

Conservation Boards Review



Final report of the Conservation Boards Review Panel
November 2013



Cover image. Oyster catchers at Otago Peninsula. *Photo: Herb Christophers*

© Copyright November 2013, New Zealand Department of Conservation

Publisher details:

Department of Conservation

PO Box 10420

Wellington

Telephone: (64 4) 471 0726

Fax: (64 4) 381 3057

Web: www.doc.govt.nz

This publication is produced using paper sourced from well-managed, renewable and legally logged forests.

CONTENTS

Introductory statement	1
Summary of findings	2
Recommendations	5
<hr/>	
Part One: Context	8
<hr/>	
Conservation boards	8
Functions of conservation boards	8
Section 4 - Treaty of Waitangi obligations	9
Changing context for conservation boards	10
Department's new structure	10
Conservation management planning	10
Part Two: Review process	12
<hr/>	
Part Three: Key findings	14
<hr/>	
Collaboration	14
A new reporting framework	14
Accountable Department of Conservation directors	15
Code of practice	16
Relationships	17
Relationships of boards with the Department	17
Iwi and manawhenua relationships	17
Relationships between communities and conservation boards	19
Conservation partnerships	20
Relationships with other boards and the New Zealand Conservation Authority	21
Integrated planning	22
Administrative boundaries of conservation boards	24
Representation	27
New focus on recreation	30
Contestable funds	32
Board operations	33
Concluding statement from the Chair	37
Appendix 1: Conservation boards and public conservation land	38
<hr/>	
Appendix 2: Conservation boards and Conservation Services Group regions	39
<hr/>	
Appendix 3: Conservation boards and Conservation Partnerships Group regions	40
<hr/>	
Appendix 4: Template for submissions	41
<hr/>	
Appendix 5: Consultation process and invitees	43
<hr/>	
Appendix 6: List of submitters	46
<hr/>	
Appendix 7: Treaty of Waitangi obligations	47
<hr/>	

Introductory statement

To Hon Dr Nick Smith, Minister of Conservation

I am pleased to present this report on the review of conservations boards. This is the first review conducted since conservation boards replaced national parks and reserve boards in 1990. It comes at a time when the Department of Conservation (the Department) is bedding in a significant change to the way it is structured and organised to deliver conservation outcomes. Your request for the review is, therefore, timely.

The legislation the boards work under reflects a unique partnership between the Executive and the public. The legislation vests in the boards governance powers, for example, to approve plans, while the implementation of these plans and the fiscal responsibility for them lie with the Department. The original intent of the legislation remains valid but the review panel feels the full potential of conservation boards has yet to be realised.

The skills and expertise of boards are a positive resource that can work hand in hand with the Department in achieving greater conservation outcomes. Strong relationships must exist between the Department's senior managers and the boards to maximise the benefit of these skills. In our discussions with the boards, these relationships were found to be variable and our expectations for a commitment to them need to be emphasised and championed.

A refresh of the systems that support the boards is required. That refresh would focus on the relationships, processes and operations of the boards, and central to it would be a new reporting framework that complemented the boards' current annual reporting to the New Zealand Conservation Authority. This will provide a greater focus for boards in their operations while maintaining their independence.

Some issues exist around boundary changes, which the Review Panel has noted. The timeline for the review precluded detailed investigation and discussion with the boards involved but the panel has identified a pathway forward.

The recommendations made in this report will, I hope, reflect the valuable input that has been made by the many people the review panel connected with through the targeted consultation process. The panel has, on some topics, taken a slightly broader approach than the terms of reference may have intended to maximise the benefit of the public engagement the panel entered into.

On behalf of the review panel, I thank you for the opportunity to engage in this process.

Nicky Wagner, Chair, Conservation Boards Review Panel

Sandra Cook

Waana Davis

Bob Dickinson

Michael Fitchett

Hugh Logan

Summary of findings

Collaboration

1. Successful collaboration is essential to the effectiveness of conservation boards and to achieving conservation outcomes. The Conservation Act 1987 provisions relating to the boards envisaged collaboration between communities and conservation managers facilitated in part by conservation boards. The potential contribution of boards has only been realised in part and the panel believes that it is timely for the original vision to be reinvigorated and for the true potential of conservation boards to be realised.
2. Three building blocks are required to provide a foundation for successful collaboration:
 - a new annual reporting framework, based on an annual letter (developed in consultation with the Chair of the New Zealand Conservation Authority - NZCA) from the Minister of Conservation setting out expectations for the board for the year
 - accountable Department directors to support the work of each board
 - a new code of practice.

Relationships

3. The relationships between boards, iwi and manawhenua¹ are many faceted and include reciprocal responsibilities as Treaty of Waitangi (Treaty) partners. It is essential boards are briefed and become knowledgeable about the iwi and manawhenua, their history and traditions as well as on Treaty settlements that have implications for public conservation land. A range of relationship-building measures is available to boards to enhance relationships with iwi and manawhenua.
4. Boards need to connect with iwi, manawhenua, community and volunteer groups and provide advice to the Department on partnership arrangements. The boards' role is not so much to build partnerships but to advise on local issues and circumstances and act as a point of connection between the community and the Department.

Integrated planning

5. The Conservation Act 1987 sets up a limited governance role for conservation boards and a system of checks and balances for their relationship with the Department. Integrated planning and establishing integrated objectives for public conservation land are the most important functions for conservation boards. Boards are the final approving authority for conservation management plans (CMPs), and the boards participate in the development of conservation management strategies (CMSs) and national park management plans.
6. National park management plans should not be amalgamated, because each park is unique, but planning processes should be coordinated. Integration can be achieved by developing the plans for adjoining parks concurrently and requiring integration of relevant objectives.
7. By acting as a 'community voice', conservation boards have an important contribution to make to conservation management planning. Board consultation and approval procedures will need to be clarified to maintain and enhance this role if any changes are made to CMS boundaries.
8. The idea of having a high-level CMS for each of the North Island, South Island and outlying islands, while outside the scope of this review, nevertheless merits further consideration. The CMSs would deal with high-level strategy, and a limited number of CMPs would focus on places that needed increased management detail.

¹ In this report, the word 'manawhenua' means the tangata whenua who hold manawhenua over the place/rohe.

Administrative boundaries of conservation boards

9. The Department's new operational boundaries are too large to be adopted by conservation boards. A reduction in the number of boards and adoption of larger board jurisdictions would undermine community links with the boards.
10. Most boards support the status quo in terms of size and boundaries. However, minor adjustments of boundaries could be made to preserve and enhance connections with local communities.

Representation

11. Board membership should be representative of the communities they serve. Some boards comprise members who have a keen interest in conservation but are not necessarily representative of their communities. However, it is essential that boards represent the interests of their local communities and remain relevant, providing solid support for conservation while including recreation and tourism.
12. It is important the appointment process sets boards up to succeed. The appointment process may be improved by more clearly identifying and specifying the skill set required for board members.
13. A level of dissatisfaction was expressed at the current process for appointing Māori board members, with some submitters and hui attendees holding a view that the Minister should defer to local iwi and manawhenua to determine their representation. Further, some hui attendees expressed the view there should be 50 percent iwi or manawhenua representation on all conservation boards to reflect the Treaty relationship. This may, however, require legislative amendment, which is out of scope for this review. Moreover, with the growth of co-management and co-governance arrangements, membership on a conservation board may be viewed as less important by iwi and manawhenua.

New focus on recreation

14. Recreation is a pathway to conservation. Through taking part in recreational activities and enjoying the tourist ventures available on public conservation land, citizens often gain a conservation perspective on the nation's natural and historic heritage. Conservation boards have a role in actively fostering and promoting these activities.
15. Public forums run by the boards as part of the conservation management planning process are the ideal vehicle to reaffirm with communities the unique conservation and recreation values of an area, explore new opportunities and capture community expectations. The boards and the Department should collaborate and share data to foster these relationships.

Contestable funds

16. The processes for allocating and monitoring contestable funds should remain with the Department and current approval bodies, to ensure consistency in allocation with national priorities.
17. The boards, however, could have an expanded role regarding grants made from the Biodiversity Fund in their jurisdiction.

Board operations

18. Conservation boards suffer from a lack of visibility in some areas. Additional public forums could help raise the boards' public profile. Publicity about these forums needs to be broadcast more widely. The forums also need to be held at times and places more accessible to the public.

19. The adequate resourcing of boards is essential if they are to realise the potential of the roles and responsibilities vested in them. An increase in operational funding will be required to enable boards to meet the new expectations under a 'refreshed' partnership regime. Funding should focus on facilitating further engagement with the public and allow for additional meetings and field trips.
20. Consideration needs to be given to how best deliver the board induction process for 2014, given the high number of new members who will be joining boards. The roles of the board servicing officer, in supporting board members, and Tier 3 manager are crucial to the effectiveness of conservation boards.

Recommendations

The Review Panel recommends that:

Collaboration

1. A new system of annual planning and reporting should be established for the conservation boards' work programmes. This system should be based on an annual letter of expectations (developed in consultation with the Chair of the NZCA) from the Minister of Conservation to each board chair. The annual report from each board would comment on how expectations have been met and how the board has contributed to achieving conservation outcomes.
2. Attendance of the relevant Director Conservation Partnerships (formerly conservator) should be mandatory at board meetings and part of the annual deliverables for the position. The relevant Director Conservation Services may attend board meetings in place of, or in addition to, the Director Conservation Partnerships as required.
3. A code of practice template for conservation boards should be developed by the Director-General of Conservation in collaboration with experienced board chairs.

Relationships

4. Boards should actively enhance their relationships with iwi and manawhenua through joint meetings and identification of projects of common interest.
5. Induction material should be revised to cover recent Treaty settlements, and new board members should be given the opportunity to gain knowledge of and involvement in activities that will enhance their understanding of tikanga Māori.
6. Where it is not occurring already, conservation boards engage with local iwi or manawhenua and where possible invite hapū, iwi or manawhenua representatives on field trips.
7. Boards should invest more time in building relationships, seeking community views and feeding information back to communities of interest.
8. The Department should ensure boards are resourced adequately and supported to build community relationships.
9. Boards should establish formal and informal links with iwi, manawhenua, community and volunteer groups and provide advice to the Department on partnership arrangements with them.
10. Board chairs should meet at least annually in person and then regularly (at a frequency to be determined by board chairs) for further discussion using teleconferencing or other suitable technology. The purpose of these meetings should be information sharing and up skilling, including clarification on national issues and new roles such as partnerships.
11. Inter-regional meetings between boards should be programmed on a regular basis to discuss cross-boundary issues.
12. The New Zealand Conservation Authority (NZCA), in conjunction with the responsible Deputy Director-General, should take a more active role in facilitating communication and interaction with boards including mentoring of board chairs.

Integrated planning

13. The Minister of Conservation explore the benefits and risks of having a high-level CMS for each of the North Island, South Island and outlying islands, and develop criteria for where CMPs are needed.

14. Board consultation and approval procedures will require clarification once CMS boundaries are agreed under the new Department structure, to avoid any confusion and encourage synergies between boards.
15. National park management plans should not be amalgamated; however, national parks that share significant contiguous boundaries should review their plans concurrently so relevant policies are well integrated.

Administrative boundaries of conservation boards

16. The Minister of Conservation should reconsider the present Bay of Plenty–East Coast Conservation Board boundary and ask the Director-General of Conservation to explore, with the respective boards, the possible adoption of an amended boundary.
17. Where minor boundary adjustments will enhance community engagement with conservation boards, the Minister of Conservation should ask the Director-General of Conservation to investigate and report on their merits.

Representation

18. The Minister of Conservation should seek the advice of experienced board members on the skills and knowledge needed to create an effective board and build this into the appointment process.
19. The appointment process should be revised to ensure a wide range of nominees is sought.
20. The Minister of Conservation should consider revising the nomination process as suggested by iwi and manawhenua in connection with any future legislative change.

New focus on recreation

21. The boards should actively partner with the Department in promoting the recreational opportunities available on public conservation land.
22. The Department should engage more proactively with the boards and seek their advice in the policy development phases of new proposals and when new recreation and/or tourism issues are identified and explored.
23. The board nomination process should continue to be reviewed to encourage board representation that better reflects society's current and emerging recreational interests and demographics as well as traditional use.

Contestable funds

24. The processes for allocating and monitoring contestable funds should remain with the Department and current approval bodies.
25. The Director-General of Conservation should consider extending the boards' involvement in the allocation processes for both Biodiversity funds to:
 - Include their representation on the allocation committees
 - Provide local comment on applications before allocations
 - Allow boards to receive a schedule of approved projects
 - Ensure applicants are informed of a board's interest in the project being approved.
26. The Director-General of Conservation should advance the establishment of a regional conservation fund that could be allocated by conservation boards to enhance conservation and develop community partnerships.

Board operations

27. The Minister of Conservation should discuss with the Director-General of Conservation the current board operating costs and suggest the Director-General engage with conservation board chairs to review board operating costs for the 2014/15 financial year.
28. The Minister of Conservation should note the concern expressed in submissions regarding board member fees.
29. The Minister of Conservation should request the Director-General of Conservation to review the processes in place for inducting new board members for 2014 and consider the possibility of providing training for board chairs in the chairing of meetings.
30. The Minister of Conservation should request the Director-General of Conservation to note the need for media and communications support for conservation boards in promoting the board-Department and community partnerships.

Part One: Context

Conservation boards

A conservation board provides for interaction between members of the public and the Department of Conservation (the Department). Conservation boards are independent bodies, established by the Conservation Act 1987. Each board represents a community of interest in the work of the Department within that board's area of jurisdiction. Its primary role is to advise the Department and New Zealand Conservation Authority (NZCA).

There are 13 conservation boards in New Zealand, each with a defined geographical area (see Appendix 1).

Functions of conservation boards

The boards' functions are set out in section 6M of the Conservation Act 1987 and in the National Parks Act 1980 and Reserves Act 1977. A board's focus is on policy issues, strategic direction and planning, not day-to-day operational details of the Department's work.

Conservation boards oversee the development of the conservation management strategies (CMSs), conservation management plans (CMPs) and any national park management plan within its area of jurisdiction. The boards play an important role in ensuring public submissions are reflected in plans and that plans are implemented as approved. CMPs, other than for national parks, are approved by conservation boards.

Other board work can include:

- Developing and reviewing national park and other management plans for lands administered by the Department
- Advising on proposals for marine reserves
- Looking at the range of recreational opportunities in the region
- Advising on proposals to change the protective status or classification of areas of national or international importance
- Considering the impact of concessions for tourism and other activities on conservation land
- Providing advice on concession applications
- Consulting on the interpretation of a management plan.

In addition, section 6N of the Conservation Act 1987 empowers the boards to advocate their interests at any public forum or in any statutory planning process. This includes the right to appear before courts and tribunals in connection with Resource Management Act 1991 applications and hearings.

Section 4 – Treaty of Waitangi obligations

Requirements of the Act

Section 4 of the Conservation Act 1987 reads:

‘This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.’

The requirement in section 4 to ‘give effect’ to the principles of the Treaty of Waitangi (the Treaty) is one of the strongest statements in legislation of the Crown’s Treaty obligations. While other departments and agencies are required to ‘have regard to’ or ‘take into account’ the principles of the Treaty, the Department is charged with ensuring the principles of the Treaty can be seen in action in the way that the Act operates.

Conservation boards are established under the Conservation Act, and section 4 therefore applies to them in the discharge of their functions. This requirement is reflected in the representation for particular iwi and tangata whenua of the area² on conservation boards as prescribed under the Act, and in the increasing involvement of Māori in the management of conservation areas.

Impact of the conservation boards review

The terms of reference for this review excluded any amendment to the Conservation Act or change to the fundamental purpose of the conservation boards. In view of this, the provisions of section 6P(5)–(7A) will remain intact.

- The paramount chief of Ngati Tuwharetoa will continue to be a member of the Tongariro/Taupo Conservation Board.
- The Taranaki Māori Trust Board and Whanganui River Māori Trust Board will retain their rights to nominate one member each to the Taranaki/Wanganui Conservation Board.
- The head of Kāhui Ariki, or a person appointed by the Minister on the nomination of the head of Kāhui Ariki, will remain a member of the Waikato Conservation Board.

The review also excluded any reconsideration of existing Treaty settlements. Te Rūnanga o Ngāi Tahu will continue to:

- Nominate at least two people to a board whose area of jurisdiction is wholly within the Ngāi Tahu claim area
- Nominate at least one person to a board whose area of jurisdiction is partly within the Ngāi Tahu claim area.

The Treaty settlements under negotiation were also excluded from the scope of this review. Proposals and commitments made in the course of negotiations will not be affected by the review’s outcome as follows:

- The proposed Te Hiku Conservation Board and Te Urewera Board
- Membership of existing conservation boards has also been agreed in the Tamaki collective Treaty settlement.

² Throughout this report, the term ‘manawhenua’ also refers to ‘tangata whenua of the area.’

Changing context for conservation boards

The changing context for conservation boards is the result of:

- The Department's new structure, involving:
 - A partnership-based approach to working with communities and businesses to achieve greater conservation outcomes
 - New administrative boundaries for the Department that reduce the number of regions from 11 to six
- Changes to the Department's conservation management planning system
- Treaty settlements creating new governance boards and iwi or manawhenua nominees to existing conservation boards.

Department's new structure

Restructuring within the Department has seen the 11 conservancies replaced with six partnership regions and six conservation services regions (see appendices 2 and 3).

Conservation boards were not included in the Department's restructure. As a result, the boundaries of the boards, which previously aligned with one or more of the former conservancies' boundaries, now transcend the new departmental administrative boundaries. The challenge will be how to incorporate the boards' boundaries and functions into the new structure while maintaining links with the communities of interest the boards were established to represent.

Under the Department's new structure, the Conservation Partnerships Group is responsible for driving growth in conservation through securing beneficial value exchanges with partners such as iwi, manawhenua, businesses, private landowners and communities. Developing partnerships and securing value exchanges will require a strong focus on relationship building between the Department's Conservation Partnerships staff and local communities.

As the Department's new structure beds in, the respective roles of the Conservation Partnerships Group and conservation boards, in terms of community and business engagement will become clearer.

Conservation management planning

Conservation boards have an important role in ensuring public submissions are reflected in plans and that the plans are implemented as approved. In this role, the boards act as a community voice in conservation management planning, ensuring local communities of interest have input into conservation management. With members drawn from local businesses and communities, conservation boards are ideally placed to engage with business and the community.

The Department has been involved in a long-term initiative to rationalise management planning. In February 2011, the Department began implementing a new approach to CMSs. The approach created a simpler, more concise, strategic, place-based document and a more efficient service centre approach to CMS development. The CMS document has a template structure that must be adhered to. By reducing the number of CMPs, and by working with

conservation boards from the outset of the drafting process, it is anticipated the timeliness and quality of the management plans delivered will be improved.

Public conservation board meetings are an important mechanism for obtaining community input into conservation work, and can contribute to a timely resolution of local issues. This process can also be initiated by departmental staff (with the agreement of the board chair) to address local issues before they become major problems. It is essential that access to this valuable mechanism for community engagement be maintained.

Part Two: Review process

Ministerial advisory committee

Under section 56(1) of the Conservation Act 1987, the Minister of Conservation has the discretion to appoint an advisory committee of one or more members. The Minister also has the discretion to define the terms of reference and regulate the procedure of such a committee as the Minister sees fit.

Under these provisions, the Minister of Conservation convened a ministerial advisory committee to act as a review panel and make recommendations on the future for conservation boards. The Conservation Boards Review Panel comprised:

- Nicky Wagner (Chair) Parliamentary Private Secretary for Conservation
- Sandra Cook (Ngāi Tahu iwi representative)
- Waana Davis (North Island iwi representative)
- Bob Dickinson (Nelson-Marlborough Conservation Board)
- Michael Fitchett (recreation/tourism sector representative)
- Hugh Logan (former Director-General of Conservation).

The review panel's role was to:

- Consult key stakeholder representatives of iwi and non-governmental organisations (NGOs)
- Develop options for improving the operation of conservation boards within the Department's new structure
- Provide recommendations to the Minister of Conservation on the most appropriate option(s).

Scope of the review

The scope of the review included the:

- Role and functions of conservation boards, including whether they should have a new:
 - Role in the allocation of contestable funding
 - Focus on recreation
 - Role in building community partnerships and how this role might fit with the new departmental structure
- Contribution of conservation boards to management planning
- Impact of Treaty settlements on conservation board structure
- Administrative efficiency of the boards' operating processes
- Number of conservation boards
- Boundaries of conservation boards.

The scope of the review excluded:

- Changes to the existing functions of conservation boards as specified in section 6M of the Conservation Act 1987:

- Reviewing, amending and recommending approval by the NZCA of conservation management strategies
- Reviewing, amending and approving conservation management plans
- Providing advice to the NZCA and Director-General of Conservation
- Liaising with Fish and Game councils
- Amendments to the Conservation Act.

Consultation

A targeted consultation process focusing on key stakeholders was completed over a four-week period during October 2013 and included seven hui and seven NGO meetings in seven locations across the country. The review panel also received 31 submissions (see Appendix 5 for further details on who the panel consulted and how).

The review panel acknowledges the timeframe for consultation was short. At the first hui, a strong message was received from Sir Mark Solomon that the timeframe was not acceptable. This criticism was repeated at several subsequent hui.

The shortness of the consultation process was mitigated by the panel's endeavours to accommodate additional requests for meetings and hui.

Notwithstanding the challenge the short timeframe presented to enable engagement with Papatipu Runanga, hapū and whānau, the panel engaged in a positive korero at the hui.

The tight timeframe was necessary, however, given that the terms of office of many board members have expired and been extended. Moreover, the Department's new structure has been in place since 1 September 2013. It is therefore crucial the roles and functions of the conservation boards, in relation to those of the Department's Conservation Partnerships Group, be clearly defined as soon as possible.

The hui and NGO meetings took the form of unstructured discussions. Attendees were encouraged to raise any concerns they had about the operation of conservation boards, as well as responding to the questions posed in the submissions template.

The submissions template consisted of a background paper and questionnaire (see Appendix 4). This was distributed, along with an invitation to hui or meetings, via email to the Department's local and national iwi and NGO contacts.

Submissions

Thirty-one submissions were received. Twenty-three were from nine key stakeholders listed in the terms of reference and included the NZCA, nine conservation boards, two iwi and six NGOs. Multiple submissions were received from branches of some NGOs, such as the New Zealand Deerstalkers' Association and Royal Society of New Zealand. Seven submissions were from individuals or organisations not listed as key stakeholders. These included five individuals, the QEII National Trust and Wellington Botanical Society. Most submitters responded to some or all of the questions posed in the template, and several submitters provided feedback on additional topics.

The submissions were analysed to identify important themes, and these are discussed in the key findings section of this report below.

Part Three: Key findings

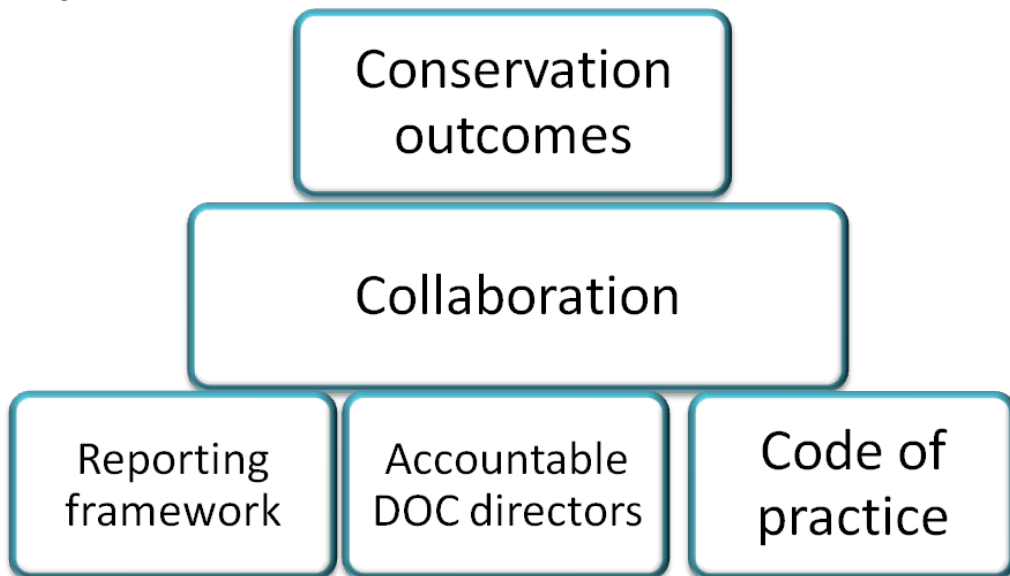
Collaboration

It is the review panel's view that the Conservation Act 1987 provisions relating to boards envisaged a powerful collaboration between communities and conservation managers. The board provisions of the 1987 Act were built on the foundations of the 1952 and 1980 National Parks Acts, whereby boards representing Māori, community and public interests, not government departments, would determine the standards that apply to the management of public protected areas. Over the years, the potential of boards has been only partly achieved, and the panel believes it is timely for this vision to be reinvigorated and the true potential of conservation boards realised.

It is the panel's conclusion that successful collaboration is vital to the effectiveness of boards and, indeed, to achieving conservation outcomes. The panel heard from many meetings and hui and discussed this issue at length and believes strong foundations need to be in place for collaboration to work.

Three building blocks are required to provide a foundation for successful collaboration (see Figure 1). Each of these is discussed in detail below.

Figure 1: Foundation for successful collaboration



A new reporting framework

The panel believes a new reporting framework is required. While many parts of the 'jigsaw' are in place already, a gap seems to exist for boards in receiving clear annual expectations of what is required of them.

Without limiting the legislative mandate of the board, the panel believes an annual letter (developed in consultation with the Chair of the NZCA) should be written from the Minister of Conservation that sets out expectations for each board for the year for its area. The letter would be a useful guide to both the boards and Department as to the nature of a board's programme of work in any one year.

The panel anticipates that the letter setting out the Minister’s expectations would be discussed with the chair of the NZCA, and would include:

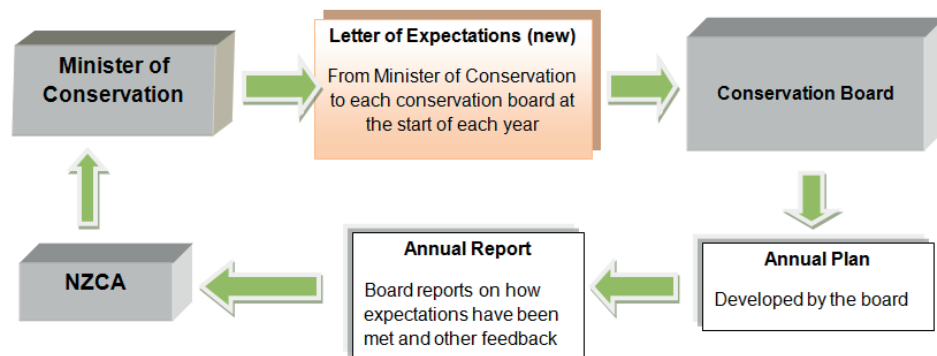
- Expectations generic to all boards
- Matters specific to each board that the Minister wishes to bring to their attention. Such matters might include:
 - Statutory documents or processes, such as a CMS or CMP, that boards might focus on during the year; or
 - Issues specific to each board’s area that the Minister would like them to work on with their communities to develop options or canvass opinions, for example, recreation matters.

Boards could then develop their annual plans based on these expectations and statutory responsibilities. The board’s annual reports would be the opportunity to report back to the Minister through the NZCA on how well the expectations were met and to raise matters for the next round of expectations (see Figure 2).

The Department would be expected to ensure the boards were properly supported to focus on the priorities identified in their letters of expectation.

Boards would be able to respond where they believed expectations were unrealistic or unachievable, thus there would be room for a two-way conversation and for a board to have its own annual objectives. The boards’ ability to write to the Minister or NZCA on any matter, as they do already, would be unfettered.

Figure 2: Proposed annual reporting framework for conservation boards



Accountable Department of Conservation directors

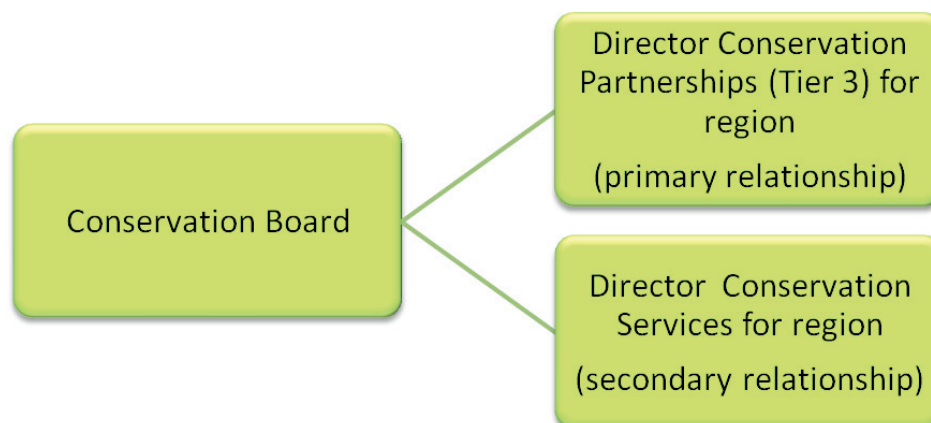
The panel agrees that, for boards to be effective, it is essential they have a sound working relationship with the Department. Relationships at the senior level are crucial. The departmental representative at board meetings must have the authority to make commitments regarding resourcing and advice. It is also critical that information between the Department and the boards is shared in a trusting environment.

The restructure of the Department provides an opportunity to clarify and strengthen accountabilities between the boards and Department. The panel believes the accountabilities need to be set at two levels (see Figure 3).

1. Oversight of the overall system of reporting and accountabilities needs to be at the Deputy Director-General Partnerships (Tier 2) level. This would ensure the system is functioning effectively and regional directors have effective and consistent relationships with boards across the country.
2. The Partnerships Director (Tier 3 - which is the equivalent of the conservator in the previous structure) should be the primary relationship with the boards and attend all or

part of each conservation board meeting. The Services Director will also need to attend from time to time, as necessary.

Figure 3: Departmental accountability for conservation boards



Deputy Director-General Conservation Partnerships oversees system of all boards (Tier 2)

Code of practice

The third building block relates to the way boards conduct themselves with each other and with important relationships and partners. A code of practice would guide board members on issues such as:

- Independence while also representing important parts of the community
- Conduct within meetings (a code of conduct exists already and may provide a useful starting point)
- Sources of support for matters such as working with the Department, media, and seeking community views
- Selection of a chair and guidance for the chair on expectations and support.

In the first instance, a template for the code of practice might be developed by the Deputy Director-General Partnerships and experienced board chairs with provision for accommodation of local circumstances that do not detract from the overall intent of the code.

Recommendations

The review panel recommends that:

1. A new system of annual planning and reporting should be established for the conservation boards' work programmes. This system should be based on an annual letter of expectations (developed in consultation with the Chair of the NZCA) from the Minister of Conservation to each board chair. The annual report from each board would comment on how expectations have been met and how the board has contributed to achieving conservation outcomes.
2. Attendance of the relevant Director Conservation Partnerships (formerly conservator) should be mandatory at board meetings and part of the annual deliverables for the position. The relevant Director Conservation Services may attend board meetings in place of, or in addition to, the Director Conservation Partnerships as required.
3. A code of practice template for conservation boards should be developed by the Director-General of Conservation in collaboration with experienced board chairs.

Relationships

In the review panel's meetings and hui around the country it consistently heard that 'relationships' were essential to conservation board success. In particular, the following sets of relationships have emerged, which the panel believes are vital to the collaborative success of boards:

- The relationship between the Department and each board
- Iwi and manawhenua relationships
- Relationships with communities, and a new role in building community partnerships for conservation
- Relationships with other boards and the NZCA
- Relationships within the board.

Relationships of boards with the Department

Historically, some conservancies had a strong and positive relationship with their local board, which resulted in an effective board with positive conservation outcomes. The main relationship was often between the conservator and board chair.

A common view was epitomised by one submitter who noted that when boards are treated as part of the Department whanui, and are invited to events, functions and Department training (such as Te Pukenga Atawhai) excellent, trusting relationships are formed. Where relationships are not fostered, staff often do not understand the role of boards or see the opportunities to work with them to achieve conservation gains.

Four of 11 eleven boards interviewed said they believed they are not very effective. Some attribute this to feeling undervalued by the Department and that interaction with it has been diminishing over the years.

Several submitters proposed that the Department and boards should have a written understanding of how they will work together.

Some expressed fears that the Department restructuring will endanger past investment in relationships and that rebuilding of relationships will be needed. In particular, submitters commented on functions that will, under the new structure, be dealt with in service centres or National Office where they are concerned there will be less regard for local community views as expressed by the board.

Iwi and manawhenua relationships

Feedback

How boards engage with iwi and manawhenua varies. Where there is a strong relationship with senior departmental staff and the Department's Pou Tairangahau, a good connection also exists with iwi and manawhenua.

According to submitters, a number of boards already have good relationships with iwi and manawhenua³. Several submitters noted that boards are one of the few avenues for iwi and manawhenua to voice their views or seek resolution to any conflict with the Department.

Some iwi and manawhenua are concerned, however, that the Department's restructuring will affect existing relationships. They are worried that, if boards were to merge, established working relationships between board members, communities, iwi and manawhenua would be lost.

³ In this report, the word 'manawhenua' means the tangata whenua who hold manawhenua over the place/rohe.

Others commented that, in some regions, iwi and manawhenua do not even know about the conservation board and a lack of alignment exists between iwi management plans and CMSs and CMPs.

At one hui, the review panel heard that Māori board members often found themselves in an ongoing education role explaining Treaty settlements, tikanga and other protocols. The panel was told more proactive training is needed for board members on the Treaty itself, Treaty settlements and the implications of these on public conservation land.

Meetings on local marae were seen as an ideal way of introducing new members to tikanga Māori and to maintain relationships with iwi, hapū and manawhenua. Invitations to runanga and hapū to accompany board members on field trips or inspections were also seen as an opportunity to share knowledge and wisdom.

Discussion

The relationships between the boards, iwi and manawhenua are many faceted. They include responsibilities not only as Treaty partners but as landowners, managers and holders of knowledge and expertise in many of the matters central to conservation.

The introduction to this report clarifies that all rights and representation established for iwi and manawhenua as set out in the Conservation Act 1987 and through Treaty settlements remain and are not affected by this review.

It is essential that board members are briefed on Treaty settlements and informed about the implications of them on public conservation lands.

Concerns in this area may be region specific as other comments submitted indicated a range of activities were creating positive relationships. The panel considers there is a need for the Director-General of Conservation to look at this in the context of the board induction material.

The panel supports the following suggestions on ways to enhance relationships with iwi and manawhenua:

- Having an induction process that includes ensuring board members have the opportunity to become knowledgeable and familiar with the iwi and manawhenua of the place/rohe, its history and traditions
- Holding joint planning meetings to establish goals and aspirations at times aligned to CMS terms
- Holding regular six-monthly meetings to identify projects of common interest
- Developing board members' familiarity with te reo and nga tikanga Māori
- Ensuring there is formal reporting about board relationships with Treaty partners
- Holding some board meetings on marae.

An emerging issue, which the panel notes is important but beyond the scope of this review, is the issue of the handling of cultural materials.

Recommendations

The review panel recommends that:

1. Boards should actively enhance their relationships with iwi and manawhenua through joint meetings and identification of projects of common interest
2. Induction material should be revised to cover recent Treaty settlements, and new board members should be given the opportunity to gain knowledge of and involvement in activities that will enhance their understanding of tikanga Māori

3. Where it is not occurring already, conservation boards engage with local iwi or manawhenua and where possible invite hapū, iwi or manawhenua representatives on field trips.

Relationships between communities and conservation boards

Feedback

Many commentators at meetings and in submissions noted that boards are not well known and their role is often not understood in their communities. The boards risk being seen as irrelevant, with communities going directly to the Department to resolve issues and not understanding or being aware of the possibility of involving the board.

Many agreed that boards need to invest more time in building relationships and feeding information back to the people they represent and relevant sectors of the community in general. This issue is also discussed in the section on findings related to representation.

The panel noted that some boards had developed strong relationships with their communities and does not want to jeopardise this investment by changing board boundaries unnecessarily.

Discussion

Strategies suggested to build community relationships include:

- Holding field trips and meetings in different parts of the region
- Holding well structured community report-back sessions (in the same way iwi and manawhenua representatives take business back to their runanga)
- Having further involvement with local and regional government to raise a board's profile and strengthen collaborative relationships (for example, Otago's public forums, which have involved council members and built local relationships)
- Recruiting influencers to actively encourage community participation (either with assistance from the Department or directly by board members or co-opted members)
- Using the media more strategically, including web pages and social media, with agendas being made available beforehand to encourage more people to attend meetings
- Holding meetings at times that work for communities, including weekends or evenings
- Establishing local working groups to feed ideas to the board.

The panel noted, however, that establishing relationships in and with communities takes additional time and resources and may build community expectations that are not sustainable. Implications are discussed further in the section on board operations.

Recommendations

The review panel recommends that:

1. Boards should invest more time in building relationships, seeking community views and feeding information back to communities of interest
2. The Department should ensure that boards are resourced adequately and supported to build community relationships.

Conservation partnerships

Feedback

Submitters were divided in their views on whether boards should have a greater role in building community partnerships along with the Department to achieve conservation outcomes. Some felt boards needed to remain independent and believed partnering with the Department may compromise this role. A subset of these submitters was particularly concerned about the Department's focus on partnering with business and felt boards needed to maintain a watchdog role.

Others were of the view that boards are most effective when they work closely with the Department. Boards have networks, skills and knowledge the Department can use, and can provide public recognition to partnership achievements.

One submitter expressed the view that there was insufficient clarity around the meaning of 'growing conservation', which was seen as being different from growing conservation outcomes. The submitter stated community organisations work to grow conservation interest and involvement and this should be supported. The Department's outreach should support rather than end up in competition with what exists already.

Another submitter questioned the meaning of the role of the Department's Conservation Partnerships Group in 'securing beneficial value exchanges'. The submitter was concerned that such value exchanges may reflect short-term expediency and narrow political interests and gain undue influence rather than being in the long-term public interest.

Discussion

This review was tasked with addressing a new role for boards in building community partnerships and how that role might fit with the new departmental structure. The review panel notes there is potential for confusion between the overlapping roles of the Department's new Conservation Partnerships Group and conservation boards when it comes to community and business engagement goals.

As yet, few examples exist of the new partnership model in action. One is the Department's partnership with Dulux New Zealand for painting huts. This might provide an example of a board acting as the 'eyes and ears' of the community – both for the successes and cases where traditional partners (such as tramping clubs that have built huts) might feel sidelined by the new business partnership. In these cases, the boards could alert the Department to potential risks or unintended consequences.

The review panel suggests that boards connect with iwi, manawhenua, community and volunteer groups and provide advice to the Department on partnership arrangements. The boards' role is not so much to build partnerships but to advise on local issues and circumstances and provide a point of connection between the community and Department.

Recommendation

The review panel recommends that:

1. Boards should establish formal and informal links with iwi, manawhenua, community and volunteer groups and provide advice to the Department on partnership arrangements with them.

Relationships with other boards and the New Zealand Conservation Authority

Feedback

Attendees at several hui and NGO meetings commented that it is important for board members, and not just the chairs, to meet with other boards, especially those that share common boundaries and issues. It was also noted that such gatherings are a good opportunity to inform and up skill board members and chairs on roles and current issues. The frequency of such meetings is limited by the cost of bringing people together; however, through the use of teleconferencing or other technology, it would be good for boards or board chairs to meet quarterly, if possible.

A number of iwi suggested that a national hui of iwi directly involved with boards should be set up to build intra-board relationships and provide opportunities for information sharing and up skilling.

Several submitters supported a stronger relationship between boards and the NZCA. The NZCA needs to be more involved in collating and communicating board issues and common viewpoints and present these to the appropriate position in the Department or to the Minister. The NZCA could also make more use of boards to help develop policies on important issues. In general, more communication and interaction is needed between boards and the NZCA.

Discussion

At present, board chairs from across the country and the NZCA meet together on an annual basis. In the past, North Island and South Island gatherings of board members and/or chairs have been well received. Some boards have been active in meeting with adjoining boards, depending on their shared issues and geography. The panel was told that budget cuts had resulted in fewer island-wide and inter-board meetings.

Each NZCA member is currently linked to a particular board; however, their mentoring and liaison role could be enhanced. The NZCA agrees it could improve the information flow with boards and tie boards in more effectively with nationally significant issues.

Recommendations

The review panel recommends that:

1. Board chairs should meet at least annually in person and then regularly (at a frequency to be determined by board chairs) for further discussion using teleconferencing or other suitable technology. The purpose of these meetings should be information sharing and up skilling, including clarification on national issues and new roles such as partnerships
2. Inter-regional meetings between boards should be programmed on a regular basis to discuss cross-boundary issues
3. The NZCA, in conjunction with the responsible Deputy Director-General, should take a more active role in facilitating communication and interaction with boards including mentoring of board chairs.

Integrated planning

A core role for conservation boards is in overseeing the development of both CMSs and CMPs including national park plans. These are statutory documents that provide integrated planning for all public conservation land.

This review focuses on the ‘contribution of conservation boards to management planning’ rather than changes to existing functions as specified in the legislation or amendments to the Conservation Act 1987.

Feedback

Management plans and strategies were commonly described by submitters and hui attendees as being ‘a handshake with the community’, in terms of the agreements reached and the responsibility to deliver.

Most agreed it is important that boards keep their current planning role and that providing a ‘local’ voice is critical for these planning documents to reflect community aspirations.

The ‘second generation’ CMSs seem to take a more generic approach and concerns were expressed that these large plans may not be able to reflect local ways of managing local issues. Submitters and meeting attendees were also concerned these large plans would fail to consider and address the diversity of landscapes and communities.

Board involvement in preparing CMSs seems to have varied widely around the country, frequently reflecting the strength of the relationship between Department officers and the respective board.

Frustration was also expressed at both the time it takes to get statutory documents approved and their lack of flexibility once in place. The panel noted concerns that the CMS sits on the shelf and is ignored by Department operational staff. Some boards reported they have not been kept informed of progress in the implementation of their CMS.

Some submitters and hui attendees suggested changes should be made to the number of CMSs and CMPs being prepared. For example, they suggested having a North Island and South Island CMS at a high strategic level and multiple CMPs at the local level, which would mean greater board engagement in their local important places through the CMP process.

Discussion

The Conservation Act 1987 sets up a ‘limited governance’ role for boards and the NZCA, and includes a system of checks and balances in their relationships with the Department. On the one hand, boards are the final approving authority for CMPs and on the other the NZCA approves CMSs. The review panel notes this is an unusual constitutional arrangement, given that these planning documents significantly influence the management activities of the Department and the activities that may take place on public conservation land. It is, however, a limited governance function because the Department and Minister control the finances of the NZCA and boards, providing a check on their power and an incentive for parties to work collaboratively to achieve conservation outcomes.

Given the importance of CMSs and CMPs, the panel discussed the number and hierarchy of planning documents. While the panel realises it is beyond the scope of this review to make recommendations about the number of CMSs and CMPs, it noted it was a matter raised by submitters and at hui.

In particular, the panel considered the idea of having a high-level CMS for each of the North Island, South Island and outlying islands that would deal with high-level strategy and a limited number of CMPs that focus on places that need greater management detail.

The benefits of fewer CMSs include providing broad-scale strategy for cross-boundary issues, for example, recreation issues, much as the CMS templates are seeking to provide. Benefits could also be achieved in terms of the investment required to complete these documents.

Some boards would prefer to focus their time on local places through CMPs and other integrated planning tools that are more flexible. The review panel heard that CMPs are more meaningful for communities because they can make sense of what management objectives are applicable rather than the current rather generic objectives of CMSs. Communities are therefore likely to be more interested in CMPs than CMSs.

Several risks would need to be managed for such an option to work. These include the risk of going back to a large number of expensive CMPs. To manage this, clear criteria would be needed on when a CMP is required. In addition, the panel understands that significant consultation has been undertaken already for six CMSs that have been notified but not yet approved. The panel does not suggest that these be withdrawn.

A number of other risks and benefits also exist for this option, which the panel believes is worthy of further consideration by the Minister of Conservation. Should the Minister choose to consider this option, the Department, along with the boards and the NZCA would be well placed to provide advice.

The panel notes that with boundary changes to Department regions this may require boards to work with a new range of boundaries, including working with neighbouring boards on management planning documents. The panel understands this is not a new challenge for some boards and positive working examples exist of multiple boards working on a single CMS, including one case where a CMS sub-committee was formed from two different boards. However, procedures will need to be clarified once CMS boundaries are agreed, to avoid confusion and encourage synergies between boards.

Conservation boards have a vital contribution to make to management planning, and the panel believes that contributions could be improved by:

- Encouraging better feedback from boards on the views of their local communities
- Improving the way boards interact with their local communities
- Ensuring stakeholders and iwi and manawhenua are meaningfully involved in planning processes.

The review panel discussed the idea of amalgamating national park management plans (for example, the idea of one plan to cover Aoraki and Westland National Parks). In the panel's view, this would be inappropriate because each park is unique and often the focus of intense public and recreational interest. Boundary issues can be dealt with by process. Where parks have significant contiguous boundaries, issues can be dealt with by requiring both management plans to be reviewed concurrently. Such a process should ensure policies with boundary implications are well integrated.

Recommendations

The review panel recommends that:

1. The Minister of Conservation explore the benefits and risks of having a high-level CMS for each of the North Island, South Island and outlying islands, and develop criteria for where CMPs are needed

2. Board consultation and approval procedures will require clarification once CMS boundaries are agreed under the new Department structure, to avoid any confusion and encourage synergies between boards
3. National park management plans should not be amalgamated; however, national parks that share significant contiguous boundaries should review their plans concurrently so relevant policies are well integrated.

Administrative boundaries of conservation boards

Section 6L(3) of the Conservation Act 1987 provides for the Minister of Conservation to set the areas of jurisdiction for each board as determined from time to time. At present, there are 13 conservation boards in New Zealand.

The boundaries of the current boards largely follow regional government, geographical and former conservancy boundaries. In 1998, the Canterbury–Aoraki and Nelson–Marlborough conservation boards were amalgamated and, following departmental conservancy boundary changes in 2009, the Wellington and Hawke’s Bay conservation boards were amalgamated.

The Department’s new partnership-based approach to working with communities and business to achieve greater conservation outcomes has resulted in a new operating environment for conservation boards and the public. This presents an opportunity to review where the conservation board boundaries should now be.

In recent years, Treaty settlements have featured conservation boards in redress packages. This has seen statutory provision for iwi and manawhenua representation on conservation boards in the South Island, Waikato and Whanganui. Recent Treaty settlement negotiations have included the establishment of a new board for Te Urewera under the proposed Tuhoe settlement. A further board to be established in Northland will also be a conservation board with 50:50 representation. Known as the Te Hiku o Te Ika Conservation Board, it will oversee the management of nearly 50,000 hectares of conservation land north of Hokianga.

Further boards may be established and Māori members appointed in future settlement negotiations. Growth has also occurred, however, in alternative redress options, such as co-management and governance arrangements for areas of high cultural significance, and the establishment of more boards, or membership rights on a conservation board, may now be viewed as less important.

The Minister of Conservation may appoint up to 19 conservation boards (section 3 of the Conservation Act 1987).

Feedback

Initially, attendees at the consultation hui were suspicious that the intent of this review was to reduce the number of boards and adopt new boundaries that align with those of the Department’s Partnership and Service regions.

Attendees expressed concern at hui that larger regions and fewer boards would impact negatively on the capacity and capability of boards resulting in:

- A dilution in community input into conservation
- A distancing of boards from their communities
- The weakening or loss of well-established relationships that boards and their communities had achieved over the past 15 years
- An increase in costs for time and travel for board members

- An inability to attract individuals with the capability and capacity to provide well-informed advice on the diversity of conservation management issues within the new large Department regions
- Board members travel times and distances – these are already viewed as too long and would increase under larger boards.

Boards with smaller jurisdictions were seen to facilitate better community input and understanding and to serve the Department better by providing good local knowledge.

The Wellington–Hawke’s Bay Conservation Board noted in its submission that the former Wellington Conservation Board had grown to include Hawke’s Bay, then Manawatu, the northern Ruahines, the Kawekas and land up to Wairoa. Board members have found it increasingly difficult to develop an adequate understanding of the Board’s places and to find time to engage with the numerous communities within its jurisdiction. The capacity for members to be aware of issues of concern and that of iwi and manawhenua to be involved in board matters has also been lessened.

The Board reported that members now travel more and spend more time and money learning about places and, as a result, have less time to devote to helping the Department and community solve problems.

The Board also felt it had become less effective in conservation advocacy under the Resource Management Act 1991, with the number of regional councils it had to deal with doubling and its local knowledge considerably diluted. This problem was exacerbated by delays in adding new board members to better represent the new areas.

It considered the old board functioned well when small sub-committees could work together on an issue or a place they knew about, for example, making a meaningful contribution to the Greater Wellington Regional Plan. Now, with the large board region, this has become increasingly hard to do.

The East Coast–Bay of Plenty Board requested consideration be given to an adjustment with the boundaries between the East Coast and Bay of Plenty sections of its region. At present, this board straddles two departmental partnership regions and two East Coast members sit on a board that is predominantly focused on the Bay of Plenty.

Two other submitters felt the board boundaries and CMS planning boundaries should align with those of the Department. To ensure more effective boards under this scenario, it was suggested membership should increase to 15–20 people per region along with an increase in proportional representation of tangata whenua. The establishment of a consistent sub-committee structure and dedicated board research and administration capability was also seen as necessary. Board fees would need to be adjusted to reflect the greater time and travel commitment.

The current Department boundaries were seen by another submitter as largely meaningless in terms of community of interest and bio-geographical functioning while another described them as illogical and confusing. The rationale in the eastern South Island and southern South Island was seen to cut Otago into two separate administrative regions and as ‘crazy’.

Recurring comments in submissions included the distancing of boards from communities, an inability of boards to create meaningful connectedness with communities and to attract individuals with the capability and capacity to provide well-informed advice on the diversity of conservation management issues within the new large Department regions.

Iwi management committees and committees appointed to manage Māori reserves were identified at the Rotorua hui as yet another type of management board in existence that appears to have no connection with the conservation boards. The CMS process provides

an opportunity to engage with these Māori committees where they are developing iwi management plans for their reserve areas.

Discussion

The panel considers the Department's new operational boundaries are too large to be adopted by conservation boards. The community links with boards are essential and need to be maintained and, in some cases, enhanced. A reduction in the number of boards and adoption of larger board areas would not achieve this.

The panel heard that travel times are significant for the West Coast Tai Poutini Board, with one member having to travel more than four hours to get to some board meetings. It is considered to be a large but coherent board region, however, and it is hoped the recommendations made in the resourcing of boards may alleviate such challenges by allowing extra funding for overnight accommodation in these instances.

The panel also reflected on comments from the Wellington-Hawke's Bay Conservation Board. The panel understood how its amalgamation could have diluted communities of interest, reduced the range of skill sets around the board table and resulted in safety concerns, longer travel times and increased travel costs.

The panel considers that the submissions from the Bay of Plenty-East Coast Conservation Board regarding its boundaries warrant further investigation. This board submitted that the communities of interest and natural values are better aligned in a north-south configuration rather than an east-west connection across major ridgeline boundaries and different communities of interest.

However, the timeframe for this review did not allow panel members to engage with the boards and communities at an appropriate level to assess the wider implications of such a boundary adjustment. The panel noted that this adjustment would compound the concerns expressed by the Wellington-Hawke's Bay Conservation Board (as discussed above). The panel recommends the current boundaries be retained for the next board nomination process but it be noted that the future boundaries will be the subject of further dialogue between the boards and Department over 2014.

Although most of the other boards supported the status quo in terms of the size of their areas, when questioned more closely on the existing boundaries not all were convinced that they were perfect. The panel suggests that minor adjustments to boundaries could be made if there was general agreement within local communities and the local conservation boards. For instance, it was suggested the boundaries between the Nelson-Marlborough and Canterbury-Aoraki conservation boards could be looked at to better reflect the role of the Papatipu Runanga without impacting on the management of the place. Several other potential minor boundary adjustments involving Otago-Southland, Auckland-Northland, Wellington-Hawke's Bay and Taranaki-Whanganui conservation boards were mentioned in the review process. Where these changes are logical, the panel suggests that the Director-General of Conservation investigates and reports to the Minister of Conservation on their appropriateness.

The review panel formed a view that one size did not fit all when dealing with conservation boards. So places such as the Chatham Islands and Tongariro-Taupo, which appear to be operating effectively, should be retained.

Retention of the existing boundaries and number of boards will require a significant commitment from senior staff in the Department's Partnerships Group. It is essential the Department values the boards' contribution and that this value is reflected in the level of senior management represented at the board table.

At one hui, a new idea for setting board boundaries was suggested to the panel. Board boundaries frequently transcend the boundaries between iwi and manawhenua. By adopting a 'waka' approach, based on Māori tribal affiliation boundaries, board boundaries could be set to reflect the distribution of iwi, manawhenua and hapū within each board's jurisdiction. This might be useful in maintaining links with iwi, manawhenua and hapū based communities of interest.

Recommendations

The review panel recommends that:

1. The Minister of Conservation should reconsider the present Bay of Plenty–East Coast Conservation Board boundary and ask the Director-General of Conservation to explore, with the respective boards, the possible adoption of an amended boundary
2. Where minor boundary adjustments will enhance community engagement with conservation boards, the Minister of Conservation should ask the Director-General of Conservation to investigate and report on their merits.

Representation

Section 6P of the Conservation Act 1987 sets out membership provisions for conservation boards. Boards must have no more than 12 members, and the Minister of Conservation must have regard to the following when appointing board members (in consultation with the NZCA):

- The particular features of the land administered by the Department in the area of the Board's jurisdiction
- The interests of nature conservation, natural earth and marine sciences, recreation, tourism and the local community including the tangata whenua of the area.

In addition, the Act includes provisions that relate directly to iwi and manawhenua appointments to boards, which have been outlined already in this report.

The Minister must also satisfy the Cabinet Appointments and Honours Committee that board membership has an appropriate gender, age, ethnic and geographical balance. Several Cabinet directives have been issued regarding diversity, balance and ensuring that all measures are taken to get skilled candidates.

Comments on conservation board representation tended to fall into two broad categories:

- Those that relate to community representation in general
- Those that relate specifically to iwi and manawhenua representation.

Community representation

The NZCA reflected a common view that membership may not be fully representative of the communities the boards serve. In part, this is because boards comprise members who have a keen interest in conservation but are not necessarily reflective of their communities. In some cases, these board members are not well networked in their local communities, rather they are seen as 'experts'.

However, the NZCA went on to note that it is essential boards represent the interests of their local communities and remain relevant, thereby providing a sense of local 'ownership' and solid support for conservation including recreation and tourism.

Submitters noted that the quality and nature of appointments to boards had been variable and recommended more care be given to member selection to best support board functions.

Such things as effective representation of the community, iwi and manawhenua interests, technical and scientific understanding of conservation, diversity, business acumen and ability to communicate effectively and work with others were mentioned as important considerations.

A number of those consulted proposed that some or all board members should be elected. For example, the Federated Mountain Clubs of New Zealand (FMC) suggested that 50 percent of the board be elected much like health boards are now.

An additional suggestion was to involve existing board members in the selection and appointment process, or at least seek their advice on the skills and knowledge needed to create an effective board in their area.

Discussion

The panel agrees that the ‘relevance’ of boards is an issue, particularly in areas where they are not functioning effectively. While this is related to the panel’s findings about collaboration it is important the appointment process sets boards up to succeed.

The appointment process may be improved if the skill set required for board members was clearly specified (in addition to the broad guidance provided in section 6P of the Conservation Act 1987). Past or current board members would be well placed to help with developing such a list. Attention would also need to be paid to obtaining a range of nominees to sit on boards. This issue is discussed further in the section on recreation, with specific reference to increasing the representation and diversity of recreation groups.

If the appointment process were to be changed to include elections of members this would require changes to section 6P of the Act, hence it is considered to be outside of the scope of this review.

The role and leadership provided by the chair is an important part of ensuring a board remains relevant and represents its local communities. Chairs should be well trained and supported by the Department.

Independence of boards is also an important issue for the public. Members need to understand they are not there to ‘represent’ their nominating organisation but to do the work of conservation. At times, this may involve members declaring an interest and contributing to the debate but maybe not voting. However, on most occasions, it is more practical for members to understand their role as one of balancing issues rather than taking positions.

Iwi and manawhenua representation

The power to nominate members to conservation boards was established under the Ngāi Tahu Claims Settlement Act 1998. This Act amended section 6P of the Conservation Act 1987, which enables Te Rūnanga o Ngāi Tahu to:

- Nominate at least two people to a board whose area of jurisdiction is wholly within the Ngāi Tahu claim area
- Nominate at least one person to a board whose area of jurisdiction is partly within the Ngāi Tahu claim area.

More boards and members will be established and appointed as a result of the inclusion of conservation boards in Treaty settlement negotiations. Redress under the various settlements includes the establishment of a new conservation board for Te Hiku over a large part of the Far North.

Membership of existing conservation boards has also been agreed to in the Tamaki Collective Treaty settlement. The Tamaki Collective (Auckland) settlement includes

provision for the collective to nominate three members to the conservation board responsible for Tamaki. A further seat will be reserved for the other iwi of Tamaki that are not represented by the collective. This has not been enacted at the time of drafting this report.

The proposed Te Urewera Board is not a conservation board but will include some of the management planning, advocacy and advisory functions of a conservation board. It should be noted that final approval of the management plan for the Te Urewera Board is subject to a recommendation for approval given by the Minister of Conservation and the Chair of the Trustees of Tuhoe Te Uru Taumatua (see Te Urewera–Tūhoe Bill).

Feedback

While consulting manawhenua at the hui, the panel heard various views on the meaning of partnership with regard to iwi and manawhenua representation on conservation boards.

At a number of hui, the panel was told that, given there are two Treaty partners, a 50:50 split is appropriate, represents a true partnership and is essential to protect iwi and manawhenua interests. For example, in the Nelson–Marlborough Conservation Board jurisdiction, the panel was told that, in the past, the local Fish and Game Council and Forest and Bird had more say than manawhenua over customary use of lands and rivers and obstructed customary use by iwi and manawhenua within their rohe.

An alternative view is that this partnership model does not necessarily mean 50 percent representation for iwi and manawhenua on the conservation boards. The panel asked contributors what 50 percent representation on conservation boards actually meant – and did all iwi and manawhenua have to have 50 percent representation on all boards? Clearly, this would not be feasible because not all iwi and manawhenua within a board's jurisdiction can be represented on that board.

Hui attendees expressed a level of dissatisfaction at the current appointment process for Māori board members. This requires the Minister of Conservation to consult with the Minister of Māori Affairs before making any appointment representing the interests of the tangata whenua of an area. Hui attendees were of the view that, where these opportunities exist, local iwi and manawhenua should be tasked with the role of making such nominations. It was felt the Minister should defer to local iwi and manawhenua to determine their representation.

As discussed, board boundaries frequently transcend the boundaries between iwi, manawhenua and hapū. When dealing with conservation issues within a region, a 'waka' approach could be adopted, based on Māori tribal affiliation boundaries. This approach might also be useful when seeking nominations on conservation boards or consulting on region-wide conservation issues. While the concept is still being developed, the panel feels it might also provide a basis for iwi and manawhenua to participate in board nomination processes in a manner more consistent with iwi tribal affiliations and enable local tikanga to be engaged in that process.

Discussion

With the growth of co-management and governance arrangements, membership on a conservation board may be viewed as less important by iwi and manawhenua. At the time of the Ngāi Tahu settlement, membership of the conservation boards within Ngāi Tahu's rohe was viewed as essential, given that the Department managed Ngāi Tahu lands within the conservation estate. It was intended that membership of the boards would give Ngāi Tahu a voice in the management of these lands. In future, statutory reservation of conservation board seats for iwi and manawhenua may not always be viewed as crucial.

Given that the terms of reference for this review exclude any changes to the Conservation Act 1987, it is beyond the review panel's remit to recommend changes to the current iwi and manawhenua nomination process or to the introduction of additional nomination processes for iwi and manawhenua. Nevertheless, the panel suggests the Minister of Conservation may wish to consider the revised nomination process suggested by iwi and manawhenua in connection with any future legislative change.

Recommendations

The review panel recommends that:

1. The Minister of Conservation should seek the advice of experienced board members on the skills and knowledge needed to create an effective board and build this into the appointment process
2. The appointment process should be revised to ensure a wide range of nominees is sought
3. The Minister of Conservation should consider revising the nomination process as suggested by iwi and manawhenua in connection with any future legislative change.

New focus on recreation

Conservation boards have input into recreation at a strategic level through CMS and CMP planning processes and (where in place) annual CMS monitoring processes. The boards also provide advice to the Department on concession applications. Plus, board advice can be sought by the Department on specific operational issues, such as looking at the range of recreational opportunities within a region.

Section 6(e) of the Conservation Act 1987 requires that the use of any conservation areas for recreation be consistent with the conservation values of an area. It also provides that recreation will be fostered and tourism allowed in such areas.

This review sought to establish whether conservation boards might have a stronger or different role in relation to recreation and what that role might be.

Feedback

Discussions at hui predominantly dealt with the balance between recreation and conservation, and the tension that exists with the Department's mandate to foster recreation and allow tourism. A predominant theme in the discussions was ensuring both recreation and tourism use were sustainable and consistent with the protection of conservation values.

The panel was told that the information flows between the Department and boards relating to concession processes was working well. The current level of involvement was considered to be at the right level, but a high sub-committee workload was involved in this task.

Unease was expressed at hui and in some submissions about a new role in recreation and tourism taking precedence over conservation. Comments such as 'the market has no place in conservation' and 'does this mean we have a lesser role in conservation?' illustrate this.

One submission stated boards should 'try and represent the interests of all, but biodiversity encouragement should be the number one'. Another stated that boards needed to develop stronger links with recreation and tourism organisations.

The frequency and quality of the information shared with boards was said to be variable.

Another submission commented on the renaming of conservation boards. This would require legislative amendment and is therefore out of the scope of this review.

Discussion

The opportunity to visit and enjoy conservation areas is the birthright of all New Zealanders. The review panel totally supports the recent endeavours of the Department to promote these many and varied opportunities.

The panel heard comment that ‘recreation is a pathway to conservation’. Visitors gain a conservation and heritage perspective by enjoying the Department’s recreation developments and the concessionaire tourism ventures provided on public conservation land. The panel feels that the conservation boards should have a role in actively fostering these opportunities.

Panel members also heard that the time taken to complete the first generation of CMSs, and the difficulty in updating these documents, has impacted on the Department’s ability to plan for new recreational pursuits on public conservation land. The engagement occurring with the new CMS and CMP planning programme and the Department’s new partnerships engagement model is an ideal opportunity to ensure an increased awareness within communities is achieved.

The panel considers that board forums through this planning process would be ideal for reaffirming with communities the unique conservation and recreation values of an area, exploring new opportunities and capturing community expectations.

It is important boards have a good understanding of the full range of recreation and tourism interests in their regions. It is also essential boards are kept informed and, where appropriate, engaged in recreation planning processes and strategy development.

It appears there is a need for improvement in the sharing of recreational data and information between some boards and the Department, and a more collaborative relationship is required here. It is essential boards are well informed on recreation and tourism issues within their jurisdictions and that they receive up-to-date recreational data and information.

Reflecting on the membership of the boards and the changing demographics, the panel feels the boards may not accurately reflect New Zealand’s changing society. This might contribute in part to a conservative approach when boards are commenting on new proposals.

The panel envisages the priorities for recreation would form part of the suggested annual letter of expectation from the Minister of Conservation.

Recommendations

The review panel recommends that:

1. The boards should actively partner with the Department in promoting the recreational opportunities available on public conservation land
2. The Department should engage more proactively with boards and seek their advice in the policy development phases of new proposals and when new recreation and/or tourism issues are identified and explored
3. The board nomination process should continue to be reviewed to encourage board representation that better reflects society’s current and emerging recreational interests and demographics as well as traditional use.

Contestable funds

The Department manages three funds to enhance and protect indigenous biodiversity on private land.

- I. The Nature Heritage Fund seeks to protect ecosystems that represent the full range of natural diversity originally present in the New Zealand landscape. It protects areas either by direct purchase or covenant. There is \$2.6 million available under this fund.
- II. The Nga Whenua Rahui Fund is a contestable ministerial fund that facilitates the voluntary protection of indigenous ecosystems on Māori-owned land while honouring the rights guaranteed to Māori landowners under the Treaty of Waitangi. There is \$4.06 million available under this fund.
- III. The Biodiversity Condition and Biodiversity Advice funds. The Biodiversity Condition Fund aims to improve and maintain areas of indigenous vegetation, species and habitats on private land. There is \$2.4 million available under this fund. The Biodiversity Advice Fund supports the provision of information and advice to private land owners. There is \$1.2 million available under this fund.

At present, no information is exchanged between the funds and conservation boards. The review sought comment on whether there is a role for conservation boards in the allocation of funds.

Feedback

Limited positive response was received on this topic at the hui, but in submissions about half expressed a view that the boards should have a level of involvement. Some submissions stated boards had local knowledge that could usefully be incorporated into allocation processes. Others saw risks in such involvement.

Conflicts of interest and the lobbying of board members were seen as potential issues if the boards were to have a decision-making role. Another issue mentioned was the size of the workload involved in allocating funds.

It was suggested boards could usefully provide high-level advice on applications or engage with grantees in a monitoring role.

The QEII National Trust, which is a major recipient of funding from both of the Biodiversity funds, suggested there would be efficiencies in a bulk funding agreement between it and the funds. This is outside the review brief and a matter for the Department to consider.

Discussion

The panel agreed there are challenges and opportunities for greater conservation board involvement in fund allocation and monitoring processes. The panel also accepted that well-established committees and processes are in place to allocate these national funds and the associated workload would be significant. On balance, the panel felt it was desirable to retain the current procedures to ensure national consistency in allocation against national priorities.

In relation to the Biodiversity funds, however, the panel sees merit in:

- The Director-General of Conservation giving consideration to one conservation board chair from each island being invited onto the fund allocation panel
- The boards receiving summary project information at the time partnership managers have input into the application process – the board could then provide comment on the projects known to members

- The schedule of approved projects within each conservation board area of jurisdiction being sent to the respective board
- The letters of approval to successful applicants related to covenanting or funding incorporating reference to the board's role and its interest in the project – this should indicate that the board may be interested in engaging with the project owners during the life of the project or covenant
- Copies of annual reports for both funds and copies of project completion reports being sent to boards to keep them up to date with project progress.

The panel appreciates some covenantors may not wish to engage with the boards. This may need careful management because private land is involved, and the recipients are entering into these agreements in a voluntary manner.

The panel considers the potential for the establishment of a new and wider conservation fund for regional conservation projects has merit. It would empower the boards to engage with smaller community partnership projects being undertaken in their areas and raise the boards' profiles and the awareness of the public to conservation. The panel supports further investigation by the Director-General of Conservation to advance this concept.

Recommendations

The review panel recommends that:

1. The processes for allocating and monitoring contestable funds should remain with the Department and current approval bodies
2. The Director-General of Conservation should consider extending the boards' involvement in the allocation processes for both Biodiversity funds to:
 - Include their representation on the allocation committees
 - Provide local comment on applications before allocations
 - Allow boards to receive a schedule of approved projects
 - Ensure applicants are informed of a board's interest in the project being approved.
3. The Director-General of Conservation should advance the establishment of a regional conservation fund that could be allocated by conservation boards to enhance conservation and develop community partnerships.

Board operations

The ability of conservation boards to undertake their role in conservation management is heavily influenced by the resources made available to them. Section 6V of the Conservation Act 1987 states that boards shall be serviced by the Department in such manner as the Minister may from time to time determine. This review provides an opportunity for the Minister of Conservation to evaluate the current situation related to financial and personnel resourcing.

Fees for conservation board chairs and members are set in accordance with Cabinet's Fees Framework for members appointed to bodies in which the Crown has an interest CO(09)5 of 3 July 2009. The framework's purpose is to provide a basis for judgement in setting fees that will:

- Ensure a consistent approach to remuneration across all statutory and other Crown bodies
- Contain expenditure of public funds within reasonable limits
- Provide flexibility within clear criteria.

The fees listed in the Cabinet circular were last reviewed in 2012, and the level of fees for conservation boards was unchanged.

At present, conservation board servicing is the responsibility of the Conservation Partnerships Manager. In the Department's new structure, the servicing is allocated to either one or more administration officers in the region (one board support officer for each conservation board in the region) or a ranger, partnerships. This is usually as a part of a full-time equivalent position.

Feedback

The panel received comments that reductions in annual operating budgets are constraining board work with more volunteer hours being contributed by members to meet the demands of board business. In addition, fewer board meetings and field inspections are being held. These were cited as examples of reducing management commitment to the role of the conservation boards. Biannual meetings with adjoining boards to discuss cross-border issues would be beneficial, but such meetings are currently infrequent due to cost.

The need for boards to receive up-to-date and relevant information on conservation issues is essential if they are to provide useful input into local conservation issues. One board chair mentioned that the information their board received was always after the event and this limited the board's ability to contribute in a proactive and constructive manner.

The manner in which boards are serviced varies as does the seniority of staff attending meetings.

Most boards had countered their reducing budgets by reducing the number of meetings and inspections they held but, in doing so, were conscious this distanced them further from the communities they were appointed to represent.

Some boards had a deep feeling that they were not valued by the Department. They saw the low level of resourcing for board operations and servicing plus the limited senior management attendance as a reflection of this.

The panel also noted comments relating to the low fees conservation board chairs and members received. Commentators considered this to be out of alignment with the expertise and time being provided by board members, and it was seen as an expression of the value the Department attributes to the boards' contribution to conservation.

Discussion

While it is true board budgets have reduced, so too has the Department's overall funding during this time of fiscal restraint. However, the panel sees the adequate resourcing of boards as essential if they are to realise the potential of the roles and responsibilities vested in them.

An increase in operational funding would be required to enable boards to meet the new expectations under a 'refreshed' partnership regime. To reflect this new partnership, future board operating programmes and budgets would need to be developed between the Partnerships Director, board servicing officer and board chairs. The resourcing needs to reflect the programme developed to meet the boards' agreed annual expectations, which would be set out in the suggested annual letter of expectation.

Increased operational funding is only one part of the necessary fix. The panel's findings regarding the relationship between the boards and the Department have already discussed the importance of the attendance of senior staff at meetings, the need for mutual respect and the provision of accurate and timely information – which are all required for boards to be successful.

Each board is different, and the panel feels boards need to review their operating budgets and enter into an open dialogue with the Partnership Director to establishing a realistic operating budget for the year commencing 1 July 2014.

An increase in operational funding will allow greater board member engagement and contact with the public. From the discussions held, the panel feels this might involve at least one additional meeting per year and the provision for inspections and cross-boundary inter-board engagement. Board induction for new members and training in the chairing of meetings should also be considered for new board chairs.

The panel agrees that board servicing is a technical skill involving a range of relationship, legal, land management and general secretarial duties. The panel was told that the board servicing officer often works with a degree of independence between the board and department and needs to have the experience and maturity to exercise good judgement. The review panel agrees it is more than a 'secretarial' task and not one that could be easily transportable between officers. Continuity in processes and relationships is important to the success of the boards' business and partnering with the Department.

A large resource of circulars and manuals is available that have been developed by board and authority servicing staff over the years. From what the panel has seen, these are of an excellent standard. The panel feels, however, these resources would also benefit from revision and update to create nationally consistent material.

The material in place already relating to the roles and expectations of board members will be a useful resource for the suggested code of practice (see the section on collaboration).

The Director-General of Conservation should consider how best to deliver the board induction process in 2014, given the high number of new board members who will be joining boards. The panel saw good induction material during this review, but the induction delivery process was variable. A refresh of induction material and consideration on the induction delivery to new members in 2014 needs to be programmed.

The review panel feels the role of the board servicing officer in supporting board members and that of the Tier 3 manager in maintaining a trusting and positive working relationship will be crucial, given the overlap between regions, boards and officer accountabilities.

The skills held by board members and the enthusiasm and dedication displayed in undertaking their role is acknowledged by the panel. However, based on the current role and responsibilities of the boards and advice received, the panel feels an application to increase the board member fees would be unsuccessful.

The panel acknowledges there is a large public service contribution in accepting a conservation board appointment. Board membership also offers a unique opportunity to visit special places and be involved in interesting projects.

The review panel is aware it has made recommendations related to broadening the representation around the board table, and it will be necessary for the Director-General of Conservation to continue to monitor whether the fees in place are a barrier to participation for some community representatives.

The panel sees an opportunity for conservation boards to raise their public profile through an increase in the number and diversity of public forums at which management plans can be discussed. Publicity about these forums needs to be broadcast more widely, particularly through electronic and social media. Public forums also need to be held at times and places more accessible to the public.

In undertaking wider public engagement, there will be a need for media support from the Department to enable the Department-Board partnership to be celebrated and championed.

Recommendations

The review panel recommends that:

1. The Minister of Conservation should discuss with the Director-General of Conservation the current board operating costs and suggest the Director-General engage with conservation board chairs to review board operating costs for the 2014/15 financial year.
2. The Minister of Conservation should note the concern expressed in submissions regarding board member fees.
3. The Minister of Conservation should request the Director-General of Conservation to review the processes in place for inducting new board members for 2014 and consider the possibility of providing training for board chairs in the chairing of meetings.
4. The Minister of Conservation should request the Director-General of Conservation to note the need for media support for conservation boards in promoting the Board-Department and community partnerships.

Concluding statement from the Chair

When writing the introduction to the handbook for NZCA and conservation board members in 1996, Simon Upton, the then Minister of Conservation, stated:

‘Being on the New Zealand Conservation Authority and Conservation Boards is challenging and interesting work. It’s an opportunity for you to contribute to the important business of conserving and protecting New Zealand’s natural and historic heritage. The NZCA and boards play a very important role in providing a wide and varied range of views on conservation issues. They represent the views in the community and the long-term public interest in conservation.’

The situation in 2013 is the same. Major societal changes have occurred in the intervening years, and the pace of life and community expectations have both changed and become more diverse. The challenge is to harness the forces of change for the good of conservation, and to encourage New Zealanders to actively engage in the enjoyment and ongoing care of public conservation land.

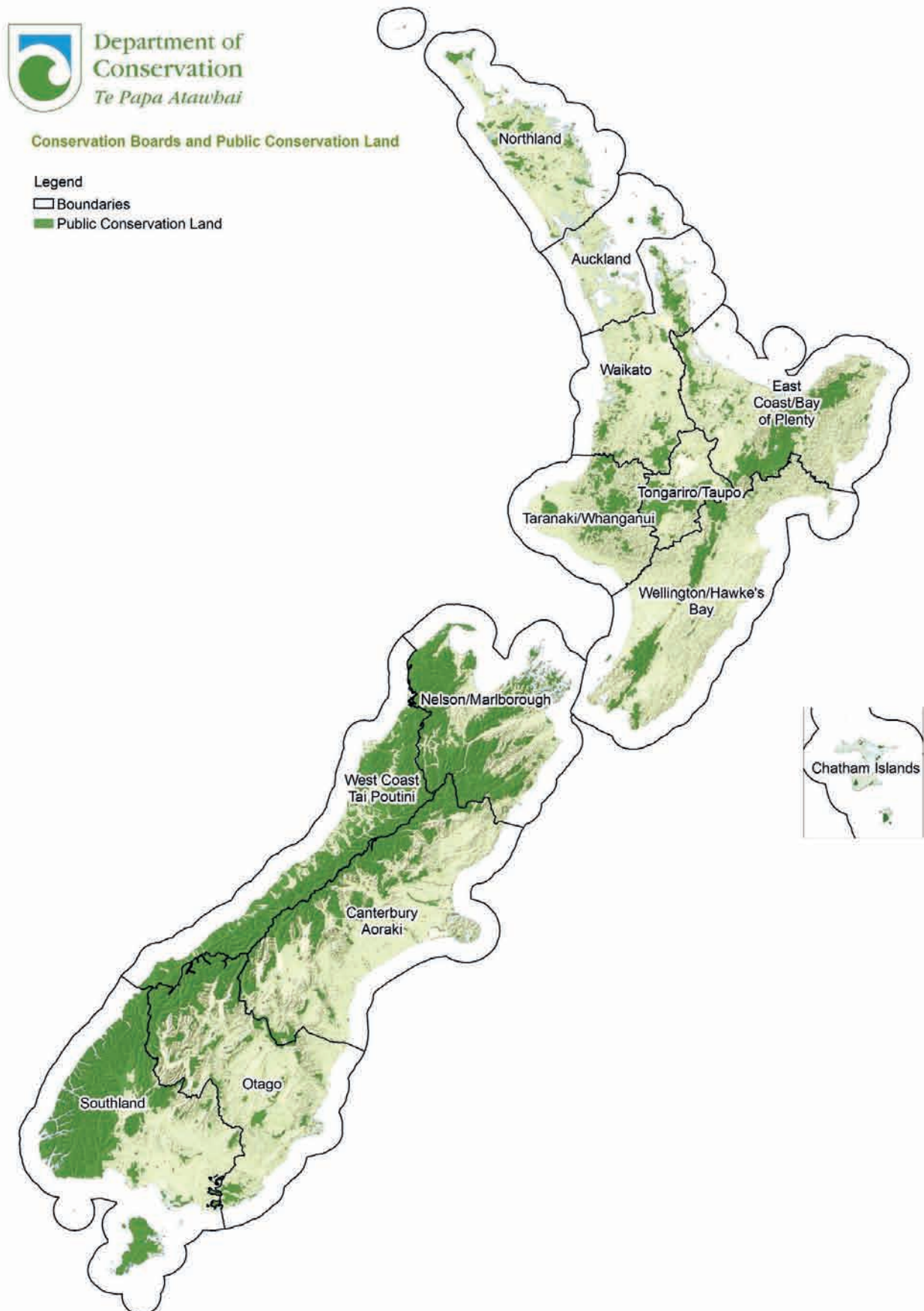
I believe the boards continue to play an essential role as the public voice for community input into the conservation planning outcomes and conservation issues that arise through this ever-evolving time.

I would like to thank all the individuals and organisations that have contributed to this review. I particularly appreciated the thoughtful and wise comments from members of the review panel. We all enjoyed the opportunity to engage with so many people who were passionate about the New Zealand environment and conservation. We learned much, and I trust that the recommendations we have made reflect the valuable input of that wide range of people who we consulted with during the review process.



Nicky Wagner, Chair, Conservation Boards Review Panel

Appendix 1: Conservation boards and public conservation land



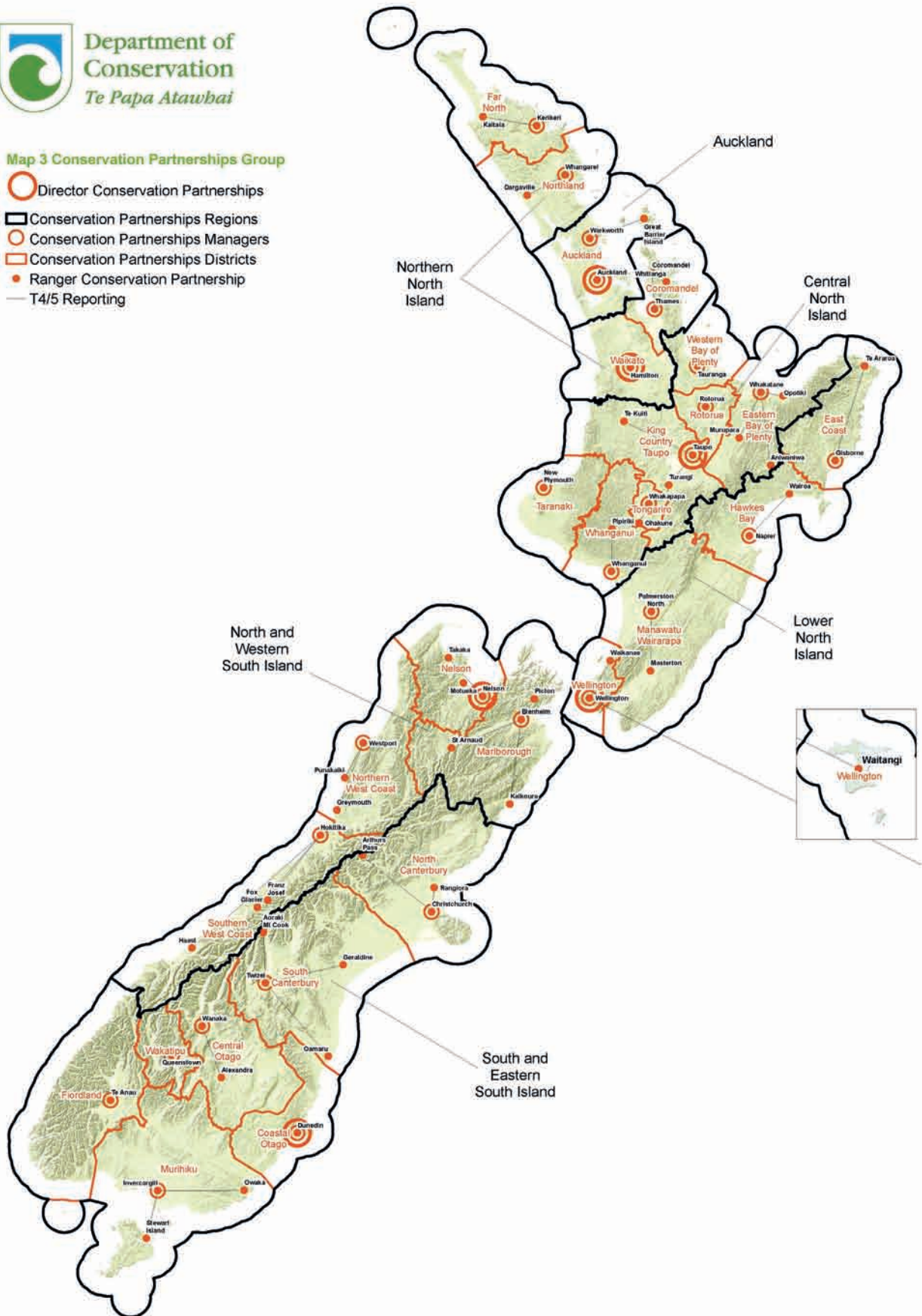
Appendix 3: Conservation boards and Conservation Partnerships Group regions



Department of Conservation
Te Papa Atawhai

Map 3 Conservation Partnerships Group

- Director Conservation Partnerships
- Conservation Partnerships Regions
- Conservation Partnerships Managers
- Conservation Partnerships Districts
- Ranger Conservation Partnership
- T4/5 Reporting



Appendix 4: Template for submissions

Your details

Your name (and the organisation you represent, where relevant)

Contact address (postal and/or email)

Contact phone number

Questions

1. The Review Panel is looking at the roles and functions of conservation boards. What do you think are the most important roles and functions of the conservation boards? What are the conservation boards doing well? What are the conservation boards not doing well? How should conservation boards contribute to partnerships for conservation?
2. What steps can conservation boards take to build stronger relationships with your iwi, hapū or whanau?
3. Conservation boards provide opportunities for communities to have a say in the development of conservation plans. How do you think conservation boards can better link into communities to ensure their voices are heard in the planning processes?
4. Should conservation boards have a stronger or different role in relation to recreation and tourism? What might that be?
5. Should boards have a new role in the allocation of contestable funding in their areas?
6. The Department has changed its administrative boundaries to 6 Partnership regions and 6 conservation services regions. Do you think the Board boundaries should be adjusted to match these regions?
7. If the boundaries of conservation boards are to change, what factors must be considered? For example, natural geographic boundaries, the scale of the potential work-load of the board, the rohe of your iwi, the location of your community, or the location of conservation lands of greatest significance?
8. What would the ideal conservation board structure look like? What do you think about having more and smaller boards, or larger and fewer? What about having a smaller number of regional scale boards with local community sub-committees?
9. Do you have any other suggestions for improving conservation boards?

Thank you for taking the time to fill in this questionnaire.

Appendix 5: Consultation process and invitees

Targeted consultation process

In view of the tight timeframe, a targeted consultation process focusing on key stakeholder organisations was adopted. The key stakeholders targeted for consultation were:

- The relevant iwi or trust board within each board's area, including:
 - Ngati Tuwharetoa (Tongariro/Taupo)
 - Taranaki Māori Trust Board and Whanganui River Māori Trust Board (Taranaki/Whanganui)
 - Kāhui Ariki, Hauraki Māori Trust Board and Tainui (Waikato)
 - Ngāi Tahu (Canterbury–Aoraki, Nelson–Marlborough, West Coast–Te Tai Poutini, Otago and Southland)
 - Nga Puhī, Te Roroa Manawhenua Trust and Te Hiku iwi (Northland)
 - Tamaki Collective (Auckland)
 - Ngati Porou and Ngati Whare (East Coast–Bay of Plenty)
 - Ngati Kahungunu and Port Nicholson Block Settlement Trust (Wellington–Hawke's Bay)
 - Ngati Mutunga o Wharekauri and Hokotehi Moriori Trust (Chatham Islands)

- Non-governmental organisations (NGOs) and statutory bodies, including:
 - The chairs of each conservation board and the New Zealand Conservation Authority
 - Fish and Game New Zealand
 - Environment and Conservation Organisations of Aotearoa New Zealand
 - Federated Mountain Clubs of New Zealand
 - Royal Society of New Zealand
 - Royal Forest and Bird Protection Society of New Zealand Inc
 - New Zealand Deerstalkers' Association
 - Local Government New Zealand
 - Tourism Industry Association of New Zealand
 - Mountain Bike New Zealand
 - Straterra Inc (representing the minerals industry)
 - Federated Farmers of New Zealand.

Initially, five hui and five NGO meetings were scheduled over a four-week period in October 2013 at the following centres:

- Auckland
- Rotorua
- Wellington
- Nelson
- Christchurch.

However, in response to requests from iwi and NGOs, two additional hui and NGO meetings were slotted into the schedule in Whangarei and Dunedin.

In addition, individual meetings were arranged with representatives of the following organisations:

- QEII National Trust
- Seafood Industry Council
- Kāhui Maunga Collective.

List of invitees

The review panel made use of the Department's list of contacts to invite a range of organisations to send representatives to the hui and NGO meetings.

Iwi and iwi authority invitees:

Contact	Iwi and iwi authority or hapū
Tamarapa Lloyd	Ngati Tuwharetoa Trust Board
	Taranaki Māori Trust Board
Brendon Te Tiwha Puketapu	Whanganui River Māori Trust Board Kāhui Maunga collective
Alistair Ferris	Kāhui Ariki
Josie Anderson	Hauraki Māori Trust Board
Paul Majurey	Hauraki Collective Nga Manawhenua o Tamaki Ngati Maru
Tim Manukau	Tainui Te Kauhanganui Incorporated
Michelle Cox	Ngāi Tahu
Sonny Tau	Te Runanga a Iwi o Ngapuhi
Daniel Ambler	Te Roroa Manawhenua Trust
Albie McFarlane	Ngati Porou
Tuahai Iraia	Ngati Whare
Ngahiwi Tomoana	Ngati Kahungunu
Morrie Love	Port Nicholson Block Settlement Trust
Paula Page	Ngati Mutunga o Wharekauri Trust
Shirley King and Aaron Donaldson	Hokotehi Moriori Trust
Raymond Subritzky	Te Runanga Nui o Te Aupouri
Professor Margaret Mutu	Te Runanga a Iwi o Ngati Kahu
Harry Burkhardt	Ngati Kuri Trust Board
Hohepa Petera	Nga Taonga o Ngai Takoto Trust

Contact	Iwi and iwi authority or hapū
Haami Piripi	Te Runanga o Te Rarawa
	Te Runanga o Ngati Whatua
Malcolm Paterson	Ngati Whatua o Orakei
Edward Ashby	Te Kawerau a Maki
Lucy Tūkua	Ngati Paoa
Tipa Compain	Ngati Whanaunga
Liane Ngamane, John McEnteer	Ngati Tamatera
David	Te Patukirikiri
Dave Beamish	Ngai Tai Ki Tamaki
Karen Wilson	Te Akitai Waiohua
Tahuna Minhinnick	Ngati Te Ata
Dennis Kirkwood	Ngati Tamaoho
	Te Patukirikiri
Raymond Subritzky	Te Runanga Nui o Te Aupouri
Harry Burkhardt	Ngati Kuri Trust Board
Daniel Ambler	Te Roroa Manawhenua Trust
Malcolm Paterson	Ngati Whatua o Orakei

NGO invitees:

Name	Organisation
Kevin Hackwell	Royal Forest and Bird Protection Society of New Zealand Inc
Bryce Johnson	Fish and Game New Zealand
Cath Wallace	Environment and Conservation Organisations of Aotearoa New Zealand
Robin McNeill	Federated Mountain Clubs of New Zealand
Martin Snedden	Tourism Industry Association of New Zealand

Name	Organisation
Conor English	Federated Farmers of New Zealand
Bernie Napp	Straterra Inc (formerly NZMIA)
Di McCarthy	Royal Society of New Zealand
Dianne Brown	New Zealand Deerstalkers' Association
Lawrence Yule	Local Government New Zealand
Jordan Moss	Mountain Bike New Zealand

The invitations to Fish and Game, the Royal Society, Forest and Bird and Federated Mountain Clubs were forwarded by their head offices to local branches. These organisations were well represented at the regional NGO and statutory bodies meetings.

Invitations were also extended to a variety of local and issue-based NGOs, including:

Name	Organisation
Beverly Woods	Northern Branch, Forest and Bird
Rudi Hoetjes	Fish and Game New Zealand
	Far North Environment Centre
Tony Becket	Eastern Bay of Islands Preservation Society
Chris Arbuckle	Aspiring Environment Ltd
	Orokonui Eco Sanctuary
	Students for Environmental Action (SEA Otago)
	Save The Otago Peninsula
	Yellow Eyed Penguin Trust
	Southland Mountain Biking Club
	Queenstown Mountain Biking Club
	Upper Clutha Tramping Club
Tim Bright	Otago University Tramping Club
	Otago Tramping and Mountaineering Club
	North Otago Tramping and Mountaineering Club

Appendix 6: List of submitters

Submitter	Organisation
Pete Masters	Tongariro Taupo Conservation Board
Te Ngaehe Wanikau	Individual
Stewart Robertson	West Coast Tai Poutini Conservation Board
Rod Cullinane	North Canterbury Fish and Game Council
Maurice Rodway	Southland Fish and Game Council
Rudi Hoetjes	Northland Fish and Game Council
Terry O'Connor	Individual
Dean Kelly	West Coast Fish and Game Council
Greg Lind	Individual
Yvonne Curtis	Royal Society of New Zealand
Brendon Puketapu	Whanganui River Māori Trust Board for Kāhui Maunga Collective
Mike Jebson	QEII National Trust
Ross Sharp	Royal Society of New Zealand (Auckland)
Mairangi Rieher	Nelson–Marlborough Conservation Board
Rob Pitkethley	Eastern Fish and Game Council
Ian Turnbull	Individual
Rob McColl on behalf of Kevin Trerise	Wellington–Hawke's Bay Conservation Board
Otago Conservation Board members	Otago Conservation Board
Christine Cheyne	Individual
Roy Johnstone	South Otago Branch Forest and Bird Protection Society
Bev Abbott	Wellington Botanical Society
Kevin Hackwell	Forest and Bird Protection Society
Bernie Napp	Straterra
Rex Hendry	Taranaki–Whanganui Conservation Board
Karyn Owen	Southland Conservation Board
Debby Rosin	Environment and Conservation Organisations of New Zealand
Kay Booth	New Zealand Conservation Authority
Robin McNeill	Federated Mountain Clubs of New Zealand
Jan Finlayson	Canterbury–Aoraki Conservation Board
Mike Hayden	East Coast Bay of Plenty Conservation Board
David W Hodder	New Zealand Deerstalkers' Association, North Canterbury Branch
Te Rūnanga o Ngāi Tahu and Te Tau Ihu Iwi	Ngāi Tahu and Te Tau Ihu Iwi

Appendix 7: Treaty of Waitangi obligations

Treaty of Waitangi principles

Any analysis, understanding or interpretation of the conservation legislation must give effect to the principles of the Treaty of Waitangi (the Treaty), subject to the overriding conservation objective and what is reasonable in the circumstances. Use of the term the ‘principles of the Treaty’ rather than the term ‘Treaty’ indicates the obligations created by the Treaty rest on its principles not its actual words.

In 1989, the Government’s ‘Principles for Crown Action on the Treaty of Waitangi’ were published. The principles are:

The Principle of Government

The Principle of Self Management

The Principle of Equality

The Principle of Reasonable Cooperation

The Principle of Redress.

These principles have not been revised by successive governments. Discussion is ongoing about this 1989 formulation and whether it is sufficient. The principles have been criticised before the Waitangi Tribunal as being a limited and clipped formulation that is not consistent with section 4 of the Conservation Act 1987. There has been considerable jurisprudence on the Treaty and its principles and the scope of the duties the Treaty imposes on the Crown. Interpretations continue to evolve. However, given that the principles have not been revised by successive governments, this is the current statement utilised by the Department.

General policies

These Treaty principles are used in the General Policies.

The Department’s Conservation General Policy is a statutory requirement and sets out policies for the Department’s section 4 Treaty responsibilities (pp 15-17). These policies are set out in Table 1.

Table 1: Treaty of Waitangi responsibilities under the Conservation General Policy

Para no.	Policy
2 (a)	Relationships will be sought and maintained with tangata whenua to enhance conservation. These relationships should be based on mutual good faith, cooperation and respect.
2 (b)	Partnerships to enhance conservation and to recognise mana should be encouraged and may be sought and maintained with tangata whenua whose rohe covers any place or resource administered by the Department. Such partnerships will be appropriate to local circumstances.
2 (c)	Protocols and agreements may be negotiated and implemented to support relationships and partnerships, by mutual consent between tangata whenua and the Department.
2 (d)	Tangata whenua will be consulted when statutory planning documents are being developed. Information will be made available to facilitate their contributions.
2 (e)	Tangata whenua will be consulted on specific proposals that involve places or resources of spiritual or historical and cultural significance to them.

Para no.	Policy
2 (f)	Tangata whenua involvement and participation in conservation on public conservation lands and waters will be encouraged and may be supported with information and technical advice.
2 (g)	<p>Customary use of traditional materials and indigenous species may be authorised on a case by case basis where:</p> <ul style="list-style-type: none"> i. it is consistent with all relevant Acts and regulations (including fisheries legislation), conservation management strategies and plans; ii. it is consistent with the purposes for which the land is held; iii. there is an established tradition of such customary use at the place; and iv. the preservation of the indigenous species at the place is not affected. <p>The views of tangata whenua should be sought and had regard to.</p>
2 (h)	Public information and interpretation, where it refers to places or resources of significance to tangata whenua, should be developed with them, and should include Māori place and species names, make appropriate use of te reo Māori, and draw attention to tangata whenua values.
2 (i)	The Department will seek to avoid actions which would be a breach of the Treaty of Waitangi.
2 (j)	The Department will participate in and implement relevant Treaty claims settlements consistent with its statutory functions.

The General Policy for National Parks contains similar policies in relation to Treaty responsibilities.

The Department's goals

The Department has developed several goals to incorporate application of the Treaty in its day-to-day business. The principles set out in Table 2 are particularly relevant to conservation boards.

Table 2: Department goals in relation to Treaty of Waitangi principles

Principle	Goals for the Department
The principle of self management	<p><i>Tino rangatiratanga:</i> The Department recognises the exercise by tangata whenua of traditional authority over their land, resources and other taonga.</p>
	<p><i>Kaitiakitanga:</i> The Department recognises the exercise by tangata whenua of their customary duty as kaitiaki over their natural and cultural taonga according to tikanga.</p>
	<p><i>Tautiaki Ngangahau (active protection):</i> The Department actively protects the interests of tangata whenua in the land, resources and other taonga managed by the Department and does this in cooperation with tangata whenua.</p>
The principle of reasonable cooperation	<p><i>He Here hia Mohio (informed decisions):</i> The Department makes informed decisions that have regard to the interests and needs of tangata whenua in respect to the land, resources and other taonga managed by the Department or affected by the Department's work.</p>
	<p><i>Whakawhanaungatanga (partnerships):</i> The Department has successful relationships and partnerships with tangata whenua.</p>

