Ngā Aitanga ā Nuku
CULTURAL RESOURCES
Decision making by iwi/hapū/whānau
for cultural materials

New Zealand Government

Te Papa Atawhai
Approved

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**Executive Summary**

DOC manages about 8 million hectares of public conservation land, all of which is of significance to tangata whenua as a source of materials for traditional cultural purposes. Further, under the Wildlife Act 1953 DOC is required to manage all protected wildlife in New Zealand, regardless of where they live.

The Waitangi Tribunal referred to the very strong relationship between iwi and the natural environment in its report on WAI262. Numerous iwi have talked in their Treaty settlement negotiations about the strong links with the land and taonga species, and the importance of kaitiakitanga for the land and resources. A number of legislated Treaty settlements have lead the way about how tangata whenua could be making their own decisions about access by their members to cultural materials from public conservation land.

The same kaupapa was expressed in the 18 Outside In Programme hui around the country in 2014, which looked specifically at how DOC’s permission processes under the Wildlife Act and for collection and research could be improved within the existing conservation legislation framework. A number of ideas for improvements were identified by hui attendees, including a call from some hui for DOC to develop a similar system for cultural materials to the widely used customary fisheries decision making system.

Ngā Aitanga a Nuku draws these threads together, taking the way forward identified in Treaty settlements and creating practical tools for decision making by whānau/hapū/iwi about access to resources managed by DOC, which sit within the current wider conservation legislation.

The set-up phase for each whānau/hapū/iwi is the creation and joint approval with DOC of a cultural materials plan, which underpins the final step of the set-up where there is formal issue of an authorisation from DOC to the relevant whānau/hapū/iwi for the collection and holding of cultural materials in line with the plan.

Once the system is in place, members seeking access to materials for cultural use in line with the cultural materials plan then seek permission within the whānau/hapū/iwi from authorised representatives, rather than coming to DOC. This shift is more closely aligned with tikanga and kaitiakitanga.

This document outlines the new approach. The document also contains the requirements for core content of the cultural materials plans, clarity about what activity is covered by the changed decision making and what is not (for example DOC retains the processing and decision making on commercial activities) and how information about what resources are harvested will be collected from permit holders for the benefit of whānau/hapū/iwi and DOC.

Ngā Aitanga a Nuku relates only to flora and other materials such as clay on land administered by DOC, and dead wildlife protected under the Wildlife Act wherever it is found. Marine mammals, which are subject to the Marine Mammals Protection Act, are currently excluded from the new approach.
**Background**

**Law relating to materials for customary use**

The **Wildlife Act 1953** requires anyone who wishes to catch alive or kill, or possess dead protected species to have authorisation from the Director-General of Conservation.¹ Wildlife protected under the Wildlife Act is owned by the Crown.² If wildlife is protected under this Act then that protection occurs wherever it occurs – the wildlife do not have to be on land managed by the Department of Conservation.

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¹ Section 53

² Section 57
The Conservation Act 1987 Removal of any plant intended to be used for traditional Māori purposes from a conservation area requires approval from the Director-General. Where removal is for other purposes, approval from the Minister of Conservation is required.

Conservation areas are a small subset of public conservation land. Conservation areas include conservation parks (forest parks), wilderness areas, ecological areas, sanctuary areas, watercourse areas, amenity areas, wildlife management areas, marginal strips, and stewardship areas.

The Reserves Act 1977 sets out a number of reserve types, and requires each type to be managed according to certain criteria described in the Act. Reserve types are recreation, historic, scenic, nature, scientific, government purpose, local purpose, and wilderness areas. Trees or shrubs on reserves cannot be cut or destroyed without approval from the Minister of Conservation.

The National Parks Act 1980 provides land with very high protection and has some stringent requirements for those wanting to use the resources in a national park. Some sites within a national park may also have specific protection levels that differ from the standard national park eg wilderness area is a stronger protection while amenity areas enable more activity. As with the above Acts, removal of any plant or part of a plant requires approval from the Minister of Conservation.

Statutory plans relating to customary use

Conservation management strategies, conservation management plans, national park management plans, the conservation general policy and the national park general policy are created via a statutory, public process and thus provide compulsory direction to and appropriate constraints on decision-makers within DOC.

Other legal designations relating to customary use

There are other overlaying statuses that a piece of land may have that must be taken into consideration and may restrict what is possible. These include things like UNESCO World Heritage sites, and RAMSAR sites (wetlands of national significance).

Principles of the Treaty of Waitangi

DOC's primary relationships are with the Crown’s Treaty partners. DOC is required to “give effect to the principles of the Treaty of Waitangi” by section 4 of the Conservation Act 1987.

Giving “effect to the principles” means understanding the Treaty and the principles that emanate from it in the current context and putting that into practice. To do this DOC is guided by decisions of the Courts, and the Waitangi Tribunal.
For practical purposes the Treaty principles that are most relevant to DOC’s work are:

- Partnership - mutual good faith and reasonableness
- Informed decision-making
- Active protection
- Redress and reconciliation

**Partnership - mutual good faith and reasonableness**

The Crown and Māori must act towards each other reasonably and in good faith. These mutual duties are the core of what has been described as the Treaty partnership. This principle is about how the Crown should behave to Māori and Māori to the Crown.

**Informed decision-making**

Both the Crown and Māori need to be well informed of the other’s interests and views. When exercising the right to govern, Crown decision makers need to be fully informed. For Māori, full information needs to be provided in order to contribute to the decision-making process. Consultation is a means to achieve informed decision-making.

**Active protection**

The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.

**Redress and reconciliation**

The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve capacity to provide redress for proven grievances from not upholding the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.

**Changing our processes**

As part of giving effect to the principles of the Treaty DOC developed the project Outside In to work with kaimahi to discover their needs in relation to the activities they do that may need authorisation. For whānau, hapū and iwi this includes customary use of flora, fauna and other materials such as clay, for activities such as rongoa, weaving, carving and other tikanga needs.

One result of this project is Ngā Aitanga a Nuku which establishes the new process mentioned earlier that enhances kaitiakitanga by whānau/hapū/iwi and supports exercise of tikanga over customary use of protected wildlife and of flora and other resources from public conservation land. DOC believes this is a way of giving effect to the principles of active protection and partnership.

The legislation, plans, strategies, and guiding documents discussed above will apply to the process of developing a cultural materials plan and the subsequent authorisation as it does to all decisions.
How does this work?

**PHASE 1 – SET UP**

**STEP 1:** Whānau/hapū/iwi and DOC create the cultural materials plan

**STEP 2:** Whānau/hapū/iwi identify/create a legal entity and appoint Authorised Representatives

**STEP 3:** Whānau/hapū/iwi and DOC jointly approve the cultural materials plan

**STEP 4:** Legal entity applies to DOC for Authorisation

**STEP 5:** DOC approves formal Authorisation

**PHASE 2 – DECISION MAKING BY AUTHORISED REPRESENTATIVES OF WHĀNAU/HAPŪ/IWI**

*Note*

Ngā Aitanga a Nuku authorisation does **not** include the ability to sell the plants or protected species in any form once they are held or gathered under locally issued written permissions.

For the avoidance of doubt, Ngā Aitanga a Nuku authorisation will **not** apply to the catching and/or killing any animal protected under the Wildlife Act, for any reason including but not limited to consumption.
When does this process apply and to whom does it apply?

REQUEST

Plants or minerals?

Yes

Dead protected wildlife?

Yes

On public conservation land?

Yes

Commercial aspect?

Yes

Cultural purpose?

Yes

Member of whanau/hapu/iwi?

Yes

Does whanau/hapu/iwi hold formal authorisation from DOC?

Yes

Is request in line with cultural materials plan?

Yes

Written permission given by Authorised Representative
PHASE 1 SET UP

Step 1: Create a cultural materials plan

1. Whānau/hapū/iwi and DOC jointly create a cultural materials plan which is signed off by both parties. This plan must be consistent with management objectives and policies set out in any applicable conservation management strategies, conservation management plans, national park management plans, the Conservation General Policy and the National Park General Policy. All these documents are easily available on DOC’s website: http://www.doc.govt.nz/about-us/our-policies-and-plans/

2. The plan must include:
   - clear identification of the whānau/hapū/iwi to whom it applies,
   - what sites are included or excluded,
   - what plants and other materials eg paru are included or excluded,
   - what tikanga/methods/amounts apply
   - process for sourcing and distribution of dead protected wildlife.

3. Other things may be included in the plan and these can be discussed locally. The template is designed to be flexible around the core compulsory content requirements in 2 above.

4. The cultural materials plan underpins the formal authorisation from DOC, and is essentially the specifications or “special conditions” of the formal authorisation. This means that any whānau/hapū/iwi with overlapping interests need to be consulted by DOC before DOC can be part of the joint approval of the plan.
   - The official consultation process is run by DOC and is likely to take at least 40 working days.
   - The consultation process could be smoother if the group developing the plan with DOC talk to overlapping iwi about the development of the plan

5. Details of the contents of the plan and other relevant matters relating to the Plan are outlined in Appendix One.

Step 2: Establish a legal entity and appoint Authorised Representative(s)

1. The Applicant for the authorisation from the Director-General must be a legal entity – this could be either an individual or a list of kaumatua/kuia, the runanga/runaka, the iwi – as suits the whānau/hapū/iwi applying. If the applicant is a group eg, a hapū group, it must be registered as a legal entity – for example as a trust, a company, a charitable organisation or an incorporated society. The Applicant will be the legal holder of the Authorisation and will be responsible to DOC for any breaches of the original Authority and any permits authorised under it.

2. The whānau/hapū/iwi group appoints Authorised Representative(s) according to tikanga, to issue written permission to members.
Step 3: Approval of the cultural materials plan

6. The cultural materials plan is jointly approved by DOC and the relevant whānau/hapū/iwi.

Step 4: Application for authorisation

7. The legal entity representing a whānau/hapū/iwi to whom the cultural materials plan belongs, applies to DOC for authorisation under the Wildlife Act, National Parks Act, Reserves Act and the Conservation Act (as applicable to the particular circumstances) to undertake all activities as described in the cultural materials plan. The application must include the jointly approved cultural materials plan.

Step 5: DOC approves formal authorisation

1. Director-General and/or Minister will consider an application by the legal entity for the whānau/hapū/iwi for authorisation.

2. Consideration of the application by the Director-General and/or Minister will include (but is not limited to):
   - The purpose for which any land included in the cultural materials plan is held,
   - The effects of the activity applied for on flora and fauna and on public conservation land (if applicable),
   - The policies in any applicable statutory planning document(s) – conservation management strategies, national park management plans etc, and
   - Results of consultation with whānau/hapū/iwi who have overlapping interests in the land identified in the plan.

3. Director-General and/or Minister will grant or decline the application.

4. The authorisation will stipulate that it is subject to the cultural materials plan and allows for the take of flora and possession of parts of dead wildlife under the plan by members of the whānau/hapū/iwi.

5. If granted the Authority will be held by the legal entity. The entity will be responsible to DOC for any breaches of the original Authority and any written permissions given under it.
PHASE 2 - DECISION MAKING BY WHĀNAU/HAPŪ/IWI

1. A person wishing to collect materials for cultural purposes will check the diagram on page 9 “When does this process apply and to whom?” to identify which process they are to follow;

2. If they believe they meet the criteria for a cultural materials permission they contact an Authorised Representative to make a request for materials. (If they don’t meet the criteria, they are to contact their local DOC office to discuss the correct process);

3. The Authorised Representative clarifies whether the requestor is a member of the whānau/hapū/iwi, and whether the request meets the criteria to apply under the cultural materials process, see diagram on page 9 “When does this process apply and to whom?”. (If they don’t believe the request meets the criteria, they should direct the person to DOC to discuss the correct process);

4. If the Authorised Representative is satisfied that the request meets all the criteria in the cultural materials plan they can issue written permission to the person, or they can decline to issue permission. The form of the written permission is up to the legal entity who holds the authorisation from DOC. It could be a permit or an entry in a register. See the example in Appendix Three for a possible approach;

5. If the request is declined the Authorised Representative must give reasons why it was declined. The person can then vary their request and apply again under this process; or apply to DOC under another process;

6. The Authorised Representative may include special conditions on the written permission including tikanga requirements as relevant;

7. The person will undertake the approved activity as per the written permissions;

8. The person must report back to an Authorised Representative what materials were harvested or obtained, so whānau/hapū/iwi can build a picture about availability and levels of harvest.

On-going management

The legal entity named as the Authority Holder on the formal authorisation from the Department of Conservation will remain responsible for the undertaking of the activities approved by an Authorised Representative on any written permissions issued.

Change to Authorised Representatives

Any time there is a change to the list of Authorised Representatives under a cultural materials plan the whānau/hapū/iwi must advise DOC within two days of this change being made. No permits may be issued by new Authorised Representatives or by ex-Authorised Representatives until DOC is informed.

Monitoring

A record of the written permissions issued must be retained by the Authorised Representatives for monitoring purposes.
**Reporting**

The member must report back to the Authorised Representative the actual materials harvested or obtained under the permit and any other relevant information to the Authorised Representative. This will enable whānau/hapū/iwi over time to build a picture about availability, levels of harvest and state of the resources.

The authorised whānau/hapū/iwi must report to DOC quarterly about what permits have been issued, and the actual materials were harvested or obtained and any feedback about the permitting process. This enables DOC to understand the needs of the whānau/hapū/iwi, and the abundance and state of the resources. The feedback about the process also enables adjustments to be made so the process can work better.

The dates reports are due are at the end of April, July, October and January.

**Variations to the cultural materials plan**

The cultural materials plan can be changed by joint agreement of DOC and the legal entity who holds the relevant authorisation from DOC, without needing to change the formal authorisation from DOC, as follows:

- Changes to dead protected wildlife species or sites are subject to consultation with overlapping whānau/hapū/iwi
- Changes to flora or other materials such as clay; any changes to associated tikanga, methods or amounts; and changes to any non-compulsory content do not require consultation with overlapping whānau/hapū/iwi
Frequently Asked Questions for whānau/hapū/iwi organisation

How is an Authorised Representative appointed?
The process to appoint an Authorised Representative is solely at the discretion of the relevant whānau/hapū/iwi organisation. Only Authorised Representatives can issue the permits so the appointment is an important part of setting up the process.

Does DOC have to be advised about who the Authorised Representatives are?
Yes. The whānau/hapū/iwi organisation is required to advise DOC of all its current Authorised Representatives.

What if there is no Authorised Representative?
If there are no appointed Authorised Representatives then there is no ability for the whānau/hapū/iwi organisation to issue written permission to its members. Anyone wanting to collect and/or hold cultural materials must contact their local DOC office to discuss the approval they will need.

What happens if a person gives permission without being an Authorised Representative?
If a person issues permission but they aren’t an appointed Authorised Representative the permission is invalid. In this situation DOC will discuss putting a plan in place to prevent future breaches. DOC may also choose to withdraw its agreement of the cultural materials plan and/or terminate the Authorisation.

The person who undertook the activity with the invalid permission may be prosecuted by DOC under the applicable Act. The Wildlife Act, the Reserves Act, and the National Parks Act carries penalties of up to two years in prison or a fine of up to $100,000; the Conservation Act carries penalties of up to a year in prison or a fine of up to $100,000.

How precise does the location have to be on the written permission?
It needs to be reasonably specific so that: the member understands where they are allowed to go; any data collection for monitoring purposes identified in the Cultural Materials Plan is meaningful; and any DOC ranger checking compliance would understand where the member was allowed to go.

How precise does the species and amount to be collected have to be on the written permission?
The species must be specific and the quantity consistent with the cultural materials plan.
**Does DOC need to be informed every time written permission is given?**

Not every time, but the whānau/hapū/iwi legal entity is required to advise DOC of all permissions issues four times a year at the end of April, July, October and January. The Authorised Representatives are therefore required to keep a record of all written permissions issued, and any reports of quantities taken. This enables spot check by DOC and by the whānau/hapū/iwi, and supports the quarterly reporting to DOC by the relevant whānau/hapū/iwi.

Over time the information builds a good picture of abundance and condition of resources, and which members are using them.

**What form can the written permission take?**

Provided the permission is issued in writing, the exact form of the permission is determined by the whānau/hapū/iwi. It could be in a permit form or it could be entries in a ledger or spreadsheet. Spot checks by DOC and/or whānau/hapū/iwi will look at the sites and species that members are being permitting to access, and this information will be cross checked against the cultural materials plan.

**Where can I get further information about cultural material plans?**

If you are about to develop a cultural materials plan with DOC, ask DOC if they can find examples of plans that have been developed already.

**When creating a cultural materials plan and there are overlapping whānau/hapū/iwi boundaries how will this managed?**

It would be advisable for all those who have an overlapping interest in an area to get together with DOC and through tikanga decide the best pathway to manage access to cultural materials from a particular site.

There are a number of choices about how many overlapping whānau/hapū/iwi could be involved in developing a cultural materials plan with DOC. In some parts of New Zealand overlapping whānau/hapū/iwi use a Komiti approach with DOC to discuss requests for cultural materials.

**Can we harvest from national parks?**

As long as the activity is set out in the jointly approved cultural materials plan and is in line with any national park management plan, harvesting from national parks is possible.
Frequently Asked Questions for members

What happens if a person is caught taking or in possession of protected wildlife species; or removing plants from conservation land without a permit?

It is illegal to catch alive, kill or possess protected wildlife or remove plants from public conservation land without authorisation. If a person is caught then they may be prosecuted by DOC under the applicable Act.

The Wildlife Act, the Reserves Act, and the National Parks Act carries penalties of up to two years in prison or a fine of up to $100,000, the Conservation Act carries penalties of up to a year in prison or a fine of up to $100,000.

How do I go about collecting material for cultural purposes?

Please follow the diagram on page 9 “When does this process apply and to whom?” to work out which process you need to follow. If you can follow the Nga Aitanga o Nuku process then your local Authorised Representative can issue you with written permission. If not, please contact DOC to discuss the approval you will need and how to go about it.

How do I know if I am a member?

This is according to tikanga – you can discuss with the holder(s) of the formal Authorisation, or your local whānau/hapū/iwi representatives.

How do I know who is an Authorised Representative?

If you are a member of an organisation that has an agreed cultural materials plan then you can contact the organisation to find out who the Authorised Representatives are.

What if there is no operative cultural materials plan in place?

If there is no jointly approved cultural materials plan in place then there is no ability for the whānau/hapū/iwi organisation to give written permission to its members. Anyone wanting to collect and/or hold cultural materials must contact their local DOC office to discuss the approval they will need.

What if my activity involves something that isn’t listed in the cultural materials plan?

Where a cultural materials plan doesn’t cover a particular site, species, collection method, or what you seek is outside the parameters for amounts or for any other reason, DOC is the permit issuing authority and the appropriate DOC process will apply. Anyone wanting to collect and/or hold cultural materials outside the cultural materials plan must contact their local DOC office to discuss the approval they will need.
This is also a good opportunity for the whānau/hapū/iwi organisation and DOC to consider a change to the cultural materials plan to reflect an activity, method or amount not previously included in the approved plan.

What happens if I breach the written permission?

A breach of the written permission could be a breach of the cultural materials plan and therefore also a breach of the authorisation from DOC.

Once a breach is detected the Authorised Representative will advise DOC of the breach and put in place a plan to prevent breaches in future. If the breach is severe enough to warrant a stronger course of action or has been done before by the same permit holder then DOC may also choose to withdraw its agreement of the cultural materials plan and/or terminate the authorisation.

The permit holder may also be prosecuted by DOC under the applicable Act.

The Wildlife Act, the Reserves Act, and the National Parks Act carries penalties of up to two years in prison or a fine of up to $100,000, the Conservation Act carries penalties of up to a year in prison or a fine of up to $100,000.

What happens if I don’t have my permit on me when I get the materials I need?

For whānau/hapū/iwi who decide the format of the written permission is to be a paper permit, members could carry this permit with them so they can prove they have permission to harvest the materials they need. This is similar to the customary fisheries permit process.

Where the format of the written permission is an entry in a ledger or spreadsheet, if queried in the field by a DOC ranger the person gathering should refer the ranger to the Authorised Representative who issued the written permissions.

Do I need written permission no matter where I want to collect material?

Written permission is required for collecting any material from public conservation land and holding of any dead protected wildlife no matter where it has come from.

If the materials and sites are included in the cultural materials plan the written permission permit comes from the Authorising Representative in the whānau/hapū/iwi. If the public conservation land or material or dead protected wildlife species is not covered by the cultural materials plan, the permit must be obtained from DOC.

Plants can be gathered from private land and permission should be sought from the landowner. DOC is not involved in authorising the taking of plants from private land.

How do I access feathers?

The process for accessing dead protected wildlife must be included in the cultural materials plan in order for the formal authorisation from DOC to cover dead protected wildlife.

In many locations around the country dead protected wildlife carcasses are stored on site at DOC offices. Written permission from the Authorised Representative would
enable weavers etc to come to DOC with the permit and access the stored birds that match their requirements.

If members find a dead bird and the cultural materials plan covers this circumstance, then they can go straight to their Authorised Representative who will issue them written permission for it. If the plan does not include this circumstance, the dead bird must be handed into DOC for storage and consequential distribution.

*If I am a scientist and have an authorisation myself from DOC for research, can I also get a cultural materials permit under this process?*

Yes. If the reason you are collecting materials is outside the scope of your DOC authorisation then this process is available to you if all the criteria are met in the diagram on page 9 “*When does this process apply and to whom?*.”

*If I am a concessionaire do I need to get a cultural materials permit as well as my concession?*

Yes. If you are a concessionaire and you wish to harvest material for cultural purposes, which are outside the scope of your concession, this process is available to you if all the criteria are met in the diagram on page 9 “*When does this process apply and to whom?*.”

*Can I sell the materials I collect?*

This process of authorisation is only available for non-commercial use of materials. If you wish to sell the materials you collect, you will require a different kind of authorisation (concession) from DOC.

*Can I sell the product I make from the materials I collect?*

This process of authorisation is only available for non-commercial use of materials. If you wish to sell any product you make from the materials you collect, you will require a different kind of authorisation (concession) from DOC.
Appendix One  Cultural materials plan

Compulsory contents

Coverage and approval

- whānau/hapū/iwi to which the plan applies
- co-approval page for signatures of DOC and whānau/hapū/iwi

Flora and other site-based materials (eg clay, paru)

- Sites
- species
- quantities
- methods/tikanga

Parts of dead protected wildlife

Process for distribution of feathers etc to members (note the permitting part of the process is as per the decision making model)

Excludes

- Commercial use

Standards for compulsory contents

Flora and other site-based materials (eg paru)

Sites:

- Identified at conservation unit level not at the exact location of resource
- Areas within a conservation unit may be excluded from the plan
- Only those conservation units included in the plan are covered by the decision making process (ie any units not in the plan are excluded)
- Ecological Management Units (also known as “EMU’s”) may be included. The species, quantities and methods for this site would reflect what is necessary to manage any impact on the ecological values of these areas
- Sites may be grouped to avoid lots of repetition

For each site (or group of sites):

- **Species:**
  - Māori, common, scientific names
  - For each species:
    - **Quantities:**
      - Not to be defined as tonnage, number of leaves etc (DOC does not have the resources to support the level of survey/monitoring required to determine quantities in this way.)
      - The quantity limit is that which would cause the death or decline of the species at a population level. (Tikanga is a strong and appropriate system to ensure harvest is always within limits)
      - Might be adjusted over time as information from members about what quantities are taken under the permits, and the health of the resource come back to the permit issuers
    - **Methods/tikanga**
      - How effects on the population and on the site will be managed under the principles of kaitiakitanga

Parts of dead protected wildlife

[Standards for the distribution process to be developed – if any]

Optional contents

Plan could contain sections on:

- restoration,
- DOC sites for special planting for cultural harvest,
- propagation material,
- detail on the significance of certain sites to whānau/hapū/iwi,
priorities for the uses/allocation of materials (eg pingao by experienced weavers only),
- management of sites and species to enhance materials of cultural value,
- maps of relevant sites,
- the level of impact acceptable for activities associated with harvest (eg access tracks, using paru in situ, cultivation)
- Takoha practices (reciprocal gifting to other whānau/hapū/iwi)
- Review cycle and process for the plan

Does not have to follow DOC publication design standards
Appendix Two  Compulsory format for authorisation from DOC

This is the formal Authorisation from DOC to the legal entity representing whānau/hapū/iwi which sets up the decision making by whānau/hapū/iwi under the cultural materials plan

Authorisation Number:

<table>
<thead>
<tr>
<th>THIS AUTHORITY</th>
<th>is made this day of 20</th>
</tr>
</thead>
</table>

PARTIES:
The Director-General of Conservation and where required the Minister of Conservation (the Grantor)

AND

[Legal entity representing relevant whānau/hapū/iwi ] (the Authority Holder)

BACKGROUND:


B. [The Director-General of Conservation is empowered to issue authorisations under section 53 of the Wildlife Act 1953.]

C. The Authority Holder wishes to exercise the authorisation issued under the Conservation Legislation subject to the terms and conditions of this Authority.

OPERATIVE PARTS:

In exercise of the Grantor's powers the Grantor:

**AUTHORISES** the Authority Holder under Section(s 53 (Taking or Killing of Wildlife for Certain Purposes), 41 (Minister's general powers)] of the Wildlife Act 1953; and/or

**AUTHORISES** the Authority Holder pursuant to Section(s) 5, 51A of the National Parks Act 1980; and/or

**PERMITS** the Authority Holder pursuant to Section(s) 30, 38 of the Conservation Act 1987, and/or

**PERMITS** the Authority Holder pursuant to Section(s) 49, 50 of the Reserves Act 1977 subject to the terms and conditions contained in this Authority and its Schedules. The Cultural materials plan is incorporated at Schedule 3.

________________
SIGNED on behalf of the Grantor by [add name and designation] acting under delegated authority in the presence of:

_________________________
Witness Signature
A copy of the Instrument of Delegation may be inspected at the Director-General’s office at 18-32 Manners Street, Wellington.

### Schedule 1

<table>
<thead>
<tr>
<th>Authorised activity (including the species, any approved quantities and collection methods)</th>
<th>Collect and possess protected dead wildlife (or parts thereof); and collect and remove plants, soil or rocks from public conservation land. This Authorised activity must only be undertaken in accordance with the Cultural materials plan at Schedule 3, and includes any agreed Variations to that Plan.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>The Land</th>
<th>As per the [relevant whānau/hapū/iwi] cultural materials plan at Schedule 3</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Personnel authorised to undertake the Authorised Activity</th>
<th>As per the Cultural materials plan at Schedule 3, the Authorised Activity must only be undertaken by: The Authority Holder Authorised Representative(s) Members of the Authority Holder’ and Authorised Representative’s [name of iwi/hapu/whanau] who have received written permission from an Authorised Representative in the agreed form</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Term</th>
<th>[enter number of years up to a maximum of 50] years, commencing on and including [enter start date] and ending on and including [enter final date]</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Authority Holder’s address for notices</th>
<th>The Authority Holder’s address in New Zealand is: Email:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Grantor’s address for notices</th>
<th>The Grantor’s address for all correspondence is: Email:</th>
</tr>
</thead>
</table>

### Schedule 2

**STANDARD TERMS AND CONDITIONS OF THE AUTHORITY**

1. **Interpretation**

   1.1. The Authority Holder is responsible for the acts and omissions of its employees, contractors, agents, Authorised Representatives, holders of written permissions from Authorised Representatives or members. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors, agents, Authorised Representatives, holders written permissions from Authorised Representatives or members as if the breach had been committed by the Authority Holder.

   1.2. Where obligations bind more than one person, those obligations bind those persons jointly and separately

   1.3. Authorised Representative means a person appointed by the Authority Holder (?) who is able to issue permits under the cultural materials plan ("the Plan") attached as Schedule XX.
2. **What is being authorised?**

2.1. The Authority Holder is only allowed to carry out the Authorised Activity on the Land described in Schedule 1, Item 2.

2.2. Any arrangements necessary for access over private land or leased land are the responsibility of the Authority Holder. In granting this authorisation the Grantor does not warrant that such access can be obtained.

2.3. The Authority Holder must keep a copy of this Authority at all times.

2.4. This Authorisation gives the Authority Holder the right to hold dead wildlife or parts thereof in accordance with the terms and conditions of the Authorisation, but the wildlife remains the property of the Crown. The Authority Holder must comply with any reasonable request from the Grantor for access to any wildlife.

2.5. Unless expressly authorised by the Grantor in writing, the Authority Holder must not sell or otherwise commercially transfer to any third party any wildlife, material, including any genetic material, or any material propagated or cloned from such material, collected under this Authority.

2.6. Unless expressly authorised by the Grantor in writing, due to health and safety risks, the Authority Holder must not consume any wildlife collected under this Authority.

2.7. The Authorised Representatives cannot authorise exceptions from the Plan.

3. **Who is authorised?**

3.1. Only the Authority Holder and the Authorised Personnel described in Schedule 1, Item 3 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Grantor.

4. **How long is the Authority for - the Term?**

4.1. This Authority commences and ends on the dates set out in Schedule 1, Item 4.

5. **What are the obligations to protect the environment?**

5.1. The Authority Holder must not damage any natural feature or historic resource on any public conservation land being part of the Land (other than expressly agreed to as part of the Cultural materials plan); or light any fire on such public conservation land; or erect any structure such public conservation land without the prior consent of the Grantor.

5.2. The Authority Holder must not bury:
   - any toilet waste within 50 metres of a water source on any public conservation land being part of the Land; or
   - any animal or fish or any part thereof within 50 metres of any water body, water source or public road or track.

6. **What are the liabilities?**

6.1. The Authority Holder agrees to exercise the Authority at the Authority Holder’s own risk and releases to the full extent permitted by law the Grantor and the Grantor’s employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property arising from the Authority Holder’s exercise of the Authorised Activity.

6.2. The Authority Holder must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Authority Holder’s exercise of the Authorised Activity.

6.3. This indemnity is to continue after the expiry or termination of this Authority in respect of any acts or omissions occurring or arising before its expiry or termination.

7. **What about compliance with legislation and Grantor’s notices and directions?**

7.1. The Authority Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Grantor and any competent authority relating to the conduct of the Authorised Activity. Without limitation, this includes the Conservation Act 1987 and the Acts listed in the First Schedule of that Act and all applicable health and safety legislation and regulation.

8. **Are there limitations on public access and closure?**

8.1. The Authority Holder acknowledges that the public conservation land being part of the Land is open to the public for access and that the Grantor may close public access to that public conservation land during periods of high fire hazard or for reasons of public safety or emergency.
9. **When can the Authority be terminated?**

9.1. The Grantor may terminate this Authority at any time in respect of the whole or any part of the Land, and/or the whole or any part of the Authorised Activity if:

- the Authority Holder breaches any of the conditions of this Authority including breaching the Plan as Schedule 3 (and any updates to that plan); or
- the Plan attached as Schedule 3 (and any updates to that Plan) is cancelled or no longer current
- in the Grantor’s opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.

9.2. If the Grantor intends to terminate this Authority in whole or in part, the Grantor must give the Authority Holder such prior notice as, in the sole opinion of the Grantor, appears reasonable and necessary in the circumstances.

10. **How are notices sent and when are they received?**

10.1. Any notice to be given under this Authority by the Grantor is to be in writing and made by personal delivery, by pre paid post or email to the Authority Holder at the address, fax number or email address specified in Schedule 1, Item 5. Any such notice is to be deemed to have been received:

- in the case of personal delivery, on the date of delivery;
- in the case of post, on the 3rd working day after posting;
- in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.

10.2. If the Authority Holder’s details specified in Schedule 1, Item 5 change then the Authority Holder must notify the Grantor within 5 working days of such change.

11. **What about the payment of costs?**

11.1. The Authority Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Authority and to investigate any alleged breaches of the terms and conditions of it.

12. **Biosecurity**

12.1. The Authority Holder must take all precautions to ensure weeds and animal pest species are not introduced to the Public Conservation Land; this includes ensuring that all tyres, footwear, gaiters, packs and equipment used by the Authority Holder, its employees, contractors, agents or members are cleaned and checked for weeds and animal pests before entering the Public Conservation Land.

13. **Are there any Special Conditions?**

13.1. Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.

14. **Can the Authority be varied?**

14.1. The Authority Holder may apply to the Grantor for variations to this Authority.

**Schedule 3**

Cultural Materials Plan for [legal entity] of [name of whānau/hapū/iwi]
## Appendix Three  Possible layout for written permissions from Authorised Representatives

<table>
<thead>
<tr>
<th>Authorised person</th>
<th>Eg: Rewa Te Maipi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated people</td>
<td>Eg: Honour Te Maipi and Sarah Bright</td>
</tr>
<tr>
<td>Authorised person’s contact details – address, phone and email</td>
<td></td>
</tr>
</tbody>
</table>

### Collection of flora and other site-based materials (eg paru)

<table>
<thead>
<tr>
<th>Authorised activity and species</th>
<th>Eg: Collect harakeke and kiekie.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection method</td>
<td>Traditional hand harvest method only with appropriate tikanga</td>
</tr>
</tbody>
</table>
| Approved quantity               | As per pages 15 and 16 of [name of whānau/hapū/iwi] Cultural Materials Plan  
                                 | OR  
                                 | Sufficient for processing and weaving 12 kete, leaving the plants healthy |
| Collection Location             | Ōtara Forest as per [name of iwi/hapu/whanau] Cultural Materials Plan |
| Valid                           | From: [date]  
                                 | To: [date] |

| Reporting: Actual quantity taken |  |
|----------------------------------|  |

### Collection and Possession of protected wildlife (excluding marine mammals)

<table>
<thead>
<tr>
<th>Authorised activity and species</th>
<th>Collect dead kererū from DOC freezer and possess the feathers from dead kererū for use in korowai.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source</td>
<td>DOC freezer at Thames. All parts of bird not used to be buried with appropriate tikanga.</td>
</tr>
<tr>
<td>Approved quantity</td>
<td>5 kererū</td>
</tr>
</tbody>
</table>
| Valid                           | From: [date]  
                                 | To: [date] |
This permit is valid under the ________________ cultural materials plan and is only valid while that Plan and the consequential authorisation from DOC are valid.

This permit allows only the activity, persons, harvesters, locations, methods, species, and quantities as listed above.

Special conditions – if required by the Authorised Representative or by the ________________ cultural materials plan and the associated Authorisation from DOC.

Authorised by: _______________________________________
Print name of Authorised Representative

On behalf of: _______________________________________
Print name of whānau/hapū/iwi as per DOC Authorisation

Signature: ___________________________________________
Signature of Authorised Representative