



Delivering on Obligations to Maori: Design Decisions for Ministry Services to 2014





Ministry of

Fisheries

Te Tautiaki i nga tini a Tangaroa

*Tena koe i o tātou aituā maha e ngapu nei te whenua i to rātou hinganga.
Heoi ano, e taea te aha atu i te tangi, i te maumahara ki a rātou i mahi ai?
No reira, waiho rātou ki a rātou, ko tātou, tēnā ano koe.*

- On 12 November I released to staff and iwi a substantive proposal for redesign of the way we organise Ministry resources to deliver on our obligations to Maori. This proposal addressed the way we need to change to deliver on our obligations to Maori, where we need to position our valuable resources, our structures and how we can improve our performance.
- I want to thank staff and iwi for the useful submissions on the proposal, more than 50 of them. I have reviewed all of these, and have seriously considered what you have said to me. The volume and size of submissions means it is not feasible to release all of these nor provide a detailed response to all comments and suggestions. Many submissions will be referred to again for implementation purposes.
- The current national and international environment is challenging and all Government departments are being asked to be more effective, with the same or less resources. Fisheries is no different. This year we have reduced our budgets as a result of line-by-line reviews and reprioritisations. Next year and for a number of years following we will not have any more resources to apply to meeting our obligations. We must find ways to be more effective in our engagement with tangata whenua, and maximise the progress that can be made. The decisions made here keep the same level of resources, which we will now apply in a more targeted way to build on the progress made in the last 5 years.
- I have now made my decisions on the proposal and these decisions are detailed for you in this document. The drivers for my decision are the desire to improve our overall performance and meet short term challenges while establishing a robust foundation for the longer term, so that the Ministry can deliver on its obligations to tangata whenua to the best extent possible within the resources available, in accordance with the directions set out in the fisheries Treaty strategy and Fisheries 2030.

*Heoi ano
Naku noa
Na*

Wayne McNee
Chief Executive



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Reason for change

- The driver for this project is to ensure that MFish is well positioned to deliver on its obligations to tangata whenua by allocating resources appropriately to meet the obligations, to the best extent possible within the resources available.
- The context in which we operate is dynamic; as iwi progress and improve their understanding and organisation, the Ministry needs to adjust also.
- This design decision is about more than structure. It includes ways we need to improve and change our focus and processes to deliver on Government priorities and obligations.
- Earlier consultations and decisions have resulted in an approach that calls for greater integration of iwi and hapu commercial and non-commercial views; support for tangata whenua to develop Iwi Fisheries Plans (IFPs); continued support for iwi to come together at a regional level, and a desire to engage with tangata whenua at a national level for matters that relate to the fisheries management system as a whole.
- For this to happen effectively, we need to change the way the Ministry's resources are organised.



Benefits of the change

I believe that the changes set out here will have the following benefits:

- Allocation of resources to the Deputy Chief Executive Treaty Partnership and Obligations to Maori, providing a sound basis for effective engagement and relationship management, to give effect to the Organisation Design Review decisions of 12 June 09.
- Provide more flexibility to deliver services where required.
- Provide certainty to staff of the requirements of their roles and how the Ministry will assist iwi and hapu to develop iwi fisheries plans; this also provides options to tangata whenua for this assistance to be delivered by means of Ministry staff, secondments or contracts.
- Ensure accountabilities for all staff are clearly understood. The differences between the roles of the Pou Hononga and the Pou Takawaenga will be readily understandable.
- Focused resources to continue the implementation of customary regulations and to assist with mediation and dispute resolution where required.
- Enable effective, robust delivery on Input and Participation obligations, settlement protocols, and continue to meet commercial and aquaculture settlement obligations
- Enable more transparent and connected processes, and regular monitoring and reporting on the Ministry's delivery of services to meet the Crown's fisheries obligations to Maori.
- A pathway to full integration of meeting obligations to Maori within all aspects of fisheries management processes.



Summary of decision

1. Treaty Partnership and Obligations to Maori:
 - a) The resources allocated to support this important role will be two Treaty Partnership Advisors, six Pou Hononga and one executive support officer. A seventh Pou Hononga role will be provided during 2010.
2. Fisheries Management:
 - a) A new role of Iwi Fisheries Plans Development Manager (IFPDM) will be created, reporting to the DCE Fisheries Management. Reporting to this new IFPDM management role will be three Customary Regulations Implementation Advisors, one Iwi Fisheries Plans Advisor and ten Pou Takawaenga (including two team leaders).
 - b) One new role of Input and Participation Coordinator will be created as part of the Inshore team.
 - c) No changes will be made to the Spatial Allocations team at this time; however this will be reviewed when future requirements around aquaculture and foreshore/seabed are confirmed, which is expected by mid 2010. In the meantime, ways to improve the process and communication in this area, and to reduce the mataitai backlog will be sought.



Feedback and Submissions – general comments

- Around 50 submissions were made; most were received by the requested time; all of these have been considered in detail.
- Several comments were made that the total level of resources available are insufficient; however the scope of this review was about the best utilisation of the current resources.
- There is clearly considerable further discussion required about the Iwi Fisheries Plans development process, and the evolution to the FMA-aligned regional iwi forums. These topics were not intended to be decided as a result of seeking feedback on the proposal, however they were included as a necessary part of the context for making the resource allocation decisions on which the proposal was focused.
- The volume and size of the submissions received means that it is not possible to provide direct feedback on all issues raised in each submission. A summary of the submissions is available on the MFish website.



Feedback/response: MFish resource allocation

General

- General themes were the desire for flexibility, a desire to retain existing staff in their current locations because of the good relationships that have been developed, and requests to review the implementation after 12 months of operation. The Ministry base locations for Pou Hononga are spread relative to the concentration of iwi. The Pou Takawaenga geographic assignment will be much more variable than the Pou Hononga, driven by the prioritisation for the development of Iwi Fisheries Plans.

Pou Hononga/Treaty Partnership Advisor

- Number, role, accountability and placement of the Pou Hononga and Treaty Partnership Advisor. The revised Pou Hononga role is now focused on the development and maintenance of the Ministry's relationship with tangata whenua, monitoring iwi concerns with Ministry performance and providing information to the DCE TP&OTM for evaluation of Ministry performance. All regional iwi fisheries forums will continue to receive the Pou Hononga service. Under the new model a Pou Hononga will be managing two or three, regional iwi forums. Servicing of forums will focus on administrative functions rather than implementing forum decisions.

Spatial Management

- While there were mixed views on the proposed arrangements for Spatial Management, there was consistent agreement that the backlog of mataitai applications needs to be addressed. As stated earlier, I have decided to focus on process improvement in the near term, and will look at this function again once the requirements for aquaculture and foreshore/seabed are confirmed.

Iwi Fisheries Plan Development

- Most submissions were supportive of the inclusion of Pou Takawaenga in the Fisheries Management group. There were several comments about the need for reporting lines to be very clear. There was strong support for the IFP Development Manager position with sole responsibility for managing Pou Takawaenga, particularly given the turbulent history of Pou Takawaenga management.

It was suggested that Pou Takawaenga should be located in the region where they are working. This is not seen as practical, and is not supported. The Pou Takawaenga are a national pool of resources, with the priority for IFP development to be assigned by criteria to be decided in early 2010. Pou Takawaenga will work in a focused manner with one iwi, and will then move on to the next IFP. Where possible, Pou Takawaenga will be assigned to achieve a best fit (in terms of iwi preference, Pou Takawaenga preference, skills, and locations).



Feedback/response: IFP development process

- There was cautious support for the proposal to develop IFPs, to use them as basis for input and participation and regard for Kaitiakitanga, and for the possibility that they could be developed under contract for service with tangata whenua. The caution was expressed by many questions that will need to be addressed as part of the implementation process.
- Some submissions questioned how \$300,000 would be shared over all iwi. The proposal indicated that the amount allocated to contracts could increase over time (drawn from the current Pou Takawaenga funding pool). In addition, the contracts will be for a discrete task (development of an IFP) and for a discrete period of time.
- Support for the option to develop IFPs under contract was connected with the following questions:
 - What will the specifications for the IFP be?
 - What will the criteria be for letting the contracts?
 - What will the criteria be for moving Pou Takawaenga resource to contract resource?
- Support for IFPs was connected with the following questions:
 - What will IFPs need to have in them?
 - How will they be able to be constructed to express complex concepts such as Kaitiakitanga and te Ao Maori more generally?
 - Integration is desirable but will be a challenge – how can IFPs do this?
 - How will IFPs be built up from hapu aspirations? (This was considered absolutely essential by a number of submissions).
 - How will IFPs provide input not just into fisheries plans, but also support local area management?
- Support for IFPs as the basis for input and participation and regard to Kaitiakitanga was connected with the following questions:
 - How will it be ensured that tangata whenua participate at the start of the fisheries plan development process (and how will IFPs help with this)?
 - How will IFPs influence or be incorporated in fisheries plans?
 - What will MFish do to implement existing tangata whenua fisheries plans?
- The implementation plan for my decision will include specific work on the design of practical IFPs and ensure full integration with the Ministry's national level fisheries plans to enable Input and Participation to be achieved.



Feedback/response: Forum evolution

- Some submissions were supportive of a national-level forum and, with more questions, FMA-aligned regional forums. Ngai Tahu and Te Tau Ihu were exceptions; they supported a Te Wai Pounamu/South Island Forum (in addition to local customary forums) but not a national body. Submission questions and comments that should be considered in future decisions on the evolution of forums include:
 - National Forum - how would this be constituted and funded?
 - FMA-aligned forums
 - What is the rationale for new forum boundaries?
 - How will these forums be resourced?
 - How will appropriate forum aggregation/s for freshwater fisheries interests be determined?
- It has already been signalled that the constitution for any national forum would need to be discussed with iwi representatives. Similarly, there will need to be discussion and transitional arrangements towards FMA-aligned regional forums. Resourcing for all the new forums will come from the fund allocated to the existing forums. There will need to be re-allocation within this fixed fund.
- Part of the solution may be to move the forum meeting patterns from what are, in many cases, now established routines, to meetings more targeted to specific issues and at particular times of the year. This approach could potentially enhance the opportunity for iwi to participate to a greater extent and to provide input in a more timely manner.
- A national forum to consider national issues remains our Treaty strategy aspiration. Moving to a Te Wai Pounamu/South Island Forum and a forum integrating customary and commercial interests for the north island FMAs is a good next phase.



Feedback/response: MFish governance arrangements

- A small number of submissions made comments on governance issues. There was support for the role of the DCE TP&OTM. It was also considered that the position required greater clarity of role, and commitment, training and process in order to realise its potential. There was similarly support for Pou Hononga collecting information to monitor the effectiveness of the Treaty Strategy/Obligations to Maori work programme from a tangata whenua perspective.
- One submission suggested that there needed to be clear accountability for the task of ensuring that the work programmes of each business group added up to a coherent Treaty Strategy/OMP work programme for the Ministry. Submissions also noted that it was unclear who was responsible for overseeing the coordinated delivery of that work programme, or for external communication. I agree that we need to coordinate this work on a Ministry-wide basis, and have included this in the implementation plan.
- A couple of submissions suggested there needed to be closer involvement of implementation staff in the negotiation of settlement protocols.



Feedback/response: Other points

- Some submissions objected to the proposal because the submitters rejected the Ministry fisheries Treaty strategy decisions that the proposal has been designed to implement. In some regions there is still considerable resistance to, or scepticism about, hapu working together with iwi. More subtle objections included a reluctance to having to work at anything other than a local level – managing fisheries from the beach.

Some also placed considerable importance on building up relationships and working with particular individuals; they would prefer not to have navigate Ministry processes directly, or independent of those particular individuals.

- Finally, there is still a considerable ongoing task to communicate the intent and nature of the fisheries Treaty strategy more clearly (both internally and externally).

Many submissions made comments that were based on misunderstanding of what was being proposed. For example, a number objected to a decrease in resources (although the overall proposal and my decisions do not decrease resource).

In addition, many clearly found it confusing that the same names were being used to describe what will be significantly different jobs. For example, while the Pou Hononga in the new structure will have significantly broader geographical spread, they will have a much tighter role than previously (they will be responsible for relationships and gathering information from iwi to be used in monitoring the effectiveness of Ministry work; but they will not be responsible for assisting customary management.)



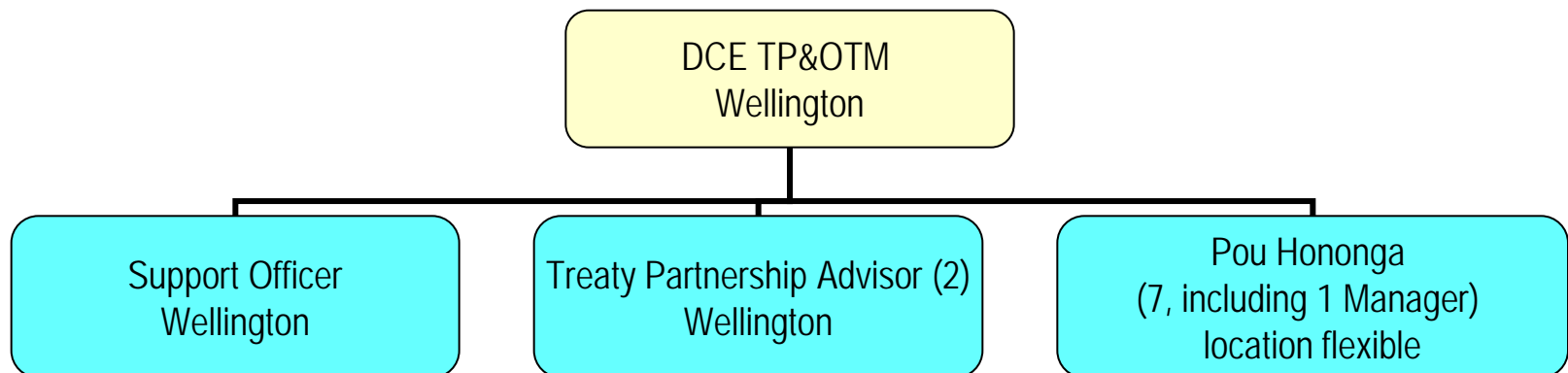
Organisation design from 1 April 2010

- The following pages set out the changes I have decided to make to the Ministry's organisation design.
- These will come into effect on 1 April 2010.
- Revised position descriptions are not included here. These will be decided in January 2010. Based on feedback received, these are not expected to change significantly from the draft positions descriptions issued as part of the proposal.

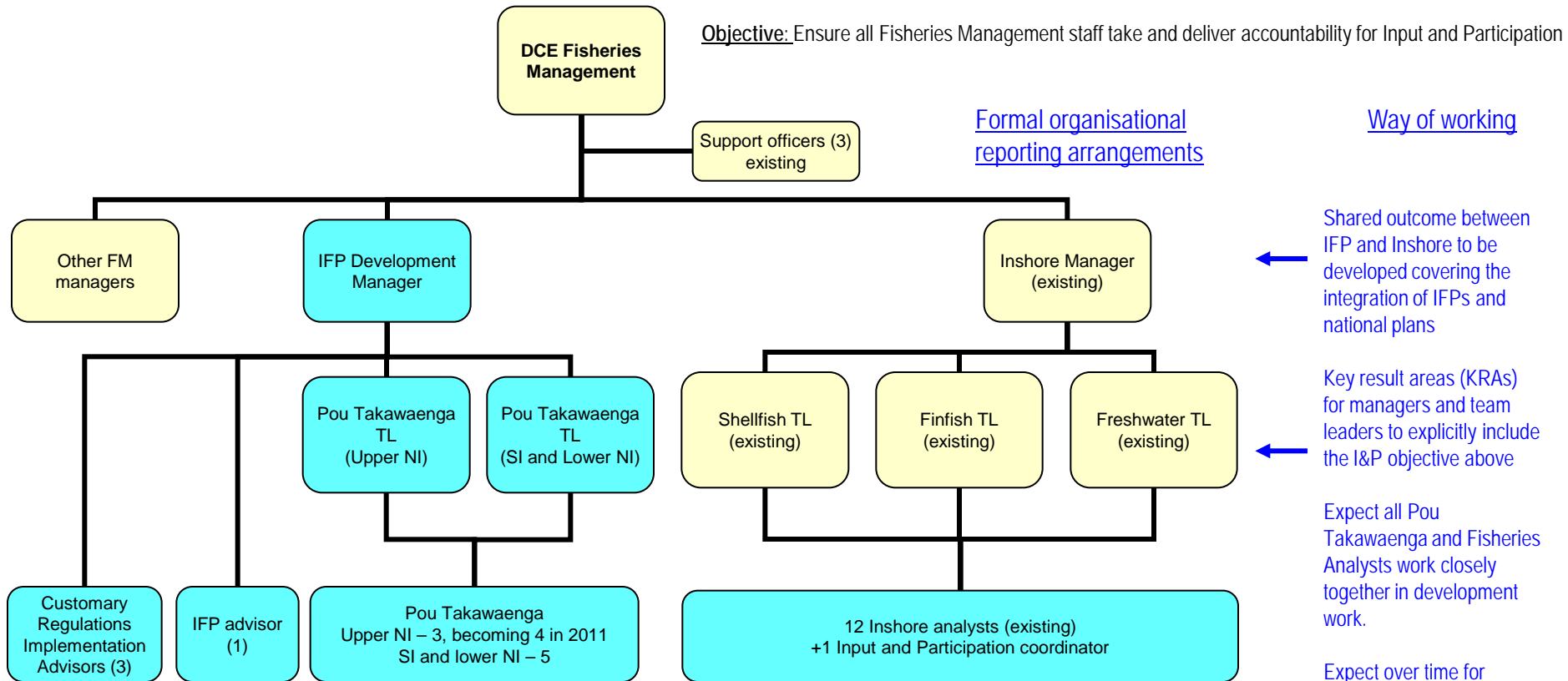


Decision – DCE TP&OTM group

- The purpose of the group is to provide the DCE Treaty Partnership and Obligations to Maori with a team of staff responsible for developing and maintaining long term relationships with tangata whenua through our national and regional forum structures. The DCE will have the support of seven Pou Hononga, including a Pou Hononga manager. In 2011, the number of Pou Hononga is expected to reduce to six (as described below).
- The base locations for Pou Hononga roles will generally be flexible, with a preference to be able to provide services cost-effectively, and where possible, relatively locally. One Pou Hononga role will be based in the South Island. Six Pou Hononga roles will be based in the North Island (reducing to five from 2011, with one of the Pou Hononga roles initially based in Kaitiaki and Whangarei converting to a Pou Takawaenga role). One Pou Hononga role will be based in Gisborne, to meet Ngati Porou foreshore/seabed obligations.
- The Chatham Islands will be serviced from the North Island.
- The Treaty Partnership Advisors and executive support will be based in Wellington, reporting directly to the DCE Treaty Partnership. The executive support role will also be required to provide support to other DCEs.



Decision - Fisheries Management group



IFP Development Manager and team:

- Prioritisation of IFPs and resources
- Contract establishment, management and monitoring (\$300K initially)
- Capability development
- Framework maintenance
- Education
- Process to achieve input and participation
- Feedback on IFPs



Decision on location of Pou Hononga & Pou Takawaenga

DCE Treaty Partnership & OTM (Wellington)

6 Pou Hononga, reducing to 5 in 2011 (1 in Gisborne; for 2010, 1 in Kaitaia, 1 in Whangarei; from 2011, 1 in Whangarei; other locations flexible)

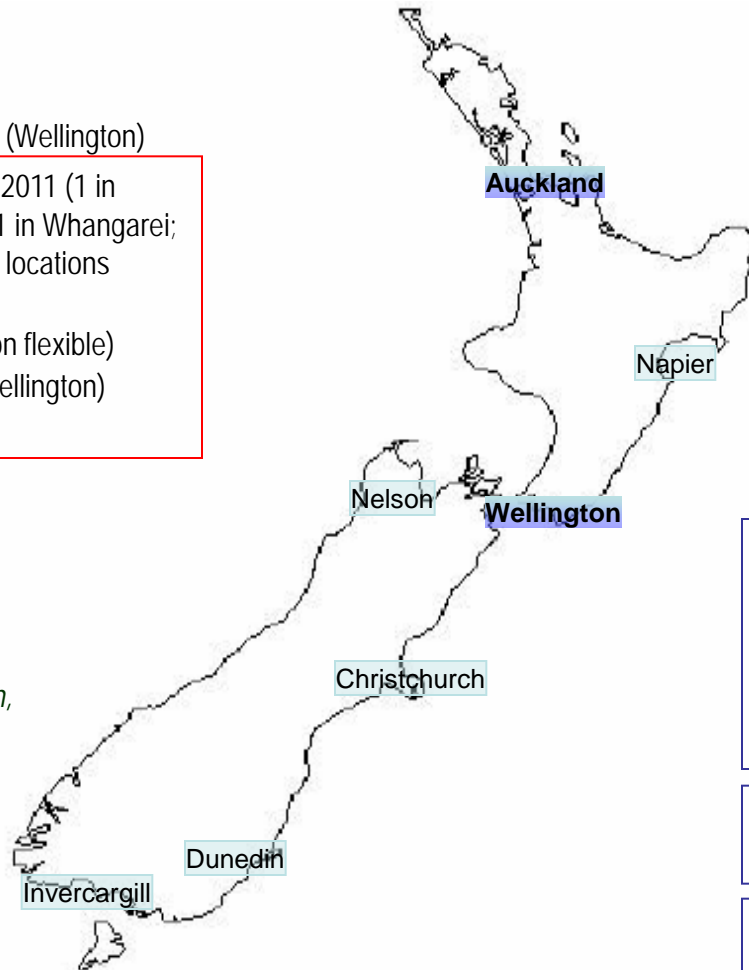
- 1 Pou Hononga Manager (location flexible)
- 2 Treaty Partnership Advisors (Wellington)
- 1 executive support (Wellington)

South Island

1 Pou Hononga

3 Pou Takawaenga

- 1 Nelson
- 2 out of Christchurch, Dunedin, Invercargill



North Island

6 Pou Hononga (reducing to 5 in 2011)

- 1 in Gisborne
- For 2010, 1 in Kaitaia, 1 in Whangarei
- 7 Pou Takawaenga (increasing to 8 in 2011)
- 4 Auckland – includes servicing Waikato-Tainui
- 3 Napier – includes servicing Ngati Porou
- +1 in Kaitaia from 2011

DCE Fisheries Management (Wellington)

10 Pou Takawaenga / contracts (location flexible) (increasing to 11 in 2011)

1 IFP Development Manager (location flexible)

1 IFP Advisor (preferably Wellington)

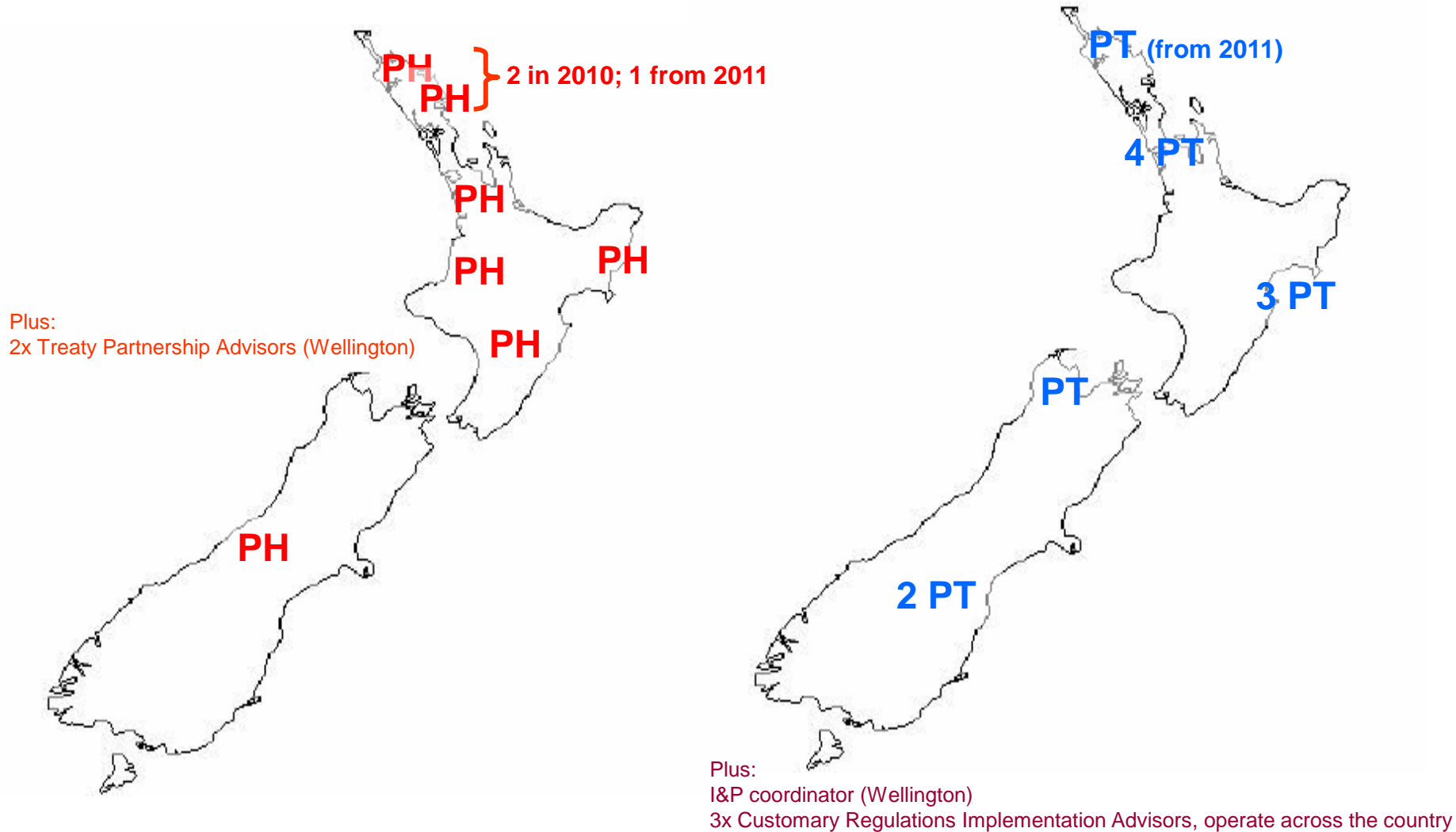
Note: number of PT positions will change according to level of services provided through contracts

3 Customary Regulations Implementation Advisors (location flexible)

1 Input & Participation coordinator in Inshore (Wellington)



Decision on location of Pou Hononga & Pou Takawaenga





Fisheries Management – Spatial Management

Objectives:

- Ensure all Spatial Management decisions are processed and communicated in a timely and appropriate way.

Approach:

- I have decided not to make any changes to the composition or placement of this group at this time.
- Over the next 6 months we will focus on improving process and communication, and reducing mataitai backlog.
- Note: I will review Spatial Management arrangements once the revised aquaculture and foreshore/seabed requirements are confirmed, which is currently expected to be mid 2010.



Other points

Tight control of discretionary expenditure will be expected

- One of the implementation activities will be for operating plans and budgets to be developed to cover the period April 2010 to June 2011. Particular emphasis will need to be placed on both the planning and monitoring discretionary expenditure, including travel and accommodation.

Improved education

- The proposal of 12 Nov noted the accountability of Field Operations for delivery of Kaitiaki / Tangata Tiaki training. The challenge remains for this team to review opportunities to expand the training options to move into iwi fisheries management, development of integrated iwi fisheries plans, and generic training in available customary management tools.

Servicing foreshore/seabed and historic treaty settlements

- This decision incorporates the currently understood resourcing and servicing obligations for foreshore/seabed and historic treaty settlements.

Targets

- The proposal suggested performance targets for 2014. These will be reviewed again through the 2010-2014 SOI development process. The targets are expected to remain in line with the proposal, adjusted where appropriate for the decisions made on resourcing in each area and more detailed strategies (to be developed in the implementation phase).

Review

- Consistent with the Ministry's approach to performance management, progress will be reviewed and evaluated in 2011 after 12 months, and adjustments made as required. The number of Pou Takawaenga positions may also be adjusted to meet iwi demand for provision of these services through contract funding.



Current and future establishment

Role	Current establishment	Currently Employed	New establishment from 1 Apr 2010	Notes
DCE TP&OTM	1	1	1	DCE TP&OTM (11)
Support officer (DCE TP&OTM)	0	0	1	
Treaty partnership advisor	0	0	2	
Pou Hononga	13	9	7	
Programme manager DOSIP	1	1	0	
Manager Customary Relationships	1	1	0	
IFP Development Manager	0	0	1	Iwi Fisheries Plan development unit (15), plus \$300K contracts
Pou Takawaenga (see Note 1)	13	12	10	
IFP advisor	0	0	1	
Customary regulations implementation advisors	0	0	3	
Input & Participation coordinator	0	0	1	Inshore (1)
Total	29	24	27	(27) (NB difference is contract provision)
Inshore manager + staff	16		17	(+1 as above)
Spatial allocations team	5	5	5	No change
Support officers (Fisheries Management)	3	3	3	

Note 1: Total currently employed as Pou Takawaenga includes two people on parental leave, and one seconded from Aquaculture team



Implementation plan

Below are the planned recruitment/appointment implementation and process development timelines

	<i>week ending:</i>															
	18-Dec	25-Dec	1-Jan	8-Jan	15-Jan	22-Jan	29-Jan	5-Feb	12-Feb	19-Feb	26-Feb	5-Mar	12-Mar	19-Mar	26-Mar	2-Apr
Appointment Process																
Manager Roles (2)	Advertise (internal to MFish)				Shortlist		Interview		Appoint							
Staff Roles					Detailed PDs & PAD templates				Advertise (internal)		Shortlist	Interview			Appoint	
Process development																
Overview					Workshops											
IFP guidelines & template									workstream as part of Fish plans development project							
IFP prioritisation criteria																
Forum development strategy																
OTM coordination plan																
SOI/Confirm 2010-14 targets																