

TE TIRITI HEALTH CHECK – PROPOSED WORK PROGRAMME

BY

WHĀIA LEGAL & BUDDLE FINDLAY

FOR

TE KAUNIHERA Ā ROHE O TE TAITOKERAU / NORTHLAND REGIONAL COUNCIL

[30 JUNE 2022]

1. INTRODUCTION

- 1.1 Buddle Findlay and Whāia Legal (the **Providers**) have been engaged by Te Kaunihera ā Rohe o Te Taitokerau / Northland Regional Council (**Council**) to undertake a Treaty health check. The Treaty health check is an independent assessment by the Providers of how the Council implements its Treaty obligations in engaging with tangata whenua and mana whenua.
- 1.2 The purpose of this document is to set out the relevant background and propose a work programme to undertake the Treaty health check.

Background

- 1.3 At their March 2022 meeting, the non-elected members of Te Taitokerau Māori and Council Working Party (**TTMAC**) endorsed that the Treaty health check:
 - (a) be delivered as a joint executive/governance initiative;
 - (b) be underpinned by the Te Arawhiti framework (refer **Appendix 1**); and
 - (c) adopt the Māori Technical Advisory Group's (**MTAG**) benchmarking as a starting position.
- 1.4 In March 2022, MTAG provided initial direction by using the Te Arawhiti framework and identified the following six priority areas for the Treaty 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.

2. SCOPE AND METHODOLOGY

- 2.1 Consistent with the above, the Providers have been instructed to carry out the Treaty health check as follows:
 - (a) Focus on the six priority areas identified by MTAG;
 - (b) Use the Te Arawhiti framework to assess Council's performance in these six priority areas;
 - (c) Review Council documentation provided by the Council as relevant to these six priority areas;
 - (d) Conduct workshops with the following groups to obtain feedback on the Council's performance in the six priority areas:
 - (i) Executive Team;
 - (ii) Councillors;
 - (iii) TTMAC and MTAG and
 - (iv) Kaitiaki identified by Council

- (e) Confer with Māori Relationships Manager who is also carrying out a survey of Council staff to obtain feedback in the six priority areas;
- (f) Prepare a report summarising findings and setting out recommendations for each priority area;
- (g) Present the draft report to ELT and TTMAC and consider any feedback;
- (h) Prepare a final report and present this to Council and TTMAC (if budget allows).

2.2 The Providers acknowledge that there are differing views as to the status and relevance of the Treaty of Waitangi / Te Tiriti o Waitangi in the Northland Region. The Providers understand those questions to be outside the scope of this Treaty health check.

3. PROPOSED WORK PROGRAMME

3.1 The Providers propose the following work programme for the delivery of the above.

Date	Action
Thursday 7 July, 9-11AM [Paul and Tai are available at 10-11AM]	ELT meeting – review this work programme and provide any feedback
Thursday 7 July, 2-4PM [Paul and Raheera are available at 3-4PM]	MTAG meeting – review this work programme and provide any feedback
Friday 8 July	Providers finalise work programme
Thursday 14 July, 9.30-11AM [Both Paul and Tai are unavailable this day. Frances and Raheera are available but you may prefer to schedule a workshop outside the normal meeting schedule to a time when Tai and Paul are both available? NB Paul is unavailable between 9 and 24 July.]	TTMAC caucus meeting – workshop
Thursday 21 July, 9-11AM [Paul is unavailable this day but Tai and Frances can run this. Alternatively we could hold it on 4 August.]	ELT meeting – workshop
Wednesday 3 August [We are all available]	Council workshop – workshop
Between Monday 11 July and Wednesday 3 August	Individual interviews/workshops arranged with Kaitiaki / other individuals identified by Council.
By 3 August	Kim Peita shares results of internal staff surveys with Providers
3-8 August	Preparation of draft report [NB draft report needs to be finalised by 8 August to be on the agenda in time for the 11 August meetings]
12 August	TTMAC workshop – present draft report and receive any feedback

Date	Action
[Paul and Frances are unavailable on 11 August – could a session be arranged on 12 August instead?]	
12 August [Paul and Frances are unavailable on 11 August – could a session be arranged on 12 August instead?]	ELT meeting – present draft report and receive any feedback
12-17 August	Finalise report [NB report needs to be finalised by 17 August to be on the agenda in time for the 23 August Council meeting]
23 August	Present final report to Council

4. PROPOSED QUESTIONS FOR WORKSHOPS

- 4.1 As set out above, workshops will be held with the ELT, TTMAC, Councillors and select kaitiaki and staff identified by Council. The workshops will be held with ELT, TTMAC and Councillors collectively rather than with individual members of those groups. However, Council will also identify a limited number of particular kaitiaki and individuals to meet with separately.
- 4.2 To ensure that we cover the six priority areas at each workshop, we propose to canvass the following questions at each workshop. The questions below are indicative only. Some questions may be more relevant for certain groups or individuals and therefore may be clarified or expanded upon as required.

Introductory/overview

- 4.3 What are Council's strengths in working with Māori?
- 4.4 What are Council's strengths in working in a manner that is consistent with the Treaty and its principles?
- 4.5 What opportunities are there for improvement?

Priority 1: Understanding of Māori council relations priorities

- 4.6 Does Council have a good understanding of the commitments it has to Māori:
- (a) In legislation or law more broadly?
 - (b) In Treaty settlements?
 - (c) In other arrangements (partnership agreements, memoranda of understanding etc) that have been entered into?
- 4.7 Do Council's accountability documents reflect Council's obligations to Māori?
- 4.8 How does the Council apply a Treaty lens to its business?
- 4.9 Do Māori have the opportunity to input directly into Council's business? If so, how?
- 4.10 What resources are available to Council to support its relationships with Māori?
- 4.11 Does the Council measure its performance in working with Māori and incorporating Treaty principles in its business? How does it do this?

Priority 2: Relationship management

- 4.12 How would you describe the strength of the relationship between Council and iwi / hapū in the rohe?
- 4.13 What could be improved?
- 4.14 How does the Council generally manage its relationship and engagement with Māori?
- 4.15 What formal relationship management arrangements does Council have in place? What are the strengths of these arrangements and how are they delivered on by Council? What could be improved?
- 4.16 What informal relationship management arrangements are in place?

- 4.17 Are there relationships at different levels of Council (eg Councillors, ELT, staff, contractors)? Are relationships with Māori primarily maintained at an individual staff level, or more collectively by Council? What are some of the strengths and weaknesses between different departments of Councils? What opportunities are there for departments within Council to learn from other departments?
- 4.18 What role (if any) has the Council had in the Waitangi Tribunal district inquiry?
- 4.19 Has there been litigation between the Council and Māori? If so, what impacts has that had on the relationship? Are there any learnings that could be applied in the future?
- 4.20 What familiarity/confidence do Council staff have in tikanga Māori concepts? In te reo? How important is this to Māori in managing relationships?
- 4.21 What information and resources are available to help support Council and Māori?
- 4.22 Are staff confident in identifying the Māori groups who may have an interest in a particular area/issue?

Priority 3: Engagement, partnerships and empowerment

- 4.23 What models of engagement are employed at the current time? What is working well? What could be improved?
- 4.24 Does the Council have an engagement framework?
- 4.25 Does the Council have an engagement plan when working on projects/initiatives of significance to Māori?
- 4.26 When and how are Māori engaged in the process?
- 4.27 Is the engagement ongoing?
- 4.28 Is the engagement meaningful? What role do Māori have? Is there a decision-making role and if so on what types of issues?

Priority 4: Procurement

- 4.29 What does current Council procurement policy/guideline say about involving Māori businesses in Council procurement processes?
- 4.30 Are Treaty considerations considered relevant to procurement processes, and if so how?
- 4.31 How are Māori made aware of opportunities to provide services to Council?
- 4.32 Does Council monitor the level of uptake by Māori (i.e., the number of applications made by Māori businesses, the success rate etc?)
- 4.33 Does Council seek feedback from Māori businesses and service providers on procurement processes?

Priority 5: Addressing institutional racism

- 4.34 What barriers might impede Māori from working effectively with Council (and vice versa)?
- (a) Cultural barriers? (eg lack of understanding of te reo or tikanga?)

- (b) Structural barriers? (eg lack of processes to ensure Māori are engaged with appropriately, unawareness of Treaty considerations, lack of decision-making role?)
- (c) Resource and capacity barriers (eg lack of funding, skilled personnel, support either within Council or Māori etc?)
- (d) Information/communication barriers (eg lack of appropriate channels for communication with / between Māori)

4.35 What could be improved?

Policy 6: Evaluation

4.36 What systems does Council have in place for monitoring and evaluating its relationships with Māori?

4.37 What could be improved?

Concluding comments/questions

4.38 Are there immediate priorities that Council can easily address?

4.39 Is there anything we haven't covered today that you would like to address?