

TE MANA O TE WAI AUDIT TOOL

A TOOL TO SUPPORT THE ASSESSMENT
OF IMPLEMENTATION PROCESSES AND
READINESS FOR TE MANA O TE WAI





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2 Purpose

This audit tool has been developed to support councils and mana whenua to work together to assess how both sets of organisations are prepared for and currently implementing Te Mana o te Wai. It is intended to support an open and transparent process which includes self-assessment which should provide a current state for both parties.

When this current state is clear, both organisations can begin to focus on what will need to be changed to lift the required infrastructure to enable Te Mana o te Wai.

This tool is response to korero we have heard from mana whenua that the institutions of council are not prepared for transformative change, and there is a clear gap between the expectations of mana whenua and what councils may be capable of doing currently. Section 3 provides a comprehensive summary of the National Policy Statement for Freshwater Management and has been sourced from the Ministry for the Environment.

3 Te Mana o te Wai: Ministry for the Environment Summary

3.1 The National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**) is **part of the Essential Freshwater** package. It provides national direction which regional councils translate into action on the ground through their regional policy statement and regional plans and city and district councils through their district plans. It replaces the NPS-FM 2017.

3.2 Overview of Te Mana o te Wai

The NPS-FM 2020 strengthens and clarifies Te Mana o te Wai by providing stronger direction on how Te Mana o te Wai should be applied when managing freshwater.

Te Mana o te Wai must inform how the NPS-FM 2020 is implemented

Te Mana o te Wai imposes a hierarchy of obligations. This hierarchy means prioritising the health and well-being of water first. The second priority is the health needs of people (such as drinking water) and the third is the ability of people and communities to provide for their social, economic, and cultural well-being. The hierarchy does not mean, however, that in every case the water needs to be restored to a pristine or pre-human contact state before the other needs in the hierarchy can be addressed.

3.3 The six principles

Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation

3.4 Giving effect to Te Mana o te Wai

Regional councils must give effect to Te Mana o te Wai by actioning the five key requirements of Te Mana o te Wai - for example, regional councils must apply the hierarchy of obligations when implementing the NPS-FM 2020. See figure 1 for further detail on the requirements.

3.5 Long-term visions for freshwater

To give effect to Te Mana o te Wai regional councils must develop a long-term vision through discussion with communities and tangata whenua. Establishing a long-term vision for a waterbody means capturing the needs and aspirations of the community and tangata whenua in each region. Long-term visions identify a time frame that is both ambitious and reasonable (for example 30 years).

The long-term vision needs to be based on the history of, and current pressures, on local waterbodies and catchments. Regional councils also need to regularly report on their progress against the long-term vision.

3.6 Tangata whenua involvement

Local authorities must actively involve tangata whenua in freshwater management (including decision-making processes and monitoring and preparation of policy statements and plans). Regional councils must investigate the use of tools in the Resource Management Act 1991 (RMA) such as joint management arrangements, Mana Whakahono ā Rohe, and transfer of powers – as a way of involving tangata whenua.

3.7 Integrated management

Local authorities must take an integrated management approach to freshwater management in accordance with the principle of ki uta ki tai ('from the mountains to the sea'). This principle recognises the interconnectedness of the environment, the interactions between its parts, and requires integration between freshwater management and land use to avoid adverse effects (including cumulative effects) on the health and well-being of freshwater environments.

3.8 Giving effect to Te Mana o te Wai

The requirements of Te Mana o te Wai affect how local authorities will manage freshwater and direct other New Zealanders to do so through regional and district plans and regional policy statements.

3.9 Regional councils

Through engagement with communities and tangata whenua, regional councils need to give effect to Te Mana o te Wai. This must include applying the five requirements described in figure 1. Te Mana o te Wai (including the hierarchy of obligations and the six principles), must inform councils' implementation of the NPS-FM 2020.

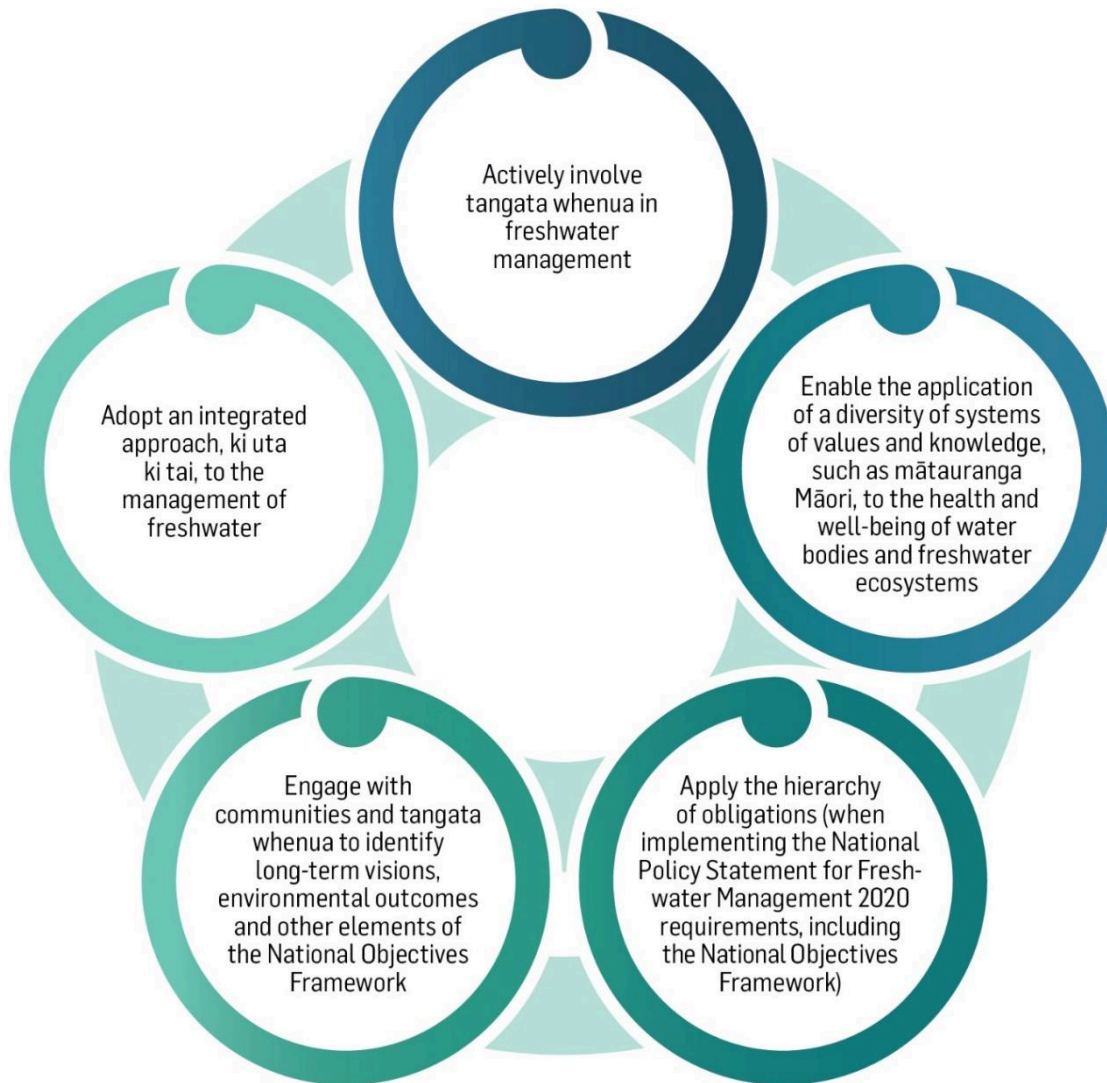


Figure 1: How regional councils must give effect to Te Mana o te Wai

Councils must also give effect to Te Mana o te Wai when making or changing regional policy statements and plans by, for example:

- ensuring that their regional policy statements and plans reflect tangata whenua and communities' values
- stating in their regional policy statements the long-term vision that reflects people's values for the future of their waterbodies
- including an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.

3.10 Tangata whenua

The NPS-FM 2020 intends for tangata whenua to be involved in the management of freshwater (including decision-making processes). Giving effect to Te Mana o te Wai requires local authorities to actively involve tangata whenua (to the extent they wish to be involved) in freshwater management.

In the context of waterbodies and freshwater ecosystems this means tangata whenua will, for example:

- work with local authorities to identify matters that are important to them. This will include identifying both how Te Mana o te Wai will be applied locally and the outcomes that tangata whenua want for relevant waterbodies in the future
- be enabled to apply different systems of knowledge for freshwater care and be involved in monitoring (such as mātauranga Māori)
- work with regional councils to implement the National Objectives Framework (NOF).

3.11 National Objectives Framework

The National Objectives Framework (NOF) requires that every regional council identifies values for each freshwater management unit in its region; sets target attribute states, and flows and levels, for waterbodies; develops interventions (limits specified in rules, or action plans) to achieve the target attribute states, flows, and levels; monitors waterbodies and freshwater ecosystems; and takes steps if deterioration is detected.

3.12 Farmers and growers

As key land-users in catchments, farmers and growers must manage land in relation to waterways in a way that complies with how Te Mana o te Wai is given effect to locally.

In order to give effect to Te Mana o te Wai, regional councils will develop rules for land-use and freshwater use that farmers and growers need to follow. Farmers and growers will be able to be part of this process through regional council plan development.

3.13 Communities

Regional councils are responsible for engaging with communities to determine how Te Mana o te Wai applies to waterbodies and freshwater ecosystems in the region.

To meet this obligation councils and communities – including tangata whenua - will discuss the values and aspirations they hold for the freshwater bodies and ecosystems in their region. Communities will also have a key role in setting a long-term vision for their region.

3.14 Te Mana o te Wai applies to all freshwater management

Te Mana o te Wai applies to all freshwater management, and not just the specific aspects of freshwater management referred to in this factsheet. Te Mana o te Wai informs all other parts of the Essential Freshwater package aimed at protecting the health and well-being of waterbodies and freshwater ecosystems.

4 COUNCIL SELF ASSESSMENT

The organisational culture change required to implement Te Mana o Te Wai requires Councils (and arguably hapu/iwi mana whenua) to critically evaluate where they are now, relative to where Te Mana o Te Wai requires them to be. The value of self-assessment is not merely in the end product or report, but in the reflective and critical journey the organisation takes to arrive at their self-assessment judgements of themselves.

A Te Mana o Te Wai strategy needs to have ongoing self-assessment (for all parties) inbuilt into it; the shift required will almost certainly require a stretch in current relationships and/or comfort levels – for an absolute multitude of reasons – resourcing, readiness, understanding, cultural literacy etc. Self-Assessment is an internal critical look, and one that provides initial and ongoing benchmarking to measure progress; one that is dynamic rather than static, one that is energising rather than draining, one that is viewed with opportunity rather than defensively approached. This self-analysis – conducted collectively by the group’s senior management and front-line staff – then becomes the brave starting point for intentional organisational improvements.

The end result should be an action plan detailing best approaches for meeting improvement targets. This will in turn allow for adequate planning for future growth and development that capitalizes on current strengths while supporting current limitations. These shifts, all measurable, are then able to be evaluated against the Te Mana o Te Wai Strategy that Council will need to co-design and co-develop with mana whenua – creating a cycle of improvement towards better, more collaborative Tiriti informed relationships, for the ultimate outcome, the urgent and sustainable improvement in the health of Parawhenuamea’s freshwater estate.

An entity that demonstrates the openness to examine itself and subject itself to constructive self-criticism stands to benefit in the following ways:

- Better identify organisational priorities as well as institutional shortcomings
- Improve organisational effectiveness in achieving its mission
- Revisit and review the effectiveness of the organisation’s strategic plan
- Demonstrate a higher degree of professionalism to donors and external allies
- Improve documentation and monitor institutional progress according to benchmarks
- Highlight areas for organisational learning and improvement
- Increased ability to undertake strategic alliances
- More proactive attitude among staff and volunteers

4.1 Facilitation

It is most effective to use an external facilitator the first time the Self-Assessment is implemented. The facilitator can assist the organisation in designing the most appropriate self-assessment process for its specific situation. The overall focus is promotion of an organisation wide discussion on the current development stage as well as future development direction. The facilitator acts as a resource throughout the process, providing contextual information on specific indicators in the tool, facilitating the exercise itself, documenting the assessment process, and assisting the organisation to identify the best approaches for meeting its improvement targets in the form of an action plan. Objective organisational reflection and clear directions to guide strengthening efforts are products of a well-planned and well-facilitated assessment.

A pool of facilitators is likely to be developed to be on hand to assist Councils and mana whenua groups to understand Te Mana o Te Wai and engage together to co-design its local implementation. It is vitally important that facilitators are culturally literate, have a detailed understanding of the reforms, and have expertise in facilitating healthy multi party collaboration.

5 TE MANA O TE WAI ORGANISATIONAL CAPACITY INDICATORS

5.1 A STRATEGIC VISION, DEVELOPMENT AND PLANNING

Clarity of purpose and direction is generally regarded as a hallmark of effective organisations. An organisation also benefits from clarity on its niche in relation to other similar groups. Once the group's mission has been clearly identified, ideally with the active participation of staff and key volunteers, it needs to be internalized and reinforced so that staff and board member alike can readily articulate it within and without the organisation. Once a culture of planning has been established in an organisation, the group is capable of translating long-term strategic directions into annual plans linked to the resources available to help those plans come to fruition.

5.2 TE MANA O TE WAI ENGAGEMENT AND STRATEGY DEVELOPMENT

5.2.1 Benchmarks

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| | Mana whenua have been engaged early, and have co-designed the process to develop the regional Te Mana o Te Wai strategy | HOW DO WE KNOW THAT? |
| | Council have committed to, and implemented, measures to grow the cultural literacy of its governors, staff, and managers. | HOW IS THAT ABLE TO BE DEMONSTRATED? |
| | There is widespread acknowledgement or understanding of the conceptual underpinnings of Te Mana o Te Wai | |
| | There is emergent understanding of the right of place of mana whenua in decision making processes effecting their ancestral estate, including their rights and interests in freshwater | WHAT PROVIDES CONFIDENCE FOR THE RESPONSE? |
| | Council staff, governors and managers are cognizant of the culture shift required to see and implement Te Mana o Te Wai | |
| | Council staff, governors and managers are familiar with relevant Treaty settlements | IS IT DEFENSIBLE? |
| | Council staff, governors and managers are able to identify, locate and connect with mana whenua readily and ongoing investment in growing collaborative relationships between them is taking place | WHAT OTHER INFORMATION IS RELEVANT? |
| | Iwi environmental plans, territorial rights and reach, and cultural landscape for each hapu/iwi are known, and exist within the context of a larger relationship | |



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| | <p>The Te Mana o Te Wai Strategic Plan, including long-term institutional financial plan (3-5 years) guides major program decisions; plan is updated periodically as the result of a participatory process involving Council and mana whenua</p> | <p>WHERE IS IT, RELATIVE TO 'BEST PRACTICE'?</p> |
| | <p>The Council has taken proactive measures to ensure that they actively involve tangata whenua in freshwater management (including decision making processes, and monitoring and preparation of policy statements and plans)</p> | |
| | <p>The Council is actively, and periodically, investigation the use of tools in the Resource Management Act 1991 such as JMAs, Mana Whakahono a Rohe, and transfer of powers, as a way of involving tangata whenua in decisions over their own ancestral estate</p> | |
| | <p>Council has ensured that the development of a long-term vision has involved tangata whenua from the absolute outset, and that they have been co-authors of the process to develop the long-term vision. Additionally, Council have ensured that the views, needs and aspirations of mana whenua are captured in any planning document relating to Te Mana o Te Wai</p> | |
| | <p>Council have undertaken a self-assessment exercise to reflect on their implementation of their obligations to hapu/iwi</p> | |
| | <p>Hapu/iwi mana whenua have developed the self-assessment tool with the Council, have agreed on its contents and measures; and have a reciprocal assessment tool by which to provide critical feedback</p> | |
| | <p>Council have regularly reported their progress against the agreed long-term vision, and any reports contain a comment by mana whenua to accompany the report</p> | |
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5.3 GIVING EFFECT TO TE MANA O TE WAI

5.3.1 Benchmarks

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| | <p><i>How have mana whenua been involved in sharing power, authority and making decisions relating to the maintenance, protection, sustenance of the relationship they have with freshwater?</i></p> <p>Council statement:</p> |
| | <p>Mana whenua statement:</p> |
| | |
| | <p><i>How has the Council actively involved tangata whenua in freshwater management?</i></p> <p>Council statement:</p> |
| | <p>Mana whenua statement:</p> |



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| | <p>How has the Council enabled the application of a Maturanga Maori to the health and wellbeing of water bodies and freshwater ecosystems?</p> <p>Council statement:</p> |
| | <p>Mana whenua statement:</p> |
| | |
| | <p>How has the Council applied the hierarchy of obligations when implementing the NPSFW? How has the Council been informed about the state of wai Maori, mauri and the necessary requirements for particular waterways as understood through the application of matauranga Maori? How is the Council determining the well being of water? Is there evidence of co-design of the benchmarks?</p> <p>Council statement</p> |
| | <p>Mana whenua statement</p> |
| | |
| | <p>How has the Council engaged with communities and tangata whenua to identify long term visions, environmental outcomes, and other elements of the NPSFW? How has the Council prioritized its relationship with customary rights holders with a treaty protected ancestral connection to the land?</p> <p>Council statement:</p> |



| | |
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| | Mana whenua statement: |
| | |
| | How has the Council adopted an integrated 'ki uta ki tai' approach to the management of freshwater? Council statement: |
| | Mana whenua statement: |
| | |

5.4 Building Te Mana o Te Wai Capacity

The incorporation of Te Mana o Te Wai as the foundational guiding lens for applying the NPSFW is transformational. It signals a deliberate and courageous shift in the national legal framework for the environment. It requires a culture shift across organisations tasked with responsibility for implementing Te Mana o Te Wai. Central government has effectively nominated local government as best positioned to co-lead that culture change, alongside mana whenua as treaty partners with extant cultural, spiritual, and proprietary interests in the freshwater estate.

The purpose of this checklist is to provide a set of guidelines for organizational Te Mana o Te Wai capacity building (TMOTW), i.e., for incorporating Te Mana o Te Wai routinely into the life of an organization. This preliminary checklist, which will be further developed and refined after initial testing, can be a resource for Council's to increase their long-term capacity to conduct and use Te Mana o Te Wai in everyday activities.

5.4.1 Organizational Context

- Be aware of the internal and external organizational context, power hierarchies, administrative culture, and decision-making processes.
- Cultivate a positive, Te Mana o Te Wai-friendly internal organizational context.
- Make sure that key leaders of the organization support and share responsibility for Te Mana o Te Wai.
- Locate existing and enlist new Te Mana o Te Wai champion(s) in the organization.
- Determine and work to increase the organization's interest in and demand for Te Mana o Te Wai information.
- Determine if, and to what extent, the internal environment is supportive of change.
- Provide opportunities for sufficient input in decision making, ensuring that people in the organization are able to use data and credible information to make decisions.
- Organize opportunities for socializing around Te Mana o Te Wai activities during the workday (for example, working on a survey collaboratively or discussing Te Mana o Te Wai findings at brown bag lunches).

5.4.2 Understand and take advantage of the external environment and its influence on the organization.

- Identify respective external mandates/accountability requirements and expectations and integrate them into the Te Mana o Te Wai efforts.
- Jointly determine if and to what extent the external environment is supportive of change (for example, accreditation agencies encourage innovation, professional communities promote Te Mana o Te Wai activities, external stakeholders provide support for Te Mana o Te Wai).
- Purposefully co-create structures—mechanisms within the organization— that enable the development of Te Mana o Te Wai capacity.

5.4.3 Develop and implement a purposeful long-term Te Mana o Te Wai strategy plan for the organization.

- Jointly establish a capable Te Mana o Te Wai oversight group (composed of members of the staff, Council, experts, and hapu/iwi representatives) to initiate, evaluate, and advance Te Mana o Te Wai processes continually in the organization.
- Generate an appropriate conception of Te Mana o Te Wai for organizational policies and procedures.
- Create a strategy for conducting and using Te Mana o Te Wai in the organization that concurrently applies other existing frameworks, guidelines, and professional standards.
- Integrate Te Mana o Te Wai processes purposefully into organizational policies and procedures.
- Make sure that a detailed written Te Mana o Te Wai strategy and action plan exist, are distributed throughout the organization, and are used to assess progress.
- Evaluate the capacity building activities routinely to ensure that capacity is increasing, and the Te Mana o Te Wai literacy and application is growing.

5.4.4 Build and reinforce infrastructure to support specific components of the Te Mana o Te Wai process and communication systems.

- Co-create organizational structures that will facilitate Te Mana o Te Wai activities (for example, framing Te Mana o Te Wai questions; generating needed studies; conducting needs analysis re Te Mana o Te Wai; designing Te Mana o Te Wai's unique application within the rohe; and collecting, analysing, and interpreting data). All of these actions will need to be taken alongside and in agreement with hapu/iwi mana whenua, so processes will need to be agreed that are workable within that unique dynamic. The processes need to be co-designed, and meet the aspirations, mandates, and outcomes of each of the respective parties. Moreover, these processes need to promote the First Principle in Te Mana o Te Wai: the first right of water to water itself – a principle relating to both water quality and quantity.
- Jointly assign measurable responsibility for facilitating the ongoing development and Te Mana o Te Wai to senior managerial staff.
- Jointly build individuals' readiness and skills to implement Te Mana o Te Wai activities through prioritised training and professional development.
- Co-develop and use a reporting/monitoring/tracking system to be used co-jointly with hapu/iwi mana whenua.
- Co-develop an effective communication and reporting capability to explain Te Mana o Te Wai processes and disseminate findings, both positive and negative, to wider stakeholder groups.

5.4.5 Introduce and maintain purposeful socialization into the organization's Te Mana o Te Wai process.

- Establish clear expectations for people's Te Mana o Te Wai roles and provide sufficient time during the work day for Te Mana o Te Wai activities.
- Offer tangible incentives for participation in the Te Mana o Te Wai processes.
- Provide or make available formal training, professional development, and coaching in Te Mana o Te Wai.
- Promote and facilitate people's learning of Te Mana o Te Wai by involving them in meaningful ways in Te Mana o Te Wai planning and implementation ('learning by doing').
- Model a willingness to be evaluated by ensuring that Te Mana o Te Wai, and the Te Mana o Te Wai co-led process itself, are routinely and visibly evaluated.

5.4.6 Build and expand peer learning structures.

- Emphasize and implement Te purposeful trust building (both interpersonal and organizational) and interdependent roles in the Te Mana o Te Wai process.
- Incorporate a feedback mechanism in the decision-making process and an effective communication system so that people will learn from Te Mana o Te Wai activities.
- Create ongoing learning activities through which people interact around Te Mana o Te Wai processes and results.
- Provide ample opportunities for both individual and group reflection (for example, databased discussions of successes, challenges, and failures in the organization).
- Make Te Mana o Te Wai resources available and use them.

5.4.7 Co-create, provide, and continuously expand access to Te Mana o Te Wai resources.

- Grow Te Mana o Te Wai personnel purposefully effectively (for example, have internal professionals' model high quality practice, teach Te Mana o Te Wai processes by engaging staff in Te Mana o Te Wai activities, have external consultants present findings to staff).
- Provide easy access to relevant research bases that contain 'best practice' content for Te Mana o Te Wai in general, and for Te Mana o Te Wai in specific subject content (for example, limit setting, monitoring and enforcement) and provide examples of high-quality Te Mana o Te Wai descriptions and reports, where available. Be part of a Te Mana o Te Wai learning community alongside other local government actors who are also developing Te Mana o Te Wai capability.
- Ensure the availability of sufficient information on how to access existing Te Mana o Te Wai resources (for example, websites, professional organizations, Te Mana o Te Wai consultants).



5.4.8 Secure sources of support for program Te Mana o Te Wai in the organization.

- Assure long-term fiscal support from the Council or administration—explicit, dedicated funding for program Te Mana o Te Wai activities.
- Provide basic resources (copying, equipment for data collection and analysis, computers, and software, etc.).
- Allow adequate time and opportunities to collaborate on Te Mana o Te Wai activities, including, when possible, being physically together in an environment free from interruptions.
-