Item 16 of the Provisional Agenda

**Activities relating to the Working Group on the Promotion of the Recording
and Use of Indigenous, Minority and Regional Language Group Geographical Names**

Guidelines for Dialogue with Indigenous Communities *

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* Prepared by William Watt – Chair, Committee for Geographical Names of Australasia

Background

As we have continued to progress the work of recording and using indigenous place names in both Australia and New Zealand, the question of how to initiate and continue appropriate dialogue with the indigenous communities has been raised.

The success or otherwise of any project involving indigenous place names can be greatly influenced by how culturally appropriate the initial and ongoing approaches to the community are.

In the past mistakes have been made. These mistakes have not been due to any flaws in the proposal, but were simply caused by an unawareness of the cultural protocols that should have been used.

Action

New Zealand was the first jurisdiction associated with the Committee for Geographical Names of Australasia to recognise that there was a need to develop guidelines to assist the Board members in their dialogue with indigenous communities.

It was recognised that the Board under the Treaty of Waitangi has a responsibility to its Treaty partner, tangata whenua (Māori). This responsibility supports the need for a process for dialogue with Māori. Where there may be Treaty implications the responsibility to make informed decisions will require some dialogue. No matter what level of engagement occurs, if any, and notwithstanding the option for Māori to participate in the public submission process, Māori continue to have the right to seek redress of place names in future Treaty settlements.

Australia does not have the same treaty obligations, but is still very involved in the recording and using indigenous name and is also faced with the need to encourage culturally appropriate dialogue with the indigenous communities.

To this end, and a review of the New Zealand document, an Australian version was prepared, based on the knowledge that the underlying principles are sound and applicable to both indigenous peoples.

Key Points

The purposed of the dialogue is common to both countries, being:

- discuss name proposals with indigenous communities
- understand the related issues facing indigenous communities
- understand the indigenous perspective
- determine the association, history, tradition, origin, meaning, etc.
- advise indigenous communities on available mechanisms and options to achieve their aspirations for place names
- give effect to the role and objectives of the government and the purpose of any applicable legislation
- advise indigenous communities about naming criteria

The scope of the guidelines covers the following key points:

- Planing and preparation
  - Setting the Scene
  - Who to engage with
  - Official Representation
  - Provision of resources
- Process
  - Types of situations
  - Stages of dialogue
    - Time factor
    - Information dissemination
    - Technical language
    - Discussion about issues
    - Preparation of agenda
    - Developing strategies
    - Post dialogue
  - Nature of the process
  - In-country based dialogue

Conclusion

It is considered that these dialogue guidelines will provide an additional tool in the process of recording and using indigenous names in both Australia and New Zealand.

It is also expected that these documents will subject to some revision in the future as additional experience is gained in both countries.

Appendix 1

GNA
THE COMMITTEE FOR
GEOGRAPHICAL NAMES
OF AUSTRALASIA

Guidelines for Dialogue by the Place Naming Jursidictions with Aboriginal and Torres Strait Islander Communities

Version 1
September 2010

Table Of Contents

1.   **Introduction**

1.1   Background

These guidelines aim to provide basic and practical guidance to staff and board members of the various State and Territory place naming jurisdictions who may be required to engage directly with Aboriginal or Torres Strait Islander communities on place naming matters.

Positive and effective engagement between these parties, with an aim to encouraging open, free and frank discussion, will enable staff and board members to become better informed of traditional histories, practices, language and process associated with place names. This in turn will assist in achieving a more robust decision making process.   The emphasis will be on information gathering, reciprocating with education about the statutory process and naming guidelines. The process will also seek to ensure that the dialogue offers an opportunity to capture the knowledge in a sensitive and respectful way, acknowledging that such information has great significance to Aboriginal or Torres Strait Islander communities.

The Committee for Geographical Names of Australasia (CGNA) recognizes that the recording of this information and its use in the public domain may cause some restraint by the Aboriginal or Torres Strait Islander people in the sharing of their traditional knowledge. It is recognized, in line with the Guidelines for the Recording and Use of Aboriginal and Torres Strait Islander Place Names, that there are cultural sensitivities with this information. Information relating to such place names that is not already in the public domain should not be used without appropriate authorization from the relevant community. Information that is in the public domain should also be similarly approved prior to adoption as official place names, as a matter of courtesy and respect.

The dialogue guidelines are flexible, as the process needs to be adaptable and accommodating to suit a variety of situations.   While the guidelines cover the principles of dialogue with Aboriginal or Torres Strait Islander communities, the phases of the process need to be applied for dialogue to be effective. Overall, CGNA is aware of what is required in order to enter into dialogue with Aboriginal or Torres Strait Islander communities – the main purpose for this guidelines document is to provide methods applicable to specific dialogue situations.

1.2   Why the need for dialogue?

CGNA recognizes the importance of Aboriginal or Torres Strait Islander place names for heritage retention and revitalization, and reconciliation and bridge building efforts. The Committee confirms its desire to see a higher representation of traditional Aboriginal or Torres Strait Islander place names in the general geographical nomenclature, accurate in terms of location and representation.

This goals support the need for a process for dialogue with Aboriginal or Torres Strait Islander communities.

Effective consultation leading to Aboriginal or Torres Strait Islander communities involvement in decision-making will deliver a more favorable, workable and enduring outcome. Dialogue is therefore appropriate when:

i. there is a legal obligation to do so
ii. a Cabinet or Ministerial directive has been issued
iii. it is fair, courteous or respectful to do so
iv. the jurisdictional authority agrees to do so
v. it will improve the quality and effectiveness of the jurisdictional authorities decisions

1.3 Purpose of Dialogue

The purpose of dialogue is to:

i. discuss name proposals with Aboriginal or Torres Strait Islander communities
ii. understand the related issues facing Aboriginal or Torres Strait Islander communities
iii. understand the Aboriginal or Torres Strait Islander perspective
iv. determine the association, history, tradition, origin, meaning, etc.
v. advise Aboriginal or Torres Strait Islander communities on available mechanisms and options to achieve their aspirations for place names
vi. give effect to the role and objectives of the State/Territory and the purpose of any applicable legislation
vii. advise Aboriginal or Torres Strait Islander communities about naming criteria

Depending on the complexity of the proposal and the associated issues, the degree and depth of dialogue may vary.

2. Planning and Preparation

2.1 Setting the Scene

Effective dialogue between the jurisdictional authority and Aboriginal or Torres Strait Islander communities depends on the issues and circumstance of a particular situation.

Throughout the dialogue process, maintaining respect for traditional knowledge, customs and practices is paramount. Ensure the rules and regulations of cultural practices are understood and followed as required. Information relating to their aspects would need to be sought from appropriate individuals.

Open dialogue enables Aboriginal or Torres Strait Islander communities to have effective input into the discussion. Be mindful not to enter discussions just for the sake of appearing to "do the right thing". Sincerity and honesty are important attributes. Care must be taken not to raise expectations about outcomes and decisions, which may not necessarily conform to Aboriginal or Torres Strait Islander views.

In some situations, communities may choose not to engage in any dialogue or discussion. This may require interaction by other means; for example mediation or negotiation. Reasons for this may vary, however being mindful of such situations can be avoided through access to other long established Aboriginal or Torres Strait Islander networks.

2.2   Who should the State / Territory Authority engage with?

Aboriginal or Torres Strait Islander communities are extremely diverse, so knowing who to dialogue with can be problematic because it is not always clear from the outset who has the mandate to represent the community, and who has the authority to "speak for the country".

It is imperative to also consider whom the proposal affects at the present time and in the future and who has or may have an interest in the proposal.

It is useful to know who the Aboriginal or Torres Strait Islander groups in the area are and equally useful to become familiar with any mandated and/or elected bodies. Some of these groups may be native title bodies, heritage bodies, language bodies, family associations or other appropriate authorities. Establishing whom to consult with depends on the level and breadth of Aboriginal or Torres Strait Islander networks and knowledge available.

Aboriginal or Torres Strait Islander communities themselves have the role of determining whom the correct groups or individuals are to enter into dialogue with or who has the authority to speak on behalf of others or for specific geographical areas.

Advice may be available from the State/Territory Department of Aboriginal Affairs or equivalent, or the lead agency for the processing of Native Title Claims in relation to the contact details for appropriate Aboriginal or Torres Strait Islander groups.

2.3   Who represents the State / Territory Authority?

Senior members of the community group and/or elders of the community will represent Aboriginal or Torres Strait Islander communities. It would therefore be appropriate for those representing the State/Territory jurisdictions to include, at least in the initial stages, senior members of the place names unit in Government.

All staff representing the State/Territory jurisdictions should be fully conversant with both the CGNA "Guidelines for the Recording and Use of Aboriginal and Torres Strait Place Names" and the local policies, guidelines and procedures. It would be preferable if staff has some understanding of Aboriginal and Torres Strait Islander culture.

2.4   Provision of Resources

Generally Aboriginal and Torres Strait Islander community resources are limited and the cost of running and administering the dialogue process will need to be borne largely by the State/Territory jurisdiction. If an expectation is for a community to have an input into an issue then consideration should be given to ascertaining if assistance or resources are required to facilitate their response. However, budget limitations will determine the level of financial assistance able to be offered.   Some examples include providing:

i.   photocopying and telephone assistance
ii.   administrative assistance
iii.   meeting rooms for discussion
iv.   travel assistance
viii.   accommodation assistance
ix.   site visits
x.   liaison people
xi.   possible setting up of focus groups or working parties
xii.   may provide/maintain support of focus groups or working parties

3.   Process

3.1   Types of Dialogue Situations

The plan for the dialogue process, the style it follows, and the appropriate venue depends upon the complexity and sensitivity of the proposal and the associated issues.   The importance of the issue to the Aboriginal and Torres Strait Islander community will often determine the most appropriate style and venue.

The following is not an exclusive list but does provide a number of different styles and format:

i.   community based meeting
ii.   public meeting or conference
iii.   on site meetings
iv.   meeting in State/Territory agency office or similar
v.   telephone or video conference
vi.   written or oral communication
vii.   focused forum groups (possible working party groups)

3.2   Stages of Dialogue

3.2.1 Time factor
It is acknowledged that Aboriginal and Torres Strait Islander language groups have complex and extensive internal relationships and connections, and therefore their dissemination and discussion can take longer to filter through. Response can therefore take time and patience and perseverance needs to be considered.

3.2.2 Information dissemination

The dialogue process will likely follow a pattern and proceed through different levels of discussion. The initial contact will alert the community to the proposal or business for discussion with the jurisdictional authority. In order to fully inform the community of the complexity and impact of the proposal, as much information as possible should be presented or forwarded in advance of any face to face meeting. It is vital to be clear at the outset about what the jurisdictional naming authority is seeking from the community and what they can reasonably expect from the process. Managing expectations must be addressed. Any conflict of interest should be declared at the commencement of the meeting.

3.2.3 Technical language

Information should be presented and pitched in a clear and concise manner appropriate to the gathering. It is a good idea to expand on the written material throughout the dialogue process. The quality of the information presented provides a direct correlation to the quality of the response.

3.2.4 Discussion about the issues

The proposal and issues should preferably be discussed in some form of face-to-face meeting. This provides an opportunity to expand on the initial information, to listen to the concerns of the community and to understand the issues from their perspective. Developing strategies to advance the proposal or resolve the issues could start at this point, keeping in mind that the community representatives may prefer to subsequently refer the valid points back to the specific people they represent.

3.2.5 Preparation of an Agenda

This should include a work plan and a process outline that explores all possible issues, so that full and comprehensive debate/discussion can take place. Recording all the issues and concerns accurately is paramount. This information forms the basis of accounting for community concerns, which should be reflected in the outcomes of the dialogue process. An obligation to provide the community with a comprehensive copy of the issues and concerns discussed should be fulfilled as soon after the dialogue process as possible. The community will then view the State/Territory authority as honorable, transparent and respectful.

3.2.6 Developing strategies

Should the need to follow up with a second round of meetings ensue then it would be practical to develop strategies incorporating the best options for addressing or mitigating community concerns. The development of a robust work plan that addresses all the issues with a view to achieving the desired outcomes should include the input of the community or a small working group comprising of both the State/Territory jurisdiction staff and community representatives.

3.2.7 Post dialogue

Once the dialogue process has reached its final stage and all documents have been drafted with any resolutions agreed upon, the documents should be presented to all parties who participated in the initial dialogue process. Accurate written records (documenting comments and those who made them) of each meeting should be prepared and circulated to all those who attended. It is very important for the community to have the opportunity to comment and confirm the decisions and proposals put forward. If community concerns are not incorporated into the final decisions then it is vital that they are informed of the reason why. Effective dialogue is an iterative process. The time taken at each stage can only be determined by the actions taken at each particular stage. Some stages can be more complicated than others; some may be a simple discussion.

3.3   Nature of the process

Genuine dialogue demands that the relevant Aboriginal or Torres Strait Islander community have an opportunity to participate in developing professional and robust proposal outcomes. Effective dialogue needs to be full and open and at the same time address all the issues in a fair and equitable manner. The process needs to be approached with sincerity and a genuine desire to include community concerns in the final outcome. Often other matters not related to the dialogue topic may surface. These can be dealt by the preparation of a risk management strategy by both parties prior to starting the dialogue meeting.

The community needs to be advised of the objectives in undertaking the dialogue process right from the outset so that both parties have an agreed understanding of the expected outcome. This can avoid failing expectations and can prevent mistrust or doubt.

It is important to recognize areas of possible compromise. If certain matters are non-negotiable, then all parties should be made clear of this from the beginning. Do not promise what cannot be delivered. Be open and honest by establishing boundaries at the beginning of the process. Strategic decisions made prior to the dialogue process may limit the scope of the dialogue. Do not expect the community to simply ratify a decision made by you without their prior input.

3.4   In Country based dialogue

Whether dialogue should take place in country or not depends on the importance of the issues for the community. In country based dialogue may be appropriate if there are matters that affect the relationship of Aboriginal and Torres Strait Islander people, their culture, and/or traditions within their ancestral lands. Should in country meetings be the most appropriate venue then guidance will likely be given by the community, as to which area is most suitable and the key contact people to liaise with.

Dialogue may take place on more than one geographical area and protocols could possibly change with the various venues. In country based meetings require a lot of

preparation by the community. Therefore giving notice well in advance will assist with planning and preparation. Working closely with the community is fundamental to in country based dialogue. Last minute cancellation of an intended meeting can occur in the instance of a death. Many Aboriginal or Torres Strait Islander communities prioritize use of their facilities around a death. Therefore it would be good practice to have an optional plan in place. Most communities may suggest an alternative location, or possibly delay until the dialogue process is complete. This is dependant on the time and/or date of the meeting. Not all communities may be as accommodating, as the death may have a direct bearing on the key people involved in preparation for the dialogue process. It may well happen that the dialogue meeting may need to be postponed or deferred or cancelled altogether. It would depend on the circumstances of the day.

Traditional practiced of Meeting In Country –
Visitors to particular locations need to familiarize themselves with the protocols of the location. If you have determined the best person to communicate with then it would be safe to ask them about the correct protocol for that area. Some important issues to consider may include:

i. formal proceedings may take place and the community will expect that visitors will respect and not transgress those rituals
ii. the number of visiting speakers is evident and appropriately ordered
iii. speeches are not written and the speakers are the appropriate persons to speak on behalf of the visitors
iv. technical equipment can be used at the venue
v. appropriate elders are represented
vi. facilities for disabled people
vii. punctuality and setting up before the formal process begins
viii. costs and payment systems are clear between the community and visitors

Many issues could arise and be discussed during the formal or informal processes. When in country, the community dictates the proceedings. The locality is theirs and ignoring or disregarding its importance (spirituality) and the cultural practices is a breach of protocol that will cause offence. The location of the community is a place that may hold significant importance for the community and therefore the sanctity of the location may be considerable. The rituals, protocols and procedures apply to whoever enters the traditional grounds. To experience the rituals of encounter is an emotional and sincere occasion and requires an obligation of respect and consideration. It would be helpful to gain some understanding of the procedures beforehand.

Appendix 2

Guidelines for Dialogue by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa with Tangata Whenua

Version 1
November 2009

Contents

1.   Introduction

1.1   Background
These guidelines aim to provide basic and practical guidance to members of the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa (the Board) and Secretariat staff who may be required to engage directly with Māori on place naming matters.

The Board seeks positive and effective engagement with iwi, encouraging open, free and frank discussion, so as to become better informed of traditional histories associated with place names. This in turn will assist the Board in making robust decisions. The emphasis will be on information gathering, reciprocating with education about the statutory process and naming guidelines followed by the Board. The Board also seeks to ensure that the dialogue offers an opportunity to capture the knowledge in a sensitive and respectful way, acknowledging that such information has great significance to iwi.

The Board recognises that the handing over of such information and the recording of it for public purposes may cause some restraint by iwi in not wishing to part with their taonga tuku iho[1]. The Board will wish to provide a certain level of detail for the public record, in order to give meaning to and understanding of Māori place names, noting that the full history may not necessarily be documented.

1.2   Authorising statute and government directives
The following references provide the relevant authority:
- S.3(e) NZGB Act 2008: The purposes of this Act are to provide the means for appropriate recognition to be accorded to cultural and heritage values associated with geographic features
- S.6 NZGB Act 2008: Treaty of Waitangi (Te Tiriti o Waitangi) clause
- S.11(1)(d) NZGB Act 2008: Other function – the Board may collect original Māori names for recording on official charts and official maps
- S.11(1)(e) NZGB Act 2008: Other function – the Board may encourage the use of original Māori names on official charts and official maps
- Cabinet Committee Minute EDC Min (05) 14/3, para 13: that primary responsibility for iwi consultation on geographic names under Board jurisdiction be with the Board rather than with officials from Te Puni Kōkiri
- Cabinet Committee Minute EDC Min (05) 14/3, para 14: that the Board's Protocol for Māori Place Names be revised to take into account direct Board/iwi consultation and that an exchange of letters with Ngāti Ruanui and Ngāti Tama (providing they agree) record the change from direct TPK involvement with geographic names as intended in their Deeds of Settlement

The guidelines[2] are flexible as the dialogue process needs to be adaptable and accommodating to suit a variety of situations. While the guidelines cover the principles of dialogue with tangata whenua, the phases of the process need to be applied for dialogue to be effective. Overall the Board is aware of what is required in order to enter into dialogue with Māori – the main purpose for this document is that the Board has some guidelines for specific dialogue situations.

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[1] First hand knowledge passed on through oral tradition
[2] Crown Māori Relationships Instruments (CMRI) 2006 *Guidelines and Advice for Government and State Sector Agencies*

1.3 Why the need for dialogue?

The Board under the Treaty of Waitangi[3] has a responsibility to its Treaty partner, tangata whenua (Māori), to fulfill those statutory obligations. This responsibility supports the need for a process for dialogue with Māori. Where there may be Treaty implications the responsibility to make informed decisions will require some dialogue. No matter what level of engagement occurs, if any, and notwithstanding the option for Māori to participate in the public submission process, Māori continue to have the right to seek redress of place names in future Treaty settlements.

Effective consultation leading to iwi involvement in the Board's decision-making will deliver a more favourable, workable and enduring outcome. Dialogue is therefore appropriate when:
  - vi.   there is a legal obligation to do so
  - vii. a Cabinet or Ministerial directive has been issued
  - viii. it is fair or courteous to do so
  - ix.   the Board agrees to do so
  - x.   it will improve the quality and effectiveness of the Board's decisions

1.4 Purpose of Dialogue

The purpose of dialogue[4] is to:
  - xiii. discuss name proposals with iwi
  - xiv.   understand the related issues facing iwi
  - xv.   understand the Māori perspective
  - xvi.   determine the association, history, tradition, origin, meaning, etc.
  - xvii. advise Māori on available mechanisms and options to achieve their aspirations for place names
  - xviii. give effect to the role and objectives of the Board and the purpose of the Act
  - xix.   advise Māori about naming criteria

Depending on the complexity of the proposal and the associated issues, the degree and depth of dialogue may vary.

2. Planning and Preparation

2.1 Setting the Scene

Effective dialogue[5] between the Board and Māori depends on the issues and circumstance particular to the hapu or iwi. While some tribal districts have fixed rules, but generally accepted principles, apply to all tangata whenua. Some iwi have specific expectations and protocols for effective dialogue, and these would need to be sought.

Throughout the dialogue process, maintaining respect for tikanga Māori is paramount. Ensure the kawa and tikanga of the iwi concerned are followed, and these would need to be sought.

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[3] Follow up Review of the Department of Conservations Relationship with Māori 2002 *State Sector Performance Group*
[4] Ministry of Justice 1997 Report *Consulting with Māori*
[5] Ministry of Justice 1997 Report *Consulting with Māori*

Open dialogue enables Māori to have effective input into the discussion. Be mindful not to enter discussions just for the sake of appearing to "do the right thing". Sincerity and honesty are important attributes. Care must be taken not to raise expectations about outcomes and decisions, which may not necessarily conform with iwi views.

In some situations tangata whenua may choose not to engage in any dialogue or discussion. This may require interaction by other means; for example mediation or negotiation. Reasons for this may vary, however being mindful of such situations can be avoided through recourse to long established Māori networks

2.2   Who should the Board engage with?

Māori communities are extremely diverse, so knowing who to dialogue with[6] can be problematic because it is not always clear from the outset who has the mandate[7] to represent tangata whenua.

From an iwi perspective, the Crown signed the Treaty with hapū; therefore the Crown's relationship is with hapū not an undefined population of the Māori community. It is imperative to consider whom the proposal affects at the present time and in the future and who has or may have an interest in the proposal.

It is useful to know who the major iwi groups in the area are and equally useful to become familiar with the mandated and elected bodies of the tribe. Some of these groups may be charitable trusts, incorporated societies, trust boards, land trusts rūnanga, or other appropriate authorities. Establishing whom to consult with depends on the level and breadth of iwi networks and knowledge available.

Tangata whenua themselves have the role of determining who the correct groups are to enter into dialogue with or who has the authority to speak on behalf of others. Discussion with a number of iwi organisations or individuals may be the most appropriate method.

Known sources to determine whom to consult with:
• The Board holds a listing of Māori organizations and resource people.
• The Ministry of Māori Development can also advise on whom to communicate with, as their Regional Offices are familiar with most of the authorized local groups.
• Internet links can assist in locating the recognised authorities to contact.

Matters of national interest and Treaty issues, particularly if contentious, will attract the attention of most Māori communities and organisations within the immediate area. If in doubt about whom to dialogue with then it is best to communicate widely. Consideration may need to be given to a public hui to get the attention of local iwi and most often they will decide who would be best to dialogue with. Māori members of the Board are also a good source of information on who would be most appropriate to engage with.

2.3   Who represents the Board?

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[6] Ministry of Justice 1997 Report *Consulting with Māori*
[7] The Mandate of Leadership and the Decision-making Process 1992

Kaumatua of repute or people of status and authority will represent iwi. Members of the Board, particularly those nominated by the Minister of Māori Affairs and Te Rūnanga o Ngāi Tahu, or members of Secretariat staff may represent the Board. These same people should have a sound understanding of tikanga Māori, te reo Māori, and the long standing issues surrounding the Treaty. Board members or staff may need support from Kaumatua or fluent Māori speakers, especially for formal welcomes.

2.4   Provision of Resources

Generally Māori resources are limited[8] and the cost of running and administering the dialogue process will need to be borne largely by the Board. If an expectation is for tangata whenua to have an input into an issue then consideration should be given to ascertaining if assistance or resources are required to facilitate their response. However, budget limitations will determine the level of financial assistance able to be offered. Some examples include providing:

i.   photocopying and telephone assistance
ii.   administrative assistance
iii.   meeting rooms for discussion
iv.   travel assistance
xx.   accommodation assistance
xxi.   koha for site visits
xxii.   liaison people
xxiii. possible setting up of focus groups or working parties
xxiv.   may provide/maintain support of focus groups or working parties

3.   Process

3.1   Types of Dialogue Situations

The plan for the dialogue process, the style it follows and the appropriate venue depends upon the complexity and sensitivity of the proposal and the associated issues. The importance of the issue to tangata whenua will often determine the most appropriate style and venue.

The following is not an exclusive list but does provide a number of different styles and format:

viii.   marae based hui
ix.   non-marae based hui – public meeting or conference
x.   on site meetings
xi.   meeting in LINZ office or iwi authority rooms
xii.   telephone or video conference
xiii.   written or oral communication
xiv.   focused forum groups (possible working party groups)

3.2   Stages of Dialogue

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[8] Te Kotahitanga o te Whakahaere Rawa 1991 *Maori and Council Engagement under the Resource Management Act*

Time factor –
It is acknowledged that Māori tribal groups have complex and extensive internal relationships and connections, and therefore their dissemination and discussion can take longer to filter through. Response can therefore take time and patience and perseverance needs to be considered.

Information dissemination –
The dialogue process will likely follow a pattern and proceed through different levels of discussion. The initial contact will alert tangata whenua to the proposal or business for discussion with the Board. To fully inform tangata whenua of the complexity and impact of the proposal, as much information as possible should be presented or forwarded in advance. It is vital to be clear at the outset about what the Board is seeking from tangata whenua and what they can reasonably expect from the process. Managing expectations must be addressed. Any conflict of interest should be declared at the commencement of the meeting.

Technical language –
Information should be presented and pitched in a clear and concise manner appropriate to the gathering. It is a good idea to expand on the written material throughout the dialogue process. The quality of the information presented provides a direct correlation to the quality of the response.

Discussion about the kaupapa –
The proposal and issues should preferably be discussed in some form of face to face hui. This provides an opportunity to expand on the initial information, to listen to the concerns of the tangata whenua and to understand the issues from their perspective. Developing strategies to advance the proposal or kaupapa could start at this point keeping in mind that iwi prefer to subsequently refer the valid points back to the people they represent.

Preparation of an Agenda –
This should include a work plan and a process outline that explores all possible issues, so that full and comprehensive debate/discussion can take place. Recording all the issues and concerns accurately is paramount. This information forms the basis of accounting for iwi concerns which should be reflected in the outcomes of the dialogue process. An obligation to provide iwi with a comprehensive copy of the issues and concerns discussed should be fulfilled as soon after the dialogue process as possible. Tangata whenua will then view the Board as honorable, transparent and respectful.

Developing strategies –
Should the need to follow up with a second round of hui ensue then it would be practical to develop strategies incorporating the best options for addressing or mitigating tangata whenua concerns. The development of a robust work plan that addresses all the issues with a view to achieving the desired outcomes should include the input of tangata whenua or a small working group comprising of both the Board and iwi representatives.

Post dialogue –
Once the dialogue process has reached its final stage and all documents have been drafted with any resolutions agreed upon, the documents should be presented to all parties who participated in the initial dialogue process. Accurate written records (documenting comments and those who made them) of each hui should be prepared and circulated to all

those who attended. It is very important for iwi to have the opportunity to comment and confirm the decisions and proposals put forward. If iwi concerns are not incorporated into the final decisions then it is vital that they are informed of the reason why. Effective dialogue is an iterative process. The time taken at each stage can only be determined by the actions taken at each particular stage. Some stages can be more complicated than others; some may be a simple discussion.

3.3   Nature of the process

Genuine dialogue demands that iwi have an opportunity to participate in developing professional and robust proposal outcomes. Effective dialogue needs to be full and open and at the same time address all the issues in a fair and equitable manner. The process needs to be approached with sincerity and a genuine desire to include iwi concerns in the final outcome. Often other matters and perhaps Treaty grievances not related to the dialogue topic may surface. These can be dealt by the preparation of a risk management strategy by both parties prior to starting the dialogue hui.

Iwi need to be advised of the objectives in undertaking the dialogue process right from the outset so that both parties have an agreed understanding of the expected outcome. This can avoid failing expectations and can prevent mistrust or doubt.

It is important to recognise areas of possible compromise. If certain matters are non-negotiable, then all parties should be made clear of this from the beginning. Do not promise what cannot be delivered. Be open and honest by establishing boundaries at the beginning of the process. Ministerial decisions made prior to the dialogue process may limit the scope of the dialogue. Do not expect iwi to simply ratify a decision made by you without their prior input.

3.4   Marae Based Hui

Whether dialogue should take place on the Marae or not depends on the importance of the issues for iwi. Marae-based dialogue may be appropriate if Treaty issues are in contention, or if there are matters that affect the relationship of Māori, their culture, and/or traditions within their ancestral lands, water, waahi tapu, and other related taonga. Should Marae be the most appropriate venue then guidance will likely be given by tangata whenua, as to which Marae is most suitable and the key contact people to liaise with.

Dialogue may take place on more than one Marae and protocols could possibly change with the various venues. Marae-based hui require a lot of preparation by tangata whenua. Therefore giving notice well in advance will assist with planning and preparation. Working closely with tangata whenua is fundamental to Marae-based dialogue. Last minute cancellation of an intended hui can occur in the instance of a death. Most Marae prioritise use of their facilities around a death. Therefore it would be good practice to have an optional plan in place. Most tangata whenua may suggest an alternative Marae, or possibly delay the tangi process until the dialogue process is complete. This is dependant on the time and/or date of the hui. Not all tangata whenua may be as accommodating, as the death may have a direct bearing on the key people involved in preparing the marae for the dialogue process. It may well happen that the dialogue hui may need to be postponed or deferred or cancelled altogether. It would depend on the circumstances of the day.

Tikanga of the Marae –
Visitors to a Marae need to familiarize themselves with the protocols of the Marae. If you have determined the best person to communicate with then it would be safe to ask them about the correct protocol for that Marae. Some important issues to consider may include:

     i.   formal proceedings will take place and tangata whenua expect that manuhiri will not transgress those rituals
     ii.   the number of visiting speakers is evident and appropriately ordered
     iii.   speeches are not written and the speakers are the appropriate persons to speak on behalf of the visitors
     iv.   speeches on the maraeatea[9] are spoken in Te Reo Māori only
     v.   technical equipment can be used at the venue
     vi.   appropriate kaikaranga and kaikorero are represented
     vii.   facilities for disabled people
     viii.   punctuality and setting up before the formal process begins
     ix.   costs and payment systems are clear between the Marae and manuhiri

Many issues could arise and be discussed during the pōwhiri or whakatau process. When on the Marae, tangata whenua dictate the proceedings. The Marae is theirs and ignoring or disregarding its wairua (spirituality) and kawa (cultural practices) is a breach of protocol that will cause offence. The Marae for tangata whenua is a place that holds the mana of its descendants therefore the sanctity of it is considerable. The rituals, protocols and procedures apply to whoever enters the marae grounds. To experience the rituals of encounter is an emotional and sincere occasion and requires an obligation of respect and consideration. It would be helpful to gain some understanding of the procedures beforehand.

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[9] The maraeatea is referred to in formal speechmaking only – once formalities are dispensed with the maraeatea becomes noa, and then converts to an open space for any language or activity.

Glossary – Te Reo Māori

Hapū   *sub-tribe consisting of a number of families connected by a common ancestor*

Hui   *a gathering of people, a meeting, a group discussion*

Iwi   *a tribe or tribal group*

Kaikaranga   *a woman who performs the spiritual call of welcome, engaging visitors with their hosts*

Kaikōrero   *a skilled orator versed in the proficiency of Māori language and the ability to engage an audience on a number of topics and situations*

Kaumātua   *an elderly person of either male or female gender*

Kaupapa   *reason, subject, topic*

Kawa   *the rules and regulations of cultural practices*

Koha   *money donated to hosts for costs of discusssion*

Mana   *pride, courtesy, value, ability, charisma, importance, significant, aptitude*

Manuhiri   *visitor, person/s previously unknown*

Marae   *a traditional cultural setting belonging to a tribal group*

Maraeatea   *an area usually in front of a wharenui, or the area between the marae entrance and the host speaker's platform*

Pōwhiri or pōhiri   *formal welcome ritual of encounter*

Te Reo Māori   *the Māori language*

Tikanga   *traditional customs and practices*

Whakatau   *less formal welcome ritual of encounter*

Wharenui   *ancestral house used for a number of occasions*

Glossary – English

NZGB   *New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa*

NZGB Act 2008   *New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008*

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