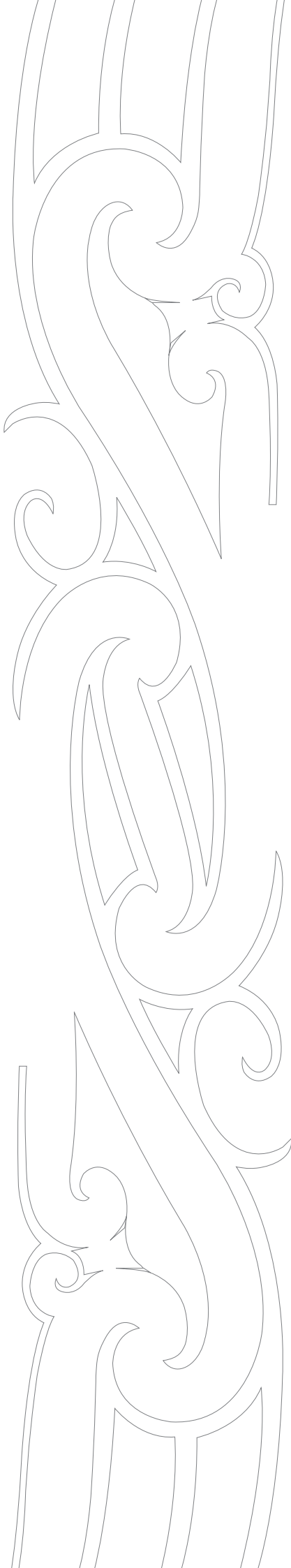


A pounamu boulder sits in the water at Kā Umu o Hapopo (Big Bay). Big Bay is a significant historical pounamu working site and one of the areas where legitimate mining licenses to extract pounamu were granted in the 1980s and 90s.





Section 8

Plan Review & Dispute Resolution Processes

IN THIS SECTION

- Plan Monitoring
- Non-Material Changes
- Initiated Review
- Formal Review
- Dispute Resolution

Section cover photo courtesy of Terry Scott (Kāti Māhaki).

8. Plan Review and Dispute Resolution Process

8.1 PLAN MONITORING

This plan will be monitored to assess the effectiveness, adoption and implementation of the policies outlined herein. Monitoring will be carried out by Te Rūnanga o Makaawhio and Kōmiti Pounamu. Where monitoring establishes the need to make changes to the plan, this will be done by following the review processes outlined below.

8.1.1 NON-MATERIAL CHANGES

From time to time it may be necessary to make non-material changes to the plan such as spelling, grammar and clarification amendments.

Such changes may be notified and/or brought to the attention of the Kōmiti Pounamu, who will assess the proposed change and make recommendations to the Executive Committee of TROM, who can then approve the appropriate amendments.

If the proposed amendment will materially affect the objectives or policies expressed in the plan, Makaawhio will, following consultation with TRONT, make the change on the master plan and issue an amendment to all those with a copy of the plan.

8.1.2 INITIATED REVIEW

Te Rūnanga o Makaawhio may at any time request a review and/or amendment, in whole or in part, of the management plan.

Requests for a full review and/or change of part or parts of the plan due to unworkability or a change of conditions should be made to the Kōmiti Pounamu of Te Rūnanga o Makaawhio in writing. Requests will not be considered within the first 12 months following the first release of this plan or within 12 months of any subsequent review.

Upon receiving the request, the Kōmiti Pounamu will assess the proposed review and/or amendment and facilitate the creation of a decision paper to be submitted to Te Rūnanga o Makaawhio.

Upon the issuing of a decision from Makaawhio, after appropriate consultation with TRONT, the Kōmiti Pounamu will make the appropriate change to the master plan and issue such amendment to all those with a registered copy of the plan.

8.1.3 FORMAL REVIEW

The first full review of the Makaawhio Pounamu Resource Management Plan will be initiated 12 months after the ratification of this plan by both Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu. The next review will be two years after the completion of the first review and subsequently every five years after that.

TROM can extend review dates in consultation with the Kōmiti Pounamu. Both parties will ascertain the need for a formal review in February of the year before the formal review is due. The Kōmiti Pounamu will notify Te Rūnanga o Makaawhio in writing and call for submissions on amendments to the plan. If it is decided a review is required, the Kōmiti Pounamu will work with TROM to undertake the review.

The formal review will involve the creation of an information document outlining proposed amendments. This will be presented and discussed at consultation hui and Kāti Māhaki members will also be able to provide written submissions on the proposed changes. From the consultation and submissions, the Kōmiti Pounamu will create a decision paper containing the final amendments to be submitted to the Executive Committee of Te Rūnanga o Makaawhio.

Upon the issuing of a decision from the Executive Committee, the Makaawhio Pounamu Kōmiti will make the appropriate change to the master plan and issue such amendment to all those with a registered copy of the plan.

8.2 DISPUTE RESOLUTION

Objective

To provide a non-litigious process for resolving disputes between Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu and/or other rūnaka kaitiaki where those disputes arise from issues covered in the Makaawhio Pounamu Resource Management Plan.

Background

Makaawhio and Ngāi Tahu may dispute the contents and implementation of both this document and the Ngāi Tahu Pounamu Resource Management Plan. There could also be disputes between Te Rūnanga o Makaawhio and other rūnaka kaitiaki where there are shared interests covered in this plan (see section 1.4).

40. POLICY - DISPUTE RESOLUTION (NGĀI TAHU)

Any dispute arising from this plan between Makaawhio and Ngāi Tahu shall in the first instance be discussed between appointed representatives of the two parties.

If agreement cannot be reached, mediation will need to take place through a mediator appointed by agreement between TROM and TRONT.

If an agreed position is not reached, then the Executive Committee of Te Rūnanga o Makaawhio will take any action it deems reasonable to positively resolve the disagreement.

41. POLICY - DISPUTE RESOLUTION (RŪNAKA KAITIAKI)

Any dispute arising from this Makaawhio Pounamu Resource Management Plan, between Te Rūnanga o Makaawhio and any one of the rūnaka kaitiaki (see Appendix A), shall in the first instance be discussed between appointed representatives of the two parties.

If agreement cannot be reached in this way, then mediation will need to take place through a mediator appointed by agreement between TROM and the rūnaka kaitiaki concerned.

If an agreed position is not reached, then the Executive Committee of Te Rūnanga o Makaawhio will take any action it deems reasonable to positively resolve the disagreement.

Process

If the parties to a dispute concerning this document and/or active implementation of the policies it contains cannot resolve the dispute, each party can agree to appoint a single mediator who can work with the parties to resolve the dispute. The mediator should have expertise and/or experience in customary rights issues, resource management and/or pounamu management and/or conflict resolution. The mediator should have legal training and/or commercial training that provides a sufficient amount of skill, knowledge and integrity for mediating such disputes.