

Resource Management (Enhancement of Iwi Management Plans) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The Resource Management Act 1991 (the **principal Act**) recognises the role of tangata whenua in various ways. Those exercising power under the law are required to have regard both for kaitiakitanga (section 7(a) of the **principal Act**) and the principles of the Treaty of Waitangi (section 8 of the **principal Act**). Consent authorities are required to consult iwi, and to take into account planning documents prepared by them. However, poor integration of iwi management plans into local authority plans and policies leaves Māori no option but to object through the consents process, causing both additional delays and “consultation fatigue”, with few positive outcomes in terms of planning documents.

The purpose of this bill is to strengthen the provisions by which iwi management plans influence regional and district plans and policies, and elevate their status in the planning hierarchy. This will see more weight given to iwi concerns, and encourage front-end participation in planning and the consent process as a whole rather than the current focus on objections to particular consents. The bill also reinforces agreements reached through various treaty settlements to provide for

iwi resource management priorities in territorial authority planning documents and policies.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the bill is to come into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the bill amends the Resource Management Act 1991.

Clause 4 sets out the purpose of the bill.

Clause 5 amends sections 61(2A)(a) and 74(2A)(a) to require regional councils and territorial authorities to “recognise and provide for” the contents of iwi management plans, rather than simply take them into account.

Clause 6 amends section 75(2) to allow territorial authorities to state resource management issues of particular interest to local iwi in their district plans.

Hon Nanaia Mahuta

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Resource Management (Enhancement of Iwi Management Plans) Amendment Act **2009**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act amended

This Act amends the Resource Management Act 1991.

4 Purpose

The purpose of this Act is to elevate the status of iwi management plans as they relate to the setting of regional policy statements and district plans. 5

5 Regional councils and territorial authorities to recognise and provide for iwi management plans

- (1) Section 61(2A)(a) is amended by omitting “take into account” and substituting “recognise and provide for”. 10
- (2) Section 74(2A)(a) is amended by omitting “take into account” and substituting “recognise and provide for”.

6 Territorial authorities may state issues of significance to iwi

Section 75(2) is amended by inserting the following paragraph after paragraph (a): 15

- “(aa) the resource management issues of significance to—
- “(i) iwi authorities in the district; and
 - “(ii) the board of a foreshore and seabed reserve, to the extent that those issues relate to that reserve; 20 and”.
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