Hon Kelvin Davis
MP for Te Tai Tokerau
Minister for Māori Crown Relations: Te Arawhiti
Minister of Corrections
Minister of Tourism

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Hon David Parker
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Tēnā koe David

This letter responds to the recent invitation from Cabinet to write to you with specific issues that fall within scope of the comprehensive review of the Resource Management Act 1991 (RMA) you recently announced.

I support your proposal to tackle the core problems in our resource management system. Reducing complexity and protecting the environment are important objectives and well aligned with Māori interests. On their own however these objectives are insufficient to address other fundamental problems for Māori under the RMA.

When the RMA was enacted it was widely seen as an opportunity for Māori to be more effectively involved as Treaty partners and kaitiaki in resource management. That promise has not been consistently delivered through the implementation of the RMA. Māori have consequently turned to Treaty settlements, which have produced positive but varying outcomes. The upcoming review is an opportunity to avoid the implementation problems of the RMA and to systematically build upon the progress made through Treaty settlements. The need for Māori to be better involved in decision-making under the RMA was a key theme when I consulted on the scope of my portfolio.

I am pleased that the review will uphold the core principles in part 2 of the RMA. They represent some of the Crown’s most progressive provisions for meeting its Treaty responsibilities in legislation. However, the policy intent of these provisions has not always been realised.

It will be crucial for the policy proposals developed by the review group to reflect the government’s current efforts to strengthen Māori Crown relationships. The review group must therefore include members with appropriate expertise in te ao Māori, as you intend. However, the appointee(s) will not have a mandate to speak for all Māori.
I am heartened that relevant aspects of Treaty settlements will be carried over in any new regime. This work will be complex but critical for ensuring the durability of settlements. I look forward to my officials working closely with the review group on this matter.

The review group’s approach to engagement with Māori is not yet finalised. Given the depth and breadth of Māori interests in the RMA, the engagement approach needs to align with the guidelines and framework for Crown engagement with Māori and the principles for building partnerships with Māori agreed by Cabinet.

The table below includes further information on specific issues relevant to my portfolio. Given the significance of these issues, I ask that you add me to the Ministerial governance group to oversee the review and instruct your officials to undertake a complete stocktake of issues for Māori under the RMA. At the appropriate time I also ask that you report to the Cabinet Māori Crown Relations: Te Arawhiti Committee on the issues for Māori arising from the review, as required by the Cabinet Office circular CO (19) 3 - Better Co-ordination of Contemporary Treaty of Waitangi Issues.

I appreciate the need for a focussed and efficient review of the RMA and I am confident that the issues raised in this letter can be addressed without delaying the review unduly.

Thank you for progressing this difficult but vitally important work. I look forward to the next phase.

Nāku noa, nā

Hon Kelvin Davis
Minister for Māori Crown Relations: Te Arawhiti
Comprehensive RMA review – engagement issues for Māori Crown relations

The process for the review should:

1. Be consistent with Cabinet's engagement framework/guidelines for engagement with Māori and principles for building closer partnerships which, in light of the significance of the kaupapa, would require collaboration at multiple levels of Māori society.

2. Be consistent with the Cabinet Office circular (19) 3 - Better Co-ordination of Contemporary Treaty of Waitangi Issues.

3. Support the whole of government strategy that Cabinet has decided to develop in response to the Watangi Tribunal's WAI 262 report.

4. Take into account work already completed on issues for Māori in resource management (including relevant reports from Waitangi Tribunal, the Iwi Leaders Group, and Kahui Whai Māori).