

# **Northland Regional Council Council Meeting Agenda**

**Tuesday 13 May 2014 at 9.30 am**

## NORTHLAND REGIONAL COUNCIL

# Agenda

For the meeting to be held in the Council Chambers,  
36 Water Street, Whāngārei  
on Tuesday 13 May 2014, commencing at 9.30 am

**Recommendations contained in the council agenda are NOT council decisions.  
Please refer to council minutes for resolutions.**

### OPEN MEETING

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**ISSUE: Te Taitokerau Māori Advisory Committee**

**ID:** A635454

**To:** Council Meeting 13 May 2014

**From:** Malcolm Nicolson, Chief Executive Officer

**Date:** 2 May 2014

**Summary** The purpose of this report is present the Working Party's recommendation that council consider establishing Te Taitokerau Māori Advisory Committee (the committee) to help facilitate better working relationships between council and Māori.

<b>Report Type:</b>	<input type="checkbox"/> Normal operations	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Decision
<b>Purpose:</b>	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input checked="" type="checkbox"/> Legislative function	<input checked="" type="checkbox"/> Annual/Long Term Plan	<input checked="" type="checkbox"/> Other
<b>Significance:</b>	<input type="checkbox"/> High	<input type="checkbox"/> Moderate	<input checked="" type="checkbox"/> Low

**Background:**

Council wants to pursue the development of a process to enable better working relationships and engagement with Māori of Taitokerau; outside any legislative obligations. In December 2013 council resolved to form a working party to scope the establishment of a standing committee of council to facilitate such a relationship. The working party delegation was to prepare “a brief (including budgets) for council regarding the development and then endorsement of a Māori Liaison Advisory Committee”. It was also tasked with engaging with Māori and providing recommendations to the full council on a draft Terms of Reference for the Māori Liaison Advisory Committee (including purpose, functions and roles and Māori representation on the committee). The proposed committee was included in the Draft Annual Plan 2014/15.

**Progress to date:**

The working party agreed to approach the 13 Iwi as identified via the Local Government Commissions' *Draft Proposal for Reorganisation in Northland*. A letter of invitation was sent to Te Aupōuri, Ngāti Kahu, Ngāti Kurī, Ngāpuhi, Te Roroa, Te Rūnanga o Whangaroa<sup>1</sup>, Te Rarawa, Ngāi Takoto, Ngāti Wai, Ngāti Whātua, Te Uri o Hau, Ngāti Manuhiri and one hapū (Ngāti Hine) (recognised as an iwi authority for resource management purposes) on 4 February 2014 requesting their participation in the council's initiative to form an advisory committee and to discuss the relationship and purpose (and terms of reference for) the committee.

To date seven groups have responded to the request, with six advising nominations and the other indicating that they did not want to prejudice the process being followed by the region's Iwi/Council Chief Executives Forum which is developing criteria to present to council on the basis on which they would be prepared to engage with

<sup>1</sup> In place of Ngāpuhi/Ngāti Kahu ki Whaingaroa and Ngāti Kahu ki Whangaroa

council. (They preferred to await the outcome of this until deciding whether to participate<sup>2</sup>.)

The working party has not yet held a meeting/hui with those that have responded and has not as yet engaged with the representatives as a collective on the nature of the relationship and potential Terms of Reference. It has, however, received information from staff to enable discussion and debate with representatives, including information from other councils, which has built on the December 2013 council meeting agenda item outlining possible draft purposes, responsibilities/functions and membership.<sup>3</sup>

The Chairman of council, the Committee Chair and I have also met with the Mayor and representatives of the Whangarei District Council and received a briefing on the methodology they are using to engage with local hapū.

Possible budget scenarios were presented to council by staff as part of the development of the Draft Annual Plan (DAP). An additional \$30k was included in the DAP with the first year of the committee's work programme coming from council's existing budgets for working with Māori and iwi liaison. (The submission phase for the DAP ends 1 May 2014 and hearings occur the same day as the council meeting considering this paper and deliberations will occur at the end of May.) No further discussion by the working party or with Māori/representatives on budget requirements has occurred but it is anticipated that budgets will be revisited as the committee, and support for it, develop.

#### **Discussion:**

Based on recent Working Party discussions, I have been asked to present an agenda item requesting that council formalise the establishment of Te Taitokerau Māori Advisory Committee (the committee) and adopt a draft Terms of Reference for the committee including the purpose(s) of the committee, its functions and responsibilities along with membership.

The risks of proceeding to establish a committee and Terms of Reference without input from Māori were documented in earlier council papers and are not repeated in full here. However they do shape the attached draft Terms of Reference prepared by staff (**Attachment 3**), which have been previously circulated to the Chair of the Working Party and the Chairman.

In its contact with Māori, council has indicated its desire to develop the purpose, discuss membership and formulate a draft Terms of Reference in tandem with them in "genuine partnership".

For council to develop the working draft Terms of Reference for the committee prior to meeting with Māori could expose council to some criticism that it has predetermined its position and could pose risks to the success of the committee.

During my discussions with the Iwi CE's Forum it has become clear that the term "genuine partnership" is being interpreted as meaning co-governance and co-management of the council. It is my understanding of council's position that co-governance and co-management is not viewed as being within the legislative mandate

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<sup>2</sup> **Attachment 1:** List of responses

<sup>3</sup> **Attachment 2:** Memorandum (attachment to Item 8.4 of the 10 December 2013 council meeting agenda)

of council to offer. I therefore recommend that council refrain from using the term “genuine partnership” in future communications until this matter has been fully reviewed as recommended below.

The Chairman and I have at the recent Regional Sector Group (governance) meeting made enquiries as to the Māori engagement models in place at other regional council. It appears that there are a range of alternatives currently practiced, some of which seek to address the co-governance and co-management debate. I therefore recommend that council approve a delegation of councillors and senior staff to visit those councils that are currently active in developing new engagement models to review these as a way of informing our own progress.

I have therefore proposed a draft Terms of Reference that sets the framework for the committee but not the detail and empowers the committee to recommend to council the detail based on collective discussion. Council can then use this advice along with information gleaned from the recommended visit above before finalising the Terms of Reference.

The proposed membership of the committee (based on Working Party recommendations) is two representatives from each of the Iwi/hapū invited, four councillors (Councillors Bowman, Dimery, Samuels and Shepherd; being the original working party members) and the Northland Inc Chief Executive Officer. At this stage there are obviously vacancies and I therefore recommend that the quorum arrangements for the committee exclude vacancies. The initial members would include those who have responded positively to the invitation and would discuss its purpose, function/responsibilities and how to encourage other invitees to participate.

I further recommend that the Chairman of the Committee be authorised to allow full participation of invitees attending any of the meetings as observers. This participation will hopefully encourage their ultimate formal participation in the working of the committee.

In line with council’s original discussions Cr Samuels, the Chair of the Working Party, is appointed as the inaugural chairperson of the committee.

I further recommend that the committee be supported by myself and staff that I identify. I seek council’s approval for the creation of a new position for a staff member, at a third tier manager level, to provide specific support to the organisation and operations of this committee and that I be authorised to make the necessary adjustments to the annual salary budgets to give effect to this decision. This new appointee will report directly to me.

**Inaugural meeting:**

The Chairman of the Working Party has indicated that if council decides to set up the committee at this council meeting that an inaugural meeting of the committee should be scheduled without delay and that this meeting should occur at Otiria Marae, Moerewa, a central venue, in mid to late May 2014. I have instructed staff to canvass suitable dates with the Marae and working party members and there are dates available during the week commencing 19<sup>th</sup> May (one week after this meeting). These dates have not been discussed with the Māori representatives/nominees that have responded as it would be improper to predetermine council’s decision by the early issuing of invitation to them.

As a matter of process (all council and committee meetings must be publically notified and agenda material prepared and circulated) and cognisant of practical issues I recommend that council should give approximately two to three weeks' notice to the Māori representatives/nominees of an inaugural meeting date to maximise the opportunity for their attendance. While this would be slightly outside the preferred dates previously discussed by the Working Party it is likely to achieve better attendance than aiming for a date only a week or so after council's decision to establish the committee.

I have been advised by staff that the Māori representatives/nominees have raised the suitability of the venue. As council is aware there is a dual process progressing in regards to the Treaty Settlement path of Ngāpuhi. This is a tense situation and one that council should avoid inadvertently escalating further. Māori representatives have suggested that hosting the hui at Otiria Marae is likely to inflame or at the least cause further friction (attributed to council) in this already fractured relationship. This is at odds with the desired outcome of building relationships. Where council has met on the Otiria Marae previously (Regional Policy Statement Hearings) it has done so in consultation with and with the approval of the iwi in Northland. So the choice of venue in the context of an inaugural committee meeting needs careful consideration.

### **Communications**

I have directed staff to develop a communications plan, including radio interviews and media releases, prior to the establishment of the committee in line with my discussions with council.

To assist with this it is necessary to confirm the key messages council wishes to convey and to whom.

At this early stage the key messages council has conveyed to the public via its Draft Annual Plan process are:

1. Council is committed to establishing a genuine partnership with Māori.
2. Council promotes Māori (whanau, hapū and iwi) participation and engagement in council processes and decision making.
3. Council takes appropriate account of the principles of the Treaty of Waitangi.
4. Collaboratively developing the purpose, mandate, functions and work programme of the committee will enable lasting and meaningful relationships and a commitment to the success of the committee.

For the reasons stated above I recommend that council confirm that the broad messages contained in bullet points 2, 3 and 4 only be approved for immediate use (and inclusion in a communications plan).

I note that communications plans are usually worked up for projects of scale which would need some of the detail that will only emerge once the committee has commenced its discussions. I therefore recommend that the communication plan be restricted to communications prior to the inaugural meeting that the committee then determines how it wishes to input into public communications post inauguration.

I remind council of the need to be aware of the implications of the statutory process of the Draft Annual Plan and that we have submissions on the matter of the establishment of the committee that will need to be fairly heard and considered and that our messages should not cut across that process.

**Next steps:**

Should council proceed to set up the committee it will need to consider:

- The relationship between the committee and other committees of council – e.g. will this committee be the conduit to filling the ‘Māori seats’ on other council committees (bearing in mind a process is being developed via the CEO Forum and Iwi Governance group for appointments to the Environment Management Committee). What input will it have into processes being led by other council committees e.g. regional plan reviews, pest management strategies etc.
- Will the Māori caucus be supported to make informed decisions (mandated as well as expertise)? E.g. technical expertise to underpin decisions; in the same manner as technical staff offer council members.
- The relationship between the committee and statutory boards such as the Te Oneroa a Tohe Beach Management Board (once legislation is passed).
- What delegated authority (if any) might the committee need in order to fulfil its functions and responsibilities effectively. (It is assumed that no delegations will be in place until the committee has made recommendations on its purpose, functions membership etc.)

I recommend that the committee be asked to consider these issues and makes recommendations to council as part of its initial report back on its terms of reference.

Issues raised by the committee and the budget for the committee and its work programme will all need to be considered and potentially incorporated into the Draft Long Term Plan 2015-2025.

**Legal Compliance & Significance Assessment:**

The activities detailed in this report are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002.

This matter has been assessed according to the council's Significance Policy and is deemed to be of low significance.

**Recommendations:**

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1. That the report ‘Te Taitokerau Māori Advisory Committee’ by Chief Executive Officer, Malcolm Nicolson, and dated 2 May 2014, be received.
2. That the council agrees to establish Te Taitokerau Māori Advisory Committee as a Standing Committee of council.

**ITEM: 3.1**

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3. That council adopts the working draft Terms of Reference, included as **Attachment 3** to Item 4.1 of the 13 May 2014 council agenda, as the initial Terms of Reference for Te Taitokerau Māori Advisory Committee.
  4. That council appoints Councillors Bowman, Dimery, Samuels and Shepherd to Te Taitokerau Māori Advisory Committee.
  5. That council appoints Councillor Samuels as the Chairperson of Te Taitokerau Māori Advisory Committee.
  6. That council resolve to convene an inaugural meeting of the committee at the Otiria Marae as soon as practical
  7. That council requests that the committee consider and recommend appropriate changes to those Terms of Reference to the council.
  8. That council confirms the following key messages for immediate press and radio communications:
    - Council promotes Māori (whanau, hapū and iwi) participation and engagement in council processes and decision making.
    - Council takes appropriate account of the principles of the Treaty of Waitangi.
    - Collaboratively developing the purpose, mandate, functions and work programme of the committee will enable lasting and meaningful relationships and a commitment to the success of the committee.
  9. That council authorises the Chairman to appoint a delegation to travel to and investigate Māori engagement models currently used by other regional councils.
  10. That council authorises the Chairman of the Committee to allow full participation by invited observers, who would otherwise have been appointees that attend meetings to encourage their participation.
  11. That council approved the establishment of a new third tier management position to support the workings of the committee and authorises the Chief Executive to make the necessary budgetary adjustment to give effect to this decision.
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# MEMO



Te Kaunihera a rohe o te Tai Tokerau

Date: 14 April 2014

From: Rachel Ropiha

Subject: Responses to invitation to participate: Te Taitokerau Māori Advisory Committee.

The council sent a letter of invitation to participate in its new committee, 'Te Taitokerau Māori Advisory Committee' on February 04 2014. The following table indicates those whom the invite was sent to and who have responded.

Iwi Authority	Chairman	CEO	
Te Rūnanga Nui O Te Aupouri	Raymond Subritzky	Mike Stevens	
Te Rūnanga o Te Rarawa	Haami Piripi	Kevin Robinson	
Te Rūnanga O Ngāi Takoto	Wallace Rivers	Rangitane Marsden	
Te Rūnanga A Iwi o Ngāti Kahu	Prof Margaret Mutu	Anahera Herbert-Graves	
Te Rūnanga A Iwi O Ngāpuhi	Sonny Tau	George Riley*	✓
Te Rūnanga O Ngāti Whātua	Naida Glavish ONZM	Jon Marsden QSO	**
Ngātiwai Trust Board	Hayden Edmonds	Jim Smiley	✓
Te Rūnanga O Whaingaroa	<i>Vacant at March 2014</i>	Raiha Fredricsen	✓
Ngāti Kuri Trust Board	Harry Burkhardt	Pani Petera	
<b>Settlement Trusts</b>			
Te Uri o Hau Settlement Trust	Rawson Wright	Deborah Harding	✓
Te Roroa Whatu Ora Trust	Sonny Nesbit	Jason Fox	✓
Ngāti Manuhiri Settlement Trust	Marilyn O'Brien	Rangi Brown	
<b>Hapū</b>			
Te Rūnanga o Ngāti Hine	Te Waihoroi Shortland	Pita Tipene	✓

\* NB. Allan Wihongi is currently acting CEO of Te Rūnanga A Iwi O Ngāpuhi.

\*\* NB: Te Rūnanga o Ngāti Whātua have indicated they wish to continue discussions at the CEO's forum at this stage

The following table indicates the nominees for each group.

Iwi Authority	Nominee	Nominee	Proxy
Te Rūnanga Nui O Te Aupouri			
Te Rūnanga o Te Rarawa			
Te Rūnanga O Ngāi Takoto			
Te Rūnanga A Iwi o Ngāti Kahu			
Te Rūnanga A Iwi O Ngāpuhi	Mike Kake	Fred Sadler	
Te Rūnanga O Ngāti Whātua			
Ngātiwai Trust Board	Isha Wateford	Henry Murphy	Everylyn Houghton, Aperahama Kerepeti-Edwards
Te Rūnanga O Whaingaroa	Martin Rudolph	Daryl Hape	
Ngāti Kuri Trust Board			
<b>Settlement Trusts</b>			
Te Uri o Hau Settlement Trust	Rawson Wright	Mikaera Miru	Henry Holyoake
Te Roroa Whatu Ora Trust	Will Ngakuru	Moengaroa Murray	Oriana Te Rore, Ana Bissett
Ngāti Manuhiri Settlement Trust			
<b>Hapū</b>			
Te Rūnanga o Ngāti Hine	Louisa Kopa	Pita Tipene	



**Date:** 15 November 2013

**To:** Cr Samuels

**From:** Kathryn Ross, GM Planning and Policy,  
Abraham Witana, SPM Tangata whenua  
Specialist, and Rachel Ropiha, Iwi Liaison  
Officer

**Subject:** Te Taitokerau Regional Māori Advisory  
Committee: Meeting notes 13 November 2013

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Council resolved set up a working party<sup>1</sup> to scope the development of Te Taitokerau Regional Māori Advisory Committee, initially proposed to be a standing committee of council. An initial meeting between Cr Samuels and staff has occurred. The meeting has established the following draft structure and scope of the committee and questions to be answered through further engagement with Māori and council.

## Legislative obligations

Both the Resource Management (RMA) and Local Government (LGA) Acts require council to take into account the principles of Treaty of Waitangi.

Section 81 of the LGA prescribes the following

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of council; and
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the council; and
- (c) provide relevant information to Māori for the above purposes.

While the RMA provisions include recognising and having regard for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other toanga.

## Possible purpose of Te Taitokerau Regional Māori Advisory Committee:

The purpose of the committee is yet to be defined however the following key points were discussed:

- The committee could have an assurance function, similar to the purpose of the Audit and Risk Committee, ensuring council meets its legal obligations to Māori.

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<sup>1</sup> "That Councillor Samuels be appointed the Chairman of a working party to prepare a brief (including budgets) for council regarding the development of a Māori liaison/advisory committee."

- The committee could have functions that support a wider purpose that is one that goes beyond monitoring and compliance functions.
- The committee should have input into the framework i.e. the purpose, and responsibilities and functions of the committee.

### **Draft purpose(s) for discussion**

The purpose of the committee needs to be confirmed between Māori and council.<sup>2</sup>  
The following draft purpose(s) represent a starting point for this discussion.

- To develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and council.
- To promote the issues of significance for all Māori in Te Taitokerau.
- To ensure the views of Māori are taken into account in the exercise of council functions.
- To set the operational direction for council's legislative obligations to Māori and to monitor how these are implemented.

### **Responsibilities and functions of a Te Taitokerau Regional Māori Advisory Committee**

The following draft responsibilities and functions have been developed for discussion.

#### **Draft functions and responsibilities for discussion**

- Assist the council to foster the development of Māori capacity to contribute to council's decision-making processes and recommend / approve actions to enhance Māori capacity for inclusion in the development of the Long Term Plan and council programmes.
- Develop and recommend to council effective Māori consultation and engagement tools and processes.
- Identify, prioritise and promote cultural, economic, environmental and social issues of significance for Māori to guide council and the committee in carrying out its responsibilities.
- Identify emerging issues for Te Taitokerau region relating to the principles of the Te Tiriti o Waitangi, council's obligations to Māori under different statutes, and programmes to build the capability of Māori.
- Facilitate tangata whenua input into council objectives, council policy development and implementation programmes.
- Ensure Māori values and views are represented in council.

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<sup>2</sup> Māori in this context are people who affiliate to whānau, hapū or iwi of Taitokerau. (Mātāwaka living in Northland is yet to be addressed)

- Recommend to council submissions and advise the council generally on matters affecting Māori.
- Monitor council's compliance to its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991. (Assurance and compliance function.)

Other things to consider:

- What delegated authority is the council prepared to give to the committee to ensure it is effective?
- Budgets for functioning (secretariat, members meeting allowances, etc) and for funding programmes of work.
- What is the relationship between this committee and other committees of council? Can the committee appoint members onto other committee?
- What is the relationship between this committee and statutory boards such as the Te Oneroa a Tohe Beach Management Board?
- What role does the committee have in settlement processes?
- What action can the committee lead?
- Should the committee formally receive iwi/hapū management plans?
- Can the committee establish subcommittees and delegate to them any authorities that have been delegated by council to the committee? Can the committee appoint members to subcommittee that are not members of the committee?
- Can the committee recommend to council the establishment of advisory groups to represent sub-region or constituency areas and to consider specific issues?

## **Membership of Te Taitokerau Regional Māori Advisory Committee**

The initial meeting discussed options for ensuring across the board (whānau, hapū, iwi) representation on the committee and who should mandate Māori representatives. The following points were discussed:

- Large number of whānau and hapū in the region.
- Treaty Settlements with hapū – recognising and providing for this.
- Nine Mandated Iwi Authorities (Fisheries Settlement 1992).
- Thirteen Iwi Authorities as identified by the Local Government Commission.

The issue of Māori representation is an issue for Māori. The meeting considered whether it was possible to work through the Iwi authorities to facilitate representation on the committee from whānau and hapū.

Another option considered was whether there could be Māori constituencies for the committee following the current council constituency boundaries, natural Iwi collective groupings (i.e. Te Hiku) or some other boundary.

### **Draft membership for discussion**

Cr Samuels noted that council had initially proposed that two possibly three councillors, with Cr Samuels as Chair<sup>3</sup>, would sit alongside Māori representatives as the possible membership for the committee (no conclusion was reached as to the number of Māori representatives).

However, as an example if a constituency based (Māori representation) model was adopted this might mean seven (using the council constituency boundary). Or, if an Iwi based model was adopted this would mean up to thirteen (using the LGC proposal as a base) or nine (using the fisheries settlement). A hapū based approach would be in excess of one hundred.

Another point of discussion was the opportunity to form a Māori Forum to underpin those representatives on the Te Taitokerau Regional Māori Advisory Committee. The forum would include representation from all iwi (be that nine or thirteen) and could appoint members to the Te Taitokerau Regional Māori Advisory.

The forum would facilitate the collective to discuss and debate issues presented to the Te Taitokerau Regional Māori Advisory Committee and ensure those appointed to it had a regional perspective and voice.

### **Meetings of Te Taitokerau Regional Māori Advisory Committee**

Meetings of the committee could occur across the region at either Marae or council facilities. Any reporting back to constituent members or consultation with Māori could be on Marae.

There were discussions around ways of ensuring the inclusion of whānau and hapū. Having formalised reporting mechanisms back to marae could address this issue.

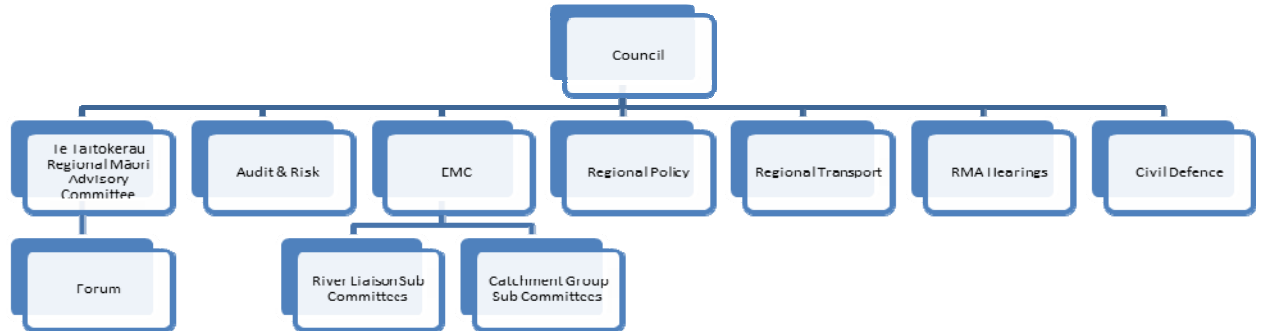
### **Possible structure**

A Te Taitokerau Regional Māori Advisory Committee would be a committee of council. Council would need to confirm it each triennium. Legislation is the only way of guaranteeing the longevity of Māori representation, such as the special legislation to create the Māori Wards in Bay of Plenty (i.e. not through Local Electoral Act) or a Statutory Board should this become available via the changes to the LGA.

Under existing legislation the committee would report directly to council (as below).

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<sup>3</sup> Note as the committee matures it may be that other options for chairing the committee might be explored such as co-chairing.



As noted above, the relationship between this committee and other committees of council needs further discussion once the committee's purpose has been identified and agreed. For example, while the audit and risk committee and the Māori committees are shown as sitting "under" the council a more accurate graphical presentation might be that they sit to the side providing an independent compliance and assurance role.

## Next steps

The discussions around the purpose and make up of this committee are at an early stage. Cr Samuels asked staff to record the key points from the initial meeting (this note) for discussion by himself with others of his choosing.

While the meeting discussed the inclusion of other councillors on the working party to examine, debate and pursue the matters in this note, the timing for this has not been set.





# Terms of Reference

## Te Taitokerau Māori Advisory Committee

DRAFT

Date: 1 May 2014  
Version: Two

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## 1. Introduction

Council has indicated that it wishes to develop a process to better enable working relationships and engagement with Māori of Taitokerau – it being acknowledged that the current regulatory framework may restrict the range of options and functions under which the Committee will be required to operate. Such a process would help inform the decisions of council.

The council formed a working party in 2013 to scope the establishment of a standing committee of council to facilitate such a relationship. This delegation was to prepare a brief for council regarding the development and then endorsement of a Māori liaison advisory committee.

## 2. Purpose of the Te Taitokerau Māori Advisory Committee

- For council and Māori to develop the purpose, role and membership of the committee, making recommendations back to council for consideration and approval.
- Monitor council's compliance to its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991. (Assurance and compliance function.)
- Where required, present submissions on council's plans and policies.
- Provide advice to council on topics referred to it by council.

## 3. Membership

The committee will comprise up to 31 members in total consisting of:

- two members representing each of the nine mandated iwi authorities (1992 Fisheries Settlement),
- two members from / representing each of the three Treaty Settlements entities (Te Uri o Hau, Te Roraoa, Ngāti Manuhiri,
- two representatives from the hapū - Ngati Hine,
- four councillors from the Northland Regional Council, and
- the Chief Executive Officer of the council's economic development agency (a council controlled organisation) Northland Inc.

The group should include the range of skills and experience required for the group to adequately perform their role.

Council's Chief Executive Officer and other council staff appointed by him will support the committee but are not members of the committee.

## 4. Selection and removal of members

Recruitment of the initial members for the group will be initiated by council. This has been by invitation to the groups previously outlined in Section 3. Each respective entity will undertake its own selection and mandating process to identify representatives for the committee.

Once the committee is formed council's representatives will work with the Māori members to encourage participation from other invitees.

Membership of the group shall cease if a member:

- resigns, or
- fails to attend at least four consecutive meetings over the period of one year<sup>1</sup>.

A member can be removed from the committee by council, following receipt of a recommendation passed by 75% of members of the committee present and voting, under exceptional circumstances where the behaviour of the members is considered detrimental to the effective operation of the group.

If a member resigns or is removed from the group, the committee will work to fill any vacancies as soon as possible.

New representative members will be selected by the affected entity according to the process outlined and followed by the council during the initial selection process.

## **5. Chair of the Committee**

The initial chair of the committee will be Councillor Samuels.

The committee may make a recommendation to council on the appointment of the Chair being an elected member (councillor) of the Northland Regional Council and the Deputy Chair being a representative from Māori.

## **6. Term of appointment**

The standard term of appointment will be three years – consistent with the term of local and territorial authorities. The term of appointment can be less than three years if a member:

- resigns,
- misses four consecutive meetings, or
- the committee is disbanded.

A member can be appointed for a second term should their representative group endorse their selection and nomination.

The committee should consider and make recommendations to council on:

- whether members will be allowed to sit on the group for more than two consecutive terms.
- whether committee members can only hold the position of Chair or Deputy Chair indefinitely or for a maximum period.

## **7. Operation**

Council's Chief Executive Officer or such person as he may for time to time appoint and other council staff designated by him will be responsible for the maintenance and servicing (provision of venue, minute-taking, catering) of the group.

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<sup>1</sup> Refer Standing Order 3.6.4 for full disclosure including the application of apologies.

## **8. Member induction**

All new members joining the committee will receive an induction pack and information outlining the council's function and processes.

Once the committee has developed, and had endorsed by council, its purpose, functions and role, the induction pack will include this information.

## **9. Conflict of interest**

Members will be asked to complete a conflict of interest form prior to election and at the beginning of each year they sit on the group. A conflict of interest log will be maintained by the officer responsible for liaising with the group.

## **10. Frequency of meetings**

The committee will meet up to a maximum of 10 times a year.

## **11. Quorum**

The following quorums will apply:

- A majority of members (excluding vacancies) if the number of members is odd or
- Half of the members (excluding vacancies) if the number of members is even

And

- At least two councillors and two Māori representatives must be present.

## **12. Payment**

As per council's policy.

## **13. Conflict Resolution**

Should conflict occur, the Committee Chair/Deputy Chair and the group will be responsible for working together to resolve the conflict in the first instance. If the conflict persists, the council will only intervene at the request of the majority of the group members.

## **14. Reporting/Accountability**

The committee, through the Chair, will report to the council in the last quarter of each year. The report will outline work undertaken, number of meetings held and attendance, the group's achievements and any issues it wishes the council to consider further.

The names and details of all members of the group and minutes of the group's meetings will be available on the council's website.

Committee members are expected to report back to and liaise regularly with their respective communities – providing information to their constituents and seeking their feedback on items/work listed on the annual committee work programme.

Officers of council will be responsible for promoting the committee and any initiatives developed (once considered and approved by council), to the wider public through a range of media including print and radio promotion, the council's website and social media.

## **15. Review**

It is noted that the initial working draft is for iwi to participate and make input to and will only be operative when these discussions have taken place at or following the inaugural meeting and any recommended changes by the Committee are referred back to council for consideration and approval.

The Terms of Reference will subsequently be reviewed as required. All changes to the Terms of Reference will be subject to the approval the Northland Regional Council.

## **16. Delegations**

The committee has no delegated authority from council.

## **17. Background: Purpose of the Te Taitokerau Māori Advisory Committee – council's perspective**

In setting up the committee, council's initial starting point was that:

1. The committee could have an assurance function similar to the purpose of the Audit and Risk Committee, ensuring council meets its legal obligations to Māori.
2. The committee could have functions that support a wider purpose, that is one that goes beyond monitoring and compliance functions.
3. The committee should have input into the framework i.e. the purpose, and responsibilities and functions of the committee.

Further to these points the following draft purposes have also been discussed by council.

- To develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and council.
- To promote the issues of significance for all Māori in Te Taitokerau.
- To ensure the views of Māori are taken into account in the exercise of council functions.
- To set the operational direction for council's legislative obligations to Māori and to monitor how these are implemented.
- To provide advice to council and its subsidiary Northland Incorporated, the latter being on Maori economic development.

## **18. Background: Advisory role**

The following roles are reflective of council's discussions to date, not that of the committee.

- Assist the council to foster the development of Māori capacity to contribute to council's decision-making processes and recommend / approve actions to enhance Māori capacity for inclusion in the development of the Long Term Plan and council programmes.
- Develop and recommend to council effective Māori consultation and engagement tools and processes.
- Identify, prioritise and promote cultural, economic, environmental and social issues of significance for Māori to guide council and the committee in carrying out its responsibilities.

- Identify emerging issues for Te Taitokerau region relating to the principles of the Te Tiriti o Waitangi, council's obligations to Māori under different statutes, and programmes to build the capability of Māori.
- Facilitate tangata whenua input into council objectives, council policy development and implementation programmes.
- Ensure Māori values and views are represented in council.
- Recommend to council submissions and advise the council generally on matters affecting Māori.

DRAFT



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