

HE ARA HONOHONO PATHWAYS TO MANA WHAKAHONO

HE KUPU ĀRAHI – IWI/HAPŪ GUIDANCE FOR IWI/HAPŪ GOVERNANCE



MANA WHAKAHONO AGREEMENTS – WHAT IWI/HAPŪ GOVERNANCE NEED TO KNOW

This guidance aims to provide relevant information to iwi/hapū governance and kaimahi, including key messages and answers to frequently asked questions. More comprehensive information can be found in the Mana Whakahono ā Rohe guidance developed in 2018 by the Iwi Leaders Group and Ministry for the Environment.

(Guidance 1 of 2)

Key messages for iwi/hapū governance:

- ☞ A Mana Whakahono ā Rohe is a 'how we work' agreement negotiated with council.
- ☞ A Mana Whakahono agreement can be initiated by an iwi authority and must be completed within 18 months of initiation unless parties agree otherwise.
- ☞ Mana Whakahono agreements are legally binding and cannot be terminated unilaterally by either party.
- ☞ Mana Whakahono ā Rohe can only be initiated by an iwi authority or council, so hapū wanting to develop an agreement need to work with the relevant iwi authority or council. Iwi authorities may be approached by other iwi or by hapū, marae or whānau to consider collectively initiating a Mana Whakahono ā Rohe agreement.

Why would we consider developing a Mana Whakahono ā Rohe?

Reasons to consider developing a Mana Whakahono ā Rohe include:

- ☞ You don't have any existing agreements with council.
- ☞ You want to improve your existing agreements by adding detail about processes and procedures.
- ☞ You want to expand the scope of your existing agreements by including a vision, principles, and other areas of interest.
- ☞ You want your agreement to be legally binding.
- ☞ You want to ensure your agreement is recognised in national decision-making (ie. Fast-track Approvals Act and other proposed legislation).

Why prioritise developing a Mana Whakahono agreement now?

- ☞ Mana Whakahono have been recognised in national legislation including the Fast Track Approvals Act (2024). Mana Whakahono ā Rohe are also mentioned in the [Resource Management \(Consenting and Other System Changes\) Amendment Bill \(2024\)](#) and [Offshore Renewable Energy Bill \(2024\)](#). Both bills are expected to be passed in 2025. Mana Whakahono ā Rohe are also recognised in the [National Direction on Infrastructure discussion document](#).
- ☞ Iwi authorities have rights in the Fast-track process, but Papa Pounamu believe that a Mana Whakahono agreement can ensure additional engagement:
 - Mana Whakahono parties must be consulted before application is lodged, and can comment on the application
 - Reports must include relevant principles and provisions from Mana Whakahono ā Rohe, and decisionmakers must take these into account
 - Decisionmakers for applications under the RMA must follow processes or procedures agreed in the Mana Whakahono ā Rohe.
- ☞ Iwi authorities cannot initiate a Mana Whakahono agreement in the 90 days before a local government election (for example, 11 July to 12 October 2025). This exclusion period is intended to protect the parties from investing in relationships and negotiations that may not be continued through the elections.

What's the relationship between Mana Whakahono ā Rohe, an Iwi Management Plan or Hapū Environmental Management Plan, and a Treaty settlement?

- ☞ Mana Whakahono can include expectations about how to use an existing document, such as a Iwi Management Plan, Hapū Environmental Management Plan, or how to implement a Treaty settlement.
- ☞ A Mana Whakahono agreement cannot limit any provision of a Treaty settlement.

Can we convert our Iwi Management Plan or Hapū Environmental Management Plan into a Mana Whakahono ā Rohe?

- ☞ Short answer – this is not straight-forward. Section 580.7 of the RMA allows for the aspects of an existing relationship agreement which relate to the RMA to be deemed a Mana Whakahono ā Rohe, if iwi and council agree. Strictly, an Iwi Management Plan or Hapū Environmental Management Plan is not a 'relationship agreement' because it is prepared and approved by the iwi/hapū, not prepared and approved by the iwi/hapū and council together. This means that section 580.7 probably cannot be used to 'convert' an Iwi Management Plan. However, some Iwi Management Plans and Hapū Management Plans do contain content which could be used in a Mana Whakahono ā Rohe – for example, visions for partnership, statements of key issues, expectations around involvement in plan-making and resource consent decision-making, processes setting out good practice for consultation, and intentions to be involved in monitoring.
- ☞ You can find out more about deeming an existing agreement as a Mana Whakahono ā Rohe on page 23 of the Mana Whakahono ā Rohe guidance here <https://environment.govt.nz/publications/mana-whakahono-a-rohe-guidance/>

Who can initiate a Mana Whakahono ā Rohe?

- ☞ A Mana Whakahono ā Rohe can be initiated by an iwi authority, which is defined in the RMA as an 'authority who represents an iwi and which is recognised by that iwi as having the authority to do so'. If a Trust Board or a PSGE is recognised as an iwi authority, then they can initiate a Mana Whakahono ā Rohe. A Mana Whakahono ā Rohe can also be initiated by a council.

Can a hapū initiate a Mana Whakahono ā Rohe?

- ☞ Under the RMA, a Mana Whakahono ā Rohe must be initiated by an iwi authority. However, during the negotiation of a Mana Whakahono ā Rohe, an iwi authority may delegate a role to a person or group of people to participate in a process. This provision provides a direct way of involving other groups, such as hapū or marae, formally within the Mana Whakahono ā Rohe. You can find out more about initiation on pp 20 -24 of the guidance [here](#).
- ☞ Guidance suggests that the Mana Whakahono ā Rohe needs to clearly state which area or function is delegated to a hapū. This could include attaching maps or a schedule which sets out the delegated authorities.
- ☞ A hapū can also approach a council to request the council to initiate a Mana Whakahono ā Rohe directly with the hapū. You can find out more about this on p26 of the guidance [here](#).
- ☞ To date, most Mana Whakahono have been agreed between a council and one or more hapū.

How long will it take to develop a Mana Whakahono ā Rohe?

- ☞ The RMA sets a timeline of 18 months to complete a Mana Whakahono ā Rohe unless parties agree otherwise. It could take less time to develop an agreement if there are existing iwi-council agreements which can be transferred to a Mana Whakahono agreement, or if the agreement is very simple with a plan to add further detail when the agreement is reviewed.