

NORTHLAND REGIONAL COUNCIL
Te Taitokerau Māori Advisory Committee
Meeting Agenda

Thursday 11 September 2014 at 10.30 am

NORTHLAND REGIONAL COUNCIL
Te Taitokerau Māori Advisory Committee
Agenda

For meeting to be held in Council Chambers, 36 Water Street, Whāngārei,
on Thursday, 11 September 2014, commencing at 10.30am

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

MEMBERSHIP OF THE COMMITTEE

Chairman (Cr Dover Samuels, Northland Regional Council)

Cr Bill Shepherd Northland Regional Council	Louisa Kopa Te Rūnanga o Ngāti Hine	Cr Paul Dimery Northland Regional Council
Catherine Murupaenga-Ikenn Te Rūnanga o Te Rarawa	Martin Rudolph Te Rūnanga O Whaingaroa	Darryl Hape Te Rūnanga O Whaingaroa
Pita Tipene Te Rūnanga o Ngāti Hine	Cr Dennis Bowman Northland Regional Council	Rawson Wright Te Uri o Hau Settlement Trust
Fred Sadler Te Rūnanga-Ā-Iwi-O-Ngāpuhi	Mikaera Miru Te Uri o Hau Settlement Trust	Henry Murphy Ngātiwai Trust Board
Mike Kake Te Rūnanga-Ā-Iwi-O-Ngāpuhi	Isha Waetford Ngātiwai Trust Board	Moengaroa Murray Te Roroa Whatu Ora Trust
Will Ngakuru Te Roroa Whatu Ora Trust		

HAPŪ REPRESENTATIVES

Patu Hohepa Hokianga o Nga Hapū Whanau	Meretini Wynyard Ngati Manu	Michelle Elboz Ngati Kuta Patukeha
Rowan Tautari Te Whakapiko Hapū	Rudy Taylor Hokianga o Nga Hapū Whanau	Shirley Hakaraia Ngati Kuta Patukeha
John Harawene Ngati Manu	Nora Rameka Ngati Rehia	Te Huranga Hohaia Ngati Rehia
Pereri Mahanga Te Waiariki, Ngati Korora and Ngati Takapari Hapū/Iwi Trust		

OPEN MEETING

Item		Page
1.0	Opening of Meeting - Karakia	~
2.0	Apologies	~
3.0	Declarations of Conflicts of Interest	~
4.0	Confirmation of Previous Minutes – 27 June 2014	1 - 8
5.0	Receipt of Action Sheet	9 - 14
6.0	Identification of Deputy Chair	15 - 16
7.0	Māori Engagement Models in Local Government	17 - 26
8.0	Māori Participation in Council Processes	27 - 34
9.0	Amended Draft Terms of Reference	35 - 46
10.0	Review of Northland's Regional Plans	47 - 48
11.0	Close of Meeting - Karakia	~

ISSUE: Confirmation of Minutes – 27 June 2014

ID: A671581

To: Te Taitokerau Māori Advisory Committee meeting, 11 September 2014

From: Malcolm Nicolson, Chief Executive

Date: 5 September 2014

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

Executive summary:

The purpose of this report is to present the unconfirmed minutes of the Committee meeting held on 27 June 2014 (**attached**) for confirmation as a true and correct record.

It should be noted that the accuracy of minutes may only be debated and voted upon by committee members who were present at the meeting concerned.

Legal compliance:

Councils are required to keep minutes of proceedings in accordance with the Local Government Act 2002.

Recommendation:

That the minutes of Te Taitokerau Māori Advisory Committee meeting held on 27 June 2014 be confirmed as a true and correct record.

NORTHLAND REGIONAL COUNCIL Te Taitokerau Māori Advisory Committee

Minutes of the meeting of Te Taitokerau Māori Advisory Committee
held at Otiria Marae,
40184 Kingi Road, Moerewa.
on Friday 27 June 2014, commencing at 11.28 am

Present:

Cr Dover Samuels, NRC
Cr Bill Shepherd, NRC
Darryl Hape, Te Rūnanga O Whaingaroa
Cr Dennis Bowman, NRC
Fred Sadler, Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Isha Waetford, Ngātiwai Trust Board
Louisa Kopa, Te Rūnanga o Ngāti Hine
Martin Rudolph, Te Rūnanga O Whaingaroa
Mike Kake, Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Cr Paul Dimery, NRC
Pita Tipene, Te Rūnanga o Ngāti Hine
Rawson Wright, Te Uri o Hau Settlement Trust
Will Ngakuru, Te Roroa Whatu Ora Trust

In Attendance:

Full Meeting

Malcolm Nicolson, NRC Chief Executive Officer
Kathryn Ross, GM - Planning and Policy and Community Relations
Rachel Ropiha, Iwi Liaison Officer
Abe Witana, Programme Manager/Policy Specialist - Tangata Whenua
Vibeke Wright, Advisor to Chief Executive/Meeting Secretary

Part Meeting

Cr Craig Brown, NRC, from 11.28 am to 12.30 pm

Observers:

David Barton, Te Roroa
Oriana Te Rore, Te Roroa
Hona Edwards, Te Uriroroi
Allan Halliday, Ngāti Hau
Percy Tipene, Ngāti Hine
Frank Barnes, Ngāti Pākau, Te Roroa
Karen Herbert, Waikare Māori and Marae Committee
Tangi Rudolph, Te Huia Marae (Pupuke)
Sheena Ross, Ngāhapū Ngāti Koro Koro
Te Ao Brown, Ngāti Hine
Sonny Livingstone, Ngāti Hine
Catherine Murupaenga-Ikenn, Te Rūnanga o Te Rarawa
Anaru Watene, Ngāti Hine Māori Wardens
Rebekah Watene, Ngāti Hine Māori Wardens
Ringa James, Ngāti Hine Māori Wardens
Puti Tipene, Tau Henare Marae
Lynette Cherrington, Ngāti Hine Otiria Marae
Margaret Tito, Hokianga Collective
Mereana Robinson, Hokianga Collective
Rachel Witana, Hokianga Collective
Rudy Taylor, Hokianga Hapū/Whānau

Elizabeth Baker, Ngāti Hine/Ngāti Rahiri
Margie Kararaina Kemp, Ngāti Hine
Gill Parker, Taiamai
Hera Bear, Taimai-Te Waimate Hapū
Kararaina Kemp, Ngāti Kopeki /Ngāti Te Ara
Joey Rapana, Te Uriroroi-Ngāti Hine
Jamie Hakaraia-Hurikino, Patukeha/Ngāti Kuta/ Ngāti Manu
Anya Hook, Ngāti Kuta Patukeha
Russell Hook, Ngāti Kuta, Patukeha
Moka Puru, Panguru Patukeha
Hine Puru, Panguru Patukeha
Marara TeTai Hook, Ngāti Kuta
Kai Maia Hook Henare, Patukaha/Ngāti Kuta
Shirley Hakaraia, Ngāti Kuta/Patukeha
And other members of the public not identified

The Committee Chairman Dover Samuels declared the meeting open at 11.28 am.
The host representative, Mr Pita Tipene, welcomed everyone.

Secretarial Note

- *It was noted that the spirit of the council's intent was to have hapū represented, and any hapū that believed they were not represented adequately should speak first to iwi.*

Introduction of Current Members of Te Taitokerau Māori Advisory Committee (Item 1.0)

ID: A650263

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Samuels/Dimery)

1. That the report, "Introduction of Members of Te Taitokerau Māori Advisory Committee", by Malcolm Nicolson, Chief Executive, and dated 12 June 2014, be received.
2. That the Committee Chairman, Councillor Dover Samuels, formally welcomes the following members to Te Taitokerau Māori Advisory Committee:

Name	Group Represented
Pita Tipene	Te Rūnanga o Ngāti Hine
Louisa Kopa	Te Rūnanga o Ngāti Hine
Cr Bill Shepherd	Northland Regional Council
Cr Dennis Bowman	Northland Regional Council
Cr Paul Dimery	Northland Regional Council
Henry Murphy	Ngātiwai Trust Board
Isha Waetford	Ngātiwai Trust Board
Fred Sadler	Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Mike Kake	Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Moengaroa Murray	Te Roroa Whatu Ora Trust
Will Ngakuru	Te Roroa Whatu Ora Trust
Darryl Hape	Te Rūnanga O Whaingaroa
Martin Rudolph	Te Rūnanga O Whaingaroa
Mikaera Miru	Te Uri o Hau Settlement Trust

ID: A656784

Te Taitokerau Māori Advisory Committee
27 June 2014

Rawson Wright
David Wilson

Te Uri o Hau Settlement Trust
Northland Inc.

Carried

Secretarial Note

- *Committee Chairman Samuels noted that Mr David Wilson of Northland Inc. had advised that he had declined the invitation to be a member of the committee. The Council Chairman noted Mr Wilson's reasons were that he felt he could better support the work of the committee as a staff member, i.e. CEO of Northland Inc., than to operate at a governance level.*
- *Others in the room, including councillors, council staff, participants and observers were invited to address the meeting.*

It was further moved (Samuels/Bowman)

3. That the wise words of all those who had spoken be accepted.

Carried

It was further moved (Samuels/Dimery)

4. That the committee encourages the identification and participation in the committee of nominees of Te Aupōuri, Te Rarawa, Ngāti Kahu, Ngāi Takoto, Ngāti Kurī, Ngāti Whātua, and Ngāti Manuhiri at any time.
5. That the committee notes the appropriate process for participation of nominees of any other authority, entity or hapū is that the Northland Regional Council Chief Executive Officer must be advised of the request in order that the council may consider changing the provisions for membership as set out in the committee's terms of reference.

Carried

Apologies (Item 2.0)

Moved (Dimery/Bowman)

1. That the apologies for absence from Henry Murphy of Ngātiwai Trust Board, who was unable to attend due to a full Ngātiwai Trust Board Trustees Meeting, be accepted.

Carried

It was further moved (Samuels/Bowman)

2. That the apologies for absence from Mikaera Miru of Te Uri o Hau Settlement Trust, be accepted.

Carried

It was further moved (Bowman/Dimery)

3. That the apologies for absence from Moengaroa Murray of Te Roroa Whatu Ora Trust representative, be accepted.

Carried

It was further moved (Bowman/Dimery)

4. That the apologies for absence from observers John Bain of Northland Regional Council, Raiha Fredricsen of Te Rūnanga O Whaingaroa, Naida Glavish ONZM of Te Rūnanga O Ngāti Whātua, Pani Petera of Ngāti Kuri Trust Board, and Mr Jack Cherrington, Mr Te Waihoroi Shortland, Mr Kevin Prime and Mr Erima Henare of Te Rūnanga o Ngāti Hine be received.

Carried

Declarations of Conflicts of Interest (Item 3.0)

ID: A650507

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Samuels/Wright)

1. That the report, "Declarations of Interests", by Malcolm Nicolson, Chief Executive, and dated 13 June 2014, be received.

Carried

Overview of the Committee: Northland Regional Council Perspective (Item 5.0)

ID: A650441

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Shepherd/Bowman)

1. That the report "Overview of the Committee: Northland Regional Council Perspective" by Malcolm Nicolson, Chief Executive, and dated 12 June 2014, be received.

Carried

Cr Craig Brown departed the meeting at 12.30 pm.

Secretarial Note

- *Mr Nicolson stressed that the initiative of the committee was in the early stages of its development and from the council's perspective there were no hard lines in the ground.*

The meeting adjourned for lunch at 1.40 pm and resumed at 2.42 pm.

Terms of Reference Review (Item 6.1)

ID: A649635

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Tipene/Wright)

1. That the report, "Terms of Reference Review", by Malcolm Nicolson, Chief Executive, and dated 10 June 2014, be received.

Carried

It was further moved (Rawson/Sadler)

2. That discussion on the terms of reference be deferred to the next meeting of Te Tai Tokerau Māori Advisory Committee.

Carried

Matters arising from Item 6.1:

- Mr Nicolson undertook to ensure all current members and those approved by council before the next committee meeting would have a copy of the terms of reference.

Meeting Schedule and Upcoming Items/Presentations (Item 6.2)

ID: A649645

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Wright/Dimery)

1. That the report "Meeting Schedule and Upcoming Items/Presentations" by Malcolm Nicolson, NRC Chief Executive, and dated 10 June 2014, be received.
2. That the Chief Executive be authorised to canvas members on availability for the next meetings of the committee.
3. That the Chief Executive be authorised to consult with committee members and select a marae for the third meeting of the committee, provided its location is in the south of the region.

Carried

Matters arising from Item 6.2:

- The second Thursday of every month, from 9.00 am to 12.30 pm, was suggested as the standard meeting arrangement, with the venue alternating between a marae and Council Chambers.
- Mr Nicolson undertook to check the council's formal meeting calendar and to circulate information to appointed committee members, noting that a meeting could be held in July to discuss the terms of reference, with the next meeting to be held on 14 August 2014 on a marae. Committee members should communicate to him about possibilities for a marae venue and then his office would investigate availability.

Open Forum (Item 7.0)

ID: A650213

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Shepherd/Dimery)

1. That the report Open Forum by Malcolm Nicolson, Chief Executive, and dated 12 June 2014, be received.
2. That the time restrictions set out in the Council's Standing Orders for an Open Forum be temporarily suspended in order to extend the period of public participation and the period any speaker is allowed to speak.

Carried

At the request of the Committee Chairman, Mr Percy Tipene closed the meeting with a karakia.

Conclusion

The meeting closed at 3.29 pm.

ISSUE: Receipt of Action Sheet

ID: A671812

To: Te Taitokerau Māori Advisory Committee meeting, 11 September 2014

From: Vibeke Wright, Advisor to CEO

Date: 28 August 2014

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

Executive summary:

The purpose of this report is to enable the committee to receive the current committee action sheet (**attached**).

Legal compliance:

No decision is required.

Recommendation:

That the action sheet be received.

Te Taitokerau Māori Advisory Committee Action Sheet

✓ Ref	Forum	Date	Reso/ Request	By	Task Point	Progress Statement	Assigned
✓ 1	Formal meeting	27-Jun-14	Resolution and request on Item 6.1	Committee	Terms of reference be deferred to next meeting of Committee for further review.	Terms of reference referred to Committee workshop held 24 July 2014. Amendments have been drafted in response to feedback and presented on agenda for meeting 11 September 2014.	CEO's Advisor Iwi Liaison Officer
✓ 2	Formal meeting	27-Jun-14	Resolution on Item 6.2	Committee	Chief Executive authorised to canvas members on availability for the next meetings of the committee (2nd Thursday of the month preferred).	Dates have been set and invitations sent to all members.	CEO's Advisor
✓ 3	Formal meeting	27-Jun-14	Resolution on Item 6.3	Committee	Chief Executive authorised to consult with committee members and select marae for 3rd meeting, provided its location is in the south of the region	Third meeting (workshop) of committee held 14 August 2014 at Oruawharo Marae.	CEO's Advisor
✓ 4	Workshop	24-Jul-14	Request	Committee	Prepare report for committee that provides information about what this and other councils do to engage with Māori at a governance level.	Presented on agenda for meeting 11 September 2014: - 1) NRC's own engagement 2) Different Governance options across NZ local govt	1) Programme Manager/Policy Specialist - Tangata Whenua 2) Iwi Liaison Officer
5	Workshop	24-Jul-14	Request	Committee	Keep committee informed of developments in respect of local government reform and provide opportunity for committee's views to be relayed to NRC.	Effectively in hiatus over general election period	CEO
6	Workshop	24-Jul-14	Request	Committee	Prepare report for committee on its anticipated future work programme.	In development	CEO

Te Taitokerau Māori Advisory Committee Action Sheet

✓	Ref	Forum	Date	Reso/ Request	By	Task Point	Progress Statement	Assigned
✓	7	Workshop	24-Jul-14	Request	Committee	Investigate any legal obstacle to the election of co-chairs.	Underway	CEO
	8	Workshop	24-Jul-14	Request	Committee	Present amended terms of reference as discussed at workshop for formal committee recommendation for council approval at next formal meeting.	See item 1	Iwi Liaison Officer
	9	Workshop	24-Jul-14	Request	Committee	Consider and prepare induction material for new committee members.	In development; will require Committee input	Iwi Liaison Officer
	10	Workshop	24-Jul-14	Request	Committee	Evaluate need for "Non-elected member only" time prior to committee meetings and if required seek council support for resourcing.	"Non-elected member only" time arranged for after 11 September 2014 meeting, for discussion on future needs.	CEO's Advisor
	11	Workshop	24-Jul-14	Request	Committee	Prepare report on committee's principles.	See item 1 - incorporated within terms of reference	Iwi Liaison Officer
	12	Workshop	24-Jul-14	Request	Committee	Report on how NRC prioritises catchments across Northland.	Underway	Programme Manager/Policy Specialist - Tangata Whenua
	13	Workshop	15-Aug-14	Request	Committee	Report on NRC's funding commitment to the Kaipara Harbour. (Member Mikaera Miru to report back on discussions with TUOHTB CEO on funding priorities/shortfalls.)	Underway	Deputy CEO

Te Taitokerau Māori Advisory Committee Action Sheet

✓	Ref	Forum	Date	Reso/ Request	By	Task Point	Progress Statement	Assigned
	14	Workshop	15-Aug-14	Request	Committee	<p>Prepare a report to NRC recommending:</p> <p>a. All independent commissioners selected by NRC be able to demonstrate training in tikanga and consultation with Māori;</p> <p>b. NRC encourages the selection of Māori Commissioners to its approved list, given the importance of cultural considerations in Te Tai Tokerau</p> <p>c. Should there be insufficient trained and capable Māori Commissioners, then NRC should actively support training and development of independent Māori Commissioners;</p> <p>d. The training of all commissioners should include Te Tai Tokerau tikanga</p>	Presented on agenda for meeting 11 September 2014	Programme Manager/Policy Specialist - Tangata Whenua
	15	Workshop	15-Aug-14	Request	Committee	Report to the committee on the steps undertaken by NRC to support Māori economic development.	Underway. Northland Inc is currently employing a General Manager - Māori Economic Development. The role is to assist with Māori Economic Development in Northland and this could include investigating the impacts of bureaucracy. Northland Inc CEO will give an update on this position at next available opportunity.	Northland Inc CEO
✓	16	Workshop	15-Aug-14	Request	Committee	Circulate Northland Inc job description for Māori Advisory Officer to committee members	Complete. Circulated by email 19 August, hard copy available on request.	CEO's Advisor
	17	Workshop	15-Aug-14	Request	Committee	Invite Northland Inc CEO to present to September committee meeting on the company's Māori Economic Development Strategy.	Northland Inc CEO unavailable in September, alternative arrangements being made.	CEO's Advisor

ISSUE: Identification of Deputy Chair

ID: A666289

To: Te Taitokerau Māori Advisory Committee meeting, 11 September 2014

From: Malcolm Nicolson, Chief Executive Officer.

Date: 1 August 2014

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

Executive Summary:

The purpose of this report is to seek Te Taitokerau Māori Advisory Committee's (the committee's) resolution on the appointment of a Deputy Chair as provided for in the committee's draft terms of reference.

Legal compliance and 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 does not trigger the council's Significance Policy.

Recommendations:

-
1. That the report, 'Identification of Deputy Chair', by Malcolm Nicolson, Chief Executive Officer, and dated 1 August 2014, be received.
 2. That the committee recommends to council the appointment of _____ as Deputy Chair of Te Tai Tokerau Māori Advisory Committee.
-

Report:

The Committee's current draft terms of reference provide that: *"The committee may make a recommendation to council on the appointment of the deputy chair being a representative from Māori."*

The Local Government Act 2002 limits the council's discretion in this regard to: *"The local authority or the committee may appoint a deputy chairperson to act in the absence of the chairperson."* Therefore this is the only structure provided for in council's Standing Orders.

While it is acknowledged that at the July workshop of the committee, discussion on the possibility of appointing co-chairs occurred, for the reason above I recommend the committee identifies a preferred candidate for the position of Deputy Chair. This will support the efficient functioning of the committee in the short term while the terms of reference are still being developed.

For the purposes of identifying a Deputy Chair, the Committee Chair will call for nominations. Should there be more than one nomination, then the matter will be put to a vote. In the case of a tied vote this shall be resolved by lot.

ISSUE: Māori Engagement Models in Local Government

ID: A671633

To: Te Taitokerau Māori Advisory Committee meeting, 11 September 2014

From: Rachel Ropiha, Iwi Liaison Officer

Date: 24 August 2011

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

Executive Summary:

The purpose of this report is to;

- outline the different options for engagement of Māori in order to allow for effective participation in councils decision making processes and
- provide a synopsis of current mechanisms for Māori representation and/or participation at a Governance level across councils in New Zealand.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendation:

That the report "Māori Engagement Models in Local Government" by Rachel Ropiha, Iwi Liaison Officer, and dated 24 August, be received.

Background:

Current legislation provides specific obligations for councils in regards to the principles of the Treaty of Waitangi as well as providing opportunities for Māori to contribute to local government decision making processes.

At its workshop of 25 July the Te Taitokerau Māori Advisory Committee sought to gain an appreciation of the various engagement models being utilised by Māori and councils in this regard.

Mechanisms for Māori participation in Local Government:

A number of options have been used across local government over a number of years in order to give effect to legislative obligations. These forms of representation have been outlined in brief below in order to provide an understanding of the detail in regards to these arrangements¹.

It is worth noting that all of the below are at councils discretion with the exception of special legislation to create Māori constituencies and structures created out of Treaty Settlement agreements.

Māori Constituencies:

Bay of Plenty Regional Council (formally Environment Bay of Plenty) in 2001 became the first regional council to have Māori wards with the enacting of special legislation (local Bill) which saw the establishment of three Māori seats². Since this time the Local Electoral Act 2001 has been amended to allow communities the option of creating wards via the representation review of a region/district.

Representation on Council Committees:

Councils have the ability to create Māori 'seats' on standing, advisory and sub committees of council – district councils also have the ability to appoint such positions on community boards.

Typically this sees the creation of one position on a committee. The rights associated with such appointments may vary from council to council and in several instances may limit voting and or speaking rights.

Standing Committees:

Standing committees are formal committees of council. Standing committees can be delegated regulatory or decision making powers however, in many instances standing committees only have advisory responsibilities.

Advisory Committees:

A number of councils have advisory committees as listed in the **attached** table. Like standing committees, advisory committees are often created as an avenue for councils to sit with Māori and discuss issues of interest to them. Advisory committees are not a formal committee of council. Both may make recommendations to council who will then use their decision making processes to consider and decide on recommendations received.

¹ LGNZ. Frequently Asked Questions on Council-Maori Engagement. 2007

² The number of seats is determined via legislation

Sub-committees:

Such committees are often a by-product of a distinct programme of work particularly RMA functions. They are established in line with a particular project and normally sit beneath the umbrella of a standing committee of council.

Co-management agreements:

Co-management arrangements may cover a range of engagement with Māori. These could reflect sharing of information through to policy development or management of assets.

Formal relationships:

Memorandum of Understanding can be used to set principles of a relationship from which operational programmes of work might be defined. These are non-binding and are not legal documents; rather they are an agreement framework that forms the basis of an ongoing relationship based on goodwill.

Consultation agreements:

In some instances formal arrangements have been entered into in order for councils to fulfil their obligations particularly pertaining to RMA issues. Like a Memorandum, the agreements set out the processes to enable early and effective engagement and participation of Māori in planning processes.

Key focus groups:

Councils may set up information stakeholder groups who are experts in a specific area to help guide new programmes of work providing advice to councils.

Treaty of Waitangi Settlements:

With the advent of settlements across New Zealand iwi are actively seeking co-governance and/or co-management arrangements to be included in their respective settlement negotiations in place of previously advisory roles. The most significant case to date in respect to local government is the Waikato River settlement which has seen the implementation of both co-governance and co-management regimes for local and territorial authorities.

For Northland this has been reflected in the settlement agreements of the regions northern iwi, Te Hiku made up of Te Aupouri, Ngāti Kuri, Te Rarawa and Ngāi Takoto with Ngāti Kahu yet to join the shared agreement.

Included into the collective settlement redress will be the co-governance and co-management of Te Oneroa A Tōhē/Ninety Mile Beach through the establishment of a Beach Management Board with equal representation from Te Hiku Iwi and local authorities, chaired by Iwi; along with the development of a Beach Management Plan.

Similarly formal negotiations have been entered into between Ngati Whātua and the Crown with the signing of the 'Kaipara Moana Framework'. The framework outlines the broad parameters for ongoing negotiations such as mechanisms to enhance the participation of Ngati Whātua in council processes of which they are seeking a co-governance arrangement with all councils with jurisdiction for the harbour.

Certainly Treaty Settlements are changing the way in which Māori and local government relationships are evolving due to the fact that Māori are seeking more involvement in the management and governance of resources.

Current mechanisms of engagement in Local Authorities:

Various reports and surveys have been conducted by Local Government New Zealand, Te Puni Kōkiri (Ministry of Māori Affairs), Human Rights Commission and the Local Government Commission over a number of years to ascertain levels of engagement and their effectiveness.

In 2011 the New Plymouth District Council sought information from councils on the appointment of non-elected Māori to standing committees. The report found that such appointments were driven out of the lack of Māori representation at the council table recognising also, the difficulties faced by Māori on being elected to local government³.

Through these pieces of research some conclusions have been reached as to the success or not of different models of engagement. These centre on a council either achieving minimal legislative compliance through to actively seeking and embracing engagement with Māori⁴.

The **attached** table provides information about models councils are implementing in order to achieve compliance to legislative obligations.

A number of southern councils have entered into Memorandum of Understanding. As these are fairly replicated and similar in intent to others mentioned prior, they have not been included into the table of information.

Likewise, the Joint Management Agreements that form part of the Treaty Settlement for the Waikato River have also not been included due to the duplicated nature of information pertaining to each.

In conjunction to this report, the committee may also wish to review the variety of reports undertaken to date such as the Human Rights Commissions report on Māori Representation in Local Government: The Continuing Challenge 2010 to help inform discussion.

³ Report to Council: Iwi Participation in Decision Making. Chamberlin A. 2014

⁴ *ibid*

Local Government in New Zealand: Mechanisms for Māori participation in decision making processes.

Council	Model of engagement	Notes	Responsibilities
Northland Regional Council	Representation on council committees.	Council has one seat for 'Māori Interests" on its Environmental Management Committee. The nomination process has been agreed to between council and the regions Iwi Authorities (Chairs and CEO's). Sub-committees have been established under the umbrella of the Environmental Management Committee. All of which have Māori representation on them.	High level advice and recommendations to council. Can be given delegated authority for some matters. No delegated responsibility.
Northland Regional Council	Standing committee.	Te Taitokerau Māori Advisory Committee is a standing committee of council established in May 2014. Terms of Reference (TOR) have yet to confirmed so purpose and function not yet determined or agreed too. Committee Draft TOR indicates two members each from the nine Mandated Iwi Authorities, three settlement entities and one hapū.	Advisory only. No delegated authority, Makes recommendations to council.
Northland Regional Council	Key focus groups.	Iwi representatives are appointed to various working parties for planning documents, as and when required.	High level of involvement in recent planning processes such as Regional Policy Statement review.
Northland Regional Council	Formal relationships.	Memorandum of Understanding with Te Uri o Hau Settlement Trust as a result of legislation. Participant in the Joint Political Committee for the Kaipara Harbour. A co-chaired arrangement between councils and Iwi – with NRC one of the current Chairs.	Forms basis of on-going relationship and the Joint Political Committee Looking at long term management and RMA issues pertaining to harbour.
Kaipara District Council	Formal relationship.	Memorandum of Understanding with Te Uri o Hau Settlement Trust. Participant in the Joint Political Committee for Kaipara Harbour.	As above.
Whangarei District Council	Formal relationship.	Te Karearea is a joint committee made up equally of council and hapū representatives. This is a partnership forum - not a committee of council. The forum is co-chaired Māori/council.	Define and address issues of significance to Māori. Has no delegated authority and has no decision making powers.
Auckland Council	Independent Māori Statutory Board. (special legislation to create Auckland Council)	Established via The Local Government (Auckland Law Reform) Act 2009. Functions of the board are to: <ul style="list-style-type: none">• Put forward the cultural, economic, environmental, and social issues that are significant for mana whenua groups and Mātāwaka in Tāmaki Makaurau; and• Makes sure that the council complies with statutory provisions that refer to the Treaty of Waitangi. The Board is funded by the council. They meet reasonable costs of servicing the Board - a Secretariat, operations, establishing committees, seeking and obtaining advice (annual budget \$3 million). The secretariat includes an executive officer, three policy advisors, comms advisor, secretary, administrator and PA to the Chair.	Operational function with alignments to the auditing of the Treaty responsiveness framework for council.

Council	Model of engagement	Notes	Responsibilities
Auckland Council	Representation on council committees.	The Board may have up to two persons as members on each of the council's committees that deal with the management of natural and physical resources. The council can appoint members to sit on other committees of council.	Decision-making. Council can appoint up to two members to each of council committee that deal with the management of natural and physical resources. Uncertain about appointment to hearings panels.
Auckland Council	Co-governance. (Settlement redress)	The Tāmaki Makaurau Collective 2011 is redress regarding the vesting in/back and co-governance of the volcanic cones and public conservation land. While an agreement between Crown and mana whenua of Auckland it is implemented via a co-governance arrangement alongside Auckland Council through Ngā Mana Whenua o Tāmaki Makaurau Executive Committee.	Co-governance of the regions volcanic cones. Does not have RMA functions.
Auckland Council	Statutory Board. (Settlement redress) Crown, Council and Iwi. (established via the Hauraki Gulf Marine Part Act 2000)	Council must give effect to the Hauraki Gulf Marine Park Act's management objectives as if they were a National Policy Statement or New Zealand Coastal Policy Statement. The Auckland Council is the administering authority of the Forum, providing support for meetings as a joint special committee of the council. The Forum is jointly-funded (executive officer, Hauraki Gulf Forum Manager, Technical Officers Group - staff from each of agencies of the Forum and one from each tangata whenua member).	Decision-making power and advice to council and Ministers – but no RMA powers. Involved in long-term planning Tangata whenua members are resourced by the Crown.
Waikato Regional Council	Māori constituencies.	Council voted to introduce Māori wards in 2011 in time for the 2013 elections. This was done through the Local Electoral Act rather than special empowering legislation.	Full delegated powers as elected members of council Seats on full council and committees.
Waikato Regional Council (WRC)	Waikato River Authority. (Settlement redress) NB: this also includes Joint Management Agreements (JMA) between iwi, local authorities and WRC. The JMA's have not been included into this table	The purpose of the Waikato River Authority is to set direction through the vision and strategy for restoration and protection of the health and wellbeing of the river. They therefore play a significant role in RMA matters. Vision and strategy includes <ul style="list-style-type: none"> • Management body with equal iwi and local authority representation • Jointly created planning documents • Jointly-elected Chairperson • Consensus decision-making • Regular public meetings • Monitoring and reporting to iwi, government, and public • Advocacy (e.g. public education, capacity building) Includes: Individual joint management agreements between each river iwi and their local authorities (including regional council), <ul style="list-style-type: none"> • Integrated management plans and early consultation and • Recognition of customary activities. 	Significant role in RMA decision-making; plan development and consents concerning the river. 50/50 representation on hearing committees. Funding is via Treaty Settlement. Advise on RMA plan development and consents concerning the river. Does not provide decision-making or appointment of Māori commissioners.
Hamilton City Council	Formal agreements.	Council has specific agreements with Ngā Mana Tōpū - a Trust of mana whenua Kaumatua and Kuia. The group has status and talks on behalf of mana whenua of the Hamilton district. They are recognised and are respected by the wider Māori community. As such they are recognised to deal with RMA issues relating to tangata whenua.	The agreement does not allow for representation on council committees or for decision making powers.

Council	Model of engagement	Notes	Responsibilities
		The trust is contracted to advise the council on RMA.	
Waipa District Councils	Standing committee.	Committee is made up of 11 Iwi and six council representatives. Provide advice on matters pertaining to tangata whenua. Nominates a single representative onto two standing committees of council the Strategic Planning and Policy and Regulatory Committees.	Decision making with appointment to other standing committees. Unsure of impact of actual Māori Standing Committee.
Matamata-Piako District Council	Standing committee.	Whilst a standing committee it acts in an advisory role only with the aim to provide opportunities for tangata whenua to contribute to councils decision making processes.	Advisory only
Bay of Plenty Regional and Rotorua District councils	Joint Partnership. (Settlement redress)	Protection and restoration programme for the lakes. The Trust, councils and Ministry for the Environment work together to draft policy and actions to improve the lakes (meet approx. five times a year). A steering group meets monthly and carries out programmes of work/action.	50/50 (council/Māori) representation in regards to decision relating to the lake strategies only.
Bay of Plenty Regional Council	Māori constituencies.	Established via special legislation – The Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001. Election is by way of votes by residents on the Māori electoral roll.	Decision making as elected members. They can and are also appointed to standing committees of council.
Bay of Plenty Regional Council	Māori committee.	Has some delegated authority to approve actions to enhance Māori capacity - this seems to be through the provision of funding for environmental management plans.	No decision making, provides advice and support to the Māori councillors.
Bay of Plenty Regional and Whakatane District councils	Statutory Joint Committee. (Settlement redress)	The Rangitaiki River Forum. Co-governance over the river and its catchments. The forum is to prepare a plan which will set out broad for the management (protection and enhancement) of the river of which the Bay of Plenty Regional Policy Statement must give effect to.	Decision making 50/50 pertaining to the river.
Western Bay of Plenty Council	Māori forum.	Seven councillors and 13 Iwi. Chaired by tangata whenua deputy from council. This is an advisory group who administer a fund for new environmental management plans. They also provide reports to council on issues of relevance to Māori.	Advisory only
Whakatane District Council	Standing committee.	11 Iwi and three council reps on the committee. Provide advice on matters relating to Māori. They administer a fund to support Māori culture and Te Reo.	Advisory only no appointments to council committees.
Tauranga City Council	Standing committee.	Seven iwi/hapū members and six councillors.	Advisory only no appointments to council committees.
Tauranga City Council	Tangata whenua collective.	Sits outside of council made up of 15 representatives from each hapū /iwi in the TCC area. Provides a forum for tangata whenua to debate (LG) issues.	Advisory only
Rotorua District Council	Co-governance	Te Pukenga Koeke o Te Whare Taonga o Te Arawa – decision making and governance role. Set up to manage all toanga Māori of the Museum. The have autonomy to make decisions, policy and	Decision making 50/50 – they govern Te Arawa Taonga
Rotorua District Council	Co-governance and management	Ngati Whakaue Gifted Lands Protocol. Through this relationship the council is required to work with Ngati Whakaue and Pukeroa Oruawhata Trust to develop management plans for reserve lands (11 reserves). The protocol says council will not affect any changes of status with respect to any of the reserves, dispose of,	Decision making. Council must gain consent for any activity, decision or change to policy in respect to these reserves.

Council	Model of engagement	Notes	Responsibilities
		alienate without first obtaining the consent in writing from either of the trusts, following prior negotiation and consultation on an equal standing.	
Rotorua District Council	Co-management	Kauae Cemetery Trust Board is made up of equal membership Māori/council. The trust is responsible for the management of the cemetery. They develop a cemetery strategy, policies and procedures.	Decision making and autonomous from council
Rotorua District Council	Standing committee.	Te Arawa Standing Committee has nine members made up as follows <ul style="list-style-type: none"> - three councillors - one each from Te Pukenga kaumatua o Te Arawa, Federation of Māori Authorities and Te Arawa Lakes Trust. - one each from three clustered hui at marae referred to as iwi representatives. Currently working on a recommendation for an autonomous board similar in fashion to the Auckland Statutory Board. This is due in part to the conclusion by Te Arawa members and wider Māori community that although a standing committee they were given no delegated responsibility or powers and any recommendations are still at full council's discretion.	Advisory only and currently in abeyance awaiting the outcome of a full review and recommendation from a working party/consultant group.
Hawkes Bay Regional Council	Māori committee.	Three councillors and 12 appointed Māori members – Chaired by iwi. Two member's appointment to the Hearings, Environment and Science and Corporate and Strategic committees.	Decision making as appointed members of council standing committees.
Wairoa District and Hawkes Bay Regional councils.	Formal agreement.	MoU between councils and four marae directly relating to a wastewater scheme and a catchment plan.	Advisory only
Wairoa District Council	Standing committee.	The only standing committee of this council. Committee representation is nine iwi (no less than seven), Mayor ex-officio and two councillors nominated by council but agreed to by tangata whenua.	Advisory only
Hastings District Council	Advisory committee.	Committee makeup is five councillors, six Māori reps and the Mayor. Chaired by Iwi Māori Deputy Chair from council. To provide policy advice for the District Plan relating to waahi tapu and papakainga. Participate in development of LTP and annual plans. Make decision on the allocation of the Marae Development Fund	Advisory only with exception, decisions relating to the marae development fund.
Napier City Council	Consultative committee.	One council rep (Mayor or deputy) plus five mana whenua members. Provides advice into policy development via recommendations to council on agenda items of interest. The Terms of Reference provide for a member to be able to present to a standing committee if appropriate.	Advisory only.
Central Hawkes Bay District Council	Consultative committee.	Consist of mana whenua only. They can appoint a member to council committees however they have no voting rights.	Advisory only.
Taranaki Regional Council	Formal agreement.	Declaration of Understanding and code of conduct which falls out of the Regional Policy Statement. Relationship agreement.	Advisory only.

Council	Model of engagement	Notes	Responsibilities
New Plymouth District Council	Sub-committee (Māori).	Made up of 50/50 representation council / Māori (ten members in all). Investigates and makes reports on issue on behalf of Māori. (EG development needs of marae).	Advisory only.
South Taranaki District Council	Advisory committee.	Membership is eight Mana whenua and four councillors including the Mayor. They make policy recommendations and submissions to the Policy Development Committee. No appointments to council committees.	Advisory only.
Ruapehu District Council	Advisory committee.	Nine mana whenua reps and three councillors. Aim is to provide iwi/Māori with information about council processes and provide for opportunities to raise Māori capacity.	Advisory only.
Rangitikei District Council	Standing committee.	Aim is to assist the council to develop a process of engagement with tangata whenua. Is a consultative and advisory committee.	Advisory standing committee.
Greater Wellington Regional Council	Te Upoko Taiao – Natural Resource Management Committee.	Established to deal with plan reviews and changes. Consists of equal membership seven each - Māori and council. Oversees councils RMA responsibilities in regards to plan development.	50/50 (Māori/Council) decision making however still makes recommendations to full council.
Greater Wellington Regional Council	Relationship forum.	Ara Tahi Committee. Deals with resource consents on behalf of iwi.	Advisory only.
Kapiti Coast District Council	Partnership forum.	Te Whakaminenga o Kapiti. Mayor plus one councillor with six iwi reps. Chaired by Māori – Chair is able to attend council and standing committee meetings but has no voting rights however working towards Māori representation (full speaking and voting rights) on the three standing committees.	Representation on council committees so may be heard but no voting rights.
Kapiti Coast District Council	Representation on council committees.	Applications called for, for positions on council standing committees (x3). Members have full voting and speaking rights.	Decision making as appointed members with full voting and speaking rights.
Kapiti Coast District Council	Formal agreement.	Commissioner training. Nominated persons via iwi authorities.	No guarantee they will be used locally
Kapiti Coast District Council	Key focus groups.	Establish working parties when and if needed. Māori members are appointed by the Partnership Group and are their technical support. They make recommendations back to the Partnership Group. For example; a working group was established to do a full review of the District Plan – they also did a Māori Economic Plan. Their report was endorsed by the partnership group who made recommendations to full council in the LTP. Funding was then secured for seed funding for Māori economic development.	
Wellington City Council	Formal agreement (Memorandum of Understanding).	Port Nicholson Settlement Trust and Te Rūnanga A Toa Rangatira. Both MoU's allow for the appointment of a non-voting member to councils strategy and policy committee (one from each group).	Advisory as only a voice on one standing committee as no voting rights.
Marlborough District Council	Representation on council committees.	Provision for iwi representation on four of the five council standing committees - Environment Committee - six councillors and one iwi rep - Regional Planning and Development Committee – seven councillors, one iwi rep - Asset and Services Committee – seven councillors, one iwi rep	Decision making - full voting and speaking rights.

Council	Model of engagement	Notes	Responsibilities
		- Community and Finance Committee – ten councillors, one iwi rep Iwi Reps are appointed by Iwi of the region.	
Environment Canterbury	Relationship agreement.	Te Rōpū Tuia is made up of the chairs of the 10 Kai Tahu Papatipu Rūnaka and Environment Canterbury Commissioners. Currently looking at membership on council committees, joint technical groups for specific work and service level agreements.	Advisory only.
Environment Canterbury	Co-governance agreement.	For Te Waihora catchment only. The committee makes joint decisions and may exercise certain powers – as per LTP and Annual Plans.	Council retains statutory responsibilities at large – as action is through decisions outlined in LTP and AP.
Timaru District Council	Representation on council committees.	Provision for a tangata whenua representative to be appointed to the Resource Planning and Regulation Committee – a standing committee of council.	Decision making with full speaking and voting rights.

5

⁵ Iwi Liaison Committees – supporting notes: Lee B 2012
Report to Council: Iwi Participation in Decision Making. Chamberlin A 2014
Research by author

ISSUE: Māori Participation in Council Processes

ID: A673527

To: Te Taitokerau Māori Advisory Committee meeting, 11 September 2014

From: Rachel Ropiha, Iwi Liaison Officer, and Abe Witana, Policy Specialist Tangata Whenua

Date: 2 September 2014

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

Executive Summary:

- The purpose of this report is to provide a summary of how the Northland Regional council engages with Māori, providing opportunities for participation in council processes.
- This report should be read in conjunction with agenda Item 7.0: *Māori Engagement Models in Local Government*. The report provides background information on different governance engagement models and a summary of mechanisms currently being implemented by councils across New Zealand.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendation:

That the report "Māori Participation in Council Processes" by Rachel Ropiha, Iwi Liaison Officer, and Abe Witana, Policy Specialist Tangata Whenua, and dated 2 September 2014, be received.

Background:

The Resource Management Act 1991 sets out how and what local authorities are required to do in regards to Māori and their relationship to the environment, and responsibilities in regards to the Treaty of Waitangi. When exercising its powers and functions Sections 6, 7 and 8 prescribe the following;

Section 6 (a) Councils must recognise and provide for “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other toanga”.

Section 7 (a) Councils must provide for ‘kaitiakitanga’.

Section 8 Requires councils to take into account the principles of the Treaty of Waitangi.

The Local Government Act 2002 expanded on this legal obligation by the inclusion of specific provisions relating to Māori. The emphasis of these new provisions is on Māori participation in Council’s decision-making rather than a requirement to consult.

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.

At its workshop of 25 July the committee requested a report on the current methods of engagement with Māori and opportunities to participate in this council’s processes.

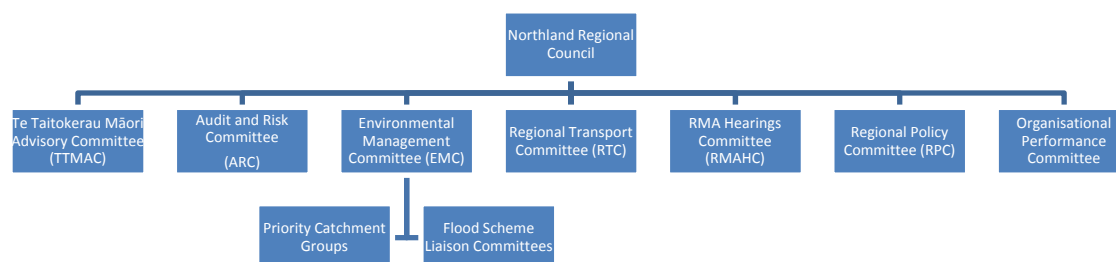
The agenda item “Māori Engagement Models in Local Government” (for this committee meeting) outlines the current mechanisms available to local government along with a table of how councils are providing for Māori participation in decision-making. The aforementioned item should be read in conjunction with this agenda item as it provides valuable information regarding applied models of engagement.

Report:

Northland Regional Council is the territorial authority for the Northland region. The council has seven constituencies with nine elected members. Unlike district councils where the mayor is elected at large, the chair and deputy of council are elected by vote of the nine members at the inaugural meeting of council.

1. Māori Representation on Council.

The following table outlines the current council structure in regards to full council, its standing committees and sub-committees. Of the seven standing committees (other than this committee) one currently has provision for a Māori seat with one other able to recommend to full council the addition of a Māori representative to be included in its membership.



1.1 Environmental Management Committee.

The Terms of Reference (ToR) for this standing committee provides for a Māori interests representative. The appointment provides an opportunity for Māori to be involved in council's decision making as they have full speaking and voting rights.

In the past it has been difficult to fill this position as such the council undertook to work with the Iwi Authorities Chairs and Chief Executive as well as Te Roroa and Te Uri o Hau Officers to develop a process for selection and endorsement of a representative.

1.2 Environmental Management Committee – sub committees.

Standing committees are able to form sub-committees. These are normally established as a consequence of specific work programmes and often as a result of resource management functions.

The Environmental Management Committee (EMC) has established sub-committees as a result of both, a change in national policy direction for fresh water and as a result of specific work programmes relating to river and flood management. These are;

- a) Waioira Northland Water priority catchment groups, and
- b) River Liaison Committees.

A) Waioira Northland Water – catchment groups.

Government can issue national policy statements under the Resource Management Act for matters of national importance. The National Policy Statement- Freshwater Management went live on 1 August 2014. This policy supports improved freshwater management and directs regional councils to establish objectives and set limits for fresh water in their regional plans¹.

In order to give effect to this new policy direction the regional council has undertaken a programme of work – Waioira Northland Water. Whilst the programme has a number of initiatives, one work stream is the establishment of catchment groups as sub-committees of the EMC. To date the council has established four sub-committees and one working group.

Each of these groups have membership reflective of the catchment, including Māori. The council sought nominations via public notice for all bar the Māori members of the committees with these positions going through interview and appointment process. These groups are;

- Poutō - two iwi, two hapū and one major Māori landowner.
- Mangere - three members nominated by hapū and iwi.
- Whangārei Harbour - four members nominated by hapū and iwi.
- Waitangi - four members nominated by hapū and iwi.
- Doubtless Bay (working group) - two members nominated by hapū and iwi.

In the case of Māori membership - Māori with an interest in an area were given the opportunity to discuss and debate the merits of who should be representatives on the committees. Then collectively (for each area) they would provide council with appropriate nominations rather than council defining who should be representatives.

¹ <http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html>

B) River Liaison Committees.

The council's priority rivers flood risk reduction project involves the 26 river catchments around Northland identified as priorities for flood risk planning. These river systems pose potential threat to lives, buildings, infrastructure and the economy².

Therefore council sought to establish river liaison committees similar to the Awanui River Liaison Committee which has been in existence for a number of years in order to assist council to develop policies and plans for the reduction of river flood risk. To date council has formed seven river liaison committees as sub-committees of EMC. These are;

- Awanui - three members nominated by Te Rarawa, Ngāi Takoto and Ngāti Kahu.
- Kaeo - one member nominated by Te Rūnanga o Whaingaroa.
- Waitangi - one member nominated by local iwi.
- Kerikeri/Waipapa - one member nominated by local iwi.
- Whāngārei urban - two representatives nominated by local iwi
- Ruakaka - one member nominated by local iwi.
- Kaihū - one member nominated by local iwi.

Noting that the terms of reference states one or more iwi representative and that council did not want to restrict the membership, rather took guidance from Māori on membership numbers. As with the catchment groups the Māori representation was for Māori to decide rather than for council to appoint persons to the committee.

For both the Waiora Northland and River Liaison committees, members have full speaking and voting rights and act in an advisory role providing direction and recommendations to EMC. All meetings are open with public and tangata whenua able to attend as gallery members.

1.3 Regional Policy Committee.

The Regional Policy Committee being a standing committee of council also has provision within its Terms of Reference to recommend to full council the inclusion of non-elected members such as provision for a Māori representative.

At this point the committee in overseeing an internal review of the council's statutory plans. It is anticipated that once we move into the actual rewrite of the regional plans, a recommendation may be made to council to include further members on the committee, such as district council representation and Māori.

2. Treaty Settlements participation and engagement:

There are eight Deeds of Settlement (DOS) in the Northland region with three of these having been through the passage of legislation, the remaining are Bill's sitting before Parliament. These are;

- Te Uri o Hau Claims Settlement Act 2002
- Te Roroa Claims Settlement Act 2008
- Ngāti Manuhiri Claims Settlement Act 2012
- Te Aupōuri DOS 2011
- Ngāi Takoto DOS 2012
- Te Rarawa DOS 2012
- Ngāti Pukenga DOS 2013³
- Ngāti Kuri DOS 2014

² <http://www.nrc.govt.nz/Your-Council/Council-Projects/Priority-Rivers/Project-Overview/>

³ Part of the Tauranga Moana Collective but have a Statutory Acknowledgement in the Whāngārei Harbour in recognition of their past association with this area.

2.1 Council engagement in settlement discussion.

At the invitation of Te Aupōuri (in the very early stages of their negotiations with the Crown), council worked with the negotiation trustees on their significant issues of concern to provide advice to better understand the mechanics of local and national government and local and national policy/statue. Council also provided advice on the initial Agreement in Principle.

Later when the Te Hiku collective redress options were discussed, council played a role in this providing advice, support and input into proposed redress mechanism and into the DOS / settlement wording around the Te Oneroa A Tōhē Statutory Board.

2.2 Formal Treaty Settlement relationships.

Local Government is encouraged to enter into formal relationships such as Memorandum of Understanding (MoU) or similar via letters of introduction by the Minister of Treaty Settlements when an entity has their settlement enacted.

To date, the council has entered into a formal relationship with Te Uri o Hau Settlement Trust (TUoH). The MoU with TUoH sets out the principles underpinning a relationship commitment. This is replicated through a variety of agreements and interactions listed in short below.

- Governance Meetings are held between the parties annually to maintain the relationship and to review the MoU.
- Kaipara Harbour Joint Political Group was formed as a direct result to support the operational group looking at the integrated management of the harbour, set up by TUoH and is reflective of the various MoU's the trust had with various councils.
- Management meetings between the parties respective Chief Executive Offices occur quarterly – they also encourage regular contact between operation staff as necessary.
- Integrated Kaipara Harbour Management Group was formed in 2005 as a result of concerns by TUoH, Te Rūnanga o Ngāti Whātua and the southern hapū (Ngā Rima) about the fragmented approach to management of the harbour. Council has contributed to the working group since its inception.
- Early engagement in plan review and rewrite is implemented via direct contact with TUoH's Chief Executive and then their delegated resource management person.

3. Operational engagement with Māori:

The council has a number of programmes of works where Māori are involved. This is achieved through staff building relationships with Māori, providing capacity building around knowledge of councils work and participation in certain programmes of work. Examples of which are listed below.

3.1 Chief Executives regional forum.

The council's Chief Executive Officer is an active member of the regions Iwi/Council Chief Executive Forum. The forum meets every second month to share information and discuss matters of regional and local interest.

3.2 Māori specific funding.

The council has two funding streams available to Māori within the Northland region, the Environmental Management Plan and Joint Iwi Monitoring funds. These funds are contestable with an annual budget of \$20 and \$15 thousand respectively.

Money can be used to develop new or review existing environmental management plans while the monitoring fund can be used for projects that align to council's programmes of works.

There is also provision for council to host workshops on council processes, national and local government, the Resource Management and Local Government Acts in order to assist Māori to understand the role and functions of council.

As an example council is currently in discussion with a district council on the possibility of delivering joint workshops in order to better illustrate for Māori the differences between district and regional council functions.

3.3 Provision of information.

Council continues to provide information where and when it can such as;

- Council maintains an iwi and hapū database of people for the purposes of both the Resource Management and Local Government Acts.
- Resource consents applications are sent to those whom have an interest in a specific area for where an application for consent might be made. This includes all notified and non-notified applications.
- Media releases distributed by the council are sent to people on the council's database via email.
- People can sign up for Civil Defense alerts these are sent to cell phone subscriptions.
- Over the summer period those who have indicated a desire to be alerted weekly of the results of the council's summer bathing water quality monitoring programme are emailed the results directly.

3.4 Specific working groups.

At times council has worked with iwi to establish working groups to assist council with specific programmes of work. A recent example of this was the Regional Policy Statement (RPS) review, where council worked with the Iwi technicians on the review and subsequent policy development of the new RPS.

More recently (early this year), council has discussed with Iwi the same process in regards to the review of the councils regional plans; Item 10 of this agenda provides further information in this regard.

3.5 Informal relationships and participation.

○ Resource consents.

Section 36A of the Resource Management Act says there is no duty by an applicant or local authority to consult any person about resource consent applications (unless otherwise provided for through any other enactment such as the Marine and Coastal Area (Takutai Moana) Act 2011 (MAC)).

However, for council to understand sections 6, 7 and 8 as they pertain to Māori we undertake the following;

- when contacted, council encourages applicants to make contact with local Māori and provides information in this regard,
- provides a series of pamphlets on the consent process where it advocates contact with Māori,
- maintains a policy of circulating all applications for resource consent to Māori,

- makes contact with local Māori as well as affected landowners at the pre lodgment stage for resource consents. As an example, currently the river management team has made contact with local iwi over potential applications for flood mitigation works (gravel extraction) for the Ngunguru and Waima rivers.

- Advocacy and environmental education.

Council provides a raft of advocacy across a number of work areas. A significant area of engagement is the Land Management Team who undertake training on best practice for farm management. Some of this is specifically targeted to Māori land owners with council staff working with Ngā Whenua Rahui and Māori.

Another key work stream is council's environmental education where staff work directly with schools. In the past this has seen staff work with Kura Kaupapa Māori, deliver Teacher Workshop (based on the national curriculum guidelines) including sessions on how to incorporate Matauranga Māori into session planning. As well as working with Māori school holiday programmes run from Marae.

- Biosecurity and Biodiversity.

Over a number of years staff have established strong connections with local communities, including Māori. Below are some examples of projects where there is a component of Māori participation and capacity building.

- The council's lakes monitoring programme includes a contract with NIWA who undertake ecological surveys of the regions lakes. The lakes are visited on a rotation basis with the most recent survey being the Poutō Lakes. In each area visited they undertake to contact local Māori (many relationships are now well established) who fully participate in the survey. This has enabled kaitiaki to get a good understanding of monitoring methodology, reason for - designing monitoring programmes and to gain information as to the past and current state of their lakes.
- The pyura assessment and removal project whilst initially a joint project between council, Ministry of Primary Industries (lead) and Iwi it is now being run by council in conjunction with Te Hiku Iwi. Council will be working with Iwi during October on an assessment project to ascertain the spread or not of the invasive squirt.
- Council provides assistance to community groups running workshops / training sessions with an environmental focus. A specific project being run by Te Uri o Hau aimed at teaching children about estuary health and monitoring has been supported by staff time.
- Community Pest Control Areas is a programme aimed at reducing pest animals and plants in the region. Contestable funding is available for groups (with council assistance) to develop pest eradication programmes which are initially implemented by council and over five years slowly handed back to the community to maintain. In the past Iwi and Māori landowners (projects) have been benefactors of this funding.

ISSUE: Amended Draft Terms of Reference

ID: A667932

To: Te Taitokerau Māori Advisory Committee meeting,
11 September 2014

From: Rachel Ropiha, Iwi Liaison Officer

Date: 12 August 2014

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

Executive Summary:

- The purpose of this report is to seek agreement by Te Taitokerau Māori Advisory Committee (the committee) and resolution on the Draft Terms of Reference (DTOR) as attached.
- Proposed changes to the DTOR, as noted from the inaugural meeting of the committee 27 June 2014 Otiria Marae and its workshop of 25 July 2014, have been incorporated into the DTOR for consideration.
- On agreement and approval by the committee of the DTOR a recommendation will be made to full council for approval. Until such time that approval is provided by full council the DTOR will remain in draft form.

Legal compliance and 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 does not trigger the council's Significance Policy.

Recommendations:

-
1. That the report "Amended Draft Terms of Reference" by Rachel Ropiha, Iwi Liaison Officer, and dated 12 August 2014, be received.
 2. That the committee recommends to council for approval, the Draft Terms of Reference.
-

ITEM: 9.0
Page 2 of 2

Draft Terms of Reference

Te Taitokerau Māori Advisory Committee

Date: 1 September 2014
Version: Two

Table of contents

Te Taitokerau Māori Advisory Committee.....	1
Table of contents.....	2
Document Approval: version control	3
1. Background	4
o The Parties	4
o Principles	5
2. Purpose of the Te Taitokerau Māori Advisory Committee	5
3. Membership.....	5
4. Selection and removal of members	6
5. Chair of the Committee.....	6
6. Term of appointment	7
7. Operation.....	7
8. Member induction	7
9. Conflict of interest.....	7
10. Frequency of meetings	7
11. Quorum	7
12. Payment.....	8
13. Conflict Resolution	8
14. Reporting/Accountability	8
15. Review	8
16. Delegations	8

1. Background

There are specific legislative obligations for Local Government to take “appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision making processes”. Recognising this, council sought to establish a standing committee to achieve this.

This Terms of Reference recognises that this agreement is not intended to be a legally binding document, but rather a document that encourages and supports a positive relationship between Northland Regional Council and Māori.

It also recognises that although two distinct partners, Māori and council may share some common aspirations in regards to the social, cultural and economic future of our shared region.

This agreement also appreciates that it will be through goodwill and cooperation that trust will develop and therefore a relationship based on mutual respect.

o **The Parties**

• **Taitokerau Māori:**

Northland Māori are extremely passionate about their heritage. From Kupe to the Treaty it is not only rich in the history, it is often said to be the *birthplace of the nation*,

In 1835 northern Māori signed *He Whakaputunga o Te Rangatiratanga o Nu Tireni - Declaration of Independence* which recognised Aotearoa a sovereign and independent state where authority remained with tangata whenua.

Te Tiriti o Waitangi – The Treaty of Waitangi is the founding document of this country and recognises a partnership between Māori and the Crown, for Māori, further cementing the intent of the declaration.

The statement of intent in regards to these documents for Māori is;

He whakaputunga o Te Rangatiratanga o Nu Tireni (Declaration of Independence) and Te Tiriti o Waitangi (Treaty of Waitangi) provide the foundation doctrines of authority and partnership that are being sought by hapū in Government, including Local Government.

• **The council:**

The Northland region spans from Cape Reinga in the North to Kaiwaka in the south and the environs in between.

The Northland Regional Council is the regional authority with responsibilities defined in legislation. There are nine elected members representing the various communities of Northland with council elected every three years.

The vision for the council is

“Creating a region of choice”

The council's Mission Statement is: -

“Through growth, putting Northland first by providing regional leadership, environmental protection, economic opportunities and integrated infrastructure”.

○ Principles

The following engagement principles will guide the committee in the pursuit of its purpose.

Whakamana tangata	Respecting each members own individual mandate as iwi or NRC representative (as the case may be), while also recognising the imperative to protect the integrity of the committee <i>as a whole</i> by respecting the principle of collective responsibility and decision-making.
Manaakitanga	Acknowledge the mana of others as equals through mutual respect, enabling effective and inclusive relationships.
Rangatiratanga	To act as leaders and role models with integrity, humility honesty and transparency.
Whanaungatanga	Respect one another while recognising the value of the collective.
Kotahitanga	Working as a collective by contributing, valuing opinions and consensus decision making. Building and nurturing a unity of vision and purpose.
Whakatoputanga	Working together in the spirit of reciprocal good faith to develop pathways and solutions that are workable and acceptable to both iwi and NRC. .
Ngakau pono	Behaving with integrity and respect at all times
Whakatau tika	Accountability underpinned by open communication, transparency and sharing of information.
Kaitiakitanga	To be responsible for and support one another and the environment, to develop as a group fulfilling our responsibilities effectively to make informed decisions in the best interests of our communities.

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.
- To develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and council.
- To ensure the views of Māori are taken into account in the exercise of council functions.
- To advise on 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 Māori economic development.

3. Membership

The committee will comprise up to 30 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 Roroa, Ngāti Manuhiri),
- two representatives from the hapū - Ngati Hine,
- four councillors from the Northland Regional Council.

All nominations received will be presented to Council for ratification.

Tangata whenua can provide an alternate nomination to act on behalf of absent members.

Until such time as all positions are filled as above council may accept interim members to the committee. This will be on a case by case basis and at the discretion of council.

Council's Chief Executive Officer and other council staff appointed by him will support the committee but are not members of the committee. The Chief Executive Officer of NorthlandInc will support the committee in an operational capacity as a non-member.

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.

When selecting its members, the entities are encouraged to consider gender equality, and the range of skills and experience required for the group to adequately perform their role.

Membership of the group shall cease if a member:

- resigns, or
- fails to attend at least four consecutive meetings over the period of one year¹.

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 inaugural Chair of the committee shall 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.

¹ Refer Standing Order 3.6.4 for full disclosure including the application of apologies.

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 annually or for the three year term of the committee.

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.

8. Member induction

Once the committee has developed, and had endorsed by council, its purpose, functions and role, an induction pack will be developed which will include information outlining the council's and Te Taitokerau Maori Advisory Committee's functions and processes. All new members joining the committee will receive an induction pack and 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. These may alternate between a formal meeting of the committee which will be held at the councils office in Whāngārei and workshops at marae focusing on local issues.

When the full committee meets at the Whāngārei office of the regional council a meeting room will be made available in the morning in order for the Māori members of the committee to meet.

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

Payments for non-elected members of the committee (tangata whenua) for meeting attendance and mileage will be in accordance with the councils 'Appointed Members' Allowance 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.



WHĀNGĀREI: 36 Water Street, Private Bag 9021, Whāngārei Mail Centre,
Whāngārei 0148; Phone 09 470 1200, Fax 09 470 1202.

DARGAVILLE: 61B Victoria Street, Dargaville; Phone 09 439 3300, Fax 09 439 3301.

KAITĀIA: 192 Commerce Street, Kaitāia; Phone 09 408 6600, Fax 09 408 6601.

ŌPUA: Unit 10, Industrial Marine Park, Ōpua; Phone 09 402 7516, Fax 09 402 7510.

Freephone: 0800 002 004 | **24/7 Environmental Hotline:** 0800 504 639

E-mail: mailroom@nrc.govt.nz | **Website:** www.nrc.govt.nz

LinkedIn: www.linkedin.com/companies/northland-regional-council

Facebook: www.facebook.com/NorthlandRegionalCouncil

Twitter: www.twitter.com/NRCEXpress

Dr'a

ISSUE: Review of Northland's Regional Plans

ID: A669298

To: Te Taitokerau Māori Advisory Committee, 11 September 2014

From: Ben Lee, Policy Specialist - Coastal

Date: 19 August 2014

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

Executive Summary:

Northland has three regional plans which set out policies and rules for the way the region's air, soil, water and coast are used. These are:

- Regional Coastal Plan
- Regional Water and Soil Plan
- Regional Air Quality Plan.

These plans are now ten years old and the Resource Management Act requires that they reviewed. The review is the first step in the development of new regional plans. It is a stocktake of:

- What we know about our resources and their use;
- Lessons learnt from administering the regional plans; and
- Current legal and policy drivers

The review will conclude with suggestions for the future direction of the new regional plan(s).

It's expected that review will be finished by the end of the year. The next step will be to start preparing new draft regional plans.

The Regional Policy Committee is overseeing the review and the development of the new regional plans.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendation:

That the report "Review of Northland's Regional Plans" by Ben Lee, Policy Specialist – Coastal, and dated 19 August 2014, be received.

ITEM: 9.0
Attachment

Report

Northland has three regional plans which set out policies and rules for the way the region's air, soil, water and coast are used. These are:

- Regional Air Quality Plan for Northland – operative March 2003
- Regional Coastal Plan for Northland – operative 1 July 2004
- Regional Water and Soil Plan for Northland – operative 28 August 2004

Section 79 of the RMA requires regional plans to be reviewed every 10 years. It includes a stocktake of:

- What we know about our resources and their use;
- Lessons learnt from administering the regional plans; and
- Current legal and policy drivers.

The review will conclude with suggestions for the future direction of the new regional plan(s).

The process for undertaking the review is:

- Regional Policy Committee approves commencement of review – December 2013
- In-house (staff) preparation of draft review reports – February to August 2014
- Draft review reports circulated to key stakeholders - September 2014
- Key stakeholder workshops and engagement – October/November 2014
- Finalise reports – November/December 2014

The review is broken up into 10 topics including water quality, water quantity, coastal water space and natural hazards.

The process for engaging with tangata whenua and getting a tangata whenua perspective on the strengths, weaknesses and gaps of the regional plans is:

- A specific review of the regional plans on tangata whenua involvement in resource management processes.
- Within each of the 10 review topics, an examination of iwi and hapu environmental management plans.
- An external independent review of the regional plans from a tangata whenua perspective. This will involve input from relevant Māori resource management practitioners.
- Invite key, active Māori resource management technicians and iwi authorities to participate in the key stakeholder workshops.
- Hold open hui for tangata whenua (between one and three) with a focus on getting feedback on the draft independent review of the regional plans from a tangata whenua perspective.

This tangata whenua engagement process has been developed in consultation with Tai Tokerau Iwi Chief Executives.

The Regional Policy Committee has the delegated role to oversee the review and the subsequent development of the new regional plan(s). The Regional Policy Committee is made up of five regional councillors. Its terms of reference allows for additional members to be appointed from outside organisations or groups, including tangata whenua.