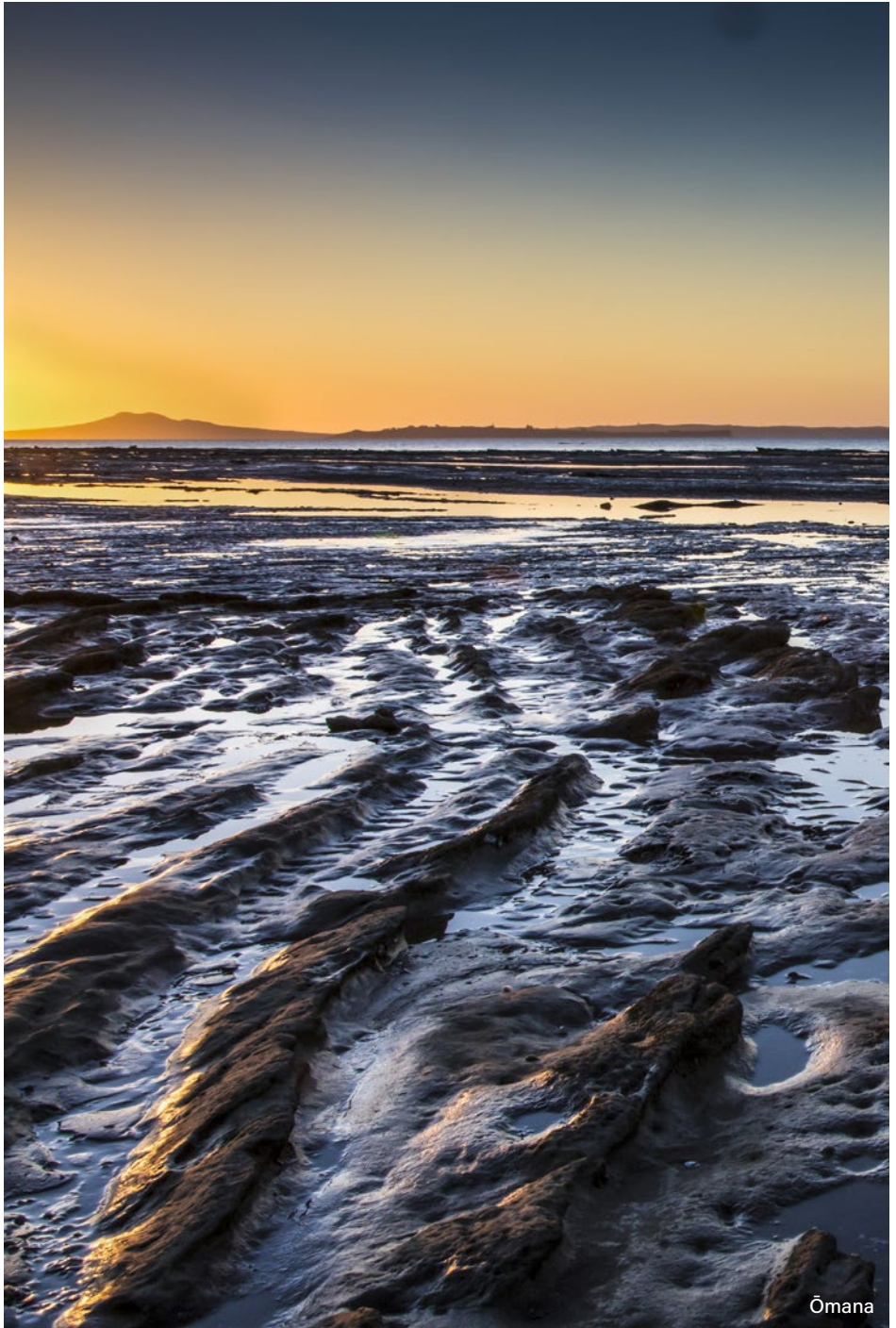
The concepts of governance and good governance have been discussed earlier in this report. Joseph emphasises that *'there is no single world-wide model for best practice governance due to differences in legal systems, institutional frameworks and cultural traditions'*.<sup>69</sup> Good governance appears to be subjective and determined by the unique characteristics of each system being governed.

## 4.3 Co-governance entities

As indicated above, there is broad and growing experience with establishing co-governance entities in New Zealand for natural resource management. Figure 5 summarises the key characteristics of six co-governance entities which have been recently established:

1. Te Waihora Co-Governance Group
2. Waikato River Authority
3. Te Urewera Board
4. Tūpuna Maunga o Tāmaki Makaurau Authority
5. Te Oneroa-a-Tōhē Board
6. Te Maru o Kaituna (Kaituna River Authority)

All of these co-governance models have resulted from Treaty settlements and are novel arrangements. The models govern a diverse range of areas, although examples are predominantly focused in the North Island. Figure 5 describes each model's governance area, authority, purpose, size, composition, decision rule, term of appointment, meeting frequency and whether they have a secretariat and/or chairperson. The information was gathered from Treaty Settlement Deeds and their respective Acts and the corresponding website of each authority. The figure reveals that there are a number of structural and functional similarities in these co-governance models.



Ōmana



Entity	Area covered	Authority	Purpose
Te Waihora Co-governance Group	Te Waihora/ Ellesmere Lake (197.8 km <sup>2</sup> )	Ngāi Tahu Claims Settlement Act 1998	To implement the Whakaora Te Waihora Programme with the vision 'to restore and rejuvenate the mauri and ecosystem of Te Waihora and its catchment'
Waikato River Authority	Waikato and Waipa Rivers (11,000 km <sup>2</sup> )	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010  Ngati Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010	To set the primary direction through the Vision and Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations, promote an integrated, holistic, and co-ordinated approach to implementation and fund rehabilitation initiatives
Te Urewera Board	Te Urewera, (2,127 km <sup>2</sup> )	Te Urewera Act 2014	To act on behalf of, and in the name of, Te Urewera and to provide governance for Te Urewera
Tūpuna Maunga o Tāmaki Makaurau Authority	14 Tūpuna Maunga (ancestral mountains) in Tāmaki Makaurau (Auckland)	Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	To enable the integrated management of the ancestral mountains of Auckland and implement the Tūpuna Maunga Integrated Management Plan

Size and composition	Decision rule	Term of appointment	Meetings	Secretariat and/or chairperson
10 members: Te Rūnanga o Ngāi Tahu (5), Environment Canterbury (3 commissioners), Selwyn District Council (1), Christchurch City Council (1), Ministry for the Environment (observer)	Consensus	3 years	Monthly	Co-chairpersons (1 Environment Canterbury and 1 Te Rūnanga o Ngāi Tahu)
10 members: Tainui (1), Te Arawa (1), Tūwharetoa (1), Raukawa (1), Maniapoto (1), Crown (3), regional council (1), territorial authority (1)	Consensus	3 years	Bimonthly	Co-chairpersons (1 iwi and 1 Crown)
8 members: Tūhoe (4), Crown (4 appointed by the Minister of Treaty Negotiations and Minister of Conservation, as agreed by Tūhoe).  In 2017, the Board was to consist of 9 members, 6 appointed by the Trustees of Tūhoe and 3 appointed by Crown.	Consensus	3 years	Bimonthly	1 Chairperson (Trustee appointed), 1 Deputy Chairperson (board appointed)
12 members: Marutūāhu rūpū entity (2), Ngāti Whātua rūpū entity (2), Waiohua Tāmaki rūpū entity (2), Auckland Council (6) and a non-voting member (appointed by the Minister for Arts, Culture and Heritage)	Majority of votes cast  (consensus sought first)	3 years	Monthly	1 Chairperson (rūpū entity appointed), 1 Deputy Chairperson (Auckland Council appointed). Secretariat and administrative support provided by Auckland Council

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Entity	Area covered	Authority	Purpose
Te Oneroa-a-Tōhē Board	Te Oneroa-a-Tōhē (Ninety-Mile Beach)	Te Rarawa Claims Settlement Act 2015	To provide governance and direction to all those who have a role in, or responsibility for, the Te Oneroa-a-Tōhē management area. The Board is tasked with preparing a beach management plan.
Te Maru o Kaituna (Kaituna River Authority)	Kaituna River	Tapuika Claims Settlement Act 2014	The restoration, protection and enhancement of the environmental, cultural and spiritual health and wellbeing of the Kaituna River

**Figure 5:** Summary of New Zealand co-governance entities



Size and composition	Decision rule	Term of appointment	Meetings	Secretariat and/or chairperson
8 members: Trustees (1), Te Manawa o Ngāti Kuri Trust (1), Te Rūnanga Nui o Te Aupouri Trust (1), Te Rūnanga o Ngāi Takoto (1), Northland Regional Council (2 – must be councillors holding office), Far North District Council (2: mayor and 1 councillor)	70% majority	5 years	Unknown	1 Chairperson (Te Rarawa), 1 Deputy Chairperson (iwi)
8 members: Tapuika Iwi Authority Trust (1), Tapuika Iwi Authority Trust and Te Kapu o Waitaha (1), Te Pumautanga o Te Arawa Trust (1), Te Tāhuhu o Tawakeheimoa Trust (1), Bay of Plenty Regional Council (1), Rotorua District Council (1), Tauranga City Council (1), Western Bay of Plenty District Council (1)	Consensus	3 years	Fortnightly	1 Chairperson (Tapuika Iwi Authority Trust), 1 Deputy Chairperson (Bay of Plenty Regional Council)



Ngāti Paoa waka taua, Karaka Bay



Hauturu-o-Toi-Little Barrier Island

We selected three of these models for closer examination. The Waikato River Authority was selected due to its prominence in co-governance literature. The Te Urewera Board was chosen because the Te Urewera Act 2014 welcomed in a 'new dawn' for conservation management in New Zealand by declaring Te Urewera a legal entity and establishing the Te Urewera Board to govern it.<sup>70</sup> Additionally, the Te Urewera Board is the first co-governance model to have more than half of its members comprised of iwi representatives. The Tūpuna Maunga o Tāmaki Makaurau Authority was selected due to its relevance to the Hauraki Gulf. Their key features are summarised in Figure 6.

## Waikato River Authority

The Waikato River Authority is a statutory body corporate established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. The Authority has additional responsibilities arising from the Nga Wai o Maniapoto (Waipa River) Act 2012. The settlement legislation focuses on restoring and protecting the health and wellbeing of the Waikato River for future generations. It applies to an area comprising the Waikato River from Huka Falls to Te Pūaha o Waikato, the Waipa River from its source to its connection with the Waikato River, and their respective catchments – some 11,000 km.

The Authority consists of 10 members, each appointed by the Minister for the Environment for a term of three years, including:

- Five members appointed from each river iwi (Tainui, Te Arawa, Tūwharetoa, Raukawa and Maniapoto)
- Five members appointed by the Crown – one member appointed by the Minister in consultation with the Ministers of Finance, Local Government and Māori Affairs on the recommendation of the Waikato Regional Council; one member appointed by the Minister in consultation with the same Ministers from persons recommended by the territorial authorities; and three members appointed by the Minister in consultation with the Minister of Finance and the Minister of Māori Affairs.
- The Minister for the Environment appoints one of the two co-chairpersons; iwi choose the other.

In appointing members to the Authority, the Minister must have regard to members already on the Authority to ensure the membership reflects a balanced mix of knowledge and experience in relation to the Waikato River.<sup>71</sup> In making recommendations on members, local authorities do not have to undertake consultation but must be satisfied the person has the skills, knowledge and experience to participate effectively in the governance and management of the Authority and contribute to the overarching purpose of the settlement. If the councils or territorial authorities do not make recommendations, the Minister can appoint members who he or she thinks have a sound knowledge of the Waikato Region and have the attributes referred to above.<sup>72</sup> The Authority has two co-chairs: one Crown appointee and one iwi appointee. The members must exercise the 'highest level of good faith engagement' and generally make decisions by consensus.<sup>73</sup>

The purpose of the Authority is to:<sup>74</sup>

- Set the primary direction of the Waikato River through the Vision and Strategy for the Waikato River to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations
- Promote an integrated, holistic and coordinated approach to the implementation of the Vision and Strategy and the management of the Waikato River
- Fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust

The Vision and Strategy responds to a number of fundamental issues including the degradation of the Waikato River and the effect this has had on Waikato River iwi and local communities, and the cumulative effect of physical intervention, land use and subsurface hydrological changes on natural processes. It recognises that it will take time and commitment to restore and protect the health and wellbeing of the Waikato River. The Vision and Strategy calls for a *'future where a healthy Waikato River sustains abundant life and prosperous communities, who, in turn are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come'*. This is to be realised through the pursuit of 13 objectives and 12 strategies. The Vision and Strategy is part of the Waikato Regional Policy Statement and affects other resource management planning documents.<sup>75</sup>

To prepare the Vision and Strategy, the Authority is to work and consult with the Waikato River Clean-up Trust, relevant departments, local authorities and appropriate agencies in a cooperative and coordinated manner.<sup>76</sup> One of the principles of the settlement legislation is 'integration', which supports the effective integration of management between the relevant government agencies, Crown entities, local authorities, and non-governmental agencies who have roles and responsibilities in respect of the Waikato River.<sup>77</sup>

The functions of the Authority are to:<sup>78</sup>

- Engage with and provide advice to local authorities on amending RMA planning documents to give effect to the Vision and Strategy
- Engage with and provide advice to the range of other agencies with responsibilities relating to the Waikato River to achieve an integrated, holistic and coordinated approach to implementing the Vision and Strategy
- Engage with and provide advice to the Environmental Protection Authority
- Act as trustee for the Waikato River Clean-up Trust and, in that capacity, administer the contestable clean-up fund for the Waikato River
- Monitor its own effectiveness in carrying out its functions and the achievement of the Vision and Strategy and clean-up initiatives
- Report at least every five years to the Crown, Waikato-Tainui and the other appointers on the results of monitoring
- Periodically review the Vision and Strategy and, at its discretion, recommend amendments to it to the Crown, Waikato-Tainui and the other appointers
- Request call-ins under the RMA and appoint commissioners to sit on hearings committees or boards of inquiry

The Authority is funded through the Ministry for the Environment. Each year Parliament is presented with an annual report with financial statements and a summary of attendance at each meeting. The Authority is not subject to the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987. It does not have to make minutes of its meetings public or publicise where meetings are held, and can hold meetings behind closed doors. The Authority has a website which provides information on its own operations, its projects and key documents including report cards, annual reports and funding strategies.<sup>79</sup>

## Te Urewera Board

The Te Urewera Board is a statutory body established under the Te Urewera Act 2014. This Act replaced the National Parks Act 1980 for the governance and management of Te Urewera. Te Urewera National Park is part of a heavily forested mountainous area that sits in the heart of the Tūhoe tribal lands and covers 212,673 hectares. The park is the largest remaining area of indigenous vegetation in the North Island and is one of the larger national parks in the country. The area encompasses Lake Waikaremoana and Lake Waikareiti. The purpose of the Te Urewera Act is to establish and preserve in perpetuity a legal identity and protected status for Te Urewera for its intrinsic worth, its distinctive natural and cultural values, the integrity of those values, and for its national importance. Te Urewera is a legal entity and has all the rights, powers, duties and liabilities of a legal person.<sup>80</sup>

The purpose of the Board is to act on behalf of, and in the name of, Te Urewera and provide governance for it.<sup>81</sup> The Board must prepare and approve a Te Urewera management plan. The Board currently consists of eight members: four members appointed by the trustees of Tūhoe Te Uru Taumatua and four members appointed jointly by the Minister of Conservation and the Minister for Treaty of Waitangi Negotiations. The Te Urewera Act states that in 2017 the Board will consist of nine members comprising six members appointed by the trustees of Tūhoe Te Uru Taumatua and three members appointed by the Minister of Conservation. At the time of writing, the Board has not yet transitioned to this composition. Each member is appointed for three years. Members are chosen after considering whether the proposed member has the mana, standing in the community, skills, knowledge, and experience to participate effectively in the Board and to contribute to achieving the purposes of the Board.

The Board has a chair appointed by the trustees of the Board and a deputy chair appointed by the members of the Board. The chair must preside over meetings and act as a leader to promote unanimous or consensus decision-making. In decision-making, members of the Board must act for no other purpose than to achieve the purpose of the Board and must aim to reach consensus.

The functions of the Board are to:

- Prepare and approve a management plan for Te Urewera
- Advise the persons managing Te Urewera on the implementation of the management plan including issuing an annual statement of priorities for implementation, undertaking any special functions in relation to the annual operational plan and monitoring the implementation of the management plan
- Initiate proposals and make recommendations for adding land to, or removing land from, Te Urewera, and acquiring interests in land; and for establishing specially protected areas, wilderness areas and amenity areas within Te Urewera (these recommendations are then considered by the Minister of Conservation)
- Make bylaws for Te Urewera
- Authorise activities that must not otherwise be undertaken in Te Urewera
- Prepare or commission reports, advice or recommendations on matters relevant to the purposes of the Board
- Promote or advocate the interests of Te Urewera in any statutory process or at any public forum



- Liaise with, advise, or seek advice from any agency, local authority or other entity on matters relevant to the purposes of the Board

The Board may delegate some of its functions and powers to a committee to deal with certain matters, for example the preparation of a draft management plan, rāhui and the taking of cultural materials, and the granting of concessions and authorisations. The Act does not affect any other statutory functions and powers exercised by a body within Te Urewera.

The Board has a website which provides information regarding Tūhoe, Te Urewera, its governance and management. The website also notifies when and where Board meetings occur. The notification includes all the relevant information for the meeting and an agenda.<sup>82</sup>

The Board is funded by the Tūhoe settlement and the Department of Conservation. Every year the board must adopt and publish an annual report which is given to the Minister of Conservation and trustees. Every five years, an independent review of the governance and management of Te Urewera must be undertaken.

## Tūpuna Maunga o Tāmaki Makaurau Authority

The Tūpuna Maunga o Tāmaki Makaurau Authority was established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. A total of 14 tūpuna maunga (ancestral mountains) were returned to Ngā Mana Whenua o Tāmaki Makaurau (the 13 mana whenua iwi and hapū of Auckland). The tūpuna maunga hold a paramount place in the historical, spiritual, ancestral and cultural identity of the Ngā Mana Whenua o Tāmaki Makaurau. The continuous relationships of mana whenua with the tūpuna maunga comprises '*unbroken, living connections across the oceans and time*'. The Authority is the mechanism by which Ngā Mana Whenua o Tāmaki Makaurau may exercise mana whenua and kaitiakitanga (guardianship) over the tūpuna maunga and is the administering body under the Reserves Act 1977. The tūpuna maunga are held in trust for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and other Aucklanders.

The Authority comprises 12 members and one non-voting member:

- Two members are appointed by the Marutūāhu rōpū entity
- Two members are appointed by Ngāti Whātua rōpū entity
- Two members are appointed by Waiohua Tāmaki rōpū entity
- Six members are appointed by Auckland Council
- One non-voting member is appointed by the Minister for Arts, Culture and Heritage

Each member is appointed for a term of three years and can be reappointed. The members appointed by the rōpū entities must have whakapapa to one or more of the iwi or hapū comprising the rōpū. The members appointed by the rōpū entities must appoint the chairperson of the Maunga Authority from among its members. The members appointed by Auckland Council must appoint the deputy chairperson of the Maunga Authority from among its members. Matters are to be decided by majority vote, although in practice most decisions have been by consensus. The Auckland Council provides a secretariat for meetings and any other administrative support necessary for the Authority to carry out its functions.

The Authority has the power over the tūpuna maunga and administered lands delegated to Auckland Council by the Minister of Conservation. The Council remains responsible for the management of the tūpuna maunga under the direction of the Authority and in accordance with the operational plan.

The Authority has prepared and approved an integrated management plan for the tūpuna maunga which is now operative. A draft of the plan was made publicly available for submissions and then submitted to the Minister for approval. With Council, the Authority must also agree on an annual operational plan to implement the integrated management plan. The Authority can appoint any committees or subcommittees it deems appropriate in order to carry out its functions.

The Authority does not report to Parliament. It shares a website page with Auckland Council. The website provides details regarding the background of the redress legislation, the Authority and the tūpuna maunga integrated management plan. Minutes of the Authorities meetings are also accessible.<sup>83</sup>

The Authority must prepare an annual report for each financial year and make copies of the report available at the Council and on its website. The report includes the dates and times of the Authority's meetings and a summary of the Authority's activities during the financial year. The Authority may also include other relevant information at its own discretion.

The Council pays for all the costs involved with the governance and management of the tūpuna maunga. The funding and revenue are held by the Council and must be accounted for separately. The Council must report every three months on the costs, funding and revenue of the maunga and provide to the Authority an annual financial report. The Authority may ask that the Council's auditor review the Council's accounts relating to the maunga to provide public confidence.



Principles	Waikato River Authority
<b>Legitimacy</b>	<p>Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010</p> <p>Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010</p> <p>Nga Wai o Maniapoto (Waipa River) Act 2012</p> <p>The Authority was established to produce a Vision and Strategy to achieve the health and wellbeing of the Waikato River for future generations, to promote an integrated, holistic and coordinated approach to implement the Vision and Strategy and fund rehabilitation initiatives.</p> <p>The Board consists of 10 members:</p> <ul style="list-style-type: none"> <li>• 5 members appointed from each river iwi (Tainui, Te Arawa, Tūwharetoa, Raukawa and Maniapoto); and</li> <li>• 5 members appointed by the Crown: 1 member appointed by the Minister in consultation with the Ministers of Finance, Local Government, and Māori Affairs on the recommendation of the Waikato Regional Council; 1 member appointed by the Minister in consultation with the same Ministers from persons recommended by the territorial authorities; and 3 members appointed by the Minister in consultation with the Minister of Finance and the Minister of Māori Affairs.</li> </ul>



Te Urewera Board	Tūpuna Maunga o Tāmaki Makaurau Authority
<p>Te Urewera Act 2014</p> <p>The Board was established to act on behalf of, and in the name of, Te Urewera and provide governance for Te Urewera. The Board must prepare and approve a Te Urewera management plan.</p> <p>The Board currently consists of 8 members:</p> <ul style="list-style-type: none"> <li>• 4 members appointed by the trustees of Tūhoe Te Uru Taumatua; and</li> <li>• 4 members appointed jointly by the Minister of Conservation and the Minister for Treaty of Waitangi Negotiations</li> </ul> <p>In 2017 the Board was to consist of 9 members, 6 appointed by the Trustees of Tūhoe and 3 appointed by the Crown.</p>	<p>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014</p> <p>The Authority was established to prepare and adopt an integrated management plan for the tūpuna maunga and administered lands.</p> <p>The Authority consists of 12 members and 1 non-voting member:</p> <ul style="list-style-type: none"> <li>• 2 members are appointed by the Marutūāhu rōpū entity</li> <li>• 2 members are appointed by Ngāti Whātua rōpū entity</li> <li>• 2 members are appointed by Waiohūa Tāmaki rōpū entity</li> <li>• 6 members are appointed by Auckland Council</li> <li>• 1 non-voting member is appointed by the Minister for Arts, Culture and Heritage</li> </ul>

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Umupuia Marae

Principles	Waikato River Authority
<b>Function</b>	<p>The other functions of the Authority are to:</p> <ul style="list-style-type: none"> <li>• Engage with and provide advice to local authorities on amending RMA planning documents to give effect to the Vision and Strategy</li> <li>• Engage with and provide advice to the range of agencies with responsibilities relating to the Waikato River, including local authorities and biosecurity, conservation and fisheries agencies</li> <li>• Engage with and provide advice to the Environmental Protection Authority</li> <li>• Act as trustee for the Waikato River Clean-up Trust and, in that capacity, administer the contestable clean-up fund for the Waikato River</li> <li>• Monitor the implementation, effectiveness and achievement of the Vision and Strategy, including any targets and methods, and the implementation, effectiveness and achievement of clean-up initiatives funded by the Waikato River Clean-up Trust</li> <li>• Report at least every 5 years to the Crown, Waikato-Tainui and the other appointers on the results of its monitoring</li> <li>• Periodically review the Vision and Strategy and, at the Authority's discretion, recommend amendments to it to the Crown, Waikato-Tainui and the other appointers</li> <li>• Request call-ins under the RMA</li> <li>• Appoint commissioners to sit on hearings committees or boards of inquiry when required to do so</li> </ul>
<b>Transparency</b>	<p>The Authority is a unique public entity; meetings do not have to be publicised, made public nor minutes shared. The Authority has a website which publicises its membership, purpose, functions, management, trust and current projects.</p>

Te Urewera Board	Tūpuna Maunga o Tāmaki Makaurau Authority
<p>The functions of the Board are to:</p> <ul style="list-style-type: none"> <li>• Prepare and approve a management plan for Te Urewera</li> <li>• Advise the persons managing Te Urewera on the implementation of the management plan including issuing an annual statement of priorities for implementing the management plan, undertaking any special functions in relation to the annual operational plan and monitoring the implementation of the management plan</li> <li>• Initiate proposals and make recommendations for adding land to, or removing land from, Te Urewera; acquiring interests in land; and establishing specially protected areas, wilderness areas, and amenity areas within Te Urewera (these recommendations are then considered by the Minister of Conservation)</li> <li>• Make bylaws for Te Urewera</li> <li>• Authorise activities that must not otherwise be undertaken in Te Urewera without an authorisation</li> <li>• Prepare or commission reports, advice or recommendations on matters relevant to the purposes of the Board</li> <li>• Promote or advocate for the interests of Te Urewera in any statutory process or at any public forum</li> <li>• Liaise with, advise, or seek advice from any agency, local authority, or other entity on matters relevant to the purposes of the Board</li> </ul>	<p>The Authority is the administering body for each maunga for the purposes of the Reserves Act 1977 with the exception of North Head, which is administered by DOC. The Authority has the same powers and functions as those conferred on Auckland Council for the management of the tūpuna maunga, motu (islands) and administered lands.</p>
<p>The Board has a website which provides information regarding Tūhoe, Te Urewera, its governance and management. The website also notifies when and where Board meetings occur and provides an agenda and all the relevant information for the meeting. Meetings are open to the public.</p>	<p>The Authority has a page connected to the Auckland Council website. It describes the Authority's history, role and function. Meeting agendas and minutes are also provided on the site. Meetings are open to the public.</p>

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Principles	Waikato River Authority
<b>Accountability</b>	<p>Amendments to the Vision and Strategy are made by Order in Council and only if recommended by the Authority.</p> <p>The Authority produces an annual report for the Minister for the Environment which is tabled in Parliament. The Authority must also report the results of its monitoring to the Crown at least every 5 years.</p>
<b>Inclusiveness</b>	<p>The Authority's membership must reflect a balanced mix of knowledge and experience in relation to the Waikato River. Members must have the skills, knowledge and experience to participate in the governance and management of the Authority and contribute to the overarching purpose of the settlement.</p> <p>In 2017, the Authority was made up of current and former central and local government politicians, executives, business consultants, iwi trustees and members of the iwi leaders forum.</p>
<b>Fairness</b>	<p>The Authority has two co-chairs. Decisions are generally made by consensus. Members must exercise the highest level of good faith.</p>
<b>Integration</b>	<p>The Board:</p> <ul style="list-style-type: none"> <li>▪ Has a vision for a healthy Waikato River. The Vision and Strategy is part of the Waikato Regional Policy Statement.</li> <li>▪ Joint management agreements have been set up between each local authority and the Authority. The Authority works with the Trust, relevant departments, local authorities and appropriate agencies in a cooperative and coordinated manner.</li> <li>▪ Must produce an integrated river management plan to achieve an integrated approach between all concerned parties</li> </ul>

Te Urewera Board	Tūpuna Maunga o Tāmaki Makaurau Authority
<p>The Board does not affect any other statutory functions and powers exercised by a body within Te Urewera. The Board may delegate some of its functions and powers to a committee to deal with certain matters. The Board publishes an annual report for the Minister of Conservation and trustees.</p>	<p>The Authority has the delegated powers of Auckland Council over the tūpuna maunga and motu. Auckland Council remains responsible for the operational management of the tūpuna maunga under the direction of the Authority and in accordance with the operational plan.</p> <p>The Authority can appoint any committee or subcommittee in order to carry out its functions. The management plan is open to public submissions and must be submitted to the Minister of Conservation for approval. The Authority produces an annual report for Auckland Council.</p>
<p>Members of the Board are chosen after considering whether the proposed member has the mana, standing in the community, skills, knowledge and experience to participate effectively in the Board and to contribute to achieving the purposes of the Board.</p> <p>In 2017, the Board was made up of current and former executives, current and former central and local government politicians, tourism and environmental consultants with executive experience and iwi trustees.</p>	<p>Members of the Authority appointed by the rūpū entities must have whakapapa to one or more of the iwi or hapū comprising the rūpū.</p> <p>In 2017, the Board was made up of local government politicians and iwi representatives.</p>
<p>The Board has a chair appointed by the trustees of the Board and a deputy chair appointed by the members of the Board. They preside over meetings to mediate and promote collaboration. Decisions are made by consensus.</p>	<p>The Authority has a chair appointed by iwi and a deputy chair appointed by Auckland Council. Decisions are made by majority.</p>
<p>The Board acts on behalf of Te Urewera which has been declared a legal entity in its own right. The Board prepares management plans and advises the relevant authorities on the implementation of the plan.</p>	<p>The Authority and Auckland Council agree on an annual operational plan to provide a framework in which the council will carry out its functions for the routine management of the maunga and administered lands for that year, under the direction of the Authority. The Annual Operational Plan must be prepared and adopted concurrently with Auckland Council's Annual Plan and must be included in the Annual Plan in summary form. In July 2016, the first integrated management plan was approved.</p>

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Principles	Waikato River Authority
<b>Capability</b>	The Authority is funded through the Ministry for the Environment.
<b>Adaptability</b>	Each member is appointed to the Authority for 3 years.

**Figure 6:** Case studies of New Zealand co-governance entities



Te Urewera Board	Tūpuna Maunga o Tāmaki Makaurau Authority
The Board is funded by Tūhoe and DOC.	The Authority is funded by Auckland Council. The Authority is supported by a secretariat and administrative support when necessary.
Each member is appointed to the Board for 3 years. An independent review of the governance and management of Te Urewera is carried out every 5 years.	Each member is appointed to the Authority for 3 years.



Ōrakei Basin

## 4.4 Summary of co-governance characteristics

Overall there are many commonalities amongst the six co-governance models reviewed above:

- The models have a clear purpose: to set the primary direction and govern the area and resources related to the Treaty settlement that establishes them.
- The number of members in each model ranges from eight to 12 members.
- The co-governance models are predominantly made up of half mana whenua and half Crown representatives. The Te Urewera Board should have a greater proportion of mana whenua members but has yet to achieve this composition.
- Members are usually appointed for three years.
- Mana whenua members are elected and appointed through their own tikanga processes and have usually been involved with the Treaty settlement process, were previous chairs or trustees of iwi boards and/or have executive legal, financial or corporate skills and experience.
- Crown representatives are elected members from regional and local council or appointed members with extensive political, executive, legal, financial or corporate skills and experience.
- Central Government representatives oversee the Te Waihora Co-governance Group and the Tūpuna Maunga o Tāmaki Makaurau Authority but are not involved in decision-making.
- Mana whenua usually chair meetings and the Crown deputy chairperson or co-chairs are selected from within the authority's membership.
- Each co-governance entity is responsible for preparing a management plan (or similar) and is required to advise, implement and monitor the management plan to varying degrees.
- The co-governance arrangements are often supported by a secretariat, provided by local authorities, but not always.
- Meetings are held fortnightly, monthly or quarterly.
- Decisions are predominantly made by consensus. The Te Oneroa-a-Tōhē Board and Tūpuna Maunga o Tāmaki Makaurau Authority make decisions by a majority of votes where consensus cannot be achieved.
- Each co-governance arrangement is funded through numerous avenues (e.g., settlement contributions from the Crown, local authorities and grants from central government, often for particular projects).

Due to their relatively recent establishment, there is a lack of literature analysing the effectiveness of these models. Instead, the literature is focused on critiquing the broader principle of co-governance (as exemplified earlier in this chapter). There is evidently an immediate need for a review of the effectiveness of specific co-governance models in New Zealand in achieving cultural and environmental outcomes.