

Community consultation by the Department of Conservation

An independent review

Centre for Research, Evaluation and Social Assessment (CRESA)

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Foreword

This timely report will help in our commitment to achieving effective consultation-necessary for sustainable decisions. The results show that there are successes and failures in the way that we do things. The report provides us with important feedback from our customers. We can learn from any past weaknesses and take the advice of those we consult with. There is also plenty in the report that we can take heart from-those who provided critical comment for this report also noted the real improvements the department has made over the last few years.

I support the recommendations made and believe that the department's new structure, with an emphasis on quality and community relations, provides the basis for their achievement. The new consultation policy, supported by appropriate training policy, will equip management and staff with the framework and skills they need to meet the department's consultation obligations and needs. The new emphasis on community relations creates a context within which consultation forms a logical part of wise management.

As a next step to achieving effective consultation, the department, at all levels, is working towards developing formal agreements with its associates-these forming the basis of ongoing interaction and the monitoring of these interactions.

A handwritten signature in black ink that reads "Hugh Logan". The signature is written in a cursive style with a large, prominent 'H' and 'L'.

Hugh Logan
Director General
Department of Conservation

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Abstract

This research assesses community consultation by the Department of Conservation (DOC). Using case studies based around development of Conservation Management Strategies and the allocation of concessions, the study identifies the strengths and weaknesses of past consultation processes and structures and provides recommendations for their improvement. The research was principally based on interviews and focus groups with key DOC staff and external stakeholders about their experience and expectations of community consultation. Key stakeholders included community groups and individuals, conservation and recreational groups, industries (particularly tourism), iwi, local territorial authorities, and Conservation Board members. Topics and issues covered include: perceptions of the role of community consultation; barriers and opportunities for effective consultation; and suggested improvements to the consultation process.

1. Introduction

1.1 THE RESEARCH OBJECTIVE

This research assesses the community consultation approach and processes in the Department of Conservation (DOC) with reference to the development of Conservation Management Strategies and the allocation of concessions. Using two case studies, the research identifies the strengths and weaknesses of past consultation processes and structures within DOC as a basis for making recommendations for improving the department's consultation procedures, processes and structures.

1.2 THE RESEARCH METHODOLOGY

Steps in the research have included:

- reviewing relevant New Zealand literature on consultation,
- reviewing relevant DOC documentation,
- conducting interviews and focus groups with key DOC staff and key stakeholders about their experience and expectations of community consultation.

Key stakeholders include iwi, non-government organisations (NGOs), individual submission writers, local territorial authorities, Conservation Board members and concessionaires.

Topics and issues covered include:

- perceptions of the role of community consultation,
- barriers and opportunities for effective consultation,
- suggested improvements to the consultation process.

This report summarises research findings and makes recommendations about future consultation procedures, protocols and practices.

1.3 THE RESEARCH CONTEXT: RESTRUCTURING

This research project has straddled the restructuring of the department. The researchers, in consultation with key DOC staff, decided to delay the second phase of the research until after the restructuring had been completed. We were concerned that the results of the research could be distorted by this process, because of its effect on staff and their views of DOC's internal and external consultation processes and the restructuring process itself. We also considered that the work would be of more use to the department if it was completed in the context of the new environment.

This short section describes the recent restructuring in the context of the department's establishment in 1987.

1.3.1 The establishment of the Department of Conservation

DOC was set up as part of the restructuring of environmental administration, and has management, advocacy, promotion, education and advisory functions with respect to the Crown's natural and historic estate.

The department absorbed administrative and functional responsibilities (and staff) from a number of existing and dis-established government agencies including the Department of Lands and Survey, the New Zealand Forest Service, the Wildlife Service, the Historic Places Trust, the Ministry of Agriculture and Fisheries, the Ministry of Transport, the Commission for the Environment, the Water and Soil Division of the Ministry of Works and Development. The drawing together of administrative and functional responsibilities from such a wide range of agencies created problems for the establishment of the new department. For instance, some core business of the parent organisations was incompatible with the corporate goals of the new organisation, which focused on protection, use and advocacy. In addition, the collection of about 1900 staff for the new department did not necessarily share common working beliefs and practices.

As other government agencies (e.g., post offices) disappeared from local communities, the new department had, and still has, high community visibility. On its establishment, the department had a head office and eight regions, with thirty-four district offices and further ranger stations and work bases. A later restructuring, aimed at reducing layers of management and shortening reporting lines, replaced the regions with 14 Conservancies-some district offices were elevated to conservancy office status and others became more narrowly focused field centres. One of the changes that came about from the 1990 restructuring was the creation of a new Iwi Liaison function, to meet the requirement on the department that it administers the Conservation Act to "give effect to the Treaty of Waitangi".

1.3.2 Restructuring in 1997

The benefits of the most recent restructuring are yet to be realised-restructuring at the regional level was only completed in November 1997. This restructuring, at both national and regional levels, occurred in the aftermath of the Cave Creek tragedy and aims to improve accountability and communication lines between managers and staff and between the department and the public. With the new structure, there are four tiers, from delivery of services to strategic planning. These tiers translate into 5 levels of line management, with field centre officers at the local level, reporting to area managers, reporting to conservators, reporting to regional general managers, reporting to the director general. The restructuring of the department is only one part of the move to a more customer oriented organisation. Other components of the process include establishing new systems, staff recruiting and training to achieve appropriate skills, and establishing an appropriate DOC style. Together, these components are expected to enable the department to develop a shared vision and values. These are articulated in Atawhai Ruamano/Conservation 2000.

1.3.3 Strategic Management Plan

The department's strategic plan for the next 3-5 years was released in January, 1998. The department views this newly published Strategic Business Plan 1 as an important step towards achieving good conservation outcomes. It places strong emphasis on a customer-focused operating style and establishing and maintaining working relations with communities.

In outlining goals and objectives relating to a customer focus operating style, there is emphasis upon quality management and continuous improvement. Part and parcel of the customer focus are:

- an emphasis upon good relations and flows of information *within* the department,
- processes to prepare staff for the new operating style, including training,
- well maintained and accessible information sources,
- systems that enable staff participation in departmental work and decision making.

Community goals and objectives outlined in the plan emphasise good relations and flows of information *between* the department and the public (including agencies, organisations and communities). Phrases such as "an open and informing approach to relations" with key groups in the community typify the tone of references to these matters. As well as the "community", "the public" and "organisations, groups and individuals" in general, key groups identified in the section outlining community goals and objectives include:

- local government,
- landowners,
- government agencies,
- industry groups,
- iwi as Treaty partners,
- recreational hunters and fishers,
- conservation groups,
- recreation organisations.

The strategic plan makes explicit the link between conservation outcomes and community relations, one component of which is consultation. Section 2, below, discusses that component, consultation, in more detail.

2. Setting the consultation context in the department

This section discusses consultation at a general level, briefly outlines the obligations on the part of DOC to consult, and reviews the practice of consultation with reference to two previous consultation reviews in the department.

2.1 WHAT IS CONSULTATION?

There are a number of publications available that outline general approaches to consultation and the techniques available to consult with communities. The key characteristics of consultation most commonly identified are that:

- consultation is a two way process,
- information, ideas and opinions can be exchanged, discussed and explored,
- consultation occurs prior to decision making,
- participants include all affected and interested parties.

Design of a consultation framework requires:

- identification of individuals and groups/organisations that might be affected by proposed projects, programmes, plans or strategies,
- identification of the most appropriate consultation process and techniques, given the needs of participants and the skills and resources of the consulting organisation. Consultation techniques can be formal, informal, or consist of a mix of both.

Consultation techniques available for the New Zealand context include:

- focus groups,
- interviews,
- hui, fono and other meetings,
- surveys,
- submissions,
- other liaison, such as informal ongoing communication, information booths and newsletters.

A recent report², based on the experience of local government, provides some comment on current consultation approaches with tangata whenua. Successful approaches included:

- iwi representatives on sub-committees dealing with things related to Maori,
- iwi advisory staff to help councils deals with issues that relate to Maori,

- formal agreements/charters between local government and tangata whenua. Commonly, these agreements:
 - define the roles and responsibilities of both parties,
 - define clear procedures for consultation,
 - reflect the key principles of the relevant legislation (for local government, the Resource Management Act) and the Treaty of Waitangi,
 - are founded on "good faith, co-operation and understanding", as the basis relationship building.

2.2 CONSULTATION IN THE DEPARTMENT

2.2.1 When is consultation required?

Through the Conservation Act 1987, the Treaty of Waitangi, and various policy statements, DOC is required to consult with the public generally and Maori specifically.

For instance, the Conservation Act:

- requires the department to administer the Act to give "effect to the principles of the Treaty of Waitangi" (Section 4),
- outlines public notice requirements and the public's rights of objection,
- requires the Minister to consult various Ministers and Bodies before appointing NZCA members.

However, in the recent Local Government New Zealand (1997) publication 2, precedence is given to the Treaty of Waitangi, rather than particular statutes, to provide the ultimate mandate for consultation and shared decision making:

Recent trends in administrative and constitutional law suggest that local government should regard the Treaty, an agreement between the Crown and Maori, as the legitimate foundation and guide in Tangata Whenua consultation (p.15).

Through its three Articles, the 1840 Treaty of Waitangi establishes:

- a partnership and reasonable co-operation between the Crown and Maori,
- the duty of the Crown to actively protect Maori in the use of their lands and waters,
- an obligation on the Crown to consult with Maori.

In administrative law processes the department must consult when looking at concessions, permits, consents, concurrences, etc.

There are also special consultation requirements outlined for the preparation of Conservation Management Strategies (CMSs) and the allocation of concessions (outlined in the Conservation Amendment Act 1996).

Other internal reports also stress the importance of consultation. For instance, a 1992 document³ discussing consultation requirements for the preparation of CMSs, stressed the desirability of greater public participation for thorough

policy development and public support. The report outlined the department's desire to:

- work in partnership with tangata whenua,
- work closely with conservation boards and their members,
- encourage people with particular knowledge and expertise to contribute,
- involve as wide a cross-section of society as possible.

The range of groups to be consulted included:

- iwi or hapu,
- district and regional councils,
- central government politicians,
- government departments,
- quangos,
- community groups (e.g., ratepayers),
- service organisations,
- recreation groups,
- educational groups/institutions,
- environmental groups,
- industry representatives,
- farming interests,
- marine interests,
- concessionaires,
- media,
- public information centres,
- consultants,
- key individuals,
- business.

2.2.2 Reviews of DOC consultation processes

Since its establishment, DOC has been progressively addressing issues related to public participation and consultation. Three reviews, in 1990, 1994, and 1997, respectively, stressed the importance of public involvement in decision making, the value of positive community relations and the need to further progress approaches to iwi consultation processes.

Public participation

In a 1990 report on Public Participation in Management Planning, Bev James provided four reasons for the public to be involved in DOC decision making:

- The well-being of the public at work and play will be affected by how the department administers and cares for the natural and historic resources for which it is responsible.
- Public participation may be used for conservation education by the department, as part of its advocacy role of promoting community awareness and understanding of conservation.
- To include the interests of iwi (required by the Treaty of Waitangi) in the management of natural and historic resources, the department must consult with iwi.
- Procedures outlined in the statutes that require the department to prepare management plans for land and some water include public notification of intent to prepare, amend or review plans and let the public make submissions on plans.

In her study, James reviewed public participation in two reviews of management plans: the Tararua Forest Park and Tongariro national Park management plans (carried out in 1987 and 1986, respectively). Individuals and organisations that had made submissions to the management plans were surveyed and, as with the current research, participants were questioned about a submission process that had occurred two or three years earlier. There was strong interest in the research-for many because it gave them further opportunity to comment on the plans.

The research showed general support for the department's public participation procedures, and recognition amongst some individuals and organisations of their increased awareness and understanding of conservation issues and the opportunities participation provides for the department to further their advocacy role and improve community-department links. While, in general, participants considered that they had been given adequate opportunity for involvement in management planning, individuals were less likely to be satisfied, compared with organisations. Maori were the group least likely to have their views expressed in management planning. There was widespread support for submissions to remain as the primary method of participation. There was also support for more informal meetings with staff and for public meetings to be used to give information out to the public - not as a forum for consultation.

Although there was general support for the department's participation procedures, there was also widespread agreement that improvements were needed in the following areas:

- representation, to ensure that all groups and sections of the community with interests in the area under review are involved;
- information dissemination, including background information about the area of review, information to help people make submissions, feedback about how decisions were made about the plans, and ongoing contact with participants to maintain good relations;
- influence, to ensure that people's ideas are competently assessed and that reasons for decisions are explained. In the absence of feedback, it was difficult for participants to assess the extent of their influence on decisions.

The research concluded with suggestions for further research and recommendations for future public participation. Research suggestions focused on: disincentives and barriers to public participation; iwi concern with respect to natural and historical resource management; and ways in which iwi could be involved in their management. Recommendations for the future include:

- finding out who are concerned about the issues before consultation starts;
- using a variety of consultation techniques;
- exploring how Maori and other groups who lack resources, etc. can be encouraged to participate;
- developing informal and multiple participation opportunities;
- providing adequate information including how to participate;
- providing feedback-how submissions have been dealt with, the decisions made, progress with finalising plans and where plans are available.

CMS Issues and Options papers

In 1994, similar findings resulted from research carried out in Canterbury with reference to the publishing of an issues and options discussion document as a precursor to the preparation of the Conservation Management Strategy. In that research, individuals and organisations who had been sent the discussion document and invited to make a submission were interviewed. The questions focused on their views of the consultation process and ways it could be improved. These research participants, who included a mix of people who had, and had not, prepared written submissions, made similar comments to those in the North Island based study. They particularly stressed the need for feedback, and some indication that views were taken into account in decision making.

Public awareness

In 1997, pilot workshops in the Wanganui Conservancy were designed to assess the usefulness of consultation in the design of the department's public awareness programmes. The focus was on whitebait.

In evaluating the pilot, DOC clients and focus group facilitators concluded that the consultation process was important for raising peoples awareness of the need for collective management strategies, for enthusing people to take collective action, and for building relationships with potential partners in the management process.

However, these focus groups are only part of the relationship building process. The pilot evaluation also stated that DOC needs to maintain liaison so that the momentum is not lost. This is especially the case with iwi. Most groups, given their past interaction with DOC, were sceptical about further ongoing contact. Bev James also stressed the importance of ongoing informal consultation with interested parties as part of relationship building.

Recommendations coming out of the pilot project focused on further work to assess the usefulness of consultation in the design of other public awareness and conservation policies and activities. It also recommended that further attention needed to be given to improve consultation with iwi.

3. Consultation in practice: issues for those consulted

The following section is based on interviews and focus groups with key DOC staff and stakeholders about their experience and expectations of community consultation. Key stakeholders include iwi, non-government organisations (NGOs), individual submission writers, local territorial authorities, Conservation Board members and concessionaires. Topics and issues covered in the interviews and focus groups include: perceptions of the role of community consultation; barriers and opportunities for effective consultation; suggested improvements to the consultation process.

To reflect the substance of these discussions, this chapter is divided into three main sections:

- Why consult?
- Current consultation practice.
- Consultation outcomes.
- Prerequisites for effective consultation.

3.1 WHY CONSULT?

When the researchers asked people to reflect upon why DOC *does* and *should* consult, we wanted them to think carefully about whether there might be differences between the "does" and "should" imperatives. People were often ambivalent in their responses to the "does" part of the question: on the one hand expressing some cynicism about DOC's motivation to consult and, on the other, giving the department dues that it had moved a long way from its consultation practices of a few years ago. In response to the "should" part of the question, they were far more unequivocal, outlining the benefits of consultation to the achievement of conservation outcomes. The selection of comments included below illustrates the range of views.

3.1.1 Why does the department consult?

The most cynical of the people interviewed considered that DOC consults only because it has a statutory requirement to do so, some adding that it is also in the interests of the department to be seen to be consulting with interested parties. Their comments include:

- *"The current resource management context dictates that you will consult."*
- *"They consult as an insurance policy. "*
- *"Consultation is a politically acceptable way to diffuse the blame", for instance if decisions are unpopular.*
- *"DOC wants a paper trail to prove it has consulted in case it is challenged about particular decisions. "*

Others considered that the department is motivated by more constructive considerations when it consults. The department consults:

- because it *"recognises that consultation is a valuable process"*;
- *"to get good ideas"*, -
- *"to gain support and buy in"* from stakeholder groups and the community in general about particular conservation activities or policies;
- to ensure that the CMSs, and other policies and activities, *"better reflect what communities want"*. One person noted that these community aspirations still have to be consistent with the Conservation Act and the Resource Management Act.

3.1.2 Why should the department consult?

Community views about why the department *should* consult were more thoughtful with a particular emphasis on the need for shared stewardship (between the department and the public) of conservation lands to achieve conservation outcomes. Some also stressed the need for raising the public's awareness of conservation issues (through the consultation process) as a necessary part of partnership development. One or two people considered that the way that consultation is carried out is as important as what the department is consulting about.

In general, those interviewed considered consultation to be part of the wider management of constructive DOC/community relationships, and that it has a part to play in establishing, developing and maintaining these relationships. Relationship building, because it was considered so important by most people, is discussed in more detail under a separate heading (see 3.3.3).

The range of reasons given for why the department should consult include:

- *"Consultation provides a better product. "*
- *"To ensure a policy document is robust - if it is not it does not have status in the local community. "*
- *"Consultation is wise practice"*: it is simpler in the long run and avoids litigious relationships between the department and the public.
- The opportunity for all concessionaires to have equal opportunity to *"have their say"* is a basis for creating *"a level playing field"* or fair business environment.
- *"DOC is not the owner of the land"* but custodian of land that is in public ownership. As such, it must consult with the public about its management.
- Realistically, *"the department cannot achieve desired conservation outcomes on its own"*. Therefore, it needs to *"exploit the potential for partnership"* with the community to enable the sharing of conservation resources and activities by:
 - establishing and improving its working relationships with communities,
 - encouraging voluntary co-operation,
 - engendering a *"conservation ethic"* amongst communities.

- There is a need for *"sensible and realistic approaches to the management of conservation land"*. This requires:
 - the department *"not working in isolation from the community"*,
 - *"local knowledge and community input into plans"*,
 - *"a middle path, somewhere between having a McDonalds at the opening of each park and locking all but the fittest and keenest people out of parks"*.

3.1.3 Who should be consulted?

There was a general consensus amongst those interviewed that all people who have an interest in conservation resources should be consulted. However, there were significant differences in their interpretation of "all people who have an interest". Some considered all people to be *"the public in general"*, *"citizens"*- because they (the public) collectively own the conservation estate. Others considered interested parties to be users-for instance, visitors to parks. Others named particular groups such as mountaineers, farmers, Maori, people interested in flora and fauna, people with an emotional interest in conservation values. Some felt that "the public" had to show some interest in *"the issues at hand"* and actively seek to be consulted. Others felt the onus was on the department to identify the people affected by particular policies or activities (in the same way that such parties are identified under the Resource Management Act) and actively seek them out for consultation.

That there was such a range of views amongst those interviewed does not give the department a clear lead as to who they should consult with. The only apparent agreement amongst people with whom the department has consulted is that there are resource constraints. So, whether the public comprises all people or a targeted group of individuals and organisations, resource constraints will mean that any consultation process will require some rationalisation.

3.1.4 Confusing public relations and consultation

Although we asked people to comment on DOC's consultation processes with respect to particular functions, namely the preparation of CMSs and the allocation of concessions, respondents also wanted to talk about other relationship matters related to consultation. These included public relations activities, information provision, networking, and other relationship management processes and activities. Respondents' collective view was that these activities are closely linked and, furthermore, success in one often has positive effects on another. Their most commonly cited example was good community/DOC relations, and their beneficial effect on subsequent consultation processes. Those interviewed also stressed the reverse, that poor community relations are likely to hamper the effectiveness of consultation processes.

At the same time as noting the importance of these various components of community/DOC interactions, those interviewed questioned both the public's and DOC's understanding of the distinction between them. For instance:

- *"The department confuses PR and/or information provision with consultation. "*

- *"The department often uses consultation as a PR exercise without any real commitment to including community views in decisions. "*
- The public sometimes has *"unreasonable expectations"* of consultation outcomes without acknowledging the department's constraints.
- *"It [the department] is better at preparing documents than public relations"- its relationship management has "slipped".*

3.2 CURRENT CONSULTATION PRACTICE

We asked people who had been involved in consultation with DOC to comment on how they became involved in the process, how they were consulted and how their input was used. Several issues arose with respect to these questions. They centre around:

- examples of current good practice,
- different types of consultation techniques employed,
- encouragement of public participation,
- the relative influence of individual versus organisational submissions,
- improvements to current practice,
- barriers to good consultation.

People also noted positive aspects to DOC consultation: they were concerned that the department should not lose sight of these when they consider the matters that still need attention. Examples of good practice are also discussed below.

3.2.1 Good practice

Not all people commenting on DOC's consultation processes were detractors. A number had overall respect for the efforts the department had made in the light of acknowledged conflicts of interest and diminishing resources. Some of the positive observations include:

- DOC has a *"good, positive, co-operative attitude to farmers"* (although an individual farmer was of the view that *'farmers are fighting an up-hill battle with DoC'*). DOC *"went the extra mile"* to visit and talk to farmers as individuals.
- *"At the national level there are good intentions to consult"*. But the application of these good intentions at the regional and local levels had been *"less successful"*, with less commitment in some conservancy areas.
- DOC's public notification process was *"adequate to allow everyone who wishes to, to participate"*.
- *"Hearings were informal and easy to participate in, DOC staff were interested in people's input and asked sensible questions"*. The oral presentation was a *"positive experience"*.
- *"The regular NGO meetings are excellent. We get the chance to talk with DOC and other NGOs and share ideas, concerns and solutions. "*

3.2.2 Consultation techniques

The consultation processes discussed for this research relied primarily upon written submissions and their oral presentation. However, people also wanted to discuss the value of DOC extending its range of consultation techniques to include more hui and public meetings, telephone discussions and interviews. They also wanted the department to make better use of informal consultation opportunities to extend the range of those already used. The range of informal occasions that already occur include:

- "*cups of tea*" occasions, usually initiated by a community group, to "*get to know each other*",
- meetings between community groups and "*specialist*" DOC staff (e.g., native tree expert) in response to community requests for information and/or assistance,
- regular discussions between DOC and its adjacent land owners, particularly farmers, over issues such as fencing, testing and possum control.

Other informal consultation suggestions for DOC to consider include:

- the opportunity for more face-to-face meetings with DOC,
- the opportunity for more assistance from DOC in writing submissions so that they are useful in form and content and, therefore, more likely to have an effect on decisions.

People also suggested that the department use a wider range of formal consultation techniques that allow them to have direct, rather than indirect, input from the public. These suggestions include:

- organising community meetings and hui with affected parties,
- mixing written submission writing with telephone interviews and discussions. One person made the point that many individuals and groups who may not have the motivation, time or resources to submit their ideas and concerns in writing may do so by telephone. As he added, the current research is a good case in point—people are more than willing to participate in formal telephone discussions and interviews but are less likely to agree to put their ideas down on paper: "*It takes longer.*"

3.2.3 Encouraging public participation

Community members' comments about the ease, or not, of participating in the consultation processes under review highlight the dilemma DOC and other consulting agencies face when designing consultation processes: who is responsible for ensuring that all interested parties have the opportunity to comment on whatever is the focus of the consultation and how can the document be designed to suit their levels of interest and expertise? Amongst those interviewed, there was general agreement that the onus is primarily on the department, but that interested parties should act in a pro-active manner to ensure they keep informed and stay involved as appropriate.

There was general agreement amongst those interviewed that few submissions come from individuals or groups outside of the department's usual stakeholder groups. The experiences of these individuals and the process by which they

became involved illustrates the difficulties DOC faces in finding the right balance between relying on communities being pro-active and DOC soliciting participation:

- One submission writer reported that the only reason the organisation she represents wrote a submission regarding the Strategy was that *"someone had drawn [her] attention to a two line ad in the paper"*. In her view, it was only by chance that her group participated in the process, despite the fact that it has an on-going working relationship with the department. She was concerned that only *"pro-active"* groups, and those invited specifically by the department, become *"part of the consultation loop"*. Other groups and organisations must miss out unless DOC actively seeks wider input.
- Another, who had written a submission as an individual, noted that the only reason he had known about the CMS consultation process was because he was involved in on-going dialogue with the department about a particular management plan. He claimed that it was unlikely that he would have otherwise known about the process, despite the public notification process.
- A third individual knew of the process because the ski club to which he belonged had been sent information and he decided to write a submission as an individual. Without club membership, however, that opportunity would probably not have arisen.

Those arguing that there is an obligation on the part of the department to seek wider community participation offered the following:

- *"DOC needs to hear the views of Joe Blow on the street"*, as he is less likely to *"have an axe to grind"*.
- Advertising in the public notices part of newspapers is not enough, and the department needs to use the media creatively. Suggestions include:
 - *"ads that say pithy things that will attract attention"* even if it requires the department to be *"provocative"*,
 - seeking the co-operation of the media, including radio and television, so that coverage of issues is *"cost-free to the department"*- for example, get on the Holmes show about some issues about which the department wants public input.
- Work needs to be put into keeping mailing lists up-to-date and inclusive of a wide range of interests. Suggested omissions from the list include the business sector, conservation estate users and other interested parties who do not belong to organised groups.
- To encourage wider community input into consultation processes, the department needs to go to areas directly affected by particular policies or options and both call public meetings/hui and talk to users on an individual basis (one person suggested *"nobbling users as they pass by"*). People believed that pressure groups will otherwise continue to hold sway over the consultation process. A few people suggested that the process is already distorted because representatives of these pressure groups are located throughout the department, a reflection of implicit or explicit recruitment strategies.

Comments from people about the obligations of the public to actively participate in consultation processes include:

- *"Consultation is a two way process. The public can't be passive. They need to be pro-active and take responsibility for participating in the process. "*
- The department *"meets its public notification obligations"*- but there are only certain sorts of people who read them.
- *"It's easy for organisations to respond because they get the necessary information and have the resources to put time into submissions. But it is important for others to take the time [to prepare submissions] or otherwise it is just the squeaky wheels who have a say".*

There is growing concern amongst communities about the problem of over-consultation. While DOC can encourage individuals and groups to participate in consultation processes, it needs to keep in mind the over-loading of some groups, and the consequences of this in its design of consultation processes. The Canterbury experience illustrates the problem: the draft CMS was released during a period of time when the city plan, the regional policy statement, and a district scheme were all in review or preparation. The efforts required by interested parties to comment on all these documents were huge and, for individuals and smaller less well-resourced groups, possibly too great.

One suggested way to overcome the over-consultation problem, in the case of the CMSs, may have been to divide the document up into manageable and more specialised sections. In doing so, the department could have saved money by sending out smaller, targeted documents to those who requested them, and potential submission writers would not have had to read large documents, much of the content of which was outside their areas of interest and expertise. Specific comments include:

- DOC could *"flick them [targeted slim-line CMS volumes] to the specialist they apply to"*,
- DOC could *"develop a targeted database of contacts"*.

3.2.4 Individual versus organisational influence

There was a general view that the submissions of individuals and organisations are treated in different ways by the department. People offered several explanations for this difference:

- Submissions from individuals may be less well thought out, either because they have fewer resources with which to prepare them or because they are less experienced at writing submissions.
- The organisations with which the department already has working relationships are in a better position to lobby effectively to serve their interests.
- The department has not worked out how to fairly weight individual and organisational submissions in its analysis process.

3.2.5 Suggested improvements to consultation practice

Inherent in people's comments about the strengths and weaknesses of current consultation practice is their expectation that improvements are possible. Thus, there are improvements to be made by way of DOC:

- having a better understanding of the benefits of consultation for achieving conservation outcomes;
- improving its management of community/public relations;
- making better use of the range of consultation techniques available;
- encouraging a wider cross-section of the public to participate in consultation processes;
- holding less formal meetings prior to consultation, for instance to explain what a Conservation Management Strategy is, the stages of its preparation, and the series of opportunities for public input;
- ensuring that the input of individuals and groups outside of its traditional stakeholder groups is valued and incorporated into decision making;
- addressing the barriers to good consultation;
- conducting scoping exercises earlier in the preparation of policies, and related issues and options, and planning documents-to more effectively anticipate concerns, conflicts, and possible management options.

3.2.6 Barriers to good consultation

People commenting on the improvements that need to be made to consultation processes, also pointed out some of the factors inherent in bureaucratic and departmental structures, current management and staff, problems associated with individuals and groups commenting on any large documents, and the wider political context, that potentially hamper their introduction. They also talked about community factors that may be a hindrance. The factors identified include:

- time and resources;
- the "*complexities inherent in resource management*";
- a bureaucratic process that "*wants written words*" rather than a mix of public input mechanisms;
- staff understanding and commitment to consultation;
- staff skill levels, particularly in:
 - communication skills (including listening skills);
- staff understanding of the "*commercial reality*" of concessionaires' and others' business activities;
- alleged staff sympathy with the concerns of particular interest groups-there was a sense that DOC took more note of the input of some groups (Forest and Bird and New Zealand Federated Mountain Clubs were cited most often). Further comments around this issue include:

- these groups *"have constant contact with the department and are more often invited to comment"*,
- many DOC staff members are *"members of these groups"* and confuse their professional and private allegiances;
- alleged lack of sympathy with particular groups and individuals. For instance, one farmer felt that his past relationship with DOC, described as being *"at loggerheads"*, shaped all subsequent interaction. He claimed that DOC staff would not listen to his views in the CMS consultation;
- tension in the department arising from an expectation amongst the public for free access to conservation areas: mixed attitudes to free access/user pays policy amongst DOC staff; and the need for the department to earn revenue for its conservation activities:
- the time commitments necessary for any individual or group to comment on multi-volume documents. As one representative of a research organisation commented *"DoC's ability to benefit [from the consultation process] is limited by the capacity of others to participate"*;
- loss of institutional knowledge as a consequence of the restructuring process. In the process of subcontracting out services, described by a researcher as *"everyone outsourcing to everyone else"*, there has been some loss of knowledge and expertise in the department.

3.3 CONSULTATION OUTCOMES

As discussed in the earlier section on why DOC *should* consult, consultation outcomes are linked to constructive DOC/community relationships, shared stewardship (between DOC and communities) of conservation lands, and sensible and realistic approaches to the management of conservation land. Part of the shared stewardship process includes feedback of consultation outcomes to participants in the process. An often unintended outcome of consultation is the effect of the consultation process on DOC's relationships with its stakeholder groups and wider community. These effects, which can be positive or negative, are circular in nature in that they also affect subsequent consultation processes which, in turn, affect relationships.

In talking about consultation outcomes, the people interviewed made strong statements about:

- feedback,
- the undervaluing of community knowledge and conservation ethics,
- relationship building.

3.3.1 Feedback

An almost universal call for consultation feedback came from people interviewed for this research. In general, they reported an absence of any feedback. Some people had taken the initiative and made contact with the department, often repeated contact, for feedback about particular decisions.

They were frustrated by this process and several people felt it demonstrated that DOC seemed not to appreciate the time it took them to prepare submissions and make oral presentations. For instance, one person related his experience of getting a letter explaining the final stage of the consultation process several months after the final CMS had been sent to the Conservation Authority for approval. However, since other people did not describe similar events, this may have been an isolated incident. The department is not alone in neglecting to provide feedback, however, and people's frustrations sometimes reflected bad experiences with others as well as DOC. The sort of feedback that people want includes an indication of

- the process of subsequent decision making, including delays and, if appropriate, reasons for delays,
- the sorts of issues and options raised by others,
- the decisions made and reasons for them,
- the process of CMS approval and signing off.

The call for feedback from consultation was not absolutely universal. One or two people reported being happy with the opportunity "to have their say" and considered "thank you" letters acknowledging receipt of their submission to be sufficient feedback. But their satisfaction should not encourage complacency on the part of the department, or any other agency for that matter. Part of their satisfaction with nothing more than a "thank you" letter may simply reflect their realism given the lack of feedback in the past-by DOC and by others.

Two respondents who had worked with local government on a frequent basis were surprised at the *"closed ended"* nature of the submission process. In their experience with other submission processes, there was opportunity for further negotiation between participants to *"creatively seek out solutions to conflicts"*. This process of further negotiation was referred to as the cross-submission stage.

3.3.2 Undervaluing of community knowledge and conservation ethics

There is a widespread view amongst those with whom DOC consults that departmental staff undervalue both the conservation knowledge of people outside the department and, equally importantly, their commitment to conservation values. They believe this undervaluing is reflected in the extent to which the department has incorporated their views (articulated through the consultation process) into final versions of Conservation Management Strategies and concession allocations. The comment that *"people in DOC are greenies who think they are the only people who respect the environment"* is typical of their concerns. One submission writer, who interacts with three different conservancies, made the observation, however, that there were significant differences in the attitudes of staff in different offices-some being better (or worse) than others. The manifestations of DOC staff's arrogance (as perceived by these critics) include:

- *"intimidating or insulting behaviour"* on the part of some DOC officials when they interact with communities (these interactions were not, however, necessarily related to the CMS process);

- *"ignoring local observations"*;
- a reluctance on the part of DOC to take on new ways of managing conservation lands, -
- DOC staff *"listen but they don't hear"* because they *"think they are above the man in the street"*.

The consequences of this perceived arrogance go further than making communities feel undervalued and uncomfortable. As submission writers stressed, there are also consequences for the operation of the department and the achievement of conservation outcomes. The behaviour of some DOC officials means:

- there is less opportunity for DOC to take advantage of local knowledge and resources in developing strategies and plans;
- relationships between communities and the department are damaged;
- communities are discouraged from participating in conservation initiatives.

3.3.3 Relationship building

People repeatedly commented on the inextricable link between consultation and community/DOC relationships. They described DOC/community relations as a continuum, which includes consultation, public relations, education, visitor services, and other activities. Consultation, as part of this continuum, can help establish, improve, or maintain these relationships. Badly done, consultation can also damage them. At the same time as noting this link, they also stressed the importance of these relationships and those between DOC and other agencies with related responsibilities (for instance, local government).

A few participants noted the need for an effective working relationship between DOC and regional and local government, to provide the impetus and opportunity for shared effort, to discuss problems and opportunities at a policy level, and to ensure that their respective plans and policy statements are not inconsistent. One person, a tourism operator, considered such a relationship essential, given the interface between the Resource Management Act and the Conservation Act. The range of comments about good relationships include:

- the need for DOC to *"mend"* past poor relationships with individuals and groups (sometimes described as *"abusive"* on one or both sides);
- a cautionary reminder that poor relationships can *"scuttle"* even the best-intentioned consultation process-if relationships are antagonistic, then people involved in consultation processes will be *"sceptical of the whole process and look for hidden catches"*. *"Mutual trust"* between parties is a necessity for effective consultation;
- a view that DOC consultation and networking with other agencies is necessary to ensure consistency between regional policy statements, district plans, conservation management strategies, and management plans (for instance of national parks)-consistency is required in terms of substantive content and time frames, so that they *"don't get out of sync"*;
- a suggestion that a working relationship between DOC and local/regional government needs to be formalised: each agency could have liaison positions dedicated to particular organisations.

3.4 PREREQUISITES FOR EFFECTIVE CONSULTATION

Most people agreed that DOC's consultation efforts are manifestly better than they used to be. However, even with the best of intentions and efforts, there are various prerequisites required of the department to ensure that processes are effective-in terms of approach and outcomes. The most important prerequisite, discussed in the section on "Why consult?", is a belief on the part of the department that the public have a right to be involved and that its involvement will lead to better conservation outcomes. However, there are also operational prerequisites. In this research the most commonly identified were:

- communication skills amongst staff,
- administrative support within the department,
- flexible interpretation of management plans, regulations, legislation,
- organisational change in DOC,
- sufficient resources.

3.4.1 Communication skills

Sometimes people's criticism of the department's consultation process was really veiled criticism of the skills and/or motivations of particular people in the department. While such criticism may not always be helpful or appropriate, it does point to the need for the department to recruit people with good communication skills to carry out consultation. People with such skills can then avoid discussions escalating into "*abusive relationships*"- as one person described her organisation's experience. In this situation, a recent change of personnel has already had a positive effect on DOC's on-going relationship with that organisation. In addition to communication skills, staff also need to understand the basis for, and benefits of, consultation and positive community relationships.

3.4.2 Administrative systems

There was a view amongst one or two people consulted that consultation is hampered by poor administrative systems, especially record keeping, in the department. This poor record keeping, compounded by staff changes, has led to a loss of institutional knowledge. One leaseholder commented that the consultation process, especially when it involves negotiation, is difficult when records from other consultation and negotiation processes are unavailable. In such circumstances, time is wasted because the two consulting parties are forced to always start "at square one" rather than at the stage reached previously. As she commented, "*people can't form history-based relationships if records are not kept*".

3.4.3 Flexible interpretation of management plans, regulations, legislation

A common criticism of the consultation process centred on DOC staff's perceived lack of flexibility in their interpretation of management plans,

legislation and regulations. People felt that their sensible solutions to problems, or suggested changes to documents, were rejected by DOC staff on the basis of their narrow interpretation of what is possible. Comments around this issue include:

- *"Staff will listen to scientists rather than ordinary people."*
- DOC staff sometimes *"act as if their hands are tied"*.
- Sometimes it seems that DOC staff have *"already made up their minds"* and suppress information that is contrary to what they believe.
- DOC staff are *"over sensitive and take criticism of a plan or strategy personally"*.

3.4.4 Organisational change in DOC

The department's restructuring has not gone unnoticed by the public, but people also talked about the effects of staff changes on consultation (both before, and as a consequence of, the current reorganisation). They talked about the frustrations of dealing with different people on different occasions, with added frustrations when new people did not have access to appropriate information, given the apparent lack of record keeping. Often people talked of old DOC staff, most often field staff for whom they had admiration and respect, who had left. People also talked about the low morale of current staff. Some were, therefore, reluctant to lower that morale further by making any negative observations about past consultation processes. Some talked about the huge task that the department has in its conservation tasks, coupled with the lack of resources. One or two also felt that DOC staff's low morale, lack of certainty about their careers, functional changes, and poor remuneration made it hard for them to focus on their tasks and fully engage with the public and other agencies. Examples offered are listed:

- One local government official argued that people in DOC would *"perform better when their positions were more secure"*.
- A helicopter operator, commenting on the first consultation process *"turning to custard"* added that, although most DOC staff were friendly, they were *as "frustrated by the system as the public is"*. His view was that Head Office managers need to listen to their *"field boys as much as the community"*.

3.4.5 Sufficient resources

Most people acknowledged the difficulties the department face in carrying out a wide range of tasks in the context of diminishing resources. However, others suggested that claims of resource constraints were made too readily, which saved the department from analysing other issues. The following observations were made about resource shortages:

- There has been *"a shift in effort in the department, away from field work and towards desk work"*. *"Paper shuffling"* was a frequently used description of DOC's current activities.
- DOC is involved in too many activities, and some of these could be shifted to other departments.

4. Consultation in practice: issues for Maori

The following section is based on discussions with departmental Kaupapa Atawhai Managers, tangata, DOC staff, including those attending a recent workshop held in Christchurch, and Conservation Board members. While much discussion focused on weaknesses associated with previous consultation processes, those interviewed were more interested in talking about the things that need to happen to ensure effective consultation in the future. To reflect the substance of these discussions, this chapter is divided into three main sections:

- What constitutes consultation and why the department should consult with iwi.
- Factors contributing to poor consultation processes of the past.
- Opportunities for improved consultation in the future.

4.1 WHY CONSULT AND WHAT IS CONSULTATION?

4.1.1 What is consultation?

Maori views of what consultation is were similar to the views of non-Maori (as summarised in the previous chapter. That is, consultation is a two way process that occurs up to the decision making stage. Through interested parties exchanging, discussing and exploring information, ideas and opinions, their views can be included in the decision making process (although that does not necessarily mean that their views are reflected in the decision itself).

Partnership is different from consultation in that, in the latter, the department would have an obligation to:

- involve iwi in decision making, implementation, and evaluation phases.

4.1.2 Why consult?

Under Section 4 of the Conservation Act the Department is charged to administer the Act so as to "give effect to the Treaty of Waitangi". It is the perception of some that the department's consultation processes to date reflect its desire to meet these obligations to the minimum. Typical comments to illustrate their views are:

- *"The department consults to be seen to fulfil these [Section 4 of the Conservation Act] obligations."*
- *"It [the department] consults as liability management-but that leads to inaction."*
- Consultation is *"damage control"*.

- In DOC there tends to be an emphasis on "*paper trails*".

However, there is a view by tangata whenua and by some DOC staff members that the Department needs to move beyond "*just the letter*" of the Act and:

- reflect the "*spirit of the Act*" in its policies and actions;
- "*work with Maori as Treaty partners*";
- shift from seeing partnership "*as a hurdle*".

4.2 FACTORS CONTRIBUTING TO POOR CONSULTATION PROCESSES OF THE PAST

People interviewed were of the general opinion that consultation with iwi has been ineffective as a whole, although there have been some good consultation experiences and, more importantly, overall improvement. Most of the problems identified as contributing to these "*poor*" experiences have their origins in DOC structures, policies, practices and resources (including staff). However, outstanding Treaty settlements have also affected, and continue to affect, DOC's consultation with iwi (particularly in the Tongariro/Taupo Conservancy, where the CMS is still not signed off). The factors that have their origin in the department fall into the following broad areas:

- DOC/iwi relationships,
- organisational factors in DOC,
- staff knowledge, skills, and commitment to consultation,
- resourcing levels,
- distribution of information.

4.2.1 DOC/iwi relationships

Tangata whenua, DOC staff, and Conservation Board members stressed the importance of ongoing relationships between iwi and the department. Some of the perceived failure of consultation processes could be attributable, they felt, to these less than ideal relationships. Two sources of relationship problems were discussed.

The first problem centres around "*old baggage*" or "*historical antagonism*". DOC staff in particular felt that past events and ways of relating continued to have a negative effect on current DOC/iwi relationships and consultation processes. While some DOC staff acknowledged that they were involved in these past events, others said they had inherited "baggage" that continued to colour DOC/iwi interactions.

The second problem centres around iwi perceptions that DOC takes a more sympathetic approach to some NGOs, particularly a small group of high-profile recreational and environmental organisations. They believe that these groups are treated as virtual equals in an informal conservation partnership and that such a partnership status has not been accorded to Maori, despite the formal requirement to do so. Comments around this issue include:

- *"There are many Forest and Bird members in the department, and their attitudes tend to permeate through the organisation. "*
- *"There is an absolutist view that their way {Forest and Bird} is the right way. "*
- There seems to be an employment policy that ensures that the department *"repeats itself in its own image"*.
- *"Maori representatives on Conservation Boards often find their role difficult. They are often isolated and lonely. For some, the Board environment is hostile to Maori members."*

4.2.2 Organisational factors in DOC

Those interviewed felt that the former organisational structure of DOC was not always conducive to effective consultation with iwi, particularly given the number of Conservancies and Conservators. There is some qualified confidence that the new structure, with 13 Conservancies grouped into three regions, could improve this situation. For instance, in the South Island, the Southern Region and Ngai Tahu will be able to establish a working relationship that is less fragmented than the old structure required. However, there are still some concerns about the new structure:

- Because policy formulation has not been devolved to regional level (for instance with respect to customary fishing rights), there is less opportunity for iwi and DOC to quickly progress decisions (e.g., around fishing regulations).
- The national business strategy and supporting systems are still not finalised.
- There is insufficient devolution of decision making powers in the department. There are, however, signs of more delegation of power from Conservators to area offices (at the delivery end of the departmental structure) as a consequence of the restructuring.
- The ability of the department *"to develop policy* (under the Conservation Policy Division) *is outstripped by the need for action in the field"*.
- The department is policy oriented rather than field oriented and *"has lost the vision of the end [conservation outcomes] in itself"*.

4.2.3 Staff knowledge, skills, and commitment to consultation

Criticisms of DOC staff were with reference to their knowledge of Maori protocols, etiquette, values and beliefs; skills in communication and consultation; and commitment to the department's consultation obligations.

Knowledge of Maori protocols, etiquette, values, and beliefs

DOC staff's lack of knowledge about iwi tikanga, protocols, etiquette, values, and beliefs has led to:

- lack of recognition that consulting with iwi is different from consulting with others;
- no appreciation that another worldview that is "holistic and spiritual" is valid;

- inappropriate settings for consultation;
- consultation with inappropriate people:
 - inappropriate individuals (e.g. without an iwi mandate)
 - inappropriate or too few runanga and/or marae (often identified as a problem in consultation around concession allocations);
- inappropriate consultation techniques;
- inadequate time frames for consultation.

Skills in communication and consultation

When people talked about the lack of knowledge and skills in consultation, they were often referring to the knowledge and skill base of both Maori and DOC staff. They held the view that good consultation could occur only when there was common understanding about decision making and consultation processes and how they fitted together. Problems occurred, they reported, when these common understandings were lacking:

- Some people believed that neither DOC nor iwi understood the CMS process and consultation requirements.
- Often DOC staff used technical information and jargon without explaining their meaning.
- The "*givens*" of consultation processes were not explained, so that iwi expectations were matched by DOC's ability to deliver.

Commitment to consultation

Both Maori and DOC staff commented on an apparent lack of commitment to consultation in the department generally, characterised by:

- inadequate consultation within the department;
- reluctance to meet consultation obligations (staff were often advised to meet minimum requirements);
- lack of acknowledgement in the department of the benefits of consultation;
- insufficient time made available to DOC staff, especially managers, to establish and maintain iwi relations;
- consultation occurring too late in the decision making process to effect any change.

One comment sums up their concerns:

- *"Great attention is given to consultation processes, but nothing changes in the end. This is a disincentive for future involvement."*

4.2.4 Resourcing levels

A commonly cited explanation for poor consultation processes in the past was inadequate resourcing, for both iwi and the department.

For iwi, resource constraints mean that:

- it is difficult for Trust Boards, runanga or marae to participate fully in all (or particular) consultation processes-they are described as being *"often too overloaded"*;
- runanga and marae often need extra help to participate (including advice).

For DOC, resource constraints mean that:

- *"it [DOC] does not have the resources to adequately consult with iwi-that might be because resourcing levels are set for consultation to meet minimum requirements only, not to improve relationships"*;
- there is often a conflict between departmental resourcing levels (for conservation activities) and the needs of consultation.

4.2.5 Distribution of information

Some of the criticism of consultation around the CMS focused on the documents themselves-the extent to which their content, format and writing style helped or hindered the consultation process. In making comments about these documents, critics also referred to other information distribution, for instance the structure and content of management plans, and issues and options papers. Iwi responses to these documents was, they argued, difficult when:

- They are so widely focused. The wide focus comes about when there is a confusion between issues and options in the documents and all issues are included rather than a smaller number of issues with options for their management. With the resulting wide focus:
 - it is difficult for anyone to make substantial comment;
 - the department *"paralyses itself"* by soliciting responses to such a wide range of issues.
- Documents have been written that *"do not displease anyone"*, because of the political nature of developing issues and options papers. As one person commented: *"The department cannot be everything to everybody. "*

4.3 OPPORTUNITIES FOR IMPROVED CONSULTATION IN THE FUTURE

The examples of good practice in consultation across the department highlight some simple "rules of thumb" for developing effective consultation processes with Maori and addressing the problems outlined in the previous section. The examples of good consultation processes are wide ranging: from consultation with respect to 1080 drops, to that involved in interpreting human/cultural history, determining stakeholder views on visitor services, and reviewing marine reserves. The lessons learned from these experiences fall into 5 broad areas. Within each of these, comments about effective practice and future improvements are listed. The broad areas are:

- Building DOC/iwi relationships.
- Organisational factors within DOC.
- Staff training and skills.
- Distribution and feedback of information

4.3.1 Building DOC/iwi relationships

People interviewed and providing details about effective consultation stressed the close link between public relations and consultation, and the ongoing need for DOC to maintain working relations with iwi, at Trust, runanga and marae levels. Comments included:

- *"We need to establish relationships of trust and the processes will follow."*
- *"Honesty [on the part of DOC] will lead to the a better understanding of the issues"* on the part of the department.

People suggested a number of mechanisms to aid these relationships:

- the involvement of iwi in a range of DOC activities, formal and informal, so that staff and iwi get to know and understand each other and the issues of importance;
- the involvement of iwi in a wide range of DOC working groups;
- regular consultative meetings between DOC and iwi;
- a focus on runanga and marae, rather than Trust Boards only, in relationship building;
- more direct contact:
 - in the course of day to day conservation activities,
 - before document publication and/or public notification.

4.3.2 Organisational factors within DOC

Appropriate time frames

One of the most important factors leading to effective consultation is the availability of sufficient time to enable iwi input. Comments from both iwi and DOC staff include:

- *"Slow, deliberate, almost laborious, consultation works. The reverse doesn't work."*
- In the aftermath of *"slow and careful"* consultation, there is often the opportunity for *"rapid stuff to address particular issues"*. However, the *"rapid stuff" depends upon trust and goodwill between DOC and iwi"*.
- *"Iwi need time to seek specialist comment"*, as required.
- Time is needed to prepare meaningful submissions.

Establishing more appropriate time frames for consultation does not necessarily require lengthier processes overall but, rather, better time-tabling of decision making processes as a whole. The following components of better time-tabling were identified:

- Ensure that the range of simultaneous decision making processes fit together. For instance, in the South Island where there are several CMSs, it would be helpful to "rotate" their future reviews to ensure that tangata whenua are not required to respond to more than one at a time.
- Establish a more disciplined approach to managing decision making processes, including time-tabling of the various stages of iwi and other community input.
- Time-tabling for earlier iwi input, so that iwi are helping to formulate ideas (as consistent with Treaty partnership obligations).
- Build into the programme/policy development longer periods for iwi input and shorter periods for DOC decision making.

4.3.3 DOC staff training and skills

The department needs to ensure that existing staff and Conservation Board members are provided with the skills and training necessary for iwi consultation. New staff and Board members should be recruited with the appropriate skills and understanding. The skill areas, as identified by those interviewed for this research, are:

- an understanding of iwi protocols, etiquette, values, and beliefs,
- consultation skills-who to consult with.

Iwi protocols, etiquette, values, and beliefs

With respect to the iwi which whom they are consulting, DOC management and staff need to:

- be familiar with the tikanga and values of the tangata whenua;
- act according to that tikanga (for instance, in taking appropriate koha to hui, etc.);
- understand iwi organisational structure;
- develop policy that is consistent with tangata whenua tikanga, for instance:
 - ensure that there are standing conditions for concessions that address waahi tapu matters.

Consultation skills-who to consult with

There are a number of things that need to be put in place as a basis for ensuring that the appropriate people are consulted. These include:

- DOC staff consulting with Kaupapa Atawhai Managers about iwi representation.
- A clear structure and line of communication established between iwi and the department. Identification of these depends upon DOC knowledge of iwi structure.
- Some assurance that "each side" in a consultation forum (hui, individual meetings) has some decision making mandate from its constituency (iwi and DOC).

- A *"rule of thumb"* that *"chiefs should consult with chiefs"*. For instance, Conservators in the South Island reported that iwi expect Conservators to be present in consultation forums.
- Less reliance on the Trust Board as the *"first port of call"* and more contact with runanga and marae.

4.3.4 Distribution of information

Consultation processes would benefit from iwi having better information about decision making processes and, within them, consultation processes. Information required includes:

- the process of CMS preparation and concession allocation;
- the stages and time-tabling of iwi input;
- the objectives of intended consultation processes;
- the "givens" of any consultation process. For instance, if the department considers that a customary rights decision has to be made on the basis of biological factors, then that needs to be made clear to the iwi consulted. The iwi can then decide how to respond;
- the range of consultation techniques to be used-ideally, these would be developed in consultation with iwi;
- relevant technical information in an understandable form;
- sufficient analysis in the developmental phase of documents, so that issues and "sensible" options are presented.

5. Summary and recommendations

The observations about consultation and its practice summarised in previous sections of this report reflect the views of iwi, DOC staff and management, Conservation Board members, stakeholders (including groups and individuals) and concessionaires. Most of these people were relatively experienced submission writers. The views of these outwardly disparate individuals and groups are not easily recognisable by their different affiliations and structural relations to the department. Indeed, differences in view were as likely within groups as between them. On reflection, their similarity of view is not surprising, as they tend to be bound together by a common interest in conservation outcomes.

This final section of the report will include three parts:

- The first part will summarise the main themes emerging from the research, with some discussion of the similarities and differences of view within and between the various groups of respondents who contributed to the research.
- The second part will discuss the most important issues, with respect to these themes.
- The third part will, with reference to these issues and respondents' ideas, present a set of recommendations.

5.1 MAIN THEMES

5.1.1 Why should DOC consult?

In general, respondents considered consultation to be an essential component of DOC's conservation activities, both because it provides the basis for more informed decision making and because it is a necessary prerequisite for DOC and communities to work together to achieve conservation objectives. Inherent in the latter reason is the recognition that DOC cannot alone achieve these conservation outcomes. Respondents, including iwi, stakeholder groups, individuals and Conservation Board members, were also quick to point out that the legislative requirement for DOC to consult is an imperative, given its responsibility to administer conservation resources on behalf of the owners-who are the public not DOC. While the rhetoric within DOC suggests that management and staff are committed to consultation for similar reasons, there are still staff who explain DOC's responsibilities in terms of its legal obligations, without any acknowledgement of its potential contribution to conservation outcomes. And people outside of the department have the sense that many DOC staff still value "scientific" knowledge more than community knowledge.

5.1.2 Who to consult

Who to consult is still a vexed question: both within and outside of DOC there were differences of opinion about who should be consulted and the extent to which DOC should solicit public input. While most respondents referred to "the public" in general terms when arguing for DOC's obligation to consult, their specification of "the public" tended to favour land users, whether recreational users, farmers, or concessionaires. Environmental groups were also included in this group. While people referred to the importance of "Joe Blow on the street" in a general sense, they seldom thought beyond DOC's traditional stakeholder groups when defining the customer base.

One of the consequences of uncertainty about who should be consulted is that consultation processes may exclude some who have legitimate interests, include others who do not, and give undue weight to the views of particular interests. The most commonly identified omissions from consultation processes were: the business sector; and members of the public who have an interest in conservation but do not have organisational affiliations. Iwi also feel excluded: particular lobby groups are perceived, by default, to be accorded a virtual partnership role with DOC-yet the department struggles with according that role to iwi; particular runanga or marae are inappropriately excluded or included in consultation processes because DOC does not properly identify affected parties.

There was some ambivalence amongst respondents about whose role it is to encourage public input. While some respondents talked of the need for the department to seek more creative means to encourage a wider range of people to comment on strategies, plans, concessions, and other conservation issues, others stressed the need for the public to take responsibility for its participation.

5.1.3 Links between consultation and community relations

Perhaps the strongest theme emerging from this research was the importance of good DOC/community relations, based on honesty and trust, for the achievement of conservation outcomes. There was general agreement that good consultation adds to these relationships and poor consultation detracts from them. It was also people's belief and experience that the existence of good DOC/community relations improves, and can expedite, consultation processes. These views were shared by people within and outside of DOC: DOC staff and management recounted the positive effects of consultation on community relations generally and, in turn, the ease with which consultation proceeded when time had been taken to establish good relationships. People outside of DOC either talked of their wish to see better DOC/community relations or described the positive effects of particular relationship building initiatives (for instance regular NGO meetings).

5.1.4 Consultation practice

The most common criticism of previous consultation practice was lack of feedback, about both subsequent decision making processes and the substance of these decisions. A related criticism was about the degree to which

consultation participants were informed about the objectives of consultation and the timing and management of public input into decision making processes. Some people believed that the lack of information reflected DOC staff's own uncertainty about consultation objectives and time-tabling. Respondents would also like to see more face-to-face contact between DOC and those consulted, through the department moving away from a reliance on written submissions. By a more creative use of the media and employing a greater mix of consultation techniques, including interviews, large and small hui and meetings and informal gatherings, DOC would gain better community input.

5.2 ISSUES OF IMPORTANCE

Despite their many criticisms, respondents were mindful of the extent to which DOC's consultation with communities has improved, both in substance and in process. While consultation in the past seemed to be motivated by legislative requirements, there is now a growing recognition of the rights of communities to be involved, the value of their knowledge and understanding of conservation resources, and the necessity of their co-operation to achieve conservation outcomes. Some respondents believed that the restructuring of the department may further these consultation improvements.

Most respondents were cautiously optimistic about the department's commitment and capacity to meet its consultation obligations and needs, given some organisational changes and resourcing. Others were less positive. The changes and resourcing respondents identified were:

- staff and management commitment to developing a partnership with communities to achieve conservation outcomes;
- recruitment, training and job description policies that acknowledge the need for management and staff to have communication skills, knowledge of tikanga Maori, etc.;
- the adoption of programme and project management frameworks that enable appropriate consultation;
- consultation guidelines that provide staff with the tools to plan consultation processes that meet departmental and community needs and expectations.

5.3 RECOMMENDATIONS

Leadership

That the General Management Team provide leadership and demonstrate commitment to relationship management policies and activities within the department.

Relationship management

That the department, at both Area and Conservancy levels, encourage initiatives that build on community relations. These could include:

- establishing regular contact with tangata whenua;
- organising or participating in a range of events and forums that involve groups and individuals in conservation activities;
- establishing regular associate forums (e.g., friends groups, local NGOs, etc.);
- maintaining regular contact with key organisations or people (from government departments to local groups).

That the department, at both Area and Conservancy levels, develop relationship agreements with each associate, these agreements forming the basis for ongoing relationship management. These agreements would include matters such as meeting protocols and measurable objectives such as feedback provisions, regularity and type of contact, and information sharing.

Consultation

That the consultation policy being developed emphasises the following:

- that consultation is a separate process from relationship management, although it is affected by, and contributes to, DOC's ongoing relationships with its associates;
- the need for carefully planned consultation frameworks to underpin each consultation process. These frameworks need to identify:
 - the affected and interested parties with whom to consult (to enable input of local knowledge, peer review, etc.),
 - what these parties are to be consulted about (with reference to the "givens" and the decision making timetable and to enable targeting of information distribution);
- the most appropriate consultation techniques to use, given factors such as the needs and characteristics of these parties, the decision making timetable, and the resources and skill base available;
- feedback provisions, including format and timetable.

Community assistance

That the department, at Area and Conservancy levels, facilitates communities (including individuals and groups) to participate in consultation processes by providing:

- information about policy, programme and project development;
- information about particular consultation processes, including the parameters of the consultation and time-tabling of public input and decision making;
- targeted material (e.g., relevant sections of a document) for particular affected and/or interested parties;
- practical aids to public input (e.g., submission guidelines, advice on submission preparation).

Training

That the department's recruitment, training, and job description policies for appropriate management and staff ensure:

- relevant communication and relationship management skills;
- skills in tikanga Maori;
- skills in consultation techniques and information analysis.

6. References

1. Department of Conservation. January 1998. *Restoring the Dawn Chorus*. Department of Conservation, Wellington.
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