

AGENDA

SUPPLEMENTARY

Council
Tuesday 27 September 2022 at 10.30am

Northland Regional Council Supplementary/Tabled Agenda

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 27 September 2022, commencing at 10.30am

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

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TITLE: NRC Tiriti Organisational Review (Te Tiriti Health Check)

From: Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager

Authorised by Group Manager/s: Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on 23 September 2022

Executive summary/Whakarāpopototanga

The purpose of this report is to present council's Long-Term Plan (LTP) Te Tiriti Organisational Review (Te Tiriti Health Check) for receipt by council. This independent review is provided in the form of a final report and recommendations as prepared by consultants Buddle Findlay and Whaia Legal (**Attachment 1**).

Both Buddle Findlay and Whaia Legal were engaged in the development of the Te Tiriti Health Check as they have had significant experience in working with tangata whenua and councils across the country in Te Tiriti based matters.

At the formal council meeting held on the 26 July 2022 council formally adopted Tāiki ē (NRC Te Tiriti Strategy and Implementation Plan). As such, the Te Tiriti Health Check is an annual review framework encompassed within Tāiki ē (Priority Action 1) that provides for an independent report with recommendations for constant improvement as to how council supports and uphold its Te Tiriti commitments in partnership with iwi and hapū in Te Taitokerau.

Given that this is the first time that council has embarked on this process, it must be acknowledged that it could not have been achieved without the hard work and contribution of the Te Taitokerau Māori and Council Working Party (TTMAC). At the TTMAC formal meeting held on the 29 August 2022, TTMAC provided valuable feedback and kōrero on the draft Te Tiriti Health Check Report and commended both council and consultants for capturing the aspirations and collective voices of the hapū and iwi represented. Furthermore, TTMAC endorsed the Te Tiriti Health Check and the integrity of the process undertaken by Buddle Findlay and Whaia Legal as it recognised the unique context of Te Taitokerau and the importance of He Whakaputanga o Ngā Rangatiratanga o Niu Tirenī for the incoming council to consider.

Recommendations

1. That the report 'NRC Tiriti Organisational Review (Te Tiriti Health Check)' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager and dated 15 September 2022, be received.
2. That council receive the final report and recommendations of the Te Tiriti Organisational Review (Te Tiriti Health Check) prepared by Buddle Findlay and Whaia Legal (subject to any final minor, graphic, structural or grammatical changes or amendments recommended by the Chief Executive Officer).

Options

No.	Option	Advantages	Disadvantages
1	Council receives the Te Tiriti Health Check Report and Recommendations.	<p>Aligns with council's commitment to Tāiki ē and Priority Action 1.</p> <p>Te Tiriti o Waitangi and strengthens partnerships with tangata whenua.</p> <p>Provides clear strategic direction both at a governance and operational level to give effect to Te Tiriti o Waitangi.</p> <p>Provides a robust starting point for the incoming council for the understanding of Te Tiriti o Waitangi and Te Taitokerau context, partnership and obligations.</p>	<p>Increased workload for staff, elected and non-elected members.</p> <p>Raises expectations of iwi and hapū for council to respond appropriately in a complex environment.</p>
2	Council does not receive Te Tiriti Health Check.	<p>No extra resource required for unbudgeted areas or action points that may arise from the recommendations.</p>	<p>Undermines council's commitment to partnerships and will receive negative reactions from tangata whenua partners.</p> <p>Significant amount of work and good will from TTMAC would be lost and underutilised.</p> <p>Counter-productive to the implementation of Tāiki ē.</p>

The staff's recommended option is Option 1 – Council receives the Te Tiriti Health Check report and recommendations.

Considerations

1. Climate Impact

The Te Tiriti Health Check will assist to facilitate meaningful relationships with iwi and hapū as it will improve council's ability to respond appropriately to climate implications with iwi and hapū. This will be evident in council's ability to discuss important topics related to climate

change particularly as iwi and hapu are significantly impacted by floods, droughts and sea level rises in a way that recognises and respects the world view of Māori, specifically in how it translates within a mātauranga Māori framework and methodology.

2. Environmental Impact

The Tiriti Health Check ensures that Tāiki e is upheld and prioritised by council and is constantly reviewing its performance against its LTP and subsequent implementation plans. Tāiki ē includes direct actions relating to environmental monitoring, review of council's regulatory services, and education on environmental and resource management issues. Furthermore, while Tāiki e focuses on capacity, capability and Māori representation, it establishes a framework for looking at the other Ngā Whaingā / Goals which include Water/Marine and Climate Crisis.

3. Community views

Community views have been represented throughout the process via the Te Tiriti Health Check Programme which includes fully elected councillors, non-elected members of TTMAC, staff including the executive leadership team and hapū kaitiaki (as nominated by TTMAC). The positive reception of the Te Tiriti Health Check is evident in the unanimous endorsement of the document by TTMAC on 29 August 2022.

4. Māori impact statement

This report directly relates to a partnership with Māori and recognises a commitment to a Te Tiriti o Waitangi based partnership between council and TTMAC.

5. Financial implications

There are no financial implications as throughout the LTP 2018-2028 consultation processes, financial resources were clearly identified with annual budget provided to undertake and implement the recommendations of the Te Tiriti Health Check.

6. Implementation issues

Recommendations from the Te Tiriti Health Check will be assessed within the context of Tāiki ē. If there are any that do not correlate with Tāiki ē they will be identified in the monitoring and review section of Tāiki ē and incorporated into the next LTP.

7. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because Tāiki e, Te Tiriti Strategy and Implementation Plan has already been adopted by council and TTMAC respectively. Therefore, the Te Tiriti Health Check is council's ongoing commitment to the implementation plan, specifically Priority Action 1. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

8. Policy, risk management and legislative compliance

The decision is consistent with policy and legislative requirements.

Background/Tuhinga

Long Term Plan 2018-2028 – Establishment of the Te Tiriti Health Check

TTMAC have been able to provide valuable input into council's corporate planning processes since 2017 when they became involved in the long-term planning process commencing with the development of the LTP 2018-2028. At this time TTMAC contributed to the development of that

plan via three workshops. The feedback from these workshops was then reported back to TTMAC for review and endorsement. During the workshops, detail about each of council's activities was presented. Activities that were important to the group were discussed in more detail where spending priorities were identified.

In June 2020 it was recommended that staff work alongside the Māori Technical Advisory Group (MTAG), as a mechanism for TTMAC to provide input into the 2021-2031 long-term planning process. In September 2020, the Māori Technical Advisory Group presented their LTP initiatives to TTMAC for review and endorsement. The primary issue was focused on honouring Te Tiriti o Waitangi and He Whakaputanga. Recommendations therefore used this as the primary driver for determining how council should resource itself, to transform into an organisation that not only honours Te Tiriti and He Whakaputanga but promotes the benefits and value of its partnership with tangata whenua.

TTMAC communicated to council that it should build organisational capability when developing its long-term plan underpinned by a programme of *"Te Tiriti Health Checks"*.

Key focus areas to drive change initiatives were identified as:

1. Governance
2. Relationships with Māori (specifically tangata whenua)
3. Structural considerations
4. Workforce capability
5. Environment, and
6. Policy development and service delivery.


These initiatives were summarised into five priority initiative groups relevant across council:

1. Independent evaluation and treaty health check
2. Māori representation and leadership
3. Enabling tāngata whenua participation
4. Enhancing the value of TTMAC, including their representation on working parties
5. Taitokerau kotahitanga advocacy and investment fund - Taitokerau Forward Together.

During March/April 2021, community feedback was requested on council's LTP consultation document and supporting documents. A number of initiatives were included for consultation including, for the first time, council plans to carry out a 'health check audit' of their legislative compliance and key performance indicators with Treaty of Waitangi/Te Tiriti o Waitangi obligations and best practice within the local government sector. Following consultation, staff reviewed the community feedback received and provided further recommendations to council to aid in their deliberations. As a result of community feedback and deliberations, council resolved to make no changes to the recommendations.

Council recognised the importance of meeting its Te Tiriti o Waitangi responsibilities and undertaking an independent review of how council is meeting these legislative responsibilities as an important part of ensuring these obligations are met. In June 2021 the TTMAC initiatives were adopted into the Long Term Plan 2021-2031. Council have budgeted \$50,000 in 2021/22, and \$25,000 each year following. In addition, \$100,000 is proposed each year from 2022/23 for implementing the health check, ensuring budget is available to make any required changes to plans, policy, or other operations, as highlighted by the health check.

During the LTP process MTAG indicated early on their preference to utilise an already established framework and recommended to staff the “Te Arawhiti capability framework” as the basis for developing the health check and this was subsequently endorsed by TTMAC. Using the Te Arawhiti organisational capability framework, TTMAC provided an initial evaluation as to where council were currently positioned (based on knowledge and experience of council) and where they would like to see council in the next 1-5 years.

Capability Component	Competency	Competency Level			
		Unfamiliar	Comfortable	Confident	Capable
Governance	Understanding of Māori Council relations (MCR) priorities		Jun-22	Jun-23	Jun-25
	Relationship management		Jun-22	Jun-23	Jun-25
Relationships with Māori	Engagement, partnerships and empowerment		Jun-22	Jun-23	Jun-25
	Procurement				Jun-22
Structural	Enabling structures		adhoc	Jun-23	Jun-25
	Addressing institutional racism		Jun-22	Jun-24	Jun-25
Workforce capability	MCR relations capability planning				Jun-25
	Leadership				Jun-23
	Recruitment and retention				Jun-23
	Training and development		adhoc	Jun-23	Jun-25
Environment	Physical environment	to work through as a collective			
	Commitment to tikanga Māori			Dec-23	Jun-25
Policy and services	Policy processes			Dec-23	Jun-25
	Service design and delivery			Dec-23	Jun-25
	Evaluation				Jun-22
	Data and insights		Jun-23	Jun-24	Jun-25

Delivery and commencement of the Te Tiriti Health Check

At the March 2022 meeting the non-elected members of Te Taitokerau Māori and Council Working Party (TTMAC) endorsed that the health check be delivered as a joint executive/governance initiative; the Te Arawhiti framework underpin the Te Tiriti health check; and that the Māori Technical Advisory Group’s (MTAG) benchmarking was a starting position. Three MTAG members Norris, Tautari and Chetham were appointed as the Health Check Advisory Group to assist staff in recommending to council an independent contractor to undertake the Health Check. The Health Check Advisory Group recommended, based on their experience in the areas of Treaty audits and similar reviews across councils in NZ, that Paul Beverley, Buddle Findlay and Tai Ahu, Whāia Legal be contracted as the independent evaluators.

Work commenced with Buddle Findlay and Whaia Legal in June 2022. It is the first time that council have undertaken such a comprehensive approach to Te Tiriti o Waitangi and as such it is an iterative process that involves key stakeholders with a long term vision to build enduring relationships with tangata whenua. A work programme (**Attachment 2**) and possible survey questions were recommended by Buddle Findlay and Whaia Legal to form the basis of the report and recommendations to be presented to TTMAC and council in September 2022 for implementation in the 2022-2023 financial year.

MTAG were endorsed at the TTMAC June 2022 meeting to continue to provide leadership and guidance on the development of the detailed Te Tiriti Health Check assessment process and work programme. The Pou Manawhakahaere – GM Governance and Engagement and Kaiwhakahaere Hononga Māori have worked with the independent contractors on what has been an intense programme of work. As part of the work programme a number workshops (and catch up sessions where required) have been completed with council, MTAG, tāngata whenua members of TTMAC, TTMAC, Executive Leadership Team (ELT) and hapū kaitiaki. A full staff survey was also completed.

Buddle Findlay and Whaia Legal have provided their initial findings and a draft report back to MTAG, a small representative group made up of TTMAC co-chairs, council chair and CE’s (outgoing and incoming), ELT, and TTMAC. Here they were able to receive further feedback and clarification to ensure the integrity and mana of the voices of all those involved were heard and incorporated into the review. At the 9 September TTMAC meeting the draft report was endorsed by TTMAC for recommendation to council for adoption at the September 27, 2022, council meeting (subject to any changes or amendments recommended by TTMAC for the independent assessors to consider).

Below is the updated work programme endorsed at the TTMAC formal meeting on 11 August 2022. The programme was expanded to accommodate additional meetings for further guidance from MTAG and meetings with hapū kaitiaki. Although this resulted in more workload and extension of initial timeframes it was important to allow time for the consultants to reflect tangata whenua views and aspirations in the final report.

Date	Action
Wednesday 27 July, 12.30PM-3.30PM	TTMAC caucus meeting – workshop
Thursday 28 July, 10-11AM	ELT meeting – workshop
Friday 29 July	Invites to be sent to Kaitiaki by Friday 29 July (MRT)
Wednesday 3 August, 10.30AM-12.30PM	Council workshop – workshop
Thursday 4 August	MTAG Meeting (anytime between 2-4pm)
Wednesday 10 August 2PM	ELT catchup session
By Wednesday 10 August	Māori Relationships Manager to share results of internal staff surveys with Providers
Thursday 11 August	Kaitiaki interviews complete
Thursday 11 August	Full TTMAC meeting (anytime between 11-3pm)
Thursday 24 August, 5pm	First draft report due
Thursday 1 September, 10-11AM	ELT meeting – to present draft report and receive any feedback
Thursday 1 September, 2-4PM	MTAG meeting – to present draft report and receive any feedback
Thursday 8 September, 11Am-1PM	TTMAC – to present draft report to TTMAC (full) and receive final feedback before finalising paper to Council
Friday 9 September, 5pm	Draft report to be finalised for the 13 September Council workshop
Tuesday 13 September, 1-2pm	Council workshop – to present final report and recommendations and receive any feedback
Wednesday 14 September, 5pm	Final report to be finalised for Council Agenda Preview Meeting on Tuesday 20 September
Tuesday 27 September, 1-2pm	Council meeting – to present final report with recommendations

Attachments/Ngā tapirihanga

Attachment 1: Te Tiriti Health Check Report - FINAL  

Attachment 2: Te Tiriti Health Check Work Programme  

TE TIRITI HEALTH CHECK REPORT

BY

WHĀIA LEGAL AND BUDDLE FINDLAY

FOR

TE KAUNIHĒRA Ā ROHE O TE TAITOKERAU / NORTHLAND REGIONAL COUNCIL

23 SEPTEMBER 2022

23 September 2022

1. PART ONE: INTRODUCTION

- 1.1 Buddle Findlay and Whāia Legal,¹ were engaged by Te Kaunihera ā Rohe o Te Taitokerau / Northland Regional Council (**Council**) to undertake a Te Tiriti health check. The purpose of the Tiriti health check is to provide an independent assessment as to how the Council understands and implements its Te Tiriti o Waitangi obligations in engaging with tangata whenua and mana whenua.

Scope and process

- 1.2 In March 2022, the Māori Technical Advisory Group (**MTAG**) provided initial direction by using the Te Arawhiti framework and identified the following six priority areas for the Tiriti health check:
- (a) Governance: Understanding of Māori council relations priorities;
 - (b) Relationships with Māori: Relationship management;
 - (c) Relationships with Māori: Engagement, partnerships and empowerment;
 - (d) Relationships with Māori: Procurement;
 - (e) Structural: Addressing institutional racism; and
 - (f) Policy and services: Evaluation.
- 1.3 As part of the work plan developed with the Council, we agreed on proposed questions for the workshops to address the six priority areas. However, it became clear during the course of the workshops, that to allow free and frank discussions between ourselves and participants and to gain the most insight from these workshops, these were better facilitated through broad scope questions, and we could then focus on key issues and challenges / opportunities. The broad scope questions included the following:
- (a) What are the Council's strengths in working with Māori?
 - (b) What are the Council's strengths in working in a manner that is consistent with Te Tiriti and its principles?
 - (c) What can be improved?
- 1.4 The discussions naturally addressed MTAG's six priority areas, noting that some groups spoke to different aspects of the six priority areas.
- 1.5 In undertaking this assessment, we have:
- (a) followed the work plan and scope developed with the Council;
 - (b) focused on the six priority areas identified by MTAG;
 - (c) used the Te Arawhiti framework to assess Council's performance in the six priority areas;
 - (d) reviewed Council documentation provided by the Council as relevant to the six priority areas;
 - (e) conducted workshops with (or received written feedback from) the following groups to obtain feedback on the Council's performance in the six priority areas:

¹ Tai Ahu, Raheera Douglas (Whāia Legal) and Paul Beverley, Frances Wedde, Cerridwen Bulow (Buddle Findlay).

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- (i) Te Taitokerau Māori and Council Working Party (**TTMAC**) and MTAG;
 - (ii) kaitiaki;
 - (iii) Council Executive Leadership Team; and
 - (iv) Councillors and Council staff;
- (f) prepared a draft report summarising our findings and setting out our recommendations;
- (g) presented the draft report to MTAG, the Executive Leadership Team (**ELT**) and TTMAC and considered any feedback; and
- (h) prepared a final report.
- 1.6 We also note that, although this report is focused on the Council, there are also Council-controlled organisations / entities, whose functions are significant for Te Taitokerau communities. As such, the findings and recommendations in this report will also be relevant to, and will need to be considered by, those organisations / entities.

Report structure

- 1.7 To reflect the structure of our workshops, our report addresses:
- (a) **Part One:** Introduction.
 - (b) **Part Two:** Te Taitokerau context.
 - (c) **Part Three:** What is the current state of the relationship between Māori and the Council?
 - (d) **Part Four:** What is working well?
 - (e) **Part Five:** What are the challenges / opportunities?
 - (f) **Part Six:** Recommendations.
- 1.8 We have addressed the six priority areas, and the Te Arawhiti framework, in our recommendations section. The Te Arawhiti framework was a useful reference point, but we developed a specific framework for this process, which is reflected in the structure of this report.
- 1.9 We recognise and understand that the Tiriti health check, and this report, is just one part of the journey of the relationship between Council and Te Taitokerau Māori.

2. PART TWO: TE TAITOKERAU CONTEXT

- 2.1 In undertaking this Tiriti health check, it is important to understand the unique context of the area serviced by the Council. By unique context, we mean:
- (a) population structure and demographics;
 - (b) iwi and hapū rangatiratanga; and
 - (c) the history and relevance of He Whakaputanga and Te Tiriti o Waitangi together, and Treaty settlements.
- 2.2 We consider each of these elements below.

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- 2.3 We heard that Crown and local government structures have been designed to maintain the 'status quo' and colonial hierarchy where institutions remained in the centre with the power and authority, and others were kept on the outside with little or no influence (not being able to vote was one example). Māori have long been ignored or treated as a party to be consulted, rather than being at the decision-making table as a Tiriti partner. There is a need to ensure that local government and Māori are moving beyond that colonial history and more towards partnership, and we saw positive signs of the beginning of that movement through this health check process.

Population structure and demographics

- 2.4 The 2018 census put the population count for the Northland region at over 179,000 people spread over an area of 12,500 km.² Of that 179,000 over 64,000 (or 36%) of the population were Māori. Comparatively, the 2018 census found that Māori make up 16.5% of the total population of the country.

Iwi and hapū rangatiratanga

- 2.5 Within the Northland region, there are a number of different collectives of iwi and hapū who held and continue to hold rangatiratanga.
- 2.6 Te Puni Kōkiri has identified 12 iwi that have been formally recognised by the Crown whose Tākiwa fall, either partially or wholly, within the region. These are Te Aupōuri, Ngāti Kuri, Ngāti Kahu, Te Rarawa, Ngāi Takoto, Ngāti Kahu ki Whangaroa, Ngāpuhi/Ngati Kahu ki Whaingaroa, Ngāpuhi, Ngātiwai, Te Uri o Hau, Te Roroa and Ngati Whātua.
- 2.7 In its report "He Whakaputanga me te Tiriti", the Waitangi Tribunal recognised the rangatiratanga of hapū at the time of the signing of Te Tiriti. The Tribunal stated that:³
- They came from a world in which each hapū was autonomous and exercised power over its own territories, retaining that autonomy even when acting in alliance or concert with other hapū. The rangatira brought also their own individual experiences and concerns, based on the interests of their hapū...
- 2.8 Hapū autonomy remains an important and distinct feature of the Northland region to this day. During interviews, it was noted that the most recent communication between Council staff and hapū leaders identified more than 300 hapū. A number of hapū actively engage with the Council on their own terms and to represent the interests of their hapū members in the rohe where they hold mana whenua.
- 2.9 Some iwi and hapū have entered into deeds of settlement and consequent settlement legislation with the Crown, others have not. Those who have settled have formal arrangements with the Council in accordance with their settlement legislation.

He Whakaputanga and Te Tiriti

- 2.10 The unique context of hapū autonomy in Northland is intertwined with views on He Whakaputanga and Te Tiriti. By He Whakaputanga, rangatira from Te Taitokerau declared their own independence and the independence of their country, and asserted their own sovereignty, independent of any other purported law-making power. The Waitangi Tribunal acknowledged that historical accounts

² <https://statsnz.maps.arcgis.com/apps/webappviewer/index.html?id=6f49867abe464f86ac7526552fe19787>.

³ Waitangi Tribunal *He Whakaputanga me te Tiriti* (Wai 1040, 2014) at 2.

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from the time support the position that He Whakaputanga was an assertion of sovereignty in accordance with Māori political understandings of the time, that is, when hapū were the main political unit.

- 2.11 While He Whakaputanga is not referenced in Te Tiriti, the two documents together are an essential statement on the sovereignty of Māori in Northland. The Waitangi Tribunal found that Taitokerau rangatira did not cede sovereignty to the Crown at the time they signed Te Tiriti and our understanding through this process is that Taitokerau Māori continue to maintain that they have not ceded their sovereignty to either central or local government.⁴ That position of sovereignty, as envisioned by the rangatira at the time He Whakaputanga was signed, is something that Taitokerau Māori are still striving to achieve.
- 2.12 In our interviews with interested Māori parties, we heard how political and legal structures inherited under the colonial system have alienated Māori participation in governance. In particular, the local government system was designed to maintain English ideals of class structure. To that end, only landowners could vote for a long period of time; women and Māori were excluded from participation in local government. This history of Māori exclusion has resulted in ongoing low participation from Māori.
- 2.13 We heard there needs to be a system change to enable those who have genuine passion for Māori empowerment to be effective. While Māori represent a high proportion of the population of Northland, the system has not been built to account for Māori participation nor for the isolation that occurs with rural communities.
- 2.14 While the Tiriti health check is limited to consideration of Te Tiriti, we recognise the importance of He Whakaputanga as a formal statement of the sovereignty and unity of rangatira in Te Taitokerau. We also acknowledge its essential relevance to the unique context of Taitokerau and have taken this into account in our assessment.

3. PART THREE: WHAT IS THE CURRENT STATE OF THE RELATIONSHIP BETWEEN MĀORI AND THE COUNCIL?

- 3.1 This section provides an overview of:
 - (a) the legislative context for the relationship between Māori and local government;
 - (b) the existing governance / relationship structures between Māori and the Council; and
 - (c) the existing strategic direction / frameworks for the relationship between Māori and the Council.
- 3.2 Our assessment of what is working well, and what the challenges and opportunities are, is addressed in parts four and five of this report.

Legislative context

- 3.3 There is no one coherent framework of statutory obligations for the relationship between Māori and local government. Rather, discrete statutory obligations have been developed on a statute-by-

⁴ Waitangi Tribunal *He Whakaputanga me te Tiriti* (Wai 1040, 2014) at 2.

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statute basis over many years, and they are framed in different ways depending on the statute in question.

- 3.4 There are different obligations that may apply to a council depending on the circumstances. For example, under the Resource Management Act 1991 (**RMA**) there are certain obligations that are relevant to a council in its regulatory capacity; and others when acting as an applicant for resource consent (eg when seeking consents for three waters infrastructure). The statutory obligations arise under a range of statutes, including:
- (a) local government legislation (such as the Local Government Act 2002);
 - (b) planning and environmental legislation (such as the RMA);
 - (c) Treaty settlement legislation;
 - (d) customary rights legislation (such as the Marine and Coastal Area (Takutai Moana) Act 2011); and
 - (e) other legislation (such as the Reserves Act).
- 3.5 There are also other obligations to Māori that arise, for example, under RMA national policy statements such as the New Zealand Coastal Policy Statement 2010 or the National Policy Statement for Freshwater Management 2020.
- 3.6 The specific legal obligations vary depending on the statute and the context, and those differences are important. Obligations may focus on (for example):
- (a) Te Tiriti o Waitangi / the Treaty of Waitangi;
 - (b) recognition of tikanga Māori, values, culture and traditions;
 - (c) understanding of tikanga and mātauranga Māori;
 - (d) customary rights (for example in the Marine and Coastal Area (Takutai Moana) Act context);
 - (e) participation for Māori in local authority decision-making;
 - (f) recognition of areas or resources of particular significance to Māori; and
 - (g) processes such as consultation.
- 3.7 The inconsistencies and gaps in the legislation present challenges to both Māori and councils in terms of understanding what is required in the relationship context.
- 3.8 One important matter to be explored further is the extent to which the legislation is enabling or constraining in terms of advancing the partnership aspirations of the parties.

Governance / relationship structures

- 3.9 The governance structure for the Council is made up of:
- (a) a full Council comprising of nine elected Councillors (as the ultimate decision-making body for Council matters);
 - (b) joint committees;
 - (c) statutory bodies;

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- (d) co-governance bodies;
 - (e) sub-committees; and
 - (f) working parties.
- 3.10 All joint committees, sub-committees and working parties are required to regularly report progress on their functions to the Council. In addition to those governance structures, there are also a number of collaborative community working groups.
- 3.11 Māori are currently represented at governance level through representation / membership on:
- (a) certain joint committees, including:
 - (i) Joint Climate Change Adaptation Committee;
 - (ii) Kaipara Moana Remediation Joint Committee; and
 - (iii) the Civil Defence and Emergency Management Group;
 - (b) a statutory body, being the Te Oneroa-a-Tōhe Board, which was established through Treaty settlements and is a joint committee for the management of Te Oneroa-a-Tōhe (90 Mile Beach);
 - (c) working parties, including:
 - (i) TTMAC Working Party;
 - (ii) Climate Change Working Party;
 - (iii) Planning and Regulatory Working Party;
 - (iv) Biosecurity and Biodiversity Working Party; and
 - (v) Water and Land Working Party; and
 - (d) other groups, such as:
 - (i) MTAG;
 - (ii) Local Government Elections subgroup;
 - (iii) Strategic (Priorities) Intent subgroup 2021; and
 - (iv) Tāngata Whenua Water Advisory Group.
- 3.12 Members of TTMAC make up the representation / membership on the other working parties and the other groups.⁵ The working parties and groups do not have any formal decision-making delegations from the Council.
- 3.13 The Local Government Elections subgroup, and Strategic (Priorities) Intent subgroup are examples of groups formed for specific projects or pieces of work throughout a triennium to ensure the Council has iwi and hapū expertise and perspectives.
- 3.14 Māori will also be represented in the full council following the 2022 local body elections. In October 2020, the Councillors agreed to establish Māori constituencies and formally introduce Māori seats to

⁵ A TTMAC member is also a representative on the Joint Climate Change Adaptation Committee.

