Toitu te whenua
Land Information
New Zealand

Summary and Analysis of Submissions

Review of the New Zealand Geographic Board Act 1946

August 2004

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Executive Summary

Introduction

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Review and discussion paper

Government has decided that the New Zealand Geographic Board Act 1946 ('the Act') is to be reviewed. The Act's purpose is 'to make better provision for the naming of places in New Zealand, and to establish the New Zealand Geographic Board'. The Act has generally stood the test of time well, but needs to take into account changes over the last 50 years which impact on the Act's jurisdictional, consultation and administrative provisions.

Cabinet approved the release of a Review discussion paper calling for submissions in October 2003. Four public meetings concerning the Review were held in Auckland, Wellington, Christchurch and Dunedin as well as a Review national hui in Wellington.

Submissions and analysis – main conclusions

Land Information New Zealand (LINZ) received forty eight submissions. The total includes a summary report for the four public meetings and a summary report for the national hui.

The main conclusions based on submissions received are:

Jurisdictional issues

- Strong support for the proposal to extend the Board's jurisdiction to include place and undersea feature naming outside the 12 nautical mile Territorial Limit to New Zealand's continental shelf area and to include its interests in the Ross Dependency. Reasons advanced include: it is logical as it is New Zealand's strategic area of interest and provides a single integrated naming authority for land, seafloor and Antarctic features.

- A reasonably even split of submissions supporting/opposing the proposal to devolve official naming of suburbs/localities to territorial authorities and official naming of protected areas (not features within those areas) to the Department of Conservation (DOC). Reasons supporting the proposal include:
  - territorial authorities know the identity and culture of their local community best. They are, therefore, best placed to make naming decision (based on agreed protocol with Board)

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Submissions and analysis – main conclusions (continued)

- the trend is to delegate authority to lowest practical levels (subsidiarity principle)
- it facilitates more effective integration with street/road naming
- enables consultation over protected area names.

Reasons opposing the proposal include:

- the need for national standardisation and consistency (avoiding name duplication)
- more likelihood of developer or political influence
- concerns for meaningful consultation with Māori
- administration costs for territorial authorities and DOC.

- A reasonably even split of submissions supporting/opposing the proposal to align place name changes in future Treaty claim settlements more closely with the Board's usual consultation processes. The reasons supporting the proposal include:
  - wider community input into decision
  - potential to draw on more sources of information and gain wider acceptance of final place name decision
  - consistency of process
  - provides balance between Māori and non-Māori names.

  Reasons opposing the proposal include:
  - claimants need to negotiate directly with Crown as Treaty partner and final settlement decisions (including place names) need to be made by those parties, otherwise the process could be compromised and seen as less durable
  - the existing process is sufficiently 'robust' to make sound changes and gives officials and Ministers access to Board expertise.

  General support for Gazetting only of claim settlement place name changes (rather than using legislation) – simpler mechanism to effect any future changes (with caveat that original claimants' approval needed).

Consultation issues

- No clear submissions consensus on whether Board naming decisions should be binding or advisory only. There was some support for the status quo, which can be considered a mix of both binding/advisory. At present, most Board decisions are final and binding (and could be made subject to process review by the Office of the Ombudsmen as submissions generally supported the Board becoming subject to the Ombudsmen Act). The Board acts in an advisory capacity where it receives objections to a name proposal and does not support those objections (a handful of instances each year usually). In those instances a Board recommendation is sent to the Minister for a final decision.

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Submissions and analysis – main conclusions (continued)

- Most submissions considered existing consultation processes (including three month objection period) are generally working well, although direct consultation with iwi by the Board (rather than using present arrangements with Te Puni Kōkiri) was strongly supported, where a place name proposal occurs in an iwi's area.

- Submissions identified the need for an adequate level of funding to ensure appropriate consultation takes place. Some local government submissions suggested that consultation principles in the Local Government Act 2002 could be used as a guide for Board consultation processes.

Administration & Procedural issues

- Overall submissions supported the proposed Board membership except:
  - there was a preference for Ministry of Foreign Affairs and Trade representation to be on an as-required basis
  - strong support for retention of NZ Geographical Society and Federated Mountain Clubs representation on the Board due to the broad cross-section of people they represent and proven track record on Board
  - local government submissions were strongly in support of a local government member, especially if the Review proposals for some devolved naming proceed.

- Several submissions supported the retention of the Surveyor-General as chairperson, based on other statutory functions the Surveyor-General holds for spatial information systems and survey records.

- General support for the Minister having appointment and consultation flexibility to ensure the Board has required expertise and community representation (two Board positions in the existing Act fulfil this criteria).

- Very strong support for the Board role in providing accessible and authoritative place name Gazetteer to support nationally important communications functions, eg emergency and postal services, as well as other administration, business and social activities. Submissions again identified the need for appropriate resourcing – for access to, and management of, official place name Gazetteer and other Board records.

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Executive Summary, Continued

Submissions and analysis – main conclusions (continued)

- General support for the use of the 'geographic name' term in the Act (given international practice and the proposed extention of the Board's jurisdiction to include undersea feature naming) and for clarity of other 'naming' terms as used in the Act, eg 'suburb' and 'locality'.

- Overwhelming support for the Crown to be bound by the Act as it should set an example to other sectors with consistent use of official place names.

What next?

The following Review stages will follow this report on the Summary and Analysis of Submissions:

- Policy development and Cabinet paper drafted
- Departmental consultation
- Paper to the Minister for Land Information
- Paper to Policy Cabinet Committee
- To Cabinet for approval of policy decisions
- Drafting instructions
- Legislation drafting
- Bill ready for approval and introduction
- Parliamentary process including Select Committee stage
- Bill enacted.

Cabinet will be asked to decide on final policy and changes to legislation toward the end of 2004 after taking into account the outcome of the review and consultation.

Review information and contact details

Review information, including a copy of this report, can be found on the Land Information New Zealand (LINZ) website under the 'Place Names' section (www.linz.govt.nz/nzgbactreview).

The Review Project Manager, Geoff O'Malley from LINZ Policy Group can be contacted directly on 04 4983501 or via freephone 0800 665 463 or by email gomalley@linz.govt.nz.

Introduction

Purpose

The purpose of this report is to summarise submissions for the Review of the New Zealand Geographic Board Act 1946 and provide analysis to inform the subsequent policy development stage of the Review.

Background

Government has decided that the New Zealand Geographic Board Act 1946 ('the Act') is to be reviewed. The Act's purpose is 'to make better provision for the naming of places in New Zealand, and to establish the New Zealand Geographic Board'. The Act has generally stood the test of time well, but needs to take into account changes over the last 50 years which impact on the Act's jurisdictional, consultation and administrative provisions.

Cabinet approved the release of a Review discussion paper calling for submissions in October 2003. Four public meetings concerning the Review were held in Auckland, Wellington, Christchurch and Dunedin as well as a Review national hui in Wellington.

Structure

The structure of the report is based on the Review discussion paper and submission form, which were both divided into sections considering: Jurisdictional issues, Consultation issues and Administration and Procedural issues.

Within each section of this report, each individual submission form question is addressed. The report gives the full text of each question (as it appeared in the Review discussion paper and submission form), notes how many submissions answered that particular question, and then provides a summary and analysis of submissions for each question.

LINZ received forty eight submissions. The total includes a summary report for the four public meetings and a summary report for the national hui. Extracts from submissions are provided to give some flavour of themes arising from the responses, to ensure the tenor of some remarks is not diluted and to provide additional background information where this is considered useful. Some submission extracts are juxtaposed for effect – by doing so, readers of this report can hopefully draw some conclusions of their own.

A list of people and organisations that provided submissions for the Review is given at Appendix 1. The full Review discussion paper can be viewed or downloaded at www.linz.govt.nz/nzgbactreview. An extract from the discussion paper of the Scope and Principles to be applied in the Review is given at Appendix 2. A breakdown of numbers answering each submission question is given at Appendix 3.

Jurisdiction Issues

Overview

Introduction

This chapter contains a summary and analysis of submissions on Review discussion paper questions related to Jurisdiction issues.

Contents

This chapter contains the following:

Question 1 Territorial Authorities and the Department of Conservation

Question text

How is the Board to undertake its role as the custodian of official place names?

Option 1
The Board should devolve responsibility for naming suburbs and localities to territorial authorities; and
The Board could devolve responsibility by establishing codes or protocols setting out standard place-naming processes to be used by territorial authorities (for suburb, locality and road names) and DOC (for protected area names); and
The Board could act as a review authority, to hear complaints against processes used by other place naming authorities.
Option 2
The Board should retain overall responsibility for naming suburbs and localities and will be required explicitly to ratify all decisions taken by DOC or by territorial authorities.

Do you agree with either of these options? Why? Why not? If not, what other option(s) do you propose?

How many answered this question?

36 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Submissions on this question were split with slightly more supporting Option 2. There was strong support from territorial authorities (TAs) for Option 1

- Submissions reasons for Option 1:
  - a TA's local community is going to be using their suburb or locality name the most and so should have the most say
  - TAs know their local identity and culture best so they should consult and make the final decision (based on an agreed protocol with Board)
  - the trend is to delegate authority to lowest practical levels (subsidiarity principle)
  - it facilitates integration with street/road naming.

- Submission reasons for Option 2:
  - the need to avoid duplication of names
  - the fear that TAs may be overly influenced by developers, pressure groups, politicians

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Question 1 Territorial Authorities and the Department of Conservation,
Continued

Summary and analysis of submissions for this question (continued)

- the Board provides standardisation, consistency, consideration of national place naming implications, and is less likely to be politically influenced
- the fear that some TAs (especially rural ones) may not have meaningful consultation with Māori
- Councils may incur extra administration costs with Option 1 and have limited resourcing for necessary names research.

- A couple of submissions, including the Review National Hui, noted that Māori should take more responsibility for their own place naming.

- The Department of Conservation submission outlined the various legislation which covers naming of protected areas at present. None specifically requires consultation over naming. DOC considers there would be duplication if proposed names for protected areas under its control were required to be advertised (given a proposed name is the same as one already assigned by the Board for a related place or feature). The Ngāi Tahu submission for Question 8 (Māori interests) relates instances where iwi disagreed with proposed name changes to Paparoa and Kahurangi National Parks. While acknowledging DOC took iwi concerns into account in those instances, Ngāi Tahu are concerned there is no statutory mechanism for such naming submissions or objections. DOC considers that if the status quo is to be changed then it may be more efficient and consistent for the Board, rather than DOC, to administer a consultation process for protected area names.

Extracts from submissions for this question

"I support Option 1: devolution of responsibility for naming suburbs and localities to territorial authorities; or, even better, to exclude 'naming suburbs and localities' from the Board's powers. I do not see the overriding need for a single national authority to intrude into what should be a concern of the citizens of territorial authorities - the principle the Europeans refer to as 'subsidiarity'." (Individual)

"Agree with Option 1. Devolution to local authorities re suburbs makes sense (also for localities) as is extension of current street/road naming. Also for DOC." (Individual)

"Option 1. The Board should only oversee local bodies, etc." (Individual)

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Question 1 Territorial Authorities and the Department of Conservation,
Continued

Extracts from submissions for this question (continued)

"Local Government supports Option 1 - that the Board should devolve responsibility for naming suburbs, and localities to territorial authorities. This position was also supported by the 17 councils who responded to the Local Government New Zealand questionnaire. The Board should devolve responsibility by establishing codes of practice setting out standard place-naming processes to be used by territorial authorities (for suburb, locality and road names)...Each local authority and its many communities have unique identities, and it is very important to territorial authorities that they have the ability to name communities to reflect the local values and culture of that community. At the same time, it is recognised that there needs to be some national consistency in process to minimise confusion for emergency services. Many councils have recently, or are currently, reviewing the names of local suburbs and communities as they introduce geographic information systems and property databases. In many cases this is requiring local authorities to define or review boundaries of suburbs." (Local Government NZ)

"We strongly agree with Option 1, as we feel the naming and defining of suburbs and localities is a sensitive issue with both the Local Authority and the residents and a large amount of public consultation needs to be undertaken before any decisions are made. With the changing structure of the City the suburbs will need to be constantly reviewed with the best local knowledge available. This would be best undertaken by the Local Authority, with guidelines set by the Geographic Board to keep a national consistency. If complaints were lodged with the Geographic Board this would allow an independent decision to be made if there were any disputes. However final responsibility should lie with the Local Authority." (Porirua City Council)

"Option 1 is preferred because the territorial authority has the local knowledge and feel for the local culture and identity that the local people relate to and associate with. The Board works at a national level and is unable to fully comprehend the feeling and identity of local people that may be gained through a local place name." (Rodney District Council)

"The Council also advises that the Auckland Region Chief Executives' Forum, with representation from all 7 territorial authorities in the Auckland Region, and the Auckland Regional Council, agreed that the Board should devolve responsibility for naming suburbs, and localities to territorial authorities and in devolving that responsibility the Board establish codes of practice setting out standard place-naming processes to be used by territorial authorities (for suburb, locality and road names)" (Waitakere City Council)

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Question 1 Territorial Authorities and the Department of Conservation,
Continued

Extracts from submissions for this question (continued)

"Board should devolve responsibility and not have right to review decisions of TLAs…There has been a grey area between the role of the Board and the role of TLA's…Suburbs are administrative areas within a TLA. They are an integral part of a property address. There are many occasions when an address is not unique unless it includes a suburb name…Recently Wellington City Council reviewed the names and boundaries of its suburbs. We carried out extensive public consultation. Before the final recommendations were presented to Councillors, the proposal was sent to the Geographic Board to get the Board's comments. Council staff thought it would be inappropriate to recommend that Councillors approve names if the Board had any reservations. However, the Board said it was grateful for being kept informed but made it very clear it could not provide its views until after the Councillors had made their decision. This needs to change. The organisation making a final decision (in some cases the TLA and in other cases the Board) must be able to consult with the other organisation before making a final decision." (Wellington City Council)

"Agree with Option 1. This is in line with modern trends where authority is delegated to lowest practical levels. Strongly recommend processes to be used by local authorities be called guidelines rather than 'rules' or protocols. The Board could then operate as the central agency to notify nationally place names chosen locally." (Postal History Society of NZ)

"I favour the Board retaining overall jurisdiction. However, territorial authorities should play a larger role in the adoption of suburbs and localities than in the past. But their role in the process must be to encompass nationally acceptable standards. These are best monitored by the Board which should retain the overall responsibility. The adoption of numerous suburb names in the past has largely been at local council level in spite of the authority of the Board, and frequently councils have merely adopted a name proposed by property developers. These names then become suburb names by common usage. Territorial authorities vary in their size and capacity. I fear that uniform standards in the adoption of suburb and locality names may be compromised if the responsibility for naming is devolved to TAs. For devolution of naming to TAs to be acceptable, a rigid set of naming criteria and principles would need to be in place and each authority would need to show it was able to apply them to uniform national standards." (Individual)

"Favour Option 2. The NZGS believes that the NZ Geographic Board should be independent of political interference and this option provides that protection in law." (NZ Geographical Society)

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Extracts from submissions for this question (continued)

"Option 2 is important and I strongly urge its adoption. I relate the following story in support: From the 1850s there was a township of 'Walton' on the outskirts of Dunedin. Around 1895 the township was formerly renamed 'Fairfield' to remove confusion with 'Walton' in the Waikato. In the 1920s, the Hamilton Borough Council named a new suburb there 'Fairfield'. The southern Fairfield is now a thriving rapidly expanding suburb of Dunedin, easily eclipsing Fairfield, Hamilton in area and population. But postal sorters in the north of the North Island, especially Auckland, are particularly resistant to noting 'Dunedin' or the correct postcode on mail and direct it to Hamilton. Sorters there are equally blind to 'Dunedin' or '9006' in the address and re-direct the mail back to the sender as 'address unknown'.

If the current Board had been functioning in the 1920s, I trust it would have urged a change from such a confusing and unnecessary name duplication. The power to insist on a name change in the case of duplication must be retained and strengthened - otherwise developers will use whatever names they like without reference to the Act." (Individual)

"I prefer option 2, which is a better way of achieving standardization and consistency in place - naming practice. Option 2 would counter any tendency to inconsistency and divergent approaches followed by different agencies. The Board is best placed to take national identity considerations into account" (Individual)

"Option 2 - Similar if not the same as the status quo which in practice appears to work well. There is a lack of public understanding of the role of the Board demonstrated recently in the naming of a suburb in Palmerston North. The local community naturally look first to the Council if they wish to rename a place. If there are not already available it would support the circulation of pamphlets to local authorities to make available for public display in their respective offices. It would also support the Board circulating an occasional information letter to local authorities - even on an annual basis to keep the communication links open and continuous." (Palmerston North City Council)

"Option 2 preferred - however the primary concern is that there be national consistency in the application of names - especially to areas such as locality & suburbs. Extents need to be defined." (NZ Fire Service)

"Option 2. Option 1 has an in-built danger that Māori input will be negligible as local authorities are not renowned (esp. in rural areas) for meaningful consultation with hapu/iwi." (Individual)

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Question 1 Territorial Authorities and the Department of Conservation,
Continued

Extracts from submissions for this question (continued)

"New Zealand Post prefers option 2. New Zealand Post agrees that devolving responsibility for the naming of suburbs and localities to TA's, DOC and other place naming bodies is appropriate, as is the establishment of guidelines for naming. However, New Zealand Post believes that the Board should retain responsibility for final ratification of all naming decisions by these authorities. This is because of the often ad hoc and inconsistent manner in which TAs operate throughout the country, the varying levels of resource and capability within TAs and the varied approach currently taken to naming of places by TAs. New Zealand Post believes that option 2 facilitates the capture of local knowledge and interests while maintaining naming consistency and a national view of naming outcomes." (NZ Post)

"Option 2. It is important to maintain consistency across jurisdictions and to ensure that geographic information is collectively agreed. This is more important than ever with the advent of GIS and the web." (Individual)

"I support Option 2. It makes sense to have national and 'dispassionate' oversight of place-naming to avoid issues such as duplication and cultural insensitivity that seem possible under Option 1. Moreover, Option 2 seems to avoid needless and costly administrative duplication (eg establishing agencies or committees at territorial local authority level to deal with place-naming)." (Individual)

"For naming only – a combination of the two. Happy for TAs and DOC to have the responsibility for proposing suburb, locality and road names and protected areas under specifically established protocols. These proposed names should then be ratified by the Board. Someone needs to maintain consistency across all agencies and check for anomolies that may cause confusion for users and the public. Protocols would need to include consultation with the public and a submission process that is transparent." (NZ Police)

"Iwi/Māori participants expressed support for the Board retaining its overall responsibility for naming suburbs and localities, by being able to explicitly ratify all Department of Conservation or territorial authority place name proposals…

The Board was seen as the natural authority to set rules and standards by which DOC or territorial authorities should abide – a national naming body was certainly needed for those processes. DOC should also have a consultation process to go with its naming capacity. Protocols do need to be established for both DOC and territorial authorities. It is also important that Māori take responsibility for their own place naming. Examples were given of territorial authorities ignoring Māori wishes in relation to naming…

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Extracts from submissions for this question (continued)

Such actions left iwi/Māori with little sense of trust in their local authorities; Dialectical difference could be better accommodated when local authorities engaged with local iwi/hapu/Māori…how is it was possible for Māori names to stand a chance of being (re) introduced when local or regional authorities were often driven by the naming whims of developers." (National Review Hui)

"(Dunedin) Acknowledge need for local input but potential for confusion if multiple suburb names arise eg Fairfield. Developers need to have names approved by TA. Need to coordinate with naming standards used by emergency services, TAs and Statistics NZ (Chch) TA would need to consult local iwi. Potential for duplication of names mentioned eg Gladstone (Wgtn) Potential for developers to use names with no local connection or history eg Sunnyhurst. TAs not bound by Treaty and focus would be on local and not national interest. Need to be consistency between level of consultation by Board and any devolved naming. (Akld) Concerns about suburb naming with potential for name duplication, local political agendas, developers putting pressure on for 'designer' names" (Review Public Meetings)

"The Board considers that the proposal to devolve responsibility for naming suburbs and localities to territorial authorities has a number of significant disadvantages:
- territorial authorities would tend to be more susceptible to local commercial developer and other inappropriate pressures for suburb naming;
- greater risk of name duplications which is a particular concern of emergency services;
- significant replication of effort by individual territorial authorities, as they each need to go through a full process of consultation, advertising, etc., as well as the Board's process;
- no diminished workload for the Board, in fact probably more in reviewing territorial authority proposals and in referring matters back to territorial authorities;
- strong likelihood of public confusion between territorial authorities and Board's role – the Board will be advertising and consulting on some names and territorial authorities on others;
- further confusion between what is a town and village (to remain with the Board) and a suburb and locality (to go to territorial authorities); and
- the resources available to many territorial authorities for research into the history of place names and consultation would be limited.

To date there has been no indication of any territorial authority or public concern with the Board's role and decisions, so it seems unnecessary to make the change. There certainly doesn't seem to be any specific reason for the change.

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Extracts from submissions for this question (continued)

The Board agrees that territorial authorities should have the responsibility to determine the boundaries of suburbs and localities, if appropriate, as they are very much a local issue. However, it considers that final responsibility for suburb and locality names should remain with the Board, as there are strong national and iwi interests in place names which transcend local territorial interests. That is not to say that territorial authorities should not be encouraged to suggest suburb and locality names – just that the final say should remain with the Board.

With respect to the naming of protected areas, this would seem to be straight forward where existing official names are being used, or where the names of new features (approved by the Board) are applied to a protected area. However, when an unofficial name is being proposed it is recommended that, in the interests of national consistency and public process, this is subject to Board's processes." (NZ Geographic Board)

"To start with it is worth reflecting on the statutory status quo with regard to naming areas of public conservation land, or protected areas, as follows:
* Eleven national parks have names fixed by statute (s.6 National Parks Act 1980)
* The Governor-General has the discretion to assign a name to any new national park or change the name of any existing national park (s.7 NPA)
* The Minister of Conservation is obliged to specify a name for every specially protected conservation area when it is declared (s.18(3) Conservation Act 1987)
* The Minister of Conservation (or a local authority in the case of a reserve vested in that authority) has the discretion to name or change the name of any reserve (s.16(1 0) Reserves Act)
*When uniting reserves, the Minister of Conservation has the discretion to name the amalgamated reserve (s.52 RA)
* The Minister of Conservation is required to assign a name to a New Zealand Walkway (s.6(2), s.8(6) NZWA 1990).

The following Acts are silent on naming the areas specified below:
Conservation Act - stewardship areas and marginal strips.
National Parks Act - specially protected areas (s.12), wilderness areas (s.14), and amenities areas (s.15).
Crown Pastoral Land Act 1998 -land designated to become conservation area or reserve (s.65) although subsequent naming is possible (see above).
Wildlife Act 1953 - wildlife sanctuaries (s.9), wildlife refuges (s.14) or wildlife management reserves (s.14A).
Wild Animal Control Act 1977 - recreational hunting areas (s.27).
Marine Reserves Act 1971 - marine reserves.
Marine Mammals Protection Act 1978 - marine mammal sanctuaries.

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Extracts from submissions for this question (continued)

None of the statutory provisions referred to in the first list above require public notice to be given of the intention to specify a name for a protected area. A protected area name may be included incidentally in a public notice (eg one notifying the intention to classify a reserve) but there are exceptions to public notice of transactions under the Reserves Act (eg s.16(5) Reserves Act).

The Minister has delegated the discretionary powers he has under the provisions in the first list to officers of the Department and, in relation to reserves, to territorial authorities in the case of s.52 naming.

A delegate (or a local authority in the case of a vested reserve, or the Minister of Conservation in the case of a recommendation under s.7 NPA) will often choose a name for a protected area which is a name assigned by the NZ Geographic Board to a related locality or feature.

Once a protected area is named in a Gazette notice or Order in Council, or proclamation, or a statute, that name must continue to be used unless there is a formal decision to change it. Sometimes protected area naming will have preceded the establishment of the Board, or preceded decisions by the Board. There is therefore the possibility of discrepancies between a protected area name and that of a related locality or feature.

In the use of a related place or feature name already assigned by the Board the Department accepts that the delegate is bound by the spelling assigned by the Board

In giving a new protected area a name, being one which is not a place name assigned by the Board, the Department, as a matter of best practice, applies standards based on the Board's naming rules.

The Department cannot, however, impose those standards on local authorities for delegated decisions under s.52, or for their statutory decisions over naming vested reserves. Nor can it bind the Governor-General or Minister.

Is the status quo consistent with the relevant principles of the review?
Principle 3: Proposals to amend legislation should continue to recognise the interests of tangata whenua. Through the provisions of s.4 Conservation Act 1987 these interests are already protected in the naming of protected areas.
Principle 5: Individuals or organisations should have the opportunity to submit, or or object to, New Zealand place name proposals.
Where the protected area name is to be the same as the name assigned to a related place or feature by the Board, then it would be duplicatory to provide that opportunity for the proposed naming of a protected area as well.

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Extracts from submissions for this question (continued)

At present the setting up of a new protected area may go through a public process (eg s.18 (2) Conservation Act) in which a proposed name will likely be released but submissions on it not explicidy sought. In other cases though (eg setting up a new stewardship area under s.7 Conservation Act) no public process is required.

Principle 6: Proposals to amend legislation should aim to co-ordinate and ensure consistency in the naming if places and geographic features in New Zealand. When the protected area name is to be the same as the name assigned to a related place or feature by the Board, then consistency is ensured. For the Board to be in a position to "devolve" responsibility (LINZ option 37-1) or "retain" responsibility (Option 38-2) Parliament would ftrst have to take away the responsibilities it has given to the persons mentioned in the ftrst list above, and assign those responsibilities to the Board. LINZ's protocol proposal (para. 33) is a legitimate means of co-ordination while recognising the status quo. If the protocol was prescriptive it would not be consistent with Principle 4 (Proposals to amend legislation should be facilitative rather than prescriptive). If the status quo is changed, by assigning responsibilities referred to in the list above to the Board, another option would be for the Board to make those decisions itself, under its own naming regime, to ensure consistency.

Principle 9: Processes adopted by the Board which flow from amending legislation should be efficient and effective and where appropriate should be devolved to an appropriate administering body. The Department's comments under Principles 5 & 6 are also relevant. If the status quo is changed it would be more efficient for the Department to have protected areas named by the Board. Devolution would pass the costs of the public notice/objection process obligations to the Department." (Department of Conservation)

Question 2 Place Names within the Historical Treaty of Waitangi Settlements Process

Question text

It is proposed that in future, place names or place name changes within the historical Treaty claim settlement process could be aligned more closely with the Board's usual consultation processes before being included in the relevant Deed of Settlement.

Do you agree that historical Treaty settlement place names should be aligned with the Board's usual consultation processes with the proviso that each New Zealand Gazette Notice will carry a caveat or tag to ensure that names which have been included in a Deed of Settlement will not be changed in future without reference to, and the consent of, the relevant Crown Treaty partner? Why? Why not?

How many answered this question?

31 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Submissions were reasonably evenly divided on this proposal. Just over half of submissions considered there were benefits in aligning place name changes in future claim settlements more closely with the Board's usual consultation processes.
  Reasons for:
  - allow wider community input into decision
  - potential to draw on more sources of information and gain wider acceptance of final place name decision
  - consistency of process
  - relevant rights recognised
  - provides balance between Māori and non-Māori names.

  Reasons against:
  - claimants need to negotiate directly with Crown as Treaty partner and final settlement decisions (including place names) need to be made by those parties otherwise the process could be compromised and seen as less durable
  - do not believe there is a distinction between legislated and non-legislation place names

  existing process sufficiently 'robust' to make sound changes and gives officials and Ministers access to Board expertise.

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Question 2 Place Names within the Historical Treaty of Waitangi Settlements Process, Continued

Summary and analysis of submissions for this question (continued)

- General support for Gazetting only of claim settlement place name changes (rather than using legislation) – it is a simpler mechanism to effect any future changes. This would not, however, solve existing place name misspellings in Ngāi Tahu settlement legislation (legislation needs to be changed by legislation). Suggestion that improved processes making misspellings in legislation unlikely is best option (amending legislation still required for any misspellings that slip through).

- Caveat or tag in any Gazette reference was generally supported as a means of ensuring no change without consent of relevant claim partner. A handful of submissions considered such a caveat with veto provision was not appropriate as too much power would reside with the claim partner.

- The Office of Treaty Settlement suggested that any changes as a result of this proposal be implemented in the Board/Office of Treaty Settlements Protocol – making it easier to amend if appropriate as a result of lessons learned in the course of future claim settlements.

- One submission considered that the Board should accept Māori names for natural features without any consulting anyone. Another submission considered that current and proposed procedures were undemocratic.

Extracts from submissions for this question

"Agree with the proposal. Almost all of these name 'changes' are not actually name changes - they are corrections of the official wider use of a traditional name already in use in the Māori community. Support the gazette process. Council has already supported such a process in the Te Uri o Hau Settlement Act implementation." (Auckland Regional Council)

"I agree with the proposed approach. The place-naming process has to have an equitable balance between Māori names and non-Māori names. The proposed approach will provide the opportunity for proposals involving non-Māori names to be considered alongside proposals for Māori names." (Individual)

"I support this proposal, but I would be worried if this consultation process could end-up fossilizing some place names. Place names may change for a wide range of reasons. The old name, even if not in everyday usage, need not be forgotten. Perhaps there is a need for more dual official names. People can then decide on what everyday name they choose to use." (Individual)

Continued on next page

Question 2 Place Names within the Historical Treaty of Waitangi Settlements Process, Continued

Extracts from submissions for this question (continued)

"Yes, there are considerable advantages to introducing this suggestion, especially streamlining of otherwise complicated processes." (NZ Geographical Society)

"Yes. Names are 'taoka māori' and have deep cultural and heritage significance esp. in terms of redress and Treaty settlement." (Individual)

Yes. It would give me the opportunity to support the return to use of original names. (Individual)

"Agree, but insist that the Board will require more resources to assist the Treaty process because of added workload to 'business as usual'. An error has slipped through which could happen again and then require amendment to legislation as the existing error does. This is much more difficult and costly to achieve than changing through the Board's processes. The Board's current make-up and process provide sufficient protection for Māori place names." (Individual)

"Yes. This is a practical proposal that recognises relevant rights." (Individual)

"Yes. Consistency of approach is preferable." (Individual)

"Te Rūnanga o Ngāi Tahu supports the proposal that place names officially changed through the settlement process should carry a caveat or tag to ensure the names will not be changed in the future without reference to, and consent of the relevant iwi. Māori place names are a significant symbol of the relationship Māori have with the landscape and tängata whenua with their ancestral lands. Treaty Settlements provide redress for past grievances with the Crown. The process of colonisation included the substitution of a number of Māori place names with pakeha place names, which contributed to the loss of traditional Māori korero in respect of places. Traditional place names in a variety of areas serve as tangible reminders of Māori history within Aotearoa. The Ngāi Tahu settlement included the changing of 88 place names, mostly dual place names, which reflect the Ngāi Tahu history within Te Waipounamu. Protecting Māori names that have been officially changed through the Treaty process with a caveat or tag will uphold the integrity of the Treaty settlement process.

Continued on next page

Question 2 Place Names within the Historical Treaty of Waitangi Settlements Process, Continued

Extracts from submissions for this question (continued)

Te Rūnanga has identified the need for a mechanism to be put in place through this legislation review for correcting incorrectly spelt words or incorrect locations. In its post-settlement experience, Te Rūnanga has found that the only available process to correct any misspellings and mis-locations within Settlement legislation is through legislative change. This can be time-consuming and costly. In the Ngāi Tahu Claims Settlement Act there are a number of misspellings…There needs to be some mechanism that can be activated when these errors come to light, without the need to reopen the Settlement legislation." (Te Rūnanga o Ngāi Tahu)

"The Board has concerns that public consultation for Treaty names could cause the negotiation process to be compromised or constrained and also notes that public consultation itself could be compromised if those public views were seen to be disregarded in a Treaty settlement. The Board prefers consultation under the existing process, agreed under the 'Relationship Protocol' between the Office of Treaty Settlements and the Board, in order to ensure Ministers and officials have access to Board expertise.

The Board does not consider that there need be concern or that there is any distinction between legislated and non-legislative names. The Board considers that place names can continue to be actioned by the Treaty settlement process, with a provision that any subsequent corrections can be processed by the Board, subject to agreement of the iwi concerned." (NZ Geographic Board)

"There is an increasing trend in Treaty negotiations to redress the wrongs of past misnaming. It is the understanding of this Commission that a robust debate is held between negotiating parties concerning any particular initiative to change a place name. Therefore in situations where a recommendation is made in conjunction with the claimant group concerned and the Office of Treaty Settlements, it should be robust enough to be ratified by the New Zealand Geographic Board. Claimants should not have to go through another process of consultation and debate." (Te Taura Whiri i te Reo Māori - Māori Language Commission)

"It is pleasing to see Land Information New Zealand acknowledging there is an issue that needs to be addressed here. However, it is important that if the Board is going to be involved in the historical Treaty ofWaitangi settlement process that the obligations and duties on the Crown are acknowledged and adhered to. The Dunedin Community Law Centre is concerned that the Board is not bound by the considerations born of Te Tiriti o Waitangi and the unique relationship between the Crown and Māori. Therefore, we believe that naming of areas in the historical Treaty of Waitangi settlement process should remain in the sole province of the Crown. This is as it is the Crown and Māori who are the parties to the relationship in Te Tiriti o Waitangi.

Continued on next page

Extracts from submissions for this question (continued)

Although the New Zealand Geographic Board is an agent of the Crown, negotiations for redress should be between the two parties (specifically the Office of Treaty Settlements and the relevant Māori group), with as little influence from external parties as possible." (Dunedin Community Law Centre)

"The historical Treaty settlement process is supralegislative in nature. To date, all redress has been developed and offered through policy rather than legislative processes, with legislation at the end to implement aspects of a settlement where necessary. We consider that a proposal to legislate for a part of that process needs to be considered in a wider context than simply the NZ Geographic Board Act.

We note that the Minister in Charge of Treaty of Waitangi Negotiations has instructed OTS to consider ways in which the settlement legislative process might be streamlined, and will be taking a paper to Cabinet's Policy Committee on this and other matters in the New Year. The types of change you propose to the process for place name changes could be considered in that context. We note, however, that the goal of the exercise is to consider ways in which the settlement process may be accelerated. Long periods of consultation will need to be balanced against this.

The historical Treaty settlement process needs to be flexible enough to incorporate a variety of different claimant groups' settlement aspirations, at the same time as being broadly consistent and fair. Every settlement negotiation has its own key features and issues. Including the process for making place name changes in the historical claims process in the Act, as opposed to the Protocol, would make it more difficult to take the lessons we learn in each settlement and adapt our process to address them. We therefore submit that no changes be made to the Act to address historical Treaty settlement issues, and that any changes to the process be recorded in the Protocol.

The discussion paper proposes that the Board make the final decision regarding any proposed place name changes in a Treaty settlement. A feature of the historical Treaty settlement process is its political nature. Officials negotiate within a framework for offering redress, but final decisions on the components of a settlement package offered by the Crown always lie with the Minister in Charge of Treaty of Waitangi Negotiations and her colleagues. There may be disputes regarding place name changes that require resolution at the political rather than official level. The proposal would limit the ability of the Minister to offer meaningful redress of this type. We therefore submit that it is important that in the Treaty settlement context, the Minister retains the right to make a final decision regarding proposed place name changes.

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Question 2 Place Names within the Historical Treaty of Waitangi Settlements Process, Continued

Extracts from submissions for this question (continued)

In the past, NZGB has noted the difficulty of amending errors in Treaty settlement place names, because of the need for amending legislation. The discussion paper proposes to resolve this by gazetting place name changes after a Deed of Settlement 'in the usual manner', noting in the Gazettal reference that the name should not be changed again without the consent of the claimant group.

OTS submits that this is likely to fall short of claimant groups' expectations of settlement redress. The settlement process currently allows claimants to specifically address grievances such as misspelled or offensive place names with a Minister of the Crown, and a level of formality that the usual NZGB processes may not be seen to provide. Given the history of many Treaty claims, where Crown promises have been forgotten over time, it is also less likely to be seen as durable by claimants.

We submit therefore that the issue of errors should be addressed by improving the process through the Protocol, in order to avoid making errors in the first place. We are satisfied that in the unlikely event of an error being made under the improved process, amending legislation is appropriate to resolve this." (Office of Treaty Settlements)

"There should not be any need for the Board to consult with anyone regarding natural features of Aotearoa. These have already been named by Māori and these names should be used and adhered to and the Board should have the power to see that this is so." (Individual)

"The Māori names issue will be thorny, and current and proposed procedures are incompatible with democracy. I would question whether time and money should be spent on attempting to accommodate treaty 'settlement' or the invented pseudo-Māori names promoted in defiance of any authority ruling. ('Aotearoa' is not a Māori name - it was devised by romantically inclined early British settlers). Perceived 'treaty obligations' would be better attended to by a separate Māori body which could designate whatever Māori names it wished for the use of those claiming to be Māori-speaking. But the Geographic Place Names Authority (in English) must be based on democratic representation of the majority of New Zealanders with decisions reached after consultation with the local community, without reference in any way to race. It is likely that such a protocol would often decide on a name derived from the Māori language, but if not, it must not be over-ruled by a dissatisfied minority weilding an authority based on racial distinctions. Remove reference to 'treaty settlement' completely from the Act." (Individual)

Question 3 Offshore place and undersea feature names

Question text

In order to clarify the Board's area of jurisdiction, it is proposed to include a definition of 'New Zealand' in the revised legislation.
It is proposed to extend the Board's jurisdiction under the Act to include place and undersea feature naming outside the 12 nautical mile Territorial Limit to within the still to be defined continental shelf area and to include its interests in the Ross Dependency.
Do you agree that the legislation should include a definition of 'New Zealand' reflecting the Board's extended jurisdiction to include New Zealand's areas of interests offshore? Why? Why not?

How many answered this question?

26 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Strong support for this proposal. Reasons advanced
  - logical as it is New Zealand's area of interest
  - strategic decision given international interests
  - provides single naming authority for land, seafloor and Antarctic features.
- A need to coordinate undersea feature naming sooner rather than later as there is no formal mechanism at present to integrate relevant views.
- A strong Māori interest to be involved with undersea feature naming.
- NIWA expressed special needs for scientific publications.
- Support for a considered definition of 'New Zealand' which clearly defines Board's proposed areas of jurisdiction. A handful of submissions thought the opportunity should be taken to advance claims for the name 'Aotearoa' – further on in the discussion document is it proposed that any change to the name 'New Zealand' remains outside the Board's jurisdiction, ie it remains the prerogative of Parliament.

Extracts from submissions for this question

"I agree with this proposal, who would be better to have oversight of these names other than New Zealand? This area has a strong cultural and historical association with New Zealand." (Individual)

"Yes. The proposed approach will remove any uncertainty about the boundaries of the area within which the Board has the authority to determine names." (Individual)

Continued on next page

Question 3 Offshore place and undersea feature names, Continued

Extracts from submissions for this question (continued)

"The extension of the name New Zealand to jurisdictions offshore makes sense given national and international developments and obligations since the original 1946 Act." (NZ Geographical Society)

"Yes. This is a part of the process of defining ourselves as a nation-state." (Individual)

"Agree as Ross Dependency and other sea/ocean area is within NZ's responsibility." (Individual)

"The Board notes and supports the view expressed at the hui that there is some urgency required to establish a single national naming authority for undersea naming. In extending New Zealand's jurisdiction to the seabed, the Board recognises the importance and the opportunity to use Māori names. These could cover both the restoration of original place names and historical knowledge for existing known features as well as the use of Māori names and traditions for newly discovered features. There is already concern at the inappropriateness of some names, and that traditional Māori place names have been disregarded. The Board suggests that the Cabinet Paper setting out the policy issues and recommendations for the review of the Act, include provision for an interim authority for the Board to act as the place names authority for the seabed within the expected area of New Zealand's jurisdiction. This can then be put into operation before any new Act is passed. This would not preclude formal consultation before any Bill is passed. It is anticipated that this role could be supported by a committee of experts." (NZ Geographic Board)

"Naming Places of our Seabed Whenua -

- Use Tangata Whenua place names for our land whether it is covered by water or not
- Review all existing seabed place names
- Partnership and shared decision-making in governance of naming entity is its hallmark
- One stop shop for all land whether covered by water or not
- Protocols reflecting a bi-cultural or treaty partnership approach implemented for scientific community & explorers when using common names or applying officially recognised names."

(Ngati Maru & Hauraki Iwi)

Continued on next page

Question 3 Offshore place and undersea feature names, Continued

Extracts from submissions for this question (continued)

"The precursor to this discussion has failed to recognise the Māori interest in seabed and foreshore and in doing so expresses a coloniser's intent toward the future-naming regime for these features. Already there are many undersea features including the continental shelf and thousands of unique geographical features that have Māori names and expressions. Any attempt to extend the authority of the Board to those areas without recognising the provenance of Māori activities would be offensive. While the Commission supports in principle the extending of the Board's jurisdiction it is conditional upon a better regime for integrating Māori knowledge into the design and implementation of such a process." (Te Taura Whiri i te Reo Māori - Māori Language Commission)

"NIWA agrees that it is appropriate for the Board to have jurisdiction over seafloor feature names. There is a requirement for an official list of names. However in supporting this extension of the Board's jurisdiction, the process of naming must be responsive to NIWA's requirements. NIWA, and its predecessors, since their inception have charted and named seafloor and lake bed features around New Zealand extending from the Equator to the Antarctic. As result, NIWA has maintained a "Gazetteer of seafloor features in the New Zealand Region", produced a series of charts including bathymetric, sedimentary, tide streams, etc and consulted with international organisations on names. NIWA has considerable experience and skill in assigning appropriate names to seafloor features. For NIWA to meet its science obligations i.e. FoRST contracts etc, there needs to be a means whereby seafloor features can be allocated names within a relatively short period (days, months) so the features can be referred to in discussion etc and referenced in reports, charts etc. Development of proposed protocols that will allow names to be given and adopted by the Board should meet this requirement." (NIWA)

"My only interest is that the Board should work toward renaming 'New Zealand' with a more appropriate title such as Aotearoa." (Individual)

Consultation Issues

Overview

Introduction

This chapter contains a summary and analysis of submissions on the Review discussion paper questions related to consultation issues.

Contents

This chapter contains the following:

Question 4 Submission, advertising and objection provisions

Question text

It is proposed that the revised legislation should make clear that one of the Board's functions is to provide appropriate processes for individuals and organisations to submit place name proposals .
How binding should Board decisions be?

Option 1
The Act could be amended to provide for decisions of the Board to be binding (subject to review by the Office of the Ombudsmen or by the Courts); and Decisions by other place naming bodies (eg DOC or territorial authorities) would be reviewable by the Board, any such review being limited to 'process' and compliance with the Board's principles of nomenclature.

Option 2
The Board should be an advisory board and all decisions should be made by or in the name of the Minister.

Do you agree with either of the options given about how binding Board decisions should be? Why? Why not? If not, what other option(s) do you propose?

How many answered this question?

35 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- No clear consensus on whether Board naming decisions should be binding or advisory only. Support was mostly for Option 1, although a significant number supported Option 2 while a number in addition supported the status quo (where the Board receives objections to a name proposal and does not support those objections then a Board recommendation is sent to the Minister for a final decision).

- Reasons advanced in submissions for decisions to be binding:
  - Board's proven record of integrity with considered and authoritative decisions
  - Board likely to be more objective and less likely to be subject to political lobbying
  - do not burden Minister with routine decisions
  - consistency and standardisation.

- Reasons advanced in submissions for the Board to be advisory only:
  - Ministerial decisions likely to minimise any appeals
  - less resourcing required.

Continued on next page

Question 4 Submission, advertising and objection provisions, Continued

Summary and analysis of submissions for this question (continued)

- The status quo option may suggest a middle path. Most Board decisions are final and binding at present (and could be made subject to process review by the Office of the Ombudsmen if the Board is made subject to the Ombudsmen Act). The Board acts in an advisory capacity where it receives objections to a name proposal and does not support those objections (a handful of instances each year at present). In those instances a Board recommendation is sent to the Minister for a final decision.

- Some concern that any delegated place naming decisions reviewed should not be limited to 'process' and compliance with Board principles of nomenclature.

- General support for the Board to be subject to the Ombudsmen Act. This would allow Board decisions to be reviewed for process.

Extracts from submissions for this question

"I prefer Option 1. The Board should have full authority to determine place-names, with the proviso about the reviews of the Board's decisions. It is a poor management practice to burden Ministers with detailed, routine administrative decisions." (Individual)

"I prefer Option 1. The Board has a proven record of integrity and its decisions are accepted as being considered and authoritative." (Individual)

"I prefer option one. The Minister need not be involved in the overwhelming majority of cases. If the Board cannot make decisions then it has to be reviewed in terms of whether it merits legislative and taxpayer support." (Individual)

"Local Government supports Option 1 - that the Act could be amended to provide for decisions of the Board to be binding; subject to review by the Ombudsman or courts. That decisions by other place naming bodies such as territorial authorities would be reviewable by the Board, and any such review being limited to 'process' in compliance with the Board's principles of nomenclature. This position was supported by the 16 councils who responded to the Local Government New Zealand questionnaire. The exception was Wellington City Council - see their separate submission. The local government sector wishes to be involved in development of place naming processes or protocols." (Local Government NZ)

"The decision of the Board should be binding, subject to review by the Office of the Ombudsmen or the Courts. That enables certainty of the decisions that the Board makes. Decision of territorial authorities or DOC should be able to be reviewed by the Board. Therefore a process is established to maintain consistancy throughout the country." (Rodney District Council)

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Extracts from submissions for this question (continued)

"Decisions of the Board and TLAs should be subject to review by Office of Ombudsmen or by the Courts. TLA decisions should not be reviewed by Board." (Wellington City Council)

"Option 1. Consistency, standardisation and non-acceptance of anomolies, must be part of the compliance principles." (NZ Police)

"New Zealand Post prefers Option 1 - ie that decisions of the Board become binding (subject to review by the Office of the Ombudsman or by the Courts) while the Board should maintain final ratification of decisions made by other place naming bodies (eg DOC or territorial authorities). The Board's involvement should not be limited to review of the process and compliance with nomenclature principles only. New Zealand Post believes that this approach will facilitate naming consistency and a national view of naming outcomes, while assuring clear and well supported processes for contesting decisions made by the Board. This is because the Office of the Ombudsmen is now a well established review process for decisions made by officials in New Zealand. However, New Zealand Post would like to see amendment and clarification of the principles of nomenclature to include national addressing interests." (NZ Post)

"Overall, it was felt by a number of participants that it was better to transfer the final decision-making naming powers to the Board rather than the Minister. It was felt that the Board could be more objective, less likely to subject to political lobbying, and more impartial. The Board recognises this point, which is why it has adopted a dual naming process." (Review National Hui)

"We agree with Option 2" (Federated Mountain Clubs)

"Mnister should still have final say." (Individual)

"Option 2 is less bureaucratic." (Postal History Society of NZ)

"Favour Option 2: The crucial advantage of decisions being bound by the Minister is that it gives a statutory basis for the naming process that minimises the rise of an 'appeals industry' and requires less institutional support and resourcing." (NZ Geographical Society)

"Option 2: such Boards are traditionally advisory and Ministers act to implement recommendations." (Individual)

"The Board should be an advisory Board with the existing Ministerial 'safety value' & this will deal with what major objections as have occured in our region. The Board cannot be expected in all locations." (Auckland Regional Council)

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Extracts from submissions for this question (continued)

"For final approval of names, status quo should be kept of Minister as few names are referred anyway and going through Courts is illusory due to cost and Ombudsmen review process only and not names. Status quo works." (Wellington Public Meeting)

"Disagree, I believe the existing approval method by the Board with objections reviewed by the Minister works very well." (Individual)

"Existing arrangements better. Only report to Minister if objections made." (Individual)

"The Board agrees that decisions should be binding on the Crown, and that the current administrative review by the Office of the Ombudsmen or the Courts remains available to an aggrieved party. Given that the Board does not support devolution of naming to territorial authorities and the Department of Conservation, the issue of their processes being reviewed by the Board would become redundant. The possibility of developing protocols for consultation procedures with territorial authorities and the Department of Conservation seems sensible. While maintenance of the Board's impartiality, independence and expert composition is important, the Board's view is that the Minister should remain in the loop for decision making as a safety valve." (NZ Geographic Board)

"Although the Board is currently subject to the Official Information Act 1982, it is not subject to the Ombudsmen Act 1975. The proposed changes to Board functions and procedures, in particular the proposed requirement for public consultation, if implemented, suggest that it would be appropriate for the Board also to become subject to the Ombudsmen Act, particularly in light of the Legislation Advisory Committee's 2001 Guidelines on Process and Content of Legislation. In those Guidelines the Committee stated: 'In general, the Ombudsmen Act and either the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987 should apply to a public body. If it is proposed that a public body not be subject to those Acts, the Office of the Ombudsmen should be consulted'.

Earlier Legislation Advisory Committee Guidelines had stated that as a general principle, bodies that make decisions relating to matters of central or local government administration and which affect members of the public should be so subject. Accordingly, there seems to be no reason in principle for the Board to remain outside the scope of the Ombudsmen Act if the proposed changes proceed.

The paper (in paragraphs 68 and 124) raises specific questions about the possible involvement of this Office in relation to the future activities of the Board. Making the Board subject to the Ombudsmen Act 1975 would enable the Board's administrative decisions and processes affecting members of the

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Extracts from submissions for this question
Extracts from submissions for this question (continued)

public, to be investigated by an Ombudsman without any other statutory provision becoming necessary. It should, however, be borne in mind that Ombudsmen have investigative and recommendatory functions only and not a power to make binding decisions. Nevertheless, an Ombudsman's recommendation, where one is found to be necessary, is only rarely not accepted and the suggested alternative in paragraph 68 of the paper of recourse to a Court, would seem to be a remedy that may, by reason of expense, be out of reach to the majority of the public, rendering such a remedy to a certain degree illusory." (Office of Ombudsmen)

Question 5 Submission, advertising and objection provisions (continued)

Question text

Do you agree with other comments in the Review discussion paper related to submission, advertising or objection processes for place names? Why? Why not?

How many answered this question?

28 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Most submissions considered that the existing consultation processes are generally working well and the three months period for comment is sufficient.
- Support for Board to become subject to the Ombudsmen Act.
- Some local government submissions suggest that consultation principles in the Local Government Act 2002 could be used as a guide to clarify Board consultation processes.
- Agreement that proposed undersea feature names outside NZ Territorial Limit are not advertised for comment – the Board should liaise with other national and international agencies for names outside territorial limits as is done with proposed Antarctic place names at present.
- One submission did not consider there was any need for consultation with Māori other than by using the Act's general provisions.

Extracts from submissions for this question

"The existing provision for consultation and the time frames allowed for objections to proposals are satisfactory, in my view." (Individual)

"Yes. These seem to be reasonable and democratic processes open to a wider public. The costs are justifiable." (Individual)

"I agree with these comments. The Office of the Ombudsmen can act as place of first appeal for complainants." (Individual)

"Yes - 3 months allow sufficient time for community/iwi response." (Auckland Regional Council)

"Agree that the consultation process should not apply to undersea naming processes." (NIWA)

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Question 5 Submission, advertising and objection provisions (continued),

Continued

Extracts from submissions for this question (continued)

The issue of consultation does not seem to be covered in the current Act other than the objection provisions of Section 13. We suggest that the principles of consultation provided under Section 82 of the Local Government Act 2002 be incorporated in this new Act. These principles should apply to the decision making powers of the Board and to those bodies that have delegated powers under the new Act, including local government. In this way prescriptive notice provisions as in Section 12 will no longer be required. In summary the principles are:

- Providing information appropriate to need
- Encourage views
- Provide information on purpose of consultation and decisions to be made
- Providing an opportunity to present
- Receive with an open mind
- Advise decisions and regions.

These consultation provisions should also apply to the current road naming and road name changes provisions under Section 319 and Section 320 of the Local Government Act 1974. It should be noted that in 2004 there are proposals to update the road management powers in the Local Government Act, and to combine these with the provisions of the Transit New Zealand Act 1989 in a 'Land Transport Management Amendment Act'. This will provide an opportunity to align the naming processes and requirements for roads with those of suburbs and localities." (Local Government NZ)

"Yes. All citizens must be given the right to a say in the process. 'Māori' interests are no different from any other citizen. This is the only level where they should be considered, along with any other affected person." (Individual)

"I think newspaper advertising is hugely expensive and other alternatives for public notification should be explored (perhaps the newspapers might make it cheaper if they have to compete for the business so the Board or LINZ could actually contract this.) At the very least sufficient funds need to be tagged for public notification. At the end of the day, I and many others who respond to advertisements value our individual public right to be part of any naming process." (Individual)

Question 6 Submission, advertising and objection provisions (continued)

Question text

What comments do you have with respect to place naming processes and the balance between the adequacy of consultation and the costs of consultation?

How many answered this question?

19 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question include:

- The consensus is that present level of consultation by the Board is about right and based on democratic principles. No public consultation process is proposed for place names outside New Zealand territory.
- A need for adequate level of funding to ensure appropriate consultation takes place. Technology may enable cost efficiencies to be gained in the consultation process.
- Some local government submissions again suggest that consultation principles in the Local Government Act 2002 could be used as a guide to clarify Board consultation processes.

Extracts from submissions for this question

"Provision should continue to be made for consultation costs as a necessary part of the place-naming process." (Individual)

"Adequate costs should be made available. The existing provision are sound." (Federated Mountain Clubs)

"The current system does work well. The real issue is raising the public profile of the Board and developing more transparent links with territorial authorities." (Palmerston North City Council)

"Public consultation is essential to the integrity of the process and the 'reasonably significant' costs involved should be accepted." (Individual)

"New Zealand Post recognises that the consultation process is important and supports retention of the consultation efforts as central to the place naming process. New Zealand Post also believes that opportunities for streamlining of the consultation process may be developed through the use of recent data and technology improvements over the next period." (NZ Post)

"The costs are justifiable in the sense that outcomes can be demonstrated to be open and to satisfy all/the majority of interested parties." (Individual)

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Question 6 Submission, advertising and objection provisions (continued),

Continued

Extracts from submissions for this question (continued)

"Feedback is sought regarding the balance between the adequacy of consultation and the cost. We agree that public consultation is central to the place naming process yet very little is specified in the Act in terms of what consultation should be undertaken and how, except for the objection provisions set out in section 13. We believe that consultation requirements should be clarified and that reasonable processes for consultation be established, ie. consultation requirements should be clear and in proportion to the issue.

We agree with Local Government New Zealand that the consultation principles set out in the Local Government Act 2002 (LGA 2002) be incorporated into the Act and should apply to the decisionmaking powers of the Board and all other bodies with delegated powers under the Act. The consultation principles contained in the LGA 2002 were introduced to ensure that those who wish to participate in local government decision-making can do so in a meaningful way but scope is provided for applying the principles in proportion to the issue being consulted on." (Hutt City Council)

Question 7 Māori interests

Question text

It is proposed to retain references in the Act to collecting and encouraging the use of original Māori place names. It is also proposed to strengthen the authority of the Protocol for Māori Place Names by including it under regulations to the Act. It is also proposed to provide explicitly for consultation to be undertaken by staff or members of the Board.

Do you agree with the proposal to substitute direct consultation by Board members and staff on Māori place names for the existing Protocol arrangements involving Te Puni Kōkiri? Why? Why not? If not, what arrangements should be used?

How many answered this question?

29 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Existing provisions in Act to collect original Māori place names and encourage their use were strongly supported otherwise such names may be lost forever with the passing of time (several submissions referred to cultural/heritage value of such place names). One submission referred to a need for balance with long standing English place names – existing Board practices provide for this situation as well as for dual naming where appropriate. A couple of submissions thought that a specific Treaty clause should be included.

- Strong support (including from national Review hui) for direct consultation between iwi and the Board rather than using Te Puni Kōkiri. Reasons advanced:
  - no dilution of communication
  - consistency of approach
  - enables better Board understanding of Māori perspectives.

- Some submissions saw benefit in somehow retaining some Te Puni Kōkiri involvement in the consultation loop

- Need to identify mandated local iwi representative with whom to liaise.

- Te Taura Whiri i te Reo Māori (Māori Language Commission) considered that consultation with iwi was not sufficient and iwi should have more say in naming places.

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Question 7 Māori interests, Continued

Summary and analysis of submissions for this question (continued)

- The need for extra resourcing if the Board is to implement the direct consultation proposal – the Boards see staff doing the bulk of direct consultation as members are stretched with other commitments.
- A couple of submissions highlighted a need for balance and consideration of long-established English place names.

Extracts from submissions for this question

"The section 8(1)(d) and S.8(1) (da) provisions are supported and affect council phrases on regional parks. Iwi should be able to communicate their views directly to the Board. Te Puni Kōkiri input may add value but shouldn't be a substitute for the above direct Board contact." (Auckland Regional Council)

"Te Rūnanga supports the proposal that the Geographic Board's role of collecting and encouraging the use of original Māori place names should continue. As stated earlier, original Māori place names give an historical context to an area. It is also conducive to strengthening New Zealand's national identity by reminding its citizens that the history of New Zealand did not start on the arrival of pakeha. In addition, Māori place names from the past provide a signpost to researchers looking at pre-colonial history. The use of Māori names also facilitates a greater understanding and appreciation of Māori cultural values, especially at culturally significant sites. Many natural areas have cultural significance to Māori and the use of tāngata whenua names gives iwi a sense of mana in relation to these sites and areas as the interests of tängata whenua continue to be recognised.

The Geographic Board should continue its role in collecting and encouraging the use of original Māori place names...Te Rūnanga supports the position of LINZ in regard to aligning the Geographic Board legislation with the Treaty of Waitangi. Te Rūnanga points out that inserting a Treaty clause into the new legislation will ensure this occurs. Te Rūnanga proposes that an appropriate clause in the legislation would be similar to thatcontained in the Conservation Act 1987." (Te Rūnanga o Ngāi Tahu)

"I agree with the proposed approach. It is unreasonable to expect Te Puni Kōkiri to devote significant time and staff resources to doing work on behalf of another agency, the Geographic Board." (Individual)

"Yes - the Board should really only have a governance role with support from staff to carry out such consultation excercises." (Palmerston North City Council)

"There should be a change in consultation arrangement from Te Puni Kōkiri to those run by Board staff in order to provide the opportunity for all iwi to communicate directly with the Board." (Individual)

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Extracts from submissions for this question (continued)

"In the interests of consistency New Zealand Post supports the proposal." (NZ Post)

"One group expressed general dissatisfaction with Te Puni Kōkiri acting as an intermediary between iwi/hapu/Māori and the Board. They saw that function as one that could be more directly performed by the Board engaging directly with iwi/hapu/Māori representatives…'Names, whether people or places, are so important to Māori and their culture that it justifies the establishment of a body to work with these taonga and ensure their preservation for the future'. However, this did raise the issue of how the process might then be adequately resourced." (National Review Hui)

"The Board notes and agrees with the views expressed at the recent place names hui, that consultation should be direct with the Board, rather than via an intermediary, such as Te Puni Kōkiri.

The Board emphasises that its ability to ensure adequate and effective Māori representation is to a very large extent dependent on the level of resources and expertise it has available to it. The current Māori Board membership allows for a measure of consultation in the same way that other non-Māori members might consult within their areas of expertise, but it is not considered that any prescribed or mandatory consultation is part of their roles. Any further requirement for the Board (through its secretariat) to ensure direct consultation with iwi will need proper funding appropriation. The Board's principal concern is with the need for adequate resources to establish contacts and networks and to be able to consult directly with those Māori with particular knowledge of Māori place names. Associated with this is the importance of ensuring culturally sensitive or personal information provided in the course of place naming consultation, is handled with respect and kept confidential.

While the Board is aware of a Cabinet decision that records continue to be available on demand from LINZ Regional Offices, the Board is concerned that the consultation process is affected by the general inaccessibility of historical land records, such as field books, early Crown purchase deeds, original Māori Land Court titles, etc. The Board is well aware of the value of early survey and other land records as a source of names and would recommend that these be made more readily accessible to the public for researching and relocating place names." (NZ Geographic Board)

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Extracts from submissions for this question (continued)

"There is no reason why the Geographic Board should not establish its own cultural and Māori language capacity. There is such a preponderance of Māori terminology in the work of the Board that it requires an increased cultural focus, infrastructure and training for all staff and Board members. Its absence has already resulted in inefficiencies…the Board should arm itself with the required skills and expertise to do justice to the linguistic and cultural i te Reo Māori refutes the assertion that the Department of Conservation or Territorial Authorities have any authority or cultural capacity to adequately address integrity of its work…all authentication relating to interpretation or alteration of already named places, lies with the hapu or iwi concerned. Te Taura Whiri Māori place names. It is our suggestion that iwi be accorded the same authority (as a naming body) as Department of Conservation and Territorial Authorities while the Geographic Board retains the right of final decision. Representation rather than consultation is required. Consultation alone is simply not enough." (Te Taura Whiri i te Reo Māori)

"Te Rūnanga supports the proposal that the Geographic Board's functions should be extended to directly consult when the process for place naming is activated. It will give action to the preference of Te Rūnanga for kanohi ki te kanohi consultation. A "Kanohi ki te kanohi" approach allows the submitter to see that genuine consideration to information brought forward or issues and concerns raised is taking place. It will facilitate the Geographic Board's understanding of the perspectives of Māori from a grass roots level and enable the submitter to accept that his or her submission to the Geographic Board is truly reflective of their opinion." (Te Rūnanga o Ngāi Tahu)

"The Dunedin Community Law Centre submits that the discussion paper needs to contain a greater emphasis upon developing partnerships with local Māori, specifically iwi and hapu, in order to further encourage the use of names in te Reo Māori as well as those given by Pakeha settlers. We believe that this would be the most effective way to promote the functions of the New Zealand Geographic Board as found in sections 8 (d) and 8 (da); "8 (d) To collect original Māori place names for recording on official maps 8 (da) To encourage the use of original Māori place names on official maps
In addition to this, we submit that the discussion paper fails to recognise that it is not Te Puni Kōkiri who holds this tikanga but local manawhenua. Therefore when considering these issues it is local Māori, at the iwi and hapu level, who should be consulted directly. We acknowledge there are difficulties with the extra burden it may place upon government departments, however we believe the concept of partnership in Te Tiriti 0 Waitangi outweighs these concerns." (Dunedin Community Law Centre)

"It concerns me that a lack of balance is ignored in the area. Though I agree collecting original names, Māori or European, are vital. I do not agree an obscure if insignificant original name should override a long used or dominant current name." (Postal History Society of NZ)

Question 8 Māori interests (continued)

Question text

What comments do you have on whether the Protocol for Māori Place Names should be incorporated under regulations to the Act?

How many answered this question?

19 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions on this question are:

- General support for the protocol to be included as regulations under the Act to give legal status and ensure adherence and promote trust in Board by Tangata Whenua (if legal status and compliance with respect to consultation with Māori is the main issue, then another option may be along the lines of Sec 81 of the Local Government Act 2002 which provides for contributions to decision-making processes by Māori).
- A need for any protocol to align clearly with Board rules of orthography and nomenclature.
- Support for dual naming where appropriate also came through in some submissions in this context.
- A couple of submissions thought there were no needs related to Māori place naming that the Act should cover.

Extracts from submissions for this question

"We agree. Regulations would safeguard the protocol." (Federated Mountain Clubs)

"Support the inclusion of the protocol in the Act & for explicit consultation by the Board or staff." (Auckland Regional Council)

"Yes, the Protocol should be incorporated in regulations, but would first need to be amended to take into account the transfer of responsibility from Te Puni Kōkiri to the Geographic Board, if the Board takes over work currently done by Te Puni Kōkiri." (Individual)

"The Dunedin Community Law Centre submits the legislation needs to codify the importance of tikanga…this acknowledgment could include identifying the relevant iwi authority in the area, the one who holds manawhenua, and consulting with them to establish the hapu most able to identify the relevant tikanga that must be considered in the decision on the proposed name change. Furthermore, the Dunedin Community Law Centre submits that the new legislation should codify a notion of partnership with Māori in finding the best names for areas in Aotearoa Te Wai Pounamu.

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Extracts from submissions for this question (continued)

This nation has been built from many cultures, but Te Tiriti o Waitangi guarantees Māori a special place here. Statutory recognition of this through partnership is an excellent way for the New Zealand Geographic Board to acknowledge this." Dunedin Law Centre

"Part of the Protocol for Māori Place Names is prescriptive and part historical background. It is appropriate for much of the Protocol to be legislated into Regulations. The Protocol appears to be an informal agreement as to process currently being used. If was translated into regulations it would become a legal obligation. Certainly much of the present Protocol needs to become a legal obligation. Any protocols for Māori place names, whether for direct 'consultation' or through an agent, must include provisions for a clear compliance audit. The compliance audit needs to state how 'consultation' occurs as opposed to the Board stating how it is to occur. For example, the directive might include verification of the correct whanau/hapu/iwi, whether dialogue was by hui or talking with the appointed representative, date, confirmed written record of the decisions made in the dialogue, what feedback was provided to the tangata whenua." (Partnership Committee of Te Hui Amorangi o Te Waipounamu and the Anglican Diocese of Christchurch)

"This would be most useful - esp. for historians and historical researchers, and for hapu/iwi who are developing data records on wahi tapu, etc." (Individual)

"Te Rūnanga supports the implementation of protocols in regulations, as this will encourage the representation of Māori perspectives in the place naming process, especially where the jurisdiction of the New Zealand Geographic Board ('the Geographic Board') does not extend to that area. For example, the Geographic Board does not have the power to name National Parks, which is within the jurisdiction of the Department of Conservation. The Geographic Board only has the power to name areas within the park. A number of situations have arisen in the past, which raised issues for Māori in respect to the Department's naming of parks. An example was DOC's proposal to substitute the name Paparoa to Punakaiki National Park. Ngāi Tahu objected to this as the Paparoa National Park is named after the mountains behind it. Another example is the Department's proposal to rename Kahurangi Park, which Ngāti Tama and Ngāi Tahu have objected to. It is fortunate that in these situations the Department did listen to tängata whenua views but there is currently nothing in statute to compel them to do so.

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Extracts from submissions for this question (continued)

The point to be made from these examples is that it was not a Geographic Board decision. The implementation of the protocols through regulations should ensure that a standard practice in regard to the usage of Māori place names would be adopted for all place naming beyond the jurisdiction of the Geographic Board. For example, the protocols should then be able to be used by the Electoral Commission for the naming of electorates, an area currently beyond the reach of any Geographic Board influence. The protocols should extend to all other place naming agencies outside the Geographic Board." (Te Rūnanga o Ngai Tāhu)

"Certainly not in its present form, for it is in conflict in a number of particulars with the Board's own Rules of Nomenclature. The Board needs first to draw up a consistent set of "rules of orthography and nomenclature" covering the English and the Māori languages, as required under Section (8) (1) (a) of the existing Act." (Individual)

"The historical significance of European names should not be overlooked; dual names are a good solution." (Individual)

"I generally support the protocol, although I would be worried if the NZGB became obsessed by the correct form of original Māori names. There are plenty of English language names that have changed/evolved over time. Such is the nature of language and names. I support the notion of dual names where appropriate - this can help reflect some of the nuances of place." (Individual)

"I don't think it is necessary and I think Treaty Claim legislation is sufficient to accommodate the needs of Māori. To continually single out Māori for special treatment in legislation I think sends the wrong message to some Māori." (Individual)

"All references in the Act to any Māori privilege must be removed as are racist." (Individual)

Administration and Procedural Issues

Overview

Introduction

This chapter contains a summary and analysis of submissions on the Review discussion paper questions related to administration and procedural issues.

Contents

This chapter contains the following:

Question 9 Board Membership

Question text

It is proposed that the Board be composed of the following members:
a. The Surveyor-General (ex officio)

b. The Chief Topographer/Hydrographer (ex officio)

c. The Secretary of Foreign Affairs & Trade (ex officio)

d. Three Māori representatives, one representing Ngāi Tahu and at least one representing North Island iwi. These three Māori representatives would be nominated by the Minister of Māori Affairs and appointed on the recommendation of the Minister for Land Information

e. Three members appointed by the Minister for Land Information after consultation with specified interest groups which might include the New Zealand Conservation Authority, Local Government New Zealand, the Federated Mountain Clubs of New Zealand, the New Zealand Geographical Society, the Royal Society of New Zealand, emergency services and other appropriate organisations.

Do you agree with the proposed composition or membership of the Board? Why? Why not? If not, what Board membership would you propose?

How many answered this question?

28 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Overall support for the proposed Board composition with some variations as noted below:
  - a preference for Ministry of Foreign Affairs and Trade representation on an as-required basis
  - strong support for retention of the NZ Geographical Society and Federated Mountain Clubs representation on the Board due to the Broad cross-section of people they represent and their proven track Record on the Board
  - local Government submissions were strongly in support of a local government member, especially if Review proposals for some devolved naming proceed.

- Ngāi Tahu submission noted their claim settlement provision to nominate their own Board representative, who is then appointed on the recommendation of the Minister for Land Information.

Continued on next page

Question 9 Board Membership, Continued

Summary and analysis of submissions for this question (continued)

- The submission from the Māori Language Commission suggested the appointment of one of their members - three Māori members gives flexibility for the Minister of Māori Affairs to nominate such a member if this is deemed appropriate.
- One submission considered that an advisory group from industry, government and academic sectors had value.
- Several submissions thought that an increase in the proposed number of nine members may be needed to reflect required representation adequately.
- Several submissions supported the retention of the Surveyor-General as chairperson based on other statutory functions the Surveyor-General holds for spatial information systems and survey records.

Extracts from submissions for this question

"I agree with the membership a to d, but not the proposal in e. I would argue for the retention of direct representation from the New Zealand Geographical Society. This body is made up of a broad cross section of the geographical community including schools, universities and private citizens. It has a very broad pool of expertise to draw upon including from historical and cultural backgrounds and physical scientific backgrounds. It has an important role to represent the geographical community." (Individual)

"We would like Geographic Board Act to provide specifically that at least one local government person be appointed on the Board, nominated by Local Government New Zealand as local authorities will have formal and autonomous place-naming powers. Local Government is not just a stake-holder in this instance, but the tier of government having clear local governance and place naming responsibilities." (Local Government NZ)

"I submit that members include as of right a nomination from the Federated Mountain Clubs of New Zealand (FMC). FMC has by far the best access to, and knowledge of, those people intimately familiar with the back country of New Zealand and who have comprehensive knowledge of the history as well as the current geographic knowledge of these areas. New Zealand's back country comprises an enormous part of New Zealand, especially the South Island and has, and will contribute a significant workload to the Board" (Individual)

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Extracts from submissions for this question (continued)

"I believe the Board should always include within its membership a representative from the New Zealand Geographical Society (NZGS). NZGS provides clear and simple access to a large group of resident experts in contemporary and historical human and physical characteristics of New Zealand. The NZGS has a long affiliation with the Board and offers useful critical academic input to the culturally vital but often under-rated place-naming process." (Individual)

"We believe FMC membership should be retained. The Conservation Estate comprises 30% of NZ's land mass & our members have, over the years, accumulated considerable knowledge of the Estate through their various outdoor activities. FMC is represented on the N.Z.Mountain Safety Council & NZ Land SAR, Antarctic & Southern Ocean Coalition, NZ Advisory Committee on the Trans-Antarctic Assos & the NZ Conservation Authority." (Federated Mountain Clubs)

"The New Zealand Geographical Society does not agree with Section E in the proposed changes in Board composition. The Society believes the general case exists to continue the principle of guaranteeing the availability of scholarly expertise to the Board via the appointment of a representative from the New Zealand Geographical Society. The following points highlight the contributions of the Society that are relevant to the effective functioning of the Geographic Board.

- NZ Geographical Society is a conduit to a pool of expertise on human and physical patterns and processes in NZ and its jurisdictions
- The Society has provided sustained input into the Board since its inception
- All Society members receive annual information on the work of the Board, and on occasion articles on the work of the Board have been published in the New Zealand Geographer
- The reach of the NZGS is very wide, because of links with NZ secondary schools and with the nation's universities
- The Society runs biennial conferences which have and will continue to offer an academic forum for the dissemination of relevant information for the Board or on matters in which the Board is directly involved
- Both the secondary schools and universities regularly run geography fieldtrips in cities and rural areas and are active users of place names, either as location information or in terms of associated whakapapa or local history
- in the university sector (and now in an increasing number of schools) GIS (Geographic Information Systems) is taught and used in research and these skills are integral to the development of integrated and living maps and spatial information systems.
- The professional links of Society members with overseas agencies and research communities means that international perspectives on developments in procedures are under ongoing scrutiny

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Extracts from submissions for this question (continued)

- The Society believes, further, that it has managed this link to the Board very effectively over the past 50+ years and that the Board has benefited from the on-going expertise provided by the Society's representative. We look forward to the continuation of this important and productive relationship.
- The Society agrees with the excellent suggestions in sections A-D. These give the Board a visible and reputable home, provide via the Surveyor-General links to other organisations, provide a secretariat facility of a high standard, ensure the involvement of organisations with mandates outside the traditional geographic boundaries of NZ, and offer avenues for substantial iwi input into the Board." (NZ Geographical Society)

"Te Taura Whiri i te Reo Māori (Māori Language Commission) agrees that there has been some significant developments requiring changes to Board membership. We agree a more appropriate number of Board members is nine and that there should be three Māori Board members. The skills of the three members should reflect the geographical and linguistic elements of the naming process and the official language status of te reo Māori. Te Taura Whiri i te Reo Māori suggests that a member of the Te Taura Whiri i te Reo Māori Board be appointed as a third member to represent the language interest and that this would complement an appointment made from Te Waipounamu and Te Ika a Maui". (Te Taura Whiri i te Reo Māori)

"MFAT rep is unlikely to have interest in a lot of Board work and more value could be gained from other organisation reps eg Antarctica NZ, Māori Language Commission, NZ Historical Society, etc" (Wellington Public Meeting)

"Category E should be widened as 3 members is not adequately representative of such a wide variety of groups. Would support 5 and include the New Zealand Planning Institute." (Palmerston North City Council)

"Yes - but there seems to be a failure to involve Ministry of Culture and Heritage or NZ Historic Places Trust, i.e. there is a lack of recognition that place names are not merely 'geography' but even more cultural/heritage points." (Individual)

"The proposed general make-up of the Board could be improved. The membership should be made up from a wide selection of people and skills – preferably with a good knowledge of the history of NZ. The inclusion of 3 ex officio members limits the range of people that can be appointed. It is suggested that one or possibly two ex officio members and 3 Māori representatives as proposed be considered. This leaves 4/5 positions (as against the proposed 3) to be filled by the Minister of Land Information from the general public." (NIWA)

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Extracts from submissions for this question (continued)

"New Zealand Post views significant expansion of the Board as unnecessary and suggests an alternative proposal. Rather than expanding the membership of the Board as proposed, New Zealand Post prefers that an advisory group to the Board be established. This group could provide government, industry and sectoral input to the Board while providing the ability to adjust the composition of the group as circumstances dictate. The Ministry of Foreign Affairs and Trade could be represented for issues requiring their input without requiring permanent Board membership. New Zealand Post would envisage that the advisory group would not be a decision making body but that the Board would be required to seek and reasonably consider the group's advice on specific issues. Membership of the group could include not only the Secretary of the Ministry of Foreign Affairs and Trade but other significant stakeholders (such as New Zealand Post)." (NZ Post)

"The Board is concerned about the proposals for future Board membership. This is principally on the basis that the proposed addition of several departmental representatives may reduce the ability for the representation of wider expertise, knowledge and community views (unless the Board is to be expanded in size). Expertise and scholarship in areas such as geography, history, exploration, Te Reo Māori, as well as a broad understanding of community interests and processes is essential to the Board's work and its decisions. A major difficulty with appointing serving public servants to this Board is that they usually do not bring sufficient specific expertise in place naming to comment on more than a handful of matters affecting the bulk of the decisions. When this occurred previously, some had little to offer the process for much of the meetings.

While the Board notes that the proposal for ex-officio membership of the Secretary for Foreign Affairs and Trade is because of the extended jurisdiction covering the continental shelf and Antarctica, the Board considers that this expertise (and others as needed) can be provided if and when required, possibly by way of a committee. The Board places the Chief Topographer/Hydrographer in a similar category as the MFAT proposed membership. This position is not a statutory one, so cannot easily be an ex-officio appointment. Also, in the future the position might be held by two people – one covering topographic and the other covering hydrographic or with some other duties.

With respect to the Ngāi Tahu membership, the Board notes that the Ngāi Tahu Claims Settlement Act 1998 stands. The Ngāi Tahu appointment is made by the Minister for Land Information and not by the Minister of Māori Affairs. The Board supports two other Māori members being appointed on the nomination of the Minister of Māori Affairs." (NZ Geographic Board)

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Question 9 Board Membership, Continued

Extracts from submissions for this question (continued)

"The proposals of LINZ do not recognise the rangatiratanga of Ngāi Tahu in respect to continuing the nomination of its own representative on the Geographic Board. Te Rūnanga requires the Crown to adhere to the Settlement legislation, which clearly states that Ngāi Tahu will be responsible for nominating its own representative on the Geographic Board. The Ngāi Tahu Settlement Act 1998 states that "one person to be nominated by Te Rūnanga o Ngāi Tahu" is to be appointed on the Geographic Board on the recommendation of the Minister. At no point does it permit the Minister to be responsible for this nomination. The discretion to nominate the Ngāi Tahu representative on the Geographic Board is with and shall remain with Te Rūnanga." (Te Rūnanga o Ngāi Tahu)

"Surveyor General should remain Chair as statutory position with a history of dealing with land and recording place names not shared by other public servants." (Wellington Public Meeting)

"The Board supports the Surveyor-General remaining as the Chair ex-officio with responsibility for the administration of the Board. Place names form a fundamental dataset essential to a number of government functions and this suggests that, in addition to social, community and cultural issues, the Crown has a very specific and technical interest to ensure the proper administration, regulation and accessibility of the data and its alignment or incorporation with other government databases. As these functions of the Board complement and support other statutory functions of the Surveyor-General for spatial information systems, and require a level and continuity of technical and administrative support for Board processes and records, it would appear logical for the Surveyor-General to continue as the Chair of the Board…It is also relevant that the Board's work, particularly in relation to early and original place names, is increasingly dependent on the retention and accessibility of the early survey records, for which the Surveyor-General is responsible." (NZ Geographic Board)

Question 10 Board Membership (continued)

Question text

Should the Minister for Land Information be free to appoint whomsoever after consultation with interest groups and sectoral representatives, or should sectoral interests, and particularly those holding delegated place-naming authority, have an automatic right to nominate members of the Board? Why? Why not?

If the Minister consults with interest groups should legislation specify which groups the Minister is required to consult?

How many answered this question?

33 of 48 total submissions answered this question.

Summary & analysis of submissions for this question

Key points from submissions for this question are:

- Submissions generally supported the idea of the Minister having appointment and consultation flexibility to ensure the Board has required expertise and community representation (two Board positions in the existing Act fulfil this criteria).

- Support again for retention of automatic right to nominate by Federated Mountain Clubs and the New Zealand Geographical Society based on proven expertise with Board contributions over a long period of time and based on wide cross-section of members those organisations represent.

- Some support for sectoral interests with delegated place-naming authority to have an automatic right to nominate members of the Board.

- If as per the previous question, a number of submissions suggest there is no need for a Ministry of Foreign Affairs and Trade Board representative, then there may be more scope for the Minister to appoint without unduly increasing the number of Board members.

Extracts from submissions for this question

"It is better in my view, to allow the Minister some measure of flexibility and discretion in making appointments, and to avoid being tied down to rigid quotas. It seems reasonable that any subordinate advisory committee should be represented on the Board." (Individual)

"Minister should be free to select whom he/ she wishes. We do not consider that there is even a need to consult with particular interested groups etc." (NIWA)

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Question 10 Board Membership (continued), Continued

Extracts from submissions for this question (continued)

"The Minister should appoint after consultation. This consultation should not be restricted." (Individual)

"New Zealand Post prefers the appointment of members to the Board by the Minister for Land Information after consultation with appropriate groups. Sectoral interests should have no nomination rights because of the potential for membership of the Board to become static and a reduction of the Board's flexibility to respond to the changing nature of the parties interested in place naming. New Zealand Post prefers that the interest groups required to be consulted by the Minister before Board appointments should not be specified in the Act." (NZ Post)

"The Minister should have the power to appoint to the Board, with the proviso that it should not become cumbersomely large. Any specification of interest groups in legislation should be sufficiently flexible to allow for new organisations that might arise." (Individual)

"Agree that the Minister for Land Information should be free to appoint whomsoever" (Rodney District Council)

"Those that hold delegated place naming authority should have an automatic right to nominate members of the Board." (Federated Mountain Clubs)

"Consultation should take place with the New Zealand Geographical Society." (Individual)

"The Society favours the retention of a nominee for the reasons outlined above. The Society has taken very seriously its gazetted role and has accumulated substantial member knowledge that is available for the Board through the current mechanism." (NZ Geographical Society)

"The Board supports continuing to appoint nominations from the New Zealand Geographical Society and the Federated Mountain Clubs of New Zealand. These expert groups have provided crucial expertise over the years to the Board's decision making, and while there may be strong cases for other expert interest groups to be represented on the Board, these positions should remain. The Minister could continue to make other appointments representing whichever other interest groups or expertise he or she considers necessary (e.g. the Māori Language Commission, New Zealand Planning Institute, Local Government New Zealand, Emergency Services, Royal Society, Genealogists, etc)." (NZ Geographic Board)

Question 11 Section 8 - Functions of the Board

Question text

It is proposed to amend the Board's functions under section 8 as stated in the discussion paper. Do you agree with the proposed changes to the Board's functions? Why? Why not?

How many answered this question?

23 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this questions are:

- Very strong support for a Board role in providing an accessible and authoritative place name Gazetteer to support nationally important communications functions, eg emergency services and postal services as well as other administration, business and social activities. Submissions pointed to the need for a digital Gazetteer to be integrated within a standardised database model environment
- A need for appropriate resourcing for the Board to provide access to official place name Gazetteer and other Board records.
- Mixed support for the Board to provide a definition of extent of a place or feature (Gazettal of final place names decisions at present includes an approximate description of extent. The proposal is whether the Board should have the option, where appropriate, to define an extent so it can be shown graphically and in a digital environment if of value).
- Recognition of the importance of access to historical records to research place name proposals.
- One submission considered that the Board's rules of orthography and nomenclature could be made clearer and more consistent.

Extracts from submissions for this question

"Agree with Board maintenance of high quality and accessible database in a digital environment." (Auckland Regional Council)

"New Zealand Post agrees that an important function of the Board should be to establish and maintain a database underpinning an authoritative online Gazetteer incorporating appropriate national and international technical standards. Development of the gazetteer in conjunction with the ESA data model differentiating the status of place names as official and unofficial is also considered beneficial. Introduction of an option for Board definition of extent for suburb and locality, as outlined in the discussion paper (NSW Board Policy), is soundly endorsed by New Zealand Post.

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Extracts from submissions for this question (continued)

New Zealand Post also believes that the Board has a role in encouraging territorial authorities to undertake official suburb and locality boundary and name defining activities. As a nation wide service provider, New Zealand Post recognises ambiguity around place definitions as a significant problem. The approach above is intended to facilitate national place naming consistency to improve business and social activities through the removal of ambiguous place naming. National clarification of place definitions would be of huge benefit." (NZ Post)

"Agree. The establishment of a NZ Place Names database in conjunction with the ESA (Emergency Services and Government Administration) data model is seen as necessary for the good of all of NZ. Boundary definition of extents is seen as very necessary in the spatial environment. Place names only act as locators if the definition and extent is clear. Automation of response by emergency services is reliant on this clear definition and extent. Boundary definition of suburbs and localities is an integral part of the ESA standard. This standard has been ratified by OCGI (Officials' Committee for Geospatial Information), which is a collaborative government committee. This same standard has also been suggested by SSC to become mandatory for adoption by all Government Departments. The definition of suburb/locality boundaries should be addressed in the review of the NZ Geographic Board Act legislation." (NZ Police)

"Agree that a function of the board should define and maintain 'the official record of names'. Agree the Board should be able to name 'extents of areas'" (NIWA)

"Yes. The proposals here seem eminently sensible and in line with 'best practice' in other countries." (Individual)

"I agree that the definition of 'official map' needs to be broadened to include charts and geospatial databases. However the word 'official' should be defined. Is it intended that only maps, charts or databases of Land Information NZ, or those of territorial authorities or Department of Conservation will be regarded as 'official'". (Individual)

"The functions proposed for the Board would enable the Board to adequately manage the duties delegated to it under the Act. The Rodney District Council would be concerned should these functions be amended to include a function of the Board in matters that are currently the local authority's responsibility." (Rodney District Council)

"We support the development of interactive databases of place names, and this could include the ability to electronically seek approval of place names according to the codes of practice or protocols." (Local Government NZ)

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Question 11 Section 8 - Functions of the Board, Continued

Extracts from submissions for this question (continued)

"The Board does not seek to be the authority which defines extents of places and features, but recognises the need for alignment with digital initiatives, particularly for emergency services and support for government infrastructure." (NZ Geographic Board)

"I agree with all the proposed changes, except the one about defining the extent of places and features. I do not favour burdening the Board with this onerous, time-consuming responsibility. The matter of extents is in my opinion a side-issue, which is mainly of interest to other agencies, and the Board should not allow itself to be diverted from its primary purpose of determining appropriate names, in order to meet the information needs of other agencies. The only basis on which the Board should get involved in this side-issue, in my opinion, should be if all the work associated with defining the extents was undertaken by another branch or division within Land Information New Zealand." (Individual)

"We agree. It is very important that adequate funding be available to maintain & provide access to records held." (Federated Mountain Clubs)

"It was acknowledged generally by participants that the Board could not function properly, particularly with increased responsibilities, without an increase in funding and resources. John Mitchell (Ngāti Tama/Te Tau Ihu) commented that the removal of original historical survey and land administration records from smaller regional centres due to LINZ restructuring made Māori place name research very difficult when those records needed to be accessed." (Review Hui)

"The Board acknowledges that iwi have concerns about their capacity to know their place names, without full access to historical land records. The concerns by iwi over the words 'collect' and 'encourage' are noted by the Board and it is acknowledged that there is a need to improve databases and their accessibility." (NZ Geographic Board)

"Section (8) (1) (a) 'To adopt rules of orthography and nomenclature in respect of place names in New Zealand'. The objective is commendable. Its prosecution, as demonstrated in the Rules of Nomenclature and the Protocol for Māori Place Names, shows confusion as to the role and function of names in a particular language environment, bias of treatment as between names of Māori and English origin, and inexcusable indecisiveness in fixing a clear set of rules of orthography and nomenclature…Section (8) (1) (e) This is redolent of the xenophobic and racist attitudes that were common when I was a boy in the 1930s, and have by no means vanished to this day. I agree that this sub-section should be deleted." (Individual)

Question 12 Section 9 - Board may assign or alter certain place names

Question text

It is proposed to introduce the term 'geographic name' and to amend the definition of 'place' in the Act to make it relevant to the current environment and to include a definition of undersea features.

What comments do you have about including the term 'geographic name', amending the definition of 'place' and including a definition of 'undersea features' in the Act?

How many answered this question?

25 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- General support for use of 'geographic name' term in the Act (given international practice and the proposed extention of the Board's jurisdiction to include undersea feature naming).
- Support for up-to-date definition and clarity of other 'naming' terms as used in the Act eg 'suburb' and 'locality'.
- Railways and railway stations still needed but Post Office names only as a historical name.

Extracts from submissions for this question

"Agree with the use of the term 'geographic name', the amending of 'place' and the inclusion of 'undersea features'." (Individual)

"Excellent ideas." (NZ Geographical Society)

"I agree with all the proposals. The term 'district' as used in section 10 and section 9 (2) should also be defined more precisely; if necessary, cross-referring to the definition of this term in another statute." (Individual)

"I support the introduction of the term 'Geographic name' amending the definition of place and including a definition of 'undersea features'." (Individual)

"We note from the comment that suburb and locality need to be clearly defined in the Act to make the distinction from towns and villages. To this extent the term 'geographic name' may not be definitive enough. Suburb and locality need to be clearly defined in the Act. Recent developments have seen emergency services define suburb boundaries and assign suburb names for their own business needs (Paragraph 107), and we are opposed to these services introducing their own names." (Local Government NZ)

Continued on next page

Question 12 Section 9 - Board may assign or alter certain place names,
Continued

Extracts from submissions for this question (continued)

"The term 'geographic name' and any amendments to the definition of 'place' need to ensure that there is a clear distinction between the naming of towns, villages, suburbs, localities and cities. The potential for confusion in the delivery of emergency services is high, as is the risk that without clarity, emergency services will define these areas for themselves." (Environment Southland)

"New Zealand Post agrees that amendment of the 'place' definition should occur including removal of 'Post Office' from the definition. Since deregulation of the postal service, Post Offices have ceased to exist and are now the retail arm of New Zealand Post Limited. Therefore their naming under the Act is redundant." (NZ Post)

"There are good historical reasons for preserving post office, railway and railway station names. They provide a context and a continuity for our society." (Individual)

"Good idea to use term 'geographic name'. 'Suburb' and 'locality' should be defined. Omit section 9(2) (b) (Any railway or railway station) and (c) (Any post office) of 1946 Act." (Individual)

"The Board supports additional definitions, including New Zealand and more definite spatial definitions of suburbs, localities, towns and villages. Railways and Railway Stations continue to be named and so should be included in the definitions." (NZ Geographic Board)

Question 13 Section 10 - Board may alter name of district with consent of territorial authority

Question text

What comments do you have related to questions raised in the discussion paper for section 10?

How many answered this question?

24 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- A vast majority of local government and other submissions agree with retention of this provision.
- This provision should need to be only rarely used and with the consent of the local authority.
- Question raised in terms of what level of consultation is appropriate for local authorities to do with their communities (Local Government Act 2002 introduced consultation principles for local authorities which are likely to be useful in this context).
- Mixed support for proposal to automatically involve the Local Government Commission (which will have opportunity to comment anyway when the Board advertises any proposed name alteration).

Extracts from submissions for this question

"We support this provision, but note that any exercise of power to alter the name of towns or other places, to avoid confusion for example, needs to be done in consultation with the appropriate community." (Environment Southland)

"We do support the retention of Section 10 - where the Board may alter the name of a district with consent of the territorial authority but do not support the proposal to consult the Local Government Commission. We also suggest that the term 'district' be clarified to mean the title of the local authority, rather than a locality." (Local Government NZ)

"Retention of the current Section 10 be supported - this where the Board may alter the name of a district with the consent of the territorial authority and the Local Government Commission. This is expected to be a rare occurrence." (Waitakere City Council)

"A power to be exercised only in exceptional circumstances and in consultation with territorial authority. Current wording in section 10 is fine." (Palmerston North City Council)

Continued on next page

Question 13 Section 10 - Board may alter name of district with consent of territorial authority, Continued

Extracts from submissions for this question (continued)

"The Rodney District Council strongly disagrees that the Board should be able to alter a name of a district. The local authority is in the best position to comprehend the local identity associated with a particular local place. Identity is considered to be an important factor in local acceptance." (Rodney District Council)

"New Zealand Post prefers that the power of the Board to alter the name of a district with consent of the appropriate territorial authority be retained. This is because it supports the role of the Board as being authoritative on compliance with the rules of nomenclature. We agree that mutual consultation by the Board when exercising this power, and the Local Government Commission when determining the names of districts, cities and regions, is appropriate." (NZ Post)

"Participants commented that it was important for territorial authorities to consult properly – examples were given where local authorities had not done so." (Review Hui Report)

"While the Board would take advice of the Local Government Commission on the inclusion or exclusion of these two provisions (Sections 10 & 11), it does wish to highlight the Lower Hutt vs Hutt City debate, which has brought to the fore the specific interests or behaviours of territorial authorities and the strong community concerns about such change." (NZ Geographic Board)

"We support retention of section 10 of the Act that the Board may alter the name of a district at the request or with the consent of the territorial authority. However, we do not support amending the provision to include the consent of the Local Government Commission also being required. We do not believe this will add any value to the decision-making process. The process is already a lengthy one; this would not be improved by adding this additional requirement.

Further, we do not believe any process should give undue opportunity for people with a minority view to have that view weighted against the majority view; currently one objection can, potentially, result in a request being declined. Nor would we like to see a request for one name being declined but the Board determining another name either at its own volition or at the request of another person or group. You may be aware of the unusual position our Council is in whereby the Council's legal name Hutt City Council is different to that of the City, which is Lower Hutt City. This has caused considerable and sometimes heated debate over the years. About four years ago Council resolved to request that the Board alter the name of the district to Hutt City. Officers advised that the consultation required prior to submitting a request to the Board could cost as much as $50,000 with the outcome still potentially resulting in a stalemate." (Hutt City Council)

Question 14 Section 11 - Two or more boroughs, etc with similar names

Question text

What comments do you have about removing or retaining the provisions in section 11?

How many answered this question?

18 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Majority support for retaining this section to avoid confusion from similar names. This section provides, as a matter of last resort, for the Board to alter unilaterally names of towns and other such places, if there are two or more names so similar that confusion would arise (it is recognised that 'borough' is an outdated term). In practice, such place name alterations would always be done in consultation with the appropriate local authorities.

- The underlying need is for unambiguous place naming, especially for emergency services and postal services.

Extracts from submissions for this question

"New Zealand Post believes retention of this Board function is important to maintain a national view of place naming issues and provide a source for the resolution of similar and duplicate naming situations." (NZ Post)

"The Board will also need to have the power to alter names of towns and other places if there are two or more names similar to avoid confusion. Such action will need to be done in conjunction with the appropriate local authorities." (Waitakere City Council)

"Do not agree that this provision should be removed. For consistency and reduction of anomalies this section must be retained. There are serious issues for emergency services where similar names are used. In fact, it is believed that this provision should be extended to Road names as well, if Road names are to form part of the above Protocol. The unambiguity of both place names and road names is a key factor in the response of emergency services." (NZ Police)

"I think that boroughs with similar names should be encouraged to consider the problem this can cause emergency services, and one or the other seek another name." (Individual)

"It would be sensible to retain these provisions." (Individual)

Continued on next page

Question 14 Section 11 - Two or more boroughs, etc with similar names,
Continued

Extracts from submissions for this question (continued)

"Should be revoked. There remains the possibility of communities attempting to name two areas/features the same." (NZ Fire Service)

"The Board will need to have the power to alter names of towns and other places if there are two or more names similar to avoid confusion. This needs to be done in consultation with the appropriate local authorities. We suggest that Section 11 is no longer required, as there are no 'boroughs' in New Zealand, and the issue is dealt with in Section 10." (Local Government NZ)

Question 15 Section 15 - Publication of final decision as to name or alteration

Question text

It is proposed that section 15 be amended to provide for the publication of final name decisions for Antarctic and Undersea Feature names.

Do you agree with the proposed amendments to section 15? Why? Why not?

How many answered this question?

19 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- All submissions supported the concept of public notification of final name decisions for Antarctic and Undersea Feature names
- A recognised need for consultation concerning these names with appropriate bodies – national and international.

Extracts from submissions for this question

"Yes. This is consistent with the rest of the proposals." (Individual)

"The Board agrees that the publication of final name decisions for Antarctic and Undersea Feature names should be notified." (NZ Geographic Board)

"The Board should make decisions on undersea feature names in consultation with appropriate national and international agencies. NIWA believes that national organisations should also be consulted. NIWA, and its predecessors, have charted and named seafloor and lakebed features and as a result has maintaining a 'Gazetteer of seafloor features in the New Zealand Region' and consulted with international organisations on names. NIWA has considerable experience and skill in assigning appropriate names to seafloor features." (NIWA)

Question 16 Section 17 - Previous decisions of Honorary Geographic Board not affected

Question text

It is proposed to make clear that the names appearing on official maps published prior to 1946 under the control of the Surveyor-General are deemed to be 'official names'.

Do you agree with giving 'official name' status to place names on pre-1946 official maps? Why? Why not?

How many answered this question?

22 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Most submissions supported this proposal. Section 17 of the Act treats all decisions of the Honorary Geographic Board prior to the Act coming into force in 1946 as if they were decisions of the NZ Geographic Board under the Act. The proposal in question seeks a similar status for place names referred to in Section 18 which are '…on a map previously published by or under the direction or control of the Surveyor-General.'

- Submissions considered that names on pre-1946 official maps should be given official place name status under the Act while acknowledging that the place name submission process allows changes to be made where sufficient justification exists

- A handful of submissions raised concerns primarily about newer place names superseding 'pre-1946' names which are deemed official. Such concerns may be allayed by researching and confirming status of place names in an official Gazetteer ie official place name by Gazettal or 'deemed' through an amended Section 17 or whether a name has been superseded.

Extracts from submissions for this question

"Yes - as these names are a part of our history and identity as long as their current status is clearly taggged in an official database." (Individual)

"The Board supports the proposal to make clear that the names appearing on official maps published prior to 1946 under the control of the Surveyor-General are deemed to be 'official names'." (NZ Geographic Board)

"Yes - because many records were not kept in the past, and the names have been around for so long, they need to be protected for that reason alone. The current process allows change if it is proven." (Individual)

Continued on next page

Question 16 Section 17 - Previous decisions of Honorary Geographic Board not affected, Continued

Extracts from submissions for this question (continued)

"We agree. We think it logical." (Federated Mountain Clubs)

"New Zealand Post has concerns regarding the according of 'official name' status to places on pre-1946 official maps. In particular, it is not clear from the discussion document how conflicts between commonly used names that have arisen since 1946 and pre-1946 names will be handled in practice. The lack of any process for publishing those names and providing an opportunity for objection is also a concern." (NZ Post)

"In the case of names appearing on maps prior to 1946, they may well be treated as 'official', however in some cases such names will have been eclipsed by newer names, in which case there should be no compelling reason why they should be shown on current maps or other official data except in a field for historic data eg old suburb names." (Individual)

Question 17 Section 18 - Names in maps, scientific manuscripts or tourist publications

Question text

It is proposed to amend section 18 to include all types of official publications. It is proposed to remove the penalty provision in section 18(2).

What comments do you have about proposed amendments for section 18?

How many answered this question?

22 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Support for extending relevant publications under section 18 to include 'official publications'.
- Where such publications use place names these should be 'official place names' if they exist (the section provides for use of unofficial place names where such unofficial status is stated in the publication). Some clarification is needed with respect to the publications included under section 18.
- Broad agreement that education measures to promote the use of official place names are prefered to any penalty provision
- One submission considered that the requirement to use official place.
- names ventures into the area of censorship. The Act, however, also includes the provision that place names not approved by the Board may be used as long as this is stated in the publication.

Extracts from submissions for this question

"I agree with the proposals contained in section 18. The penalty provision - as it currently stands - is ludicrous. There are better ways of promoting the use of 'official names'." (Individual)

"Section 18 should include all types of official publications to ensure that official names are given status and consistent application." (Auckland Regional Council)

"The Board supports the proposal to amend section 18 to include all types of official publications and to remove the penalty provision in section 18(2)." (NZ Geographic Board)

"We agree with both proposals." (Federated Mountain Clubs)

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Question 17 Section 18 - Names in maps, scientific manuscripts or tourist publications, Continued

Extracts from submissions for this question (continued)

"The term 'official publication' must be made very specific. Under the present 1946 Act it is not clear precisely what publications are regarded as 'official'. I agree with the removel of the penalty provision." (Individual)

"NIWA would like further information on what is proposed here especially in relation to scientific manuscripts, NIWA chart series, etc. Will the Act bind CRI publications such as NIWA's scientific manuscripts, chart series, etc?" (NIWA)

"I don't think fines are necessary and all government and quasi government organisations must comply. As for other publications I think it still works best as is. Education is better than 'bashing'. Who wants a name police?" (Individual)

"Remove penalty but give Board power to institute civil proceedings. Proposed amendment re publications hardcopy and digital (on-line/CD/microform) is necessary." (Individual)

"Section (18) (1) is a dangerous incursion by the state into the censorship of literature, particularly of scientific literature. The fact that this section is effectively toothless in practice is no justification for its continued existence. It may be a matter for civil action if a publisher explicitly declares a name to be an official name, with intent to deceive; but this is a matter for a court to decide under some more general and relevant statute." (Individual)

Question 18 Committees

Question text

It is proposed that the Act provide for more flexibility in the appointment and working arrangements of committees.

What comments do you have on the proposals relating to Board committees? In particular what views do you have on the degree to which decision making should be devolved to such committees?

How many answered this question?

22 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Broad agreement that committees are a sensible option for the Board to allow for flexible working arrangements.
- Support for clear terms of reference and procedure protocols for any committee.
- A preference for status of committees to be advisory only with final decision-making to remain with the Board.

Extracts from submissions for this question

"The Act could be amended to provide for the establishment of advisory committies. In my opinion, the subordinate advisory committies should submit recommendations for ratification by the Geographic Board, rather than having full authority to make decisions themselves." (Individual)

"This seems sensible. Committees should make recommendations to be considered by the Board." (Individual)

"A committee for naming 'undersea features' is a good idea. I do not support a proliferation of committees. Temporary committees with clearly defined parameters and lifespans can be useful." (Individual)

"The Board supports the proposal that the Act provide for more flexibility in the appointment and working arrangements of committees." (NZ Geographic Board)

"We also support the ability for the Board to establish committees and set terms of reference and to have more flexibility in the appointment and working arrangements for committees. The local government sector would be happy to nominate people for these committees where their expertise will assist." (Local Government NZ)

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Question 18 Committees, Continued

Extracts from submissions for this question (continued)

New Zealand Post agrees that providing for the establishment of working committees by the Board is an appropriate and effective measure for managing workload, however final ratification of committee decisions should be required by the Board. (NZ Post)

"The purpose of the committee on undersea features is not clear. For scientists to meet their obligations i.e. FoRST contracts, they require to be able to allocate names within the period of the contract so they can be included in reports etc. Development of protocols should meet this requirement." (NIWA)

Question 19 Act to bind the Crown

Question text

It is proposed that the Act bind the Crown.

Do you agree with the proposal that the Act should bind the Crown? Why? Why not?

How many answered this question?

24 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- Overwhelming support for the proposal because the Crown should set an example to other sectors with consistent use of official place names.
- Individuals and local government are bound by the Act, so in the absence of good reason to the contrary why should not the Crown also be bound by the Act?
- The proposal is a standard provision which will make an Amended Act more effective.
- NIWA raised an issue in Question 17 concerning scientific publications. NIWA would not want delay publication of scientific papers where, for instance, recently discovered undersea features have not had official names assigned. Existing Act provisions, carried over into any Amended Act, would seem to cater for this concern as long as any scientific paper clearly noted that some or all of the undersea feature names in the paper were not official undersea feature names as at time of publication.
- The single objection to this proposal raised the issue of Crown agencies needing to be aware of official place names. A means of addressing this issue could be for the Board to target Crown agencies with an education or awareness-raising initiative once an amended Act was passed. Also of use in this context would be an online Gazetteer that agencies use to confirm official status of place names.

Extracts from submissions for this question

"Yes. This is a standard provision in statutes concerning the powers and functions of State agencies." (Individual)

"The Act should bind the crown. If not the Act is inherently weak, and is likely to be less effective." (Individual)

Continued on next page

Question 19 Act to bind the Crown, Continued

Extracts from submissions for this question (continued)

"Definitely as local government is bound also." (Palmerston North City Council)

"New Zealand Post agrees that the Act should bind the Crown. This will assist in ensuring consistent use though the public sector of official names with flow-on effects to the private sector." (NZ Post)

"Te Rūnanga support this proposal. It gives a definite area of jurisdiction in respect to place naming within New Zealand." (Te Rūnanga o Ngāi Tahu)

"I'm against this. Given the large and diverse number of Crown Agencies many staff would not be aware of the 'correct' or official version of some names - and probably could not care less!" (Postal History Society of NZ)

"It should be noted that the Department has already voluntarily bound itself…to applying the same naming rules as the Board." (Department of Conservation)

Question 20 Māori name of the Board

Question text

It is proposed that the Act be amended so that the official name of the Board becomes 'New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa'.

Do you agree with the proposed official name for the Board? Why? Why not?

How many answered this question?

24 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points from submissions for this question are:

- General support for this proposal as Māori is an official language of New Zealand.
- Official place names are an important reflection of both Pakeha and Māori New Zealanders so both language traditions should be recognised in the official Board name.
- As a Statutory Board dealing with issues of importance to Māori, the Board's official name should also reflect the Crown/Māori Treaty partnership.
- In 2002, Te Taura Whiri i te Reo Māori (Māori Language Commission) accepted Ngā Pou Taunaha o Aotearoa as the Māori equivalent of the New Zealand Geographic Board. Board research has concluded that the words Ngā Pou Taunaha o Aotearoa come from the late James Henare and translate as "Memorial Markers of the Landscape".
- A handful of submissions did not agree – one reason advanced was that the majority of New Zealanders speak English only.
- Te Taura Whiri i te Reo Māori suggested that the Māori version be the primary name of the Board due to the large number of indigenous places and names.

Extracts from submissions for this question

"I understand that the Māori name has been endorsed by the Māori Language Commission, and there are therefore no good grounds for finding fault with the name." (Individual)

"If the Māori name has been cleared by Te Taura Whiri i te Reo Māori we would support it." (Partnership Committee of the Anglican Diocesan of Christchurch and Te Hui Amorangi o Te Waipounamu)

Continued on next page

Question 20 Māori name of the Board, Continued

Extracts from submissions for this question (continued)

"Yes. This is consistent with current social/political practice and gives recognition to Treaty obligations." (Individual)

"Te Rūnanga support the proposed official name for the Geographic Board. It gives recognition to the Māori language, which is a legally recognised language. It also gives reflection of Māori as the Treay of Waitangi partner with the Crown." (Te Rūnanga o Ngāi Tahu)

"I think it has already been in use and so no point in changing it - I think the Board should publish the true translation of the Māori name too." (Individal)

"No. The Māori part must be removed. The Board exists for, and will be paid for by, the majority of our citizens. They speak English. Anybody claiming to speak only Māori will need a whole new body working entirely in the Māori language. This is not the duty of the New Zealand Geographic Board." (Individual)

"Due to the proliferation of indigenous places and names in Aotearoa, Te Taura Whiri i te Reo Māori considers that the term 'Ngā Pou Taunaha' should feature as the primary name of the Board followed by 'The New Zealand Geographic Board'.

Te Taura Whiri i te Reo Māori, Te Puni Kōkiri, Manaaki Whenua (Landcare New Zealand) all go by Māori names in the first instance, then English. This shows leadership and acknowledges the status and importance of te reo Māori as the indigenous and official language of the country." (Te Taura Whiri i te Reo Māori - Māori Language Commission)

Question 21 General question – other sections of the Act

Question text	Are there any other sections of the Act you think need amendment? If so what are they and how should they be amended?
How many answered this question?	10 of 48 total submissions answered this question.
Summary and analysis of submissions for this question	Most submissions for this question did not consider that other sections of the Act needed amending. The topics of some submissions (consultation, functions of the Board, Treaty of Waitangi issue) related mainly to previous questions and have been included in those question sections.

Question 22 General question – additional comments

Question text

What additional comments do you have relating to the scope of the Board's activities or place-naming processes generally?

How many answered this question?

31 of 48 total submissions answered this question.

Summary and analysis of submissions for this question

Key points for submissions for this question are:

- Several submissions emphasised the very important role the Board plays because place naming reflects our identity and culture as a people.
- Several agencies offered to assist with future activities of the Board including: Local Government NZ, Te Taura Whiri i te Reo Māori (Māori Language Commission), NIWA, NZ Post.
- Some suggestion that the Board become more of an authority on issues related to Māori place names – macron/double vowels, dual naming, loan words (perhaps in conjunction with Te Taura Whiri i te Reo).
- Some focussed on particular place name aspects eg duplication, spelling and nomenclature aspects of Māori place names.

Extracts from submissions for this question

"In conclusion, we support devolution of decision-making underpinned by appropriate protocols and processes, the 'principle' approach to consultation mechanisms, and the development of national databases." (Local Government NZ)

"The work of the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa is extremely important and is fundamental to official recording of who we are as New Zealanders. It is therefore essential that the Act and the operation of the Board reflects the partnership precepts of the nation's founding document, Te Tiriti 0 Waitangi. It is also essential that there be an effective means of monitoring the steps taken to fully honour that Treaty partnership between Māori and the Crown." (Partnership Committee of the Anglican Diocese of Christchurch and Te Hui Amorangi o Te Waipounamu)

Continued on next page

Extracts from submissions for this question (continued)

"Rather than specific Act changes, I would like to see a movement towards the 'culture and heritage' significance of the Board's work so that a more historical approach is developed…place names are so much more than geographical points or features on a map. They are cultural, historic, and heritage "taoka" of both Māori and Pakeha, basic to what New Zealand is as a nation/state." (Individual)

"I am not so keen on so many names changing back to Māori names" (Individual)

"The Board does a good job and very much an unsung one for New Zealand society." (Palmerston North City Council)

"It is good to see the Act and its operation being reviewed so thoroughly." (Postal History Society of NZ)

"NIWA has, historically and is interested in continuing, naming seafloor / lakebed features within NZ and its seas and beyond. Our comments on the functions and principles of the Board reflect this desire. Clearly NIWA, like other naming organisations, would meet the procedures and protocols as required to meet the Boards needs. Given that such protocols have yet to be established for sea/lake bed naming, we would be pleased to participate in their development." (NIWA)

"New Zealand Post is supportive of any central government activities that assist in providing a nationally consistant view of place, suburb and locality names and boundaries. We would be happy to work through issues related to these matters fully with the Board and Land Information New Zealand." (NZ Post)

"Te Taura Whiri i te Reo Māori believes that the New Zealand Geographic Board should be retained as a national body with oversight and responsibility for maintaining the integrity of New Zealand place names. However, the Board as it stands is essentially mono cultural in its institutional arrangements and this has been reflected in its past operations, and how Māori communities perceive it to be…The orthographic conventions of Te Taura Whiri i te Reo Māori set nationally recognised standards. At present the Geographic Board has no regard for these orthographic conventions, which has resulted in the misspelling of Māori place names. For example, the orthographic conventions recommend that the macron be used rather than the current practice of using double vowels…Te Taura Whiri i te Reo Māori suggests that LINZ who acts as the secretariat needs to establish the cultural capacity to implement the work of the Board. This would require a Māori language policy and plan and a working relationship with this Commission and the regional offices of Te Puni Kōkiri…Names and the process of naming is one of the most significant cultural icons of Māori culture.

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Extracts from submissions for this question (continued)

Ngā Pou Taunaha has an opportunity to show leadership in the protection of cultural integrity and insistence on linguistic excellence that it has hitherto lacked. Te Taura Whiri i te Reo Māori is prepared to support and advise on linguistic integrity and are available to help facilitate language policy and planning." (Te Taura Whiri i te Reo Māori - Māori Language Commission)

"Previous experience has highlighted for OTS the potential for problems to arise where claimant groups propose a place name change that uses doubled vowels as opposed to the macron convention preferred by NZGB. We consider that due weighting should be given to the preference of the local claimant group for either convention, in order to allow the Crown to provide meaningful redress to claimant groups. In addition, we note that during our investigations into the correct spelling of particular Māori place names, there are occasionally inconsistencies in the sources we consult. We would therefore like to enquire as to whether, as part of the review of the Act, the Board has considered taking on the role of maintaining an authoritative list of the correct spelling, whether with macrons or doubled vowels, of Māori place names. If not, we submit that this would be a useful addition to the work of the Board, perhaps in consultation with Te Taura Whiri i te Reo Māori." (Office of Treaty Settlements)

"The Board considers that the current process for assigning official names to places and features both in New Zealand and in the Ross Sea Region of Antarctica has been working well for the past half century. There have been a few very minor amendments to the Act during its history, but nothing substantive, which signals a sound and robust piece of legislation that has stood the test of time. Matters of process, policy and procedure have been allowed to develop and be refined over time because of the non-prescriptive nature of the Act. The Board has therefore had the ability to keep up with issues such as Treaty settlement redress; Māori orthographic conventions established by the Te Taura Whiri i te Reo Māori (the Māori Language Commission); international practise (particularly in terms of standardisation, but also in the promotion of indigenous names); and the increasing needs of emergency services for accurate and unambiguous location. The Board's work has steadily continued in support of many fundamental spatial datasets, including maps and charts. There have been a few contentious names along the way, but only a very small percentage have required Ministerial intervention, thus leaving the Board to make independent decisions, based on its statutory framework expertise and its established guidelines and principles." (NZ Geographic Board)

"The Institute is grateful for the opportunity to comment on the review and wishes to advise that we are generally in agreement with its overall direction. One area that does create difficulties for the surveying profession however, is the duplication of place names and landmarks and we would ask that this is taken into account as part of the review." (NZ Institute of Surveyors)

Appendix 1 List of Submitters

List of Submitters

1	Atkinson, Irene
2	Bailey, Dale
3	Burns, C
4	Dickie, A J
5	Francis, D W
6	Gibb, Angus
7	Hay, Iain
8	Horne, Christopher
9	Holmes, Timothy
10	Lundberg, Margaret
11	McNeill, Robin
12	Montgomery, R H
13	Pawson, Eric
14	Reilly, Ian
15	Stringer, Christina
16	Tunicliffe, Alan
17	Wearing, Alexander
18	Wilson, John
19	Auckland Regional Council
20	Department of Conservation
21	Dunedin Community Law Centre
22	Environment Southland
23	Federated Mountain Clubs of NZ
24	Greater Wellington – The Regional Council
25	Hutt City Council
26	Local Government NZ
27	Ngati Maru & Hauraki Iwi
28	National Institute of Water & Atmospherics (NIWA)
29	NZ Fire Service
30	NZ Geographic Board
31	NZ Geographical Society
32	NZ Institute of Surveyors
33	NZ Police
34	NZ Post
35	Office of the Ombudsmen
36	Office of Treaty Settlements
37	Palmerston City Council
38	Partnership Committee of the Anglican Diocese of Christchurch and Te Hui Amorangi o Te Waipounamu
39	Porirua City Council
40	Postal Historical Society of NZ
41	Rodney District Council
42	Te Rūnanga o Ngāi Tahu
43	Te Taura Whiri i te Reo Māori (Māori Language Commission)
44	Wairoa District Council
45	Waitakere City Council
46	Wellington City Council
47	National Hui Report
48	Public Meetings Report

Appendix 2 Review Scope and Principles

Scope of Review

The concept of a central official place naming entity has been endorsed internationally and is accepted as established by the existing Act. A review of the Act is required:

- to clarify the jurisdiction of the New Zealand Geographic Board
- to review procedures for public participation and consultation in the place naming process
- to review the provisions of the Act with respect to the Treaty of Waitangi
- to consider the composition and membership of the Board
- to modernise the Act's administrative and procedural provisions, including the effective use of digital technology aligned with e-government policy objectives.

Principles to be applied in Review

There are a number of general principles considered to be applicable to the development and formulation of any future New Zealand Geographic Board legislation. General principles to be applied in the review of the Act are:

- Government policy to uphold international law and conventions should be observed.
- International best practice in terms of place naming should be adopted with due regard to the New Zealand context.
- Proposals to amend legislation should aim to strengthen national identity and should continue to recognise the interests of tangata whenua.
- Proposals to amend legislation should be facilitative rather than prescriptive.
- Individuals or organisations should have an opportunity to submit, or object to, New Zealand place name proposals.
- Proposals to amend legislation should aim to coordinate and to ensure consistency in the naming of places and geographic features in New Zealand and in New Zealand's areas of strategic interest offshore.

Continued on next page

Appendix 2 Review Scope and Principles, Continued

Principles to be applied in Review (continued)

- The Board should be representative of place naming interests at national and at local community level and should act independently of government in decision making related to its functions.
- Place names should be determined in the context of best practice with regard to national and international spatial data infrastructures.
- Processes adopted by the Board which flow from amending legislation should be efficient and effective and where appropriate should be devolved, to an appropriate administrative body.
- An objective shall be to facilitate the continuing development of a database, or interactive databases, containing a comprehensive list of all 'official' names or 'deemed official names' in New Zealand including all names designated by territorial authorities, the Department of Conservation and the New Zealand Geographic Board.
- Amending legislation should be binding on the Crown.
- Proposals to amend legislation should be aligned if possible with collaborative whole-of-government and e-government policy objectives. LINZ has committed itself to these objectives in its Statement of Intent document.

Appendix 3 Question and Answer Breakdown

Submissions Question and Answer breakdown

The graph below shows the number of submissions answering each Review discussion paper/submission form question. The total number of submissions received was 48. The average number of submissions answering a question is 25.

Questions 1-3 deal with Jurisdiction issues, questions 4-8 deal with Consultation issues, questions dealt 9-20 deal with Administration and Procedural issues while the remaining questions 21-22 are general questions.