



Meeting of the Hawke's Bay Regional Council Maori Committee

Date: Wednesday 9 September 2020

Time: 10.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Attachments Excluded From Agenda

ITEM	TITLE	PAGE
9.	Tangata Whenua Orientation and Remuneration	
	Attachment 1: 2020 Maori Committee Orientation Guide to HBRC	2

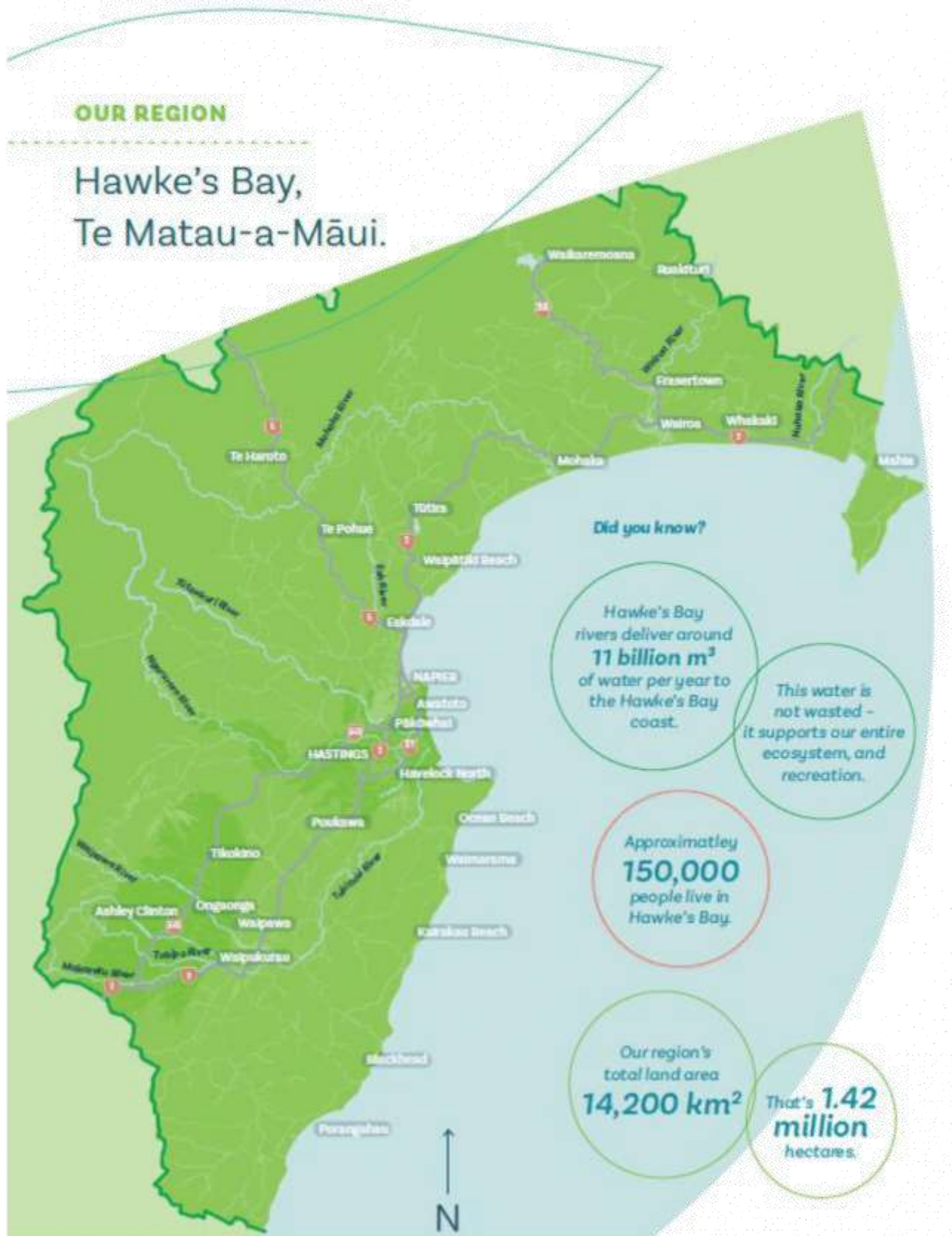
YOUR GUIDE TO HAWKE'S BAY REGIONAL COUNCIL

Māori Committee

Orientation Handbook

For more info visit hbrc.govt.nz





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Item 9

Attachment 1

Introduction

E ngā mana, e ngā reo, tēnā koutou katoa

Welcome to the Hawke's Bay Regional Council

We are a council with a focus on the Hawke's Bay region as a whole, and particularly on our natural environment – the air, land, lakes, rivers, aquifers and the marine areas that sustain all of us.

I lead a team of passionate staff who actively care for our region – from Mahanga in the north to Pōrangahau in the south. We want our region to have a healthy environment, a vibrant community and a prosperous economy.

We have a big job to do now, and in the years ahead, working together to protect the precious environment we have and to restore what we have lost.

Through our work, we care for our land and biodiversity, our waterways and marine environment, working directly with individual landowners, Tāngata Whenua, businesses and industries, local government and central government.

Our most visible work includes the region's cycle trails, regional parks and open spaces, public transport and sustainable homes programmes.

Some of our most important work includes the management of stop banks and pumping stations, long-term planning, environmental science monitoring and reporting, resource consents for using natural resources, as well as compliance monitoring and enforcement.

The role of a Councillor is interesting, demanding and fulfilling, and will require a considerable time commitment.

We look forward to working with you over the next three years to continue to protect and enhance Hawke's Bay's remarkable environment.

We hope this booklet helps support you in understanding what the role of a Councillor is all about.

Nāku noa, nā

James Palmer
Chief Executive
Hawke's Bay Regional Council



About Hawke's Bay Regional Council

Established in 1989, the Hawke's Bay Regional Council is responsible for a wide range of activities, including:

- **Governance and management of natural and physical resources** – such as land, air, fresh water, biodiversity, infrastructure and the coastal marine area – on which our primary sector and export economy are based.
- **Strategic planning at the regional scale** delivered through statutory instruments such as the Regional Policy Statement, the Regional Land Transport Plan, the Regional Pest Management Plan, Regional Resource Management Plan and Regional Coastal Environment Plan, civil defence and emergency management, and non-statutory instruments such as regional economic development strategies.
- **Provision of regional scale infrastructure**, such as flood protection assets that protect billions of dollars' worth of urban and rural assets.
- **Transport planning** and provision to keep our region moving economically and socially.
- **Regional-scale response** to natural hazards including floods and climate change, as well as earthquakes and tsunamis, to protect communities and assets.
- **Biosecurity / biodiversity activities** to safeguard the productive and export-earning capacity of the natural environment, a key foundation to a sustainable economy and to support indigenous biodiversity.
- **Obtaining, storing and evaluating information** so we know how well the region is doing environmentally and economically.

We are also all about the people of this region, employing our own passionate team of around 260 people who live throughout Hawke's Bay and take pride in the work they do on your behalf.



Strategic Plan, Long Term Plan, Annual Plan

The Council has 3 organisational plans which guide or direct our work programme.



Our Vision, Values and Focus

The Strategic Plan 2020-25 sets out the organisation's mission, vision & values, purpose and focus areas.





Our Vision and Values

Our Vision

We want a healthy environment and a resilient and prosperous community.

Our Purpose

We work with our community to protect and manage the region's precious taonga of rivers, lakes, soils, air, coast and biodiversity for health, wellbeing and connectivity.

Our Focus

We prioritise:

- Water quality, safety and climate-resilient security.**
Te kounga o te wai, te haumarutanga me te mārohirohi ā-āhuarangi o te whakamarutanga.
- Climate-smart and sustainable land use.**
Kia koi, kia toitū hoki te whakamahinga o te whenua.
- Healthy, functioning and climate-resilient biodiversity.**
Kia ora, kia āhei, kia mārohirohi ā-āhuarangi hoki te rerenga rauropi.
- Sustainable and climate-resilient services and infrastructure.**
Kia toitū, kia mārohirohi ā-āhuarangi hoki ngā ratonga me ngā hanganga ā-whare.



"Climate Change is at the heart of everything we do."

Our Values

We believe in:

Partnership and Collaboration
We work with our community in everything we do.

Accountability
We hold ourselves accountable to deliver results, be responsive to community expectations, and the best use of ratepayers' funds and assets.

Transparency
We report on what we do and the value this delivers for our community.

Excellence
We set our sights and expectations high, and never stop striving to do better.

Our Organisation

We are:

- Outcome and result focused
- Agile and forward looking
- Open and outward facing
- Data driven and science informed
- In tune with the community we serve
- Committed to continuous improvement
- An employer of choice
- Committed to health and safety
- Passionate about our work

Our Approach

We will:

Inspire
Provide inspirational and inclusive regional leadership that addresses difficult issues, motivates and mobilises action.

Collaborate
Develop our skills and capacity to partner with Tāngata Whenua, communities, councils, central government, businesses, farmers and growers for collective action.

Prioritise
Clearly identify the core business priorities for our communities and target our resources and capabilities for tangible results, alongside the resources of partners.

Invest
Drive environmentally sound and sustainable regional growth to leverage Hawke's Bay's comparative advantages, regional provenance and values.

Monitor, Learn and Adapt
Track and transparently report our progress and performance, use 'systems thinking' and adaptive management to address complex issues and causes.

Innovate
Adopt new technology and data to deliver more effective and efficient services.

Strategic Partnerships

Through partnerships with Tāngata Whenua and other community and business organisations we can do more, faster.

A joined-up and coordinated approach ensures that our efforts are greater than the sum of its parts. By tapping into funding opportunities and working with others the Regional Council can make ratepayer funding go substantially further. This philosophy is evident in a number of the Regional Council's current projects.

Recent examples include:

- Freshwater Improvement funding from central Government for Te Waiū o Tūtira - the Milk of Tūtira
- Freshwater Improvement funding from central Government for Lake Whakakī
- Funding from Predator Free 2050 Ltd (\$1.6m) and other external funders for the Whakatipu Mahia project at Mahia Peninsula
- Funding from the Ministry for Primary Industries' Hill Country Erosion Fund to address Hawke's Bay's most vulnerable steep, eroding land
- Central Government funding for SkyTEM and Regional Water Assessment.

Partnerships with Tāngata Whenua

Council is committed to having strong relationships with Tāngata Whenua as a critical part of its core business.

This relationship must be underpinned by growing trust and confidence with one another because the environmental challenges in front of us all are formidable and require us to work together at pace.

Hawke's Bay has a diverse and culturally rich landscape. Māori are Treaty partners as mana whenua and key members of our community.

- Māori represent over a quarter of the region's population¹
- There are 11 iwi groups, 91 hapū² and 79 marae³ throughout Hawke's Bay
- 8 iwi groups are represented post-settlement governance entities (PSGEs) on the Hawkes Bay Regional Planning Committee
- Ngāti Kahungunu coastal area is said to be from Paritū north of Mahia to Tūrakirae on the south Wellington Coast. Six Taiwhenua⁴ with governance entities and operations on the ground, 4 of which are within the region
- 6.8% of Hawke's Bay speak Te Reo Māori⁵
- Over 11% of Hawke's Bay's 1.42 million hectares is Māori freehold land⁶
- There has been \$447 million of financial redress in recent Treaty settlements. This will increase with future settlements.⁷

A Māori consultative committee was formalised, as requested by Tāngata Whenua following a hui at Kohupātiki Marae, in July 1990. This approach has been replicated by other councils throughout New Zealand.

A number of Treaty of Waitangi negotiations have since been settled or are nearing settlement.

To date, Deeds of Settlement have been signed with the majority of the region's Iwi and Hapū. The Treaty settlements are expected to benefit not just Māori, but also the region as a whole, bringing wealth, both economically and in the full context of wellbeing.

¹ <https://www.stats.govt.nz/tools/2018-census-place-summaries/hawkes-bay-region#ethnicity-culture-and-identity>

² <https://www.kahungunu.iwi.nz/kahungunu>

³ <https://www.kahungunu.iwi.nz/kahungunu>

⁴ Six Taiwhenua geographical areas, Wairarapa, Tāmakinuiārua, Tamatea, Heretaunga, Te Whanganui o Orotū, Te Wairoa

⁵ <https://www.stats.govt.nz/tools/2018-census-place-summaries/hawkes-bay-region#languages-spoken>

⁶ <https://www.agriculture.govt.nz/dmsdocument/4957/direct>

⁷ <https://www.govt.nz/treaty-settlement-documents>

Discussions during Treaty settlement negotiations identified a desire by Tāngata Whenua for greater involvement in the management of natural resources in the region, which resulted in the Hawke's Bay Regional Planning Committee Act 2015. This Act formally established a joint committee of equal numbers of HBRC elected councillors and Tāngata Whenua members of Iwi/Hapū groups to consider resource management strategies, policies and plans for the region.

The Regional Planning Committee (RPC) and the Māori Committee are important avenues for Tāngata Whenua and Māori to contribute to the Council's decision-making, as required by Section 81 of the Local Government Act 2002. Alongside this, the Council has recognised the need to grow cultural capability and appointed Te Pou Whakarae to its executive leadership team reporting directly to the Chief Executive, and two supporting and permanent roles to form Council's Māori Partnerships team. Their focus is growing Council-wide cultural capability, enhancing council's engagement with Tāngata Whenua and facilitating technical input to meet all statutory requirements.

Actioning the Treaty

Local Government Act 2002 Section 4

In order to recognise and respect the Crown's responsibility 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, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

Resource Management Act 1991 Section 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Every Councillor and Committee Member must take into account the principles of the Treaty. These principles are derived from the underlying tenets of the Treaty and are used to bridge the gap between the literal differences between the Māori and English texts, and aid interpretation in contexts which could not have been imagined in 1840. They are the underlying mutual obligations and responsibilities and reflect the intention of the Treaty as a whole.

To "take into account" means that decision-makers must identify and consider the relevant Treaty principles, weigh them up with other relevant factors and to give them the weight that is appropriate in the circumstances. This means thinking about the reasons for the weight of each principle against all other factors being 'taken into account'.

Recognising that the Treaty is a living document and that the obligations are ongoing and will evolve from generation to generation as conditions change, there is no fixed list of principles. The most well known Treaty principles are the three "Ps" - partnership, active protection and participation. Jurisprudence also establishes several other principles including reciprocity, mutual benefit, autonomy, options, equity, redress and equal treatment. Which principles should apply to any given decision will vary from case to case. A more fulsome discussion of the principles of the Treaty can be produced by Te Puni Kokiri⁸.

⁸ <https://www.tpk.govt.nz/en/a-matou-mohiotanga/crownmaori-relations/he-tirohanga-o-kawa-ki-te-tiriti-o-waitangi>

PARTNERSHIP	ACTIVE PROTECTION	PARTICIPATION
Both parties have a duty to act reasonably, honourably and in good faith towards each other. This requires an ongoing relationship involving mutual trust and respect. Many of the other principles are seen as integral to or arising from the principle of partnership.	The Crown is obliged to take positive steps to ensure Māori interests are protected. Active protection includes protecting tribal tino rangatiratanga (often translated as self-determination or sovereignty). Such protection includes safeguarding Māori capacity to retain tribal authority over tribal affairs, and live according to their cultural preferences, and Māori as a people, and as individuals as well as their property and culture.	The responsibility to act in good faith and reasonably puts the onus on the Crown to make informed decisions, in many cases that will require genuine consultation. Genuine consultation means more than mere notification. It includes the provision of relevant information, entering meetings with an open mind, giving due notice to what was said and waiting until parties have had their say before making a decision. It does not necessarily mean agreement, consensus or negotiation is required.

The principles referred to in Parts 2 and 6 of the Local Government Act 2001 include (among other things):

- Openness, transparency and democratic accountability
- Efficiency and effectiveness
- Being aware and having regard to the views of all its communities and taking these into account when decision making
- Providing opportunities for Māori to contribute to decision-making processes
- Those who will or may be affected or an interest in the decision should be:
 - provided access to relevant information in an appropriate format
 - encouraged to share their views with the local authority
 - given clear information about the purpose of consultation and scope of subsequent decision-making
 - provided with reasonable opportunity to present their views
- Regional Council should receive views with an open mind and give due consideration.

Where the Council fits in – Nationally and Regionally

There are two primary local government structures, regional councils and territorial authorities made up of city and district councils.

There are also six councils, who perform the functions of both regional councils and territorial authorities and are known as unitary authorities.

Almost all of New Zealand is within the area of a territorial authority and within the region of a regional authority (or a territorial authority that exercises regional council functions). The Chatham Islands has its own Chatham Islands Council.

The roles and functions of regional councils and territorial authorities are generally complementary. While they often carry out functions in their own particular areas of responsibility, there will also be situations where territorial authority activity must conform with regional plans and policies. Resource management and land transport planning are examples.

There are 11 regional councils and 61 local authorities in New Zealand.

Regional Council / District and City Councils - What's The Difference?

The boundaries of a region are generally based on river catchments, while district and city council territories are based on population and communities of interest.

The Regional Council has historically, and through legislative direction, concentrated more on the 'natural environment' - water, air, land, the coast - with a long-term view to ensure these are used sustainably, and are just as available and just as healthy (if not better) in the future as they are today.

The Resource Management Act 1991 is one of the principle Acts behind the work of regional councils. Many of our activities are aimed primarily at benefitting the environment. We also have responsibility for functions that are more appropriately carried out on a regional basis such as economic development, land transport planning, river control and land drainage, and plant and animal pest control.

City and district councils concentrate more on the built environment and deliver services to their local communities, including drinking water, sewage and rubbish disposal, local roading, swimming pools, libraries and parks, and subdivisions.

In many cases, our work is not as visible as that done by city and district councils, and it can take a longer to see results.

Our Neighbours

We share boundaries with the Manawatu-Wanganui, Waikato, Bay of Plenty and Gisborne regions.

Local Government New Zealand

Local Government New Zealand (LGNZ) exists to promote the national interests of all 78 local authorities in New Zealand. It does this through three core businesses:

- promoting collective policy views
- information sharing
- member development.

The website lgnz.co.nz provides additional information on governance best practice.

Roles and Responsibilities

Time Commitment

The Regional Council meets monthly and most committees, including the Māori Committee, meet every second month. Additional Council and Committee meetings are scheduled as required for specific matters such as consideration of the Long Term Plan or Annual Plan.

The time commitment is reasonably substantial. Monthly Council meetings last on average 5 hours but can be as long as 6 - 7 hours. Committee meetings usually take between 3 and 5 hours. Preparation time varies, but a useful rule of thumb is an hour's preparation for every hour spent in meetings. There are currently two Committees (Tenders & Hearings) that meet on an 'as required' basis and would usually average one hour in duration.

There are also workshops held from time to time, which average 4 - 5 each year and generally last 4 - 6 hours.

Council

Our Council is responsible for governance of the Hawke's Bay region, including:

- Developing and adopting council policy
- Monitoring the performance of council against its objectives and policies
- Managing the Council's resources, including setting financial and infrastructure strategies
- Employing the Chief Executive.

Unless otherwise provided in the Local Government Act 2002 or in the Council's standing orders, the Council can only act by majority decisions at meetings. Any individual member (including the Chairperson) has no authority to act on behalf of the Council unless provided for by statute or the Council has expressly delegated such authority.

Elected Members

Elected members (councillors) are responsible for representing the interests of all the residents and ratepayers of the region, not just the constituency in which they were elected. All elected members are accountable for the decisions the Council takes, whether they agree with them or not.

Elected members are expected to attend the meetings of Council, as well as the committees and sub-committees, working parties, workshops and external organisations to which they are appointed. Although the role of an elected member is not defined in legislation, it has two key elements: representation and governance.

Tāngata Whenua Members

Tāngata Whenua members on committees are responsible for representing the interests of Māori in a general sense, and the body that appointed them (tai whenua, iwi authority, PSGE) more specifically.

The Representation Role

It is likely that your appointing body or organisation will expect representation on issues that are important to them. However once appointed, you have a larger obligation to the entire Hawke's Bay community.

Representing the Hawke's Bay community involves building relationships with individuals and groups to inform, consult and empower people to facilitate effective community development. Key aspects of the role are:

- Acting as the people's champion
- Being an effective communicator
- Understanding your community
- Working with elected members.

The Governance Role

Whereas the representation role involves representing the views of Māori and the community, the governance role involves making decisions for the overall benefit of the community, not only for the current generation but for future generations.

Governance is primarily about setting the future direction of Council and the regional community, and ensuring assets and resources are suitable for achieving that direction. Key aspects of the role are:

- Strategic planning
- Policy and strategy review
- Community leadership and engagement.

The Difference between Governance and Management

There is a difference between the Council (i.e. the Chairman and Councillors) as a governing body and the Council as an organisation. The governing body has overall and ultimate responsibility and accountability for the direction setting and control of Council's activities. The organisation, led by the Chief Executive, is there to implement decisions on behalf of the Council and provide advice.

A simple rule of thumb is that governors (councillors and committee members) are concerned with policy, while officials (Council staff) are concerned with administration and operations. The governors are responsible for:

- Setting the direction of council
- Developing a vision for the community
- Adopting community goals and objectives
- Adopting comprehensive plans
- Making decisions about which programmes and services should be provided and adopting long term budgets.

It is the Chief Executive who employs council staff and is responsible for administration matters and implementing policies set by the elected members.

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council and those responsible for advice and the implementation of Council decisions.

Remuneration, Allowances and Reimbursements

Remuneration

The remuneration for Tangata Whenua representative members of Council committees is regularly reviewed by an independent body for recommendation to Council to set via resolution.

Currently, the remuneration for Tangata Whenua members of the Māori Committee is:

- \$452 per meeting, plus reimbursement of approved travel costs associated with meeting attendance
- Co-chairs \$13,750 each per annum plus reimbursement of approved, associated travel costs

Payroll

Remuneration will be paid at the rates set by Council on the Friday of the second full week of each month in accordance with claim forms submitted. Upcoming dates for the remainder of 2020 are:

18 September 2020

16 October 2020

13 November 2020

8 December 2020

Allowances and Reimbursements

The Remuneration Authority's annual Local Authority Determination includes provisions for travel and mileage allowances as follows.

Vehicle mileage allowance

Mileage is paid by kilometre for the distance travelled by the most direct route.

Travel time allowance

Tangata Whenua representative members may claim a travel time allowance provided that the travel is on Committee business and by the most appropriate form of transport that is reasonable in the circumstances.

The allowance is \$37.50 per hour for travel time of more than one hour a day, and limited to 8 hours in any 24 hour period.

Carpooling is encouraged where members are travelling to the same meeting or event.

Mileage and travel time allowance are paid according to the table below.

Allowance	1 July 2020 – 30 June 2021
Mileage Allowance – petrol or diesel	\$0.79 per km
Mileage Allowance - Hybrid	\$0.79 per km
Mileage Allowance – Electric Vehicle	\$0.79 per km
Threshold time on daily travel	8 hours in a 24 hour period
Travel Time Allowances	\$37.50 per hour (after the first hour of eligible travel)

Remuneration and reimbursement claims processes and contacts

Meeting fees and travel expenses are paid at the same time each month, in accordance with the submitted Travel Claim Form.

All other expenses must be submitted on a Claim Reimbursement form (example shown in Appendix 5), with tax invoices/receipts attached, to the Governance Administration Assistant and will be paid by direct credit, usually on the Friday following submission of the claim.

Remuneration process

- After each Māori Committee meeting, each tāngata whenua member completes a travel claim form (example shown in Appendix 5) and submits it to the Governance Administration Assistant.
- The Governance Administration Assistant enters the data into a spreadsheet which calculates the appropriate meeting fees and travel allowances to be paid.
- The Governance Administration Assistant submits the spreadsheet and hard copy Travel Claim forms to the HBRC Payroll Officer on the Monday of the second full week of each month.
- Payments are made on the Friday of the second full week of each month.

Conflicts of Interest

All councillors and committee members are required to maintain a clear separation between their personal interests and duties, and their role as a member of Council and/or a committee. The public must have confidence that members are acting impartially in their decision making and use of publically-funded resources.

Conflicts of interest sometimes cannot be avoided, and can arise without anyone being at fault. They are a fact of life, but they need to be managed carefully.

Financial Conflicts of Interest

If an councillor or committee member has a financial interest they must consider the requirements of the [Local Authorities \(Members' Interests\) Act 1968](#) which states that members cannot:

- Have interests in contracts with the local authority that are worth more than \$25,000 in a year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office; or
- Participate in matters before their local authority in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence and conviction results in automatic disqualification from office.

Non-financial Conflicts of Interest

Hawke's Bay Regional Council is committed to addressing councillor and committee members' conflicts of interest. Council will adhere to the following steps identified by the Auditor-General in relation to managing members' conflicts of interest:

1. Recognising that there is a conflict of interest.
2. Disclosing the conflict of interest.
3. Managing the risks associated with the conflict of interest.

Examples of non-financial conflicts of interest include:

- Holding another public office
- Being an employee, advisor, director, or partner of another business or organisation
- Pursuing a business opportunity
- Being a member of a club, society or association
- Having a professional or legal obligation to someone else (such as being a trustee)
- Owning a beneficial interest in a trust
- Owning or occupying a piece of land.

Disclosing the Conflict of Interest

Disclosing conflicts of interest is the responsibility of the councillor or committee member concerned. It is better to err on the side of openness and take a precautionary approach. All disclosures of conflicts of interest are recorded in the Resolutions Database maintained by the Governance Team.

Initial Disclosure

Conflicts can arise at any time, and elected members need to remain alert to this possibility. It is the responsibility of the councillor or committee member concerned to make a disclosure as soon as practicable after becoming aware of any interest that has not previously been declared.

Meetings

Councillors and committee members have the opportunity at the opening of each governance meeting to declare any interests pertaining to items on the agenda for that meeting. It is the responsibility of the member concerned to disclose the interest before that matter is discussed.

The Chair of the meeting will decide on the appropriate action in order to mitigate any risk associated with the conflict of interest.

Managing the Risks Associated with the Conflict of Interest

Managing the risks associated with the conflict of interest is the responsibility of Council. Council will consider carefully what needs to be done to manage the risks associated with a conflict on a case-by-case basis.

In order to manage the risks transparently, each councillor and committee member is required to complete and sign a "Register of Member's Interests Declaration Form" (appendix 5) and submit that to the Governance Team for publishing to the Council's website and retaining on Council's Register of Interests.

Decision Making

Principles for Making Good Decisions

Almost everything the Council does involves a decision. The LGA 2002 specifies that a decision includes deciding to follow a particular course of action, or not to take action about a particular matter. The Office of the Auditor-General has outlined the factors to be considered in council decision-making based on the principles of the LGA 2002. These are:

- Prudent financial decision making
- Consideration of options
- Informed decisions
- Proportional process
- Inclusive process
- Transparency
- Effectiveness and efficiency
- Legal framework; acting in accordance with law, reasonably and fairly.

Council and Committee Meetings

The Council is a regulatory body administering various regulations and laws. It must also comply with all relevant legislation. To help it comply with applicable legislation the Council takes advice externally when required.

Detailed information about the role of the council and its committees and the scope of their powers is set out in the terms of reference, as agreed by the council. The terms of reference set out the objectives, scope of activity and the delegated authority for each committee. Copies will be provided to all elected members in the 6 November Regional Council meeting agenda.

The Council approves policy and monitors its implementation, authorises the overall allocation of resources, sets priorities and determines the levels of service to be provided.

Standing committees develop and advise the Council on policies to be adopted and the appropriate resource allocation for those policies. To improve efficiency, committees are delegated many decision making powers.

Where a committee has the delegated authority to make decisions, these matters will be reported to the Council for information. This avoids the need for business to be debated a second time before the full Council. Where a committee does not have such delegated authority, items will be provided for consideration as recommendations to Council for decision.

All matters coming before committees are reported to the Council to ensure all elected members are aware of all the decisions being made in the Council's name. The Council receives and notes the decisions included in committee information reports and adopts (amends or rejects) the recommendations made by committees for council decision.

Councillors receive copies of all committee agendas and are entitled to attend all meetings and to participate in the discussion. However only appointed members of committees have voting rights.

In respect of statutory hearing panels, only the members appointed by Council can legally participate in these proceedings.

Minutes of every meeting must record the time of arrival, departure and 'comings and goings' of members. It is expected that attendance will be for the duration of the meeting for appointed members, unless compelling reasons dictate otherwise. For more information on this, please refer to the standing orders.

The public, including the media, has the right to attend all advertised meetings and have access to the agendas and any other material being presented at the meeting (except for items held in public excluded sessions).

Typically the Council and Committees consider business for each meeting by way of reports from Council staff, who make recommendations on each item. These reports include information on the issues and options together with any community views which may be known, financial implications, risks and any legislative matters.

It is then over to the members to ask questions of staff at the meeting if any of the matters is unclear in the report being considered and then for a member to move a motion. The motion may be different to the recommendations made by staff and the exact wording should be made clear by the member moving the motion. The debate then commences with one member speaking at a time.

In some cases, the Committee does not have the delegated authority from the Council to approve a matter and in these cases the meeting will recommend a course of action to the Council. The Council may adopt the recommendations from the Committee or change those as determined by the meeting.

The types of meetings that the Council may hold are:

- Council, Committee, Sub-committee or Joint Committee
- Workshops or staff briefing sessions.

Council Workshops/ Briefing Sessions

These are not formal meetings – they are opportunities for staff and councillors to consider issues in an informal way. Staff briefing sessions or workshops are not normally open to the public and there are no decisions or resolutions made. Further information is included in Council's Standing Orders, in Appendix 8.

Scheduling Meetings

At its triennial meeting and annually thereafter, it is Council practice to adopt an annual schedule of meetings which include the Council, committee and sub-committee meetings.

The law requires that Council meetings are publicly advertised and includes the timeframes required for giving notice.

Meeting dates and times are published in Hawke's Bay Today and on Council's website hbrc.govt.nz.

The schedule of meetings is subject to change, should the council's business dictate. Councillor and committee members will be sent updated meeting invitations accordingly when changes occur.

Required Attendees

Meeting requests for committees and sub-committees will list the required attendees/ members in the body of the invite.

Procedures and Standing Orders

Council has a statutory requirement to adopt a set of Standing Orders for the conduct of all its meetings.

Once standing orders, together with any amendments, are adopted the meeting procedures contained in standing orders must be followed. The procedures for meetings include such matters as the conduct of meetings, motions (notices, amendments, procedural), rules of debate, speaking rights and voting.

Councillors and Committee members should make themselves familiar with standing orders and refer to these provisions as the rules for the conduct of all meetings. They are based on, and are consistent with, all relevant local government legislation. A copy of the proposed 2019 standing orders will be provided as part of your agenda for the Regional Council meeting on 6 November.

The Chief Executive and/or Governance Team can provide advice and assistance with regard to specific procedural matters and, if appropriate, can provide more general training in specific areas of need as identified by elected members.

Agendas

Group Managers will liaise with respective chairpersons on the agenda for their particular committee meeting and, where appropriate, discuss specific items prior to agendas being finalised and approved for distribution.

Agendas are coordinated by the Governance Team in consultation with the Executive Leadership Team and provided to councillors and committee members electronically unless specifically requested.

Confirmation of Agenda

The Agenda is confirmed prior to distribution and only in exceptional circumstances should items be added, such as in cases of urgency where a decision is required which cannot wait until the next meeting.

The purpose of pre-circulating the agenda is to enable Committee Members to study the reports prior to the meeting and participate in sound decision-making at the meeting. To add items without prior notice could mean decisions are made with members not in possession of the facts or unaware that an issue was going to be discussed and resolved.

Also, there is a clear expectation in law (LGOIMA) that members of the public will have details of items coming before a meeting.

For more information on this topic, please refer to the Council's [standing orders](#).

Conflicts of Interest

Once the meeting has opened and apologies resolved, members have an opportunity to signal their intention to withdraw from taking part in discussion and voting on any agenda item if they believe they have a conflict of interest which could be seen to affect their impartiality.

Such conflict may exist because of a member's own financial affairs (pecuniary interest), a relationship or role s/he has, or something s/he has said or done which could give rise to the appearance of bias or predetermination.

Council holds a register of interests. Elected members will be required to complete a 'declaration of interests' at the commencement of the new triennium. Members are asked to review their declarations annually, and to update declarations, by contacting the Governance Team, as soon as practicable after becoming aware of a new interest during the intervening period.

Minutes

The 'unconfirmed' minutes from meetings are produced and made available to all elected members and other interested parties about one week after the meeting. These minutes are then confirmed at the next meeting of the same group.

Extraordinary and Urgent Business / Additional Business

Extraordinary and urgent business in respect of major items not on the pre-circulated agenda can be dealt with at a meeting only if:

1. The council or committee, by resolutions, so decides, and
2. The Chair explains at the meeting the reason why the item is not on the agenda and the reason why the discussion of the item cannot be delayed until a subsequent meeting, and
3. The item is brought before the meeting through a report from either the Chief Executive or the Regional Council Chair.

Additional business may be discussed at the meeting if that item is not on the agenda for the meeting if:

1. That item is a minor matter relating to the general business of council or the relevant committee, and
2. The Chair explains at the beginning of the meeting that the item will be discussed at the meeting, but
3. No resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting of the local authority for further discussion.

For more information on this topic, please refer to the Council's [standing orders](#).

Meetings to be held in Public

The council is legally required to conduct all of its meeting in public unless there are grounds to exclude the public which meet one or more of the requirements of the Local Government Official Information and Meetings Act 1987 ([LGOIMA](#)).

Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council or the Committee Chair.

If an item is proposed to be considered in a public excluded session, the agenda item must outline:

- The statutory references relied on
- The general nature of the item to be considered
- The specific reason(s) for public exclusion (which can only be for one or more of the grounds specified in LGOIMA).

Relevant agenda and supporting papers for items to be considered in a public excluded session will be titled as such and circulation limited to Committee members and executive staff.

Public excluded items can only be discussed with the members of the relevant Committee and/or the Chief Executive/ relevant Group Manager.

Information Management and Communications

Confidential Information

In the course of their duties councillors and committee members will receive information that is confidential. This will generally be information that is either commercially sensitive or legally privileged, or is personal to a particular individual or organisation.

Councillors and committee members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to them.

Business conducted where the public is excluded remains confidential and must not be disclosed to the public until either council decides by resolution to make it public or the Chief Executive determines, in response to a request under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 1993, that there is no longer good reason to withhold it under the legislation.

Councillors and committee members should be aware that failure to observe these provisions may affect the Council's performance by inhibiting information flows and undermining public confidence in the Council. It could also lead to an investigation under by the Office of the Privacy Commissioner and/or civil litigation.

Local Government Official Information and Meetings Act 1987 (LGOIMA)

The LGOIMA applies to all councillors and tangata members of the Māori and Regional Planning committees as relates to information they receive from or provide to the Council in their role as a member of any Council committee they are members of.

'Official information' means any information held by council. This includes material held in any format, regardless of where the information originated.

Information held by councillors and committee members in their official capacity is official information. Information held in your personal capacity is not official information. However, such information may become official information if it is subsequently used for official purposes.

The LGOIMA is underpinned by the principle of availability. The Act states that "...the information shall be made available unless there is good reason for withholding it". Reasons for withholding information (Section 7 of the LGOIMA, including the clauses (k) and (l) noted above) are to be weighed against the public interest to make that information available (*see Section 7(1) of the LGOIMA*).

Further information about LGOIMA is contained in Appendix 2.

Electronic Communications and Using Social Media

Electronic communications are official information. Emails are archived, easily recovered and may be requested by the public and media under the provisions of the LGOIMA.

Councillors and committee members will not send, or attempt to send electronic communication:

- To others that may be viewed as harassment (unwelcome or unreciprocated behaviour) or that includes potentially offensive or discriminatory material
- That may bring the council or committee into disrepute e.g. sending derogatory remarks about people or organisations.

Social media is the term for internet-based tools used for publishing, sharing and discussing information. This includes blog, wikis and social networking sites such as Facebook, Twitter or LinkedIn.

All communication through social media platforms is in the public domain. Whether talking to the media, speaking in public or using social media, the protocols outlined below apply.

- Show respect and avoid offensive or abusive language
- Make it clear you are expressing a personal opinion
- Do not disclose confidential information or impugn the integrity or impartiality of fellow councillors or committee members or council staff
- Do not undermine council policy or bring the council into disrepute.

Councillors and committee members who have a concern about any communication they receive or are aware of should raise the matter with:

- The Council or Committee Chairperson, if it relates to a communication from a councillor or other committee member
- The Chief Executive, if it relates to a communication from a staff member.

Complaints

All complaints are presently dealt with through the Chief Executive's office. Complaints are received and acknowledged by the Chief Executive's executive assistant, then recorded onto an action list stating the action required, person responsible and timeframe for action (10 days from the date of letter). The complaint is then sent through to the appropriate group manager to action and respond. Copies of any resultant correspondence to the complainant and records of any action taken are provided to the Chief Executive for information.

Support and Facilities

Management Structure

The Council is supported by a professional corporate organisation, led by the Chief Executive. Officers provide the Council with policy advice and are responsible for implementing the Council's policies to achieve the results the Council wants.

Executive Leadership Team



Chief Executive

The Local Government Act 2002 requires the Council to employ a chief executive whose responsibilities are to employ other staff on behalf of the Council, implement council decisions, and provide advice to council. Under the Local Government Act 2002 the chief executive is the only person who may lawfully give instructions to a staff member.

The Chief Executive is appointed by the Council in accordance with the provisions of the Local Government Act 2002, to implement and manage the Council's policies and objectives within the budgetary constraints established by the Council.

Under section 42 of the Local Government Act 2002, the responsibilities of the chief executive are:

- implementing the decisions of the local authority; and
- providing advice to members of the local authority and to its community boards, if any; and
- ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
- ensuring the effective and efficient management of the activities of the local authority; and
- facilitating and fostering representative and substantial elector participation in elections and polls held under the [Local Electoral Act 2001](#); and
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- providing leadership for the staff of the local authority; and
- employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and
- negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Governance Team

The governance team provides efficient and effective governance support to Council and its committees. The core functions of the team are to:

- Provide high quality support and advice to elected members
- Facilitate efficient, legal and democratic decision making
- Provide information and advice about the democratic decision making process
- Foster public participation in the democratic process
- Maintain openness and transparency by managing all LGOIMA and Privacy Act requests
- Manage elections, polls and election-related processes.

The key contact for elected members is the Governance Lead, Leeanne Hooper.

Technology and IT Support

Committee members may be loaned an iPad as an efficient means of communication and to easily access documents and information for council business. Where this is the case, members will be offered training in the use of Hawke's Bay Regional Council supplied devices and software.

Printing and photocopying

Printing and copying facilities can only be used for council business. Printing and copy requests should be given to the Governance Administration Assistant, Annelie Roets.

Councillors' Lounge

Please feel free to use the lounge at any time. There is a computer and telephone in the lounge. Dial 1 to access an outside line.

Morning and Afternoon Tea Facilities

You are welcome to use the kitchen alongside the Council Chamber for tea and coffee, or to join staff in the first floor cafeteria.

Staff

Members will get to know a number of the staff, particularly those who attend meetings. As the easiest name to remember is a Christian name, please feel free to use this name at meetings or any other time. Staff are asked to address members by their title, e.g. Cr Smith, at all public meetings.

Smoking

The Regional Council has a Smoke Free Policy. Smoking is not permitted in any of the Council buildings or on Council grounds.

Health and Safety

The Health and Safety at Work Act (HSWA) 2015 came into force on 4 April 2016.

This significant reform came in response to the deaths every year of 50-60 people in workplace incidents. Hundreds experience serious injuries and hundreds more die as a result of work-related ill health. Our country's work-related fatality statistics are three times as high as the UK and nearly twice as high as Australia.

The Act recognises a well-functioning health and safety system relies on participation, leadership, and accountability by government, business and workers. It clearly sets out the principles, duties and rights in relation to workplace health and safety. We all have duties under the Act and need to work together to ensure these duties are fulfilled and people go home safely every day.

A key guiding principle of the Act is that employers must provide workers and others with the highest level of protection from workplace health and safety risks, as is reasonable. In addition, the Act's main focus is on proactively identifying and managing risks so everyone is safe and healthy.

At Hawke's Bay Regional Council we have a Health and Safety Governance Charter that describes our shared commitment to the health and safety of our people. This charter (following) applies to all councillors, staff, visitors and contractors who are providing services to or for our organisation.

Emergency Information

Emergencies can occur quickly and without warning. There are many events, natural and man-made, accidental and malicious, that can cause harm and affect operations. These include:

- Common emergencies like first and first aid
- Natural hazard happenings like floods, storms, landslides, earthquakes, tsunamis, volcanic eruptions, biological issues/ pandemics
- Human errors like gas leaks, power failures, information technology failures and hazardous leaks and spills
- Malignant activity like suspicious mail and bomb/terrorist threats.

Evacuation procedures

Fire wardens have been appointed on each floor and area at 159 Dalton Street. In the event of a fire, elected members should follow the fire warden's instructions.

On hearing the fire alarm (continuous siren)

- Evacuate immediately through the nearest available exit
- If overtaken by smoke, keep close to the floor
- Leave the lights on
- Keep to the left on stairs
- Take visitors with you
- Obey instructions given by wardens
- Do not use lifts
- Move quickly and quietly, but do not rush, run or panic
- Do not return to collect articles or personal belongings
- Do not delay departure to save money, documents or personal effects or go to another part of the premises for any purpose
- Do not leave the site or depart in your vehicle
- Do not complete telephone conversations
- Assemble on the grass area on the corner of Dalton and Vautier streets and await Building Warden instructions.

Do not return to the building until the "all clear" is given by wardens or Fire Service personnel.

Appendix 1: Acronym Buster

AC	Auckland Council
ACC	Accident Compensation Corporation
AEE	Assessment of Environmental Effects
AEP	Annual Exceedance Probability
AHB	Animal Health Board
ALGIM	Association of Local Government Information Management
AMA	Aquaculture Management Area
AMP	Asset Management Plan
AO	Audit Office
AP	Annual Plan
ASCH	Area Sensitive to Coastal Hazards
BAU	Business as usual
BNZ	Biosecurity NZ, Bank of New Zealand
BOI	Board of Inquiry
CA	Controlled Activity (in RMA plans)
CAPEX	Capital Expenditure (budget to purchase assets)
CDEM	Civil Defence Emergency Management
CE/CEO	Chief Executive/Officer
CEG	Coordinating Executive Group (for CDEM)
CHBDC	Central Hawke's Bay District Council
CHI	Cultural Health Index
CHMS	Coastal Hazard Management Strategy
CHZ	Coastal Hazard Zone
CIA	Cultural Impact Assessment
CIMS	Coordinated Incident Management System (used by emergency management services- CDEM, Police, Fire)
CMA	Coastal Marine Area
CRI	Crown Research Institute
DA	Discretionary Activity (in RMA plans)
DHB	District Health Board
DIN	Dissolved Inorganic Nitrogen
DOC	Department of Conservation (note also DgC, Department of Corrections)
DP	District Plan
DPMC	Department of Prime Minister and Cabinet
DWS	Drinking Water Standards
ECAN	Environment Canterbury
EDRMS	Electronic Document Management System
EE	Environmental Education (or enviro-ed)
EECA	Energy Efficiency and Conservation Authority
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EIT	Eastern Institute of Technology
EMA	Employers and Manufacturers Authority
EMIS	Emergency Management Information System, a national system for tracking communications and resources
EMO	Emergency Management Officer
EOC	Emergency Operations Centre (for CDEM)
EPA	Environmental Protection Authority
ERMA	Environmental Risk Management Authority
EW	Environment Waikato (Waikato Regional Council)
FDE	Farm Dairy Effluent
FIF	Freshwater Improvement Fund (MFE)
FPP	First Past the Post (voting system)
FWM	Fresh Water Management
GDC	Gisborne District Council

GE	Genetic engineering
GeoNet	Earthquake monitoring website
GIS	Geographic Information System
GMO	Genetically modified organism
GNS	Geological & Nuclear Sciences (a CRI now GNS Science)
GPS	Government Policy Statement
GWRC	Greater Wellington Regional Council
HASNO	Hazardous Substances and New Organisms Act
HBRC	Hawke's Bay Regional Council
HBRIC	Hawke's Bay Regional Investment Company Limited
HDC	Hastings District Council
HERBi	HBRC's internal file management system (not an acronym)
Horizons	Manawatu-Wanganui Regional Council Brand
HPUDS	Heretaunga Plains Urban Development Strategy
HuB	Hawke's Bay Urban Biodiversity (includes possum control and plantings)
ICM	Integrated Catchment Management
IHMP	Iwi/Hapu Management Plan
IPCC	Inter-governmental Panel on Climate Change
IPENZ	Institute of Professional Engineers New Zealand
IPG	Implementation Planning Group (Biodiversity)
IPP	Individual Park Plan (for regional parks)
KEG	Karamu Enhancement Group (volunteers) not to be confused with CEG
KPI	Key performance indicator
LATE	Local Authority Trading Enterprise
LAWMS	Hawke's Bay Land and Water Management Strategy
LGA	Local Government Act 2002
LGNZ	Local Government New Zealand
LGOIMA	Local Government Official Information and Meetings Act 1987
LGOL	Local Government On-Line
LM	Land Management (team of council)
LTCCP	refer 'LTP'
LTFS	Long Term Financial Strategy
LTMA	Land Transport Management Act
LTP	Long Term Plan (replacing the LTCCP - Long Term Council Community Plan)
LUC	Land Use Capability
MA	Mana Ahuriri
MACAA	Marine and Coastal Area (Takutai Moana) Act
MAF	Former Ministry of Agriculture & Forestry now MPI
MBIE	Ministry of Business, Innovation and Employment
MCA	Multi-criteria analysis
MCDEM	Ministry of Civil Defence and Emergency Management
MCI	Macroinvertebrate Community Index
MEMT	Mauri Environmental Monitoring Tool
MFE	Ministry for the Environment
MHWS	Mean High Water Springs
MINZ	Maritime New Zealand
MOA	Memorandum of Agreement
MOE	Ministry of Education

MOH	Ministry of Health
MOT	Ministry of Transport
MOU	Memorandum of Understanding
MPI	Ministry of Primary Industries (formerly Ministry of Agriculture and Forestry, MAF)
MSD	Ministry of Social Development
MSG	Mohaka Stakeholder Group
MTI	Maungaharuru-Tangitu Incorporated
MTT	Maungaharuru-Tangitu Trust (a PSGE)
NABIS	National Aquatic Biodiversity Information System
NCA	Non Complying Activity (in RMA plans)
NCC	Napier City Council
NCMC	National Crisis Management Centre (CDEM)
NES	National Environmental Standards
NGO	Non-Governmental Organisation (eg, Red Cross)
NIWA	National Institute of Water and Atmospheric Research
NKII	Ngati Kahungunu Iwi Incorporated
NLTF	National Land Transport Fund
NLTP	National Land Transport Programme
NOF	National Objectives Framework (in the NPSFM)
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission
NPSFM	National Policy Statement for Freshwater Management
NPSFM	National Policy Statement for Freshwater Management
NPSREG	National Policy Statement on Renewable Electricity Generation
NPSREG	National Policy Statement for Renewable Electricity Generation
NZCPS	New Zealand Coastal Policy Statement
NZCPS	New Zealand Coastal Policy Statement
NZP&M	New Zealand Petroleum and Minerals (was Crown Minerals)
NZQA	New Zealand Qualifications Authority
NZTA	New Zealand Transport Agency
NZWWA	New Zealand Water and Waste Association
OCEC	Office of the Chief Executive & Chair
OIA	Official Information Act
OSH	Occupational Health and Safety, now Dept of Labour
OSWW	On-site wastewater
OTS	Office of Treaty Settlements
PA	Permitted Activity (in RMA plans)
Pātaka	Online directory of Hawke's Bay Māori rohe, resources, marae locations (not an acronym)
PC...#	Plan Change ...number(in reference to amendment to a plan under the RMA)
PCA	Pest Control Area (rural)
PCE	Parliamentary Commissioner for the Environment
PHU	Public Health Unit (of DHB)
PM...#	Particulate Matter (then followed by the micron size eg PM ₁₀ as a measure of air quality)
PMP	Phosphorus Management Plan
PONL	Port of Napier Ltd (trades as Napier Port)
PPE	Personal protective equipment
PPR	Project Progress Reporting

PSGE	Post [Treaty] Settlement Governance Entity
PT	Public Transport
PTOM	Public Transport Operating Model
RAC	Regional Affairs Committee
RAP	Response action plan
RAQP	Regional Air Quality Plan
RCEP	Regional Coastal Environment Plan
RCP	Regional Coastal Plan
RDA	Restricted Discretionary Activity (in RMA plans)
RFI	Request for information
RFP	Request for proposal
RIVAS	River Values Assessment System
RLS	Regional Landcare Scheme
RLTS	Regional Land Transport Strategy
RMA	Regional Management Act 1991
RMG	Resource Management Group at HBRC <i>or</i> Resource Managers Group (regional councils)
RMZ	Riparian management zone
ROI	Return on investment
RPC	Regional Planning Committee
RPMS	Regional Pest Management Strategy
RPS	Regional Policy Statement
RRMP	Regional Resource Management Plan
RTC	Regional Transport Committee
RTO	Regional Tourism Organisation
RUB	Requirements for Urban Buses
RWSS	Ruataniwha Water Storage Scheme
SCA	Significant Conservation Area (in Regional Coastal Environment Plan)
SGC	SuperGold Card (public transport)
SIG	Special Interest Group
SITREP	Situation report
SLR	Sea level rise
S-map	Soil mapping database from Landcare Research http://smap.landcareresearch.co.nz
SMF	Sustainable Management Fund
SOE	State of Environment Report, State Owned Enterprise
SOLGM	Society of Local Government Managers
SOT	State of the Takiwa, merging established scientific approaches with traditional Māori values in describing the <i>state of the environment</i> .
SPARC	Sport & Recreation New Zealand
STV	Single transferable vote
TA	Territorial authority (city & district councils)
TAG/TAP	Technical Advisory Group/Panel
TANK	In reference to 'TANK Group' dealing with land/water management issues in the Tutaekuri, Ahuriri, Ngauroro and Karamu catchments.
TAP	Technical Advisory Panel
Tier 1	Site level plan / response to an oil spill
Tier 2	Regional level plan/ response to oil spill
Tier 3	National level plan/ response to oil spill
TKM	Te Kahui Mangai (an online directory of iwi and Maori organisations administered by TPK)
TLA	Territorial Local Authority (city & district councils as opposed to Regional Authority)
TMP	Treasury Management Plan
TMS	Total Mobility Scheme
TMT	Te Manaaki Taiao

TOR	Terms of Reference
TPK	Te Puni Kōkiri (Ministry of Māori Development)
TRC	Taranaki Regional Council
TSG	Taharua Stakeholder Group
TTOH	Te Taiwhenua o Heretaunga
TTOT	Te Taiwhenua o Tamatea
TUANZ	Telecommunications Users Association of NZ
WCO	Water Conservation Order
WDC	Wairoa District Council
WIP	Work in Process
WIS	Water Information Services (HBRC)
WWTP	Waste Water Treatment Plant
YAA	Yet Another Acronym (its local government after all!)

Item 9

Attachment 1

Appendix 2: Relevant Legislation

This appendix contains summaries of relevant legislation that has some bearing on the duties and conduct of councillors and committee members.

Local Government Official Information and Meetings Act 1987

The purposes of LGOIMA are –

- a. To progressively increase the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities in order to:
 - i. Enable more effective participation by the public in the actions and decisions of local authorities; and
 - ii. Promote the accountability of local authority members and officials, and thereby to enhance respect for the law and to promote good local government in New Zealand;
- b. To provide for proper access by each person to official information relating to that person;
- c. To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

Availability of information

The overriding principle of LGOIMA is that information is to be made available unless there is a good reason to withhold it. In this regard, the act specifies:

6 Conclusive reasons for withholding official information

Good reason for withholding official information exists, if the making available of that information would be likely—

- a. to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- b. to endanger the safety of any person.

7 Other reasons for withholding official information

1. Where this section applies, good reason for withholding official information exists unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
2. Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to—
 - a. protect the privacy of natural persons, including that of deceased natural persons; or
 - b. protect information where the making available of the information—
 - i. would disclose a trade secret; or
 - ii. would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - ba. in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or
 - c. protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - i. would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. would be likely otherwise to damage the public interest; or

- d. avoid prejudice to measures protecting the health or safety of members of the public; or
- e. avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- f. maintain the effective conduct of public affairs through—
 - i. the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty; or
 - ii. the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- g. maintain legal professional privilege; or
- h. enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- i. enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- j. prevent the disclosure or use of official information for improper gain or improper advantage.

In addition to its right to withhold information for the states reasons, the council may, for the same reasons, “neither confirm nor deny” the existence of the information requested.

Meeting procedures

LGOIMA also contains a list of meeting procedures and requirements that apply to local authorities. These are additional to those contained in Schedule 7 of the Local Government Act 2002 and include the requirement to publicly notify meetings and provide agendas, reports and minutes, and the provision for the admission of the public to meetings and the right to exclude the public from meetings.

Of particular importance for the roles and conduct of elected members is the fact that the Chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another elected member is speaking
- Be disrespectful when they refer to each other or other people
- Use offensive language about the council, other elected members, any employee of the council or any member of the public.

More detail is contained in council’s Standing Orders.

Key Local Government Legislation

National Acts

- Biosecurity Act 1993 *incorporating all amendment Acts up to and including Biosecurity Amendment Act (no 2) 2015*
- Building Act 2004
- Civil Defence Emergency Management Act 2002 (CDEMA) *incorporating all amendment Acts up to and including CDEMA Amendment Act 2016*
- Land Drainage Act 1908
- Land Transport Management Act 2003, *incorporating Land Transport Amendment Act 2016*
- Local Electoral Act 2001 *incorporating all amendment Acts up to and including Local Electoral Amendment Act 2013*
- Local Government Act 2002 (LGA) *incorporating all amendment Acts up to and including LGA 2002 Amendment Act 2015*
- Local Government Official Information Meetings Act 1987 (LGOIMA) *incorporating LGOIMA Amendment Act 2013*
- Local Government (Rating) Act 2002 (LGRA) *incorporating LGRA Amendment Act 2006*
- Maritime Transport Act 1994 (MTA) *incorporating MTA Amendment Act 2013*

- Resource Management Act 1991 (RMA) incorporating all amendment Acts up to and including RMA Amendment Act 2013
- Soil Conservation and Rivers Control Act 1941 (SCRCA) incorporating SCRCA Amendment Act 1988

Local Acts

- Hawke's Bay Regional Council (Surplus Funds Distribution) Empowering Act 1999 incorporating amendments required resulting from the Income Tax Act 2007 & Local Government (Rating) Act 2002
- Hawke's Bay Endowment Land Empowering Act 2002
- Hawke's Bay Regional Planning Committee Act 2015

Bylaws

- Hawke's Bay Navigation Safety By-Law 2018

Resource Management ACT 1991 (RMA)

The RMA is a key piece of environmental legislation although some resources are managed by other legislation. The RMA has been amended various times in the last 30 years, and National Policy Statements and a growing body of case law help us to interpret and apply it.

RMA purpose

The purpose of the RMA is to *promote the sustainable management of natural and physical resources*. Sustainable management is defined in section 5 of the RMA.

... sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

RMA philosophies

Integrated Management of Resources

The RMA ambitiously seeks to integrate the management of air, land, fresh water and marine areas (out to the 12 mile limit of New Zealand's territorial sea) into one piece of legislation. Prior to the RMA, the management of resources was fragmented between agencies. The creation of the RMA combined 78 statutes and regulations.

'Effects-based' Approach

The RMA focuses on managing the effects of activities rather than regulating the activities themselves. It anticipates and allows for resource use and development subject to environmental effects being appropriately managed. In practice, most planning documents still have a strong focus on activities themselves.

Public Participation

The RMA encourages public participation in decision-making processes. Public participation recognises and protects the rights and interests of the general public and those directly affected. It also enhances the quality of decision making.

Regional planning processes allow members of the public the right to submit, present to a hearings committee, and appeal a decision to the Environment Court.

Principle-based Decision Making

Environmental management under the Resource Management Act is to be guided, in the first instance, by the principles set out in Part 2 of the Act. Part 2 establishes the purpose of the Act, matters of national importance which must be 'recognised and provided for', other matters which decision-makers must 'have particular regard to', and a requirement for decision-makers to 'take into account' Treaty principles as discussed above.

Procedural Principles

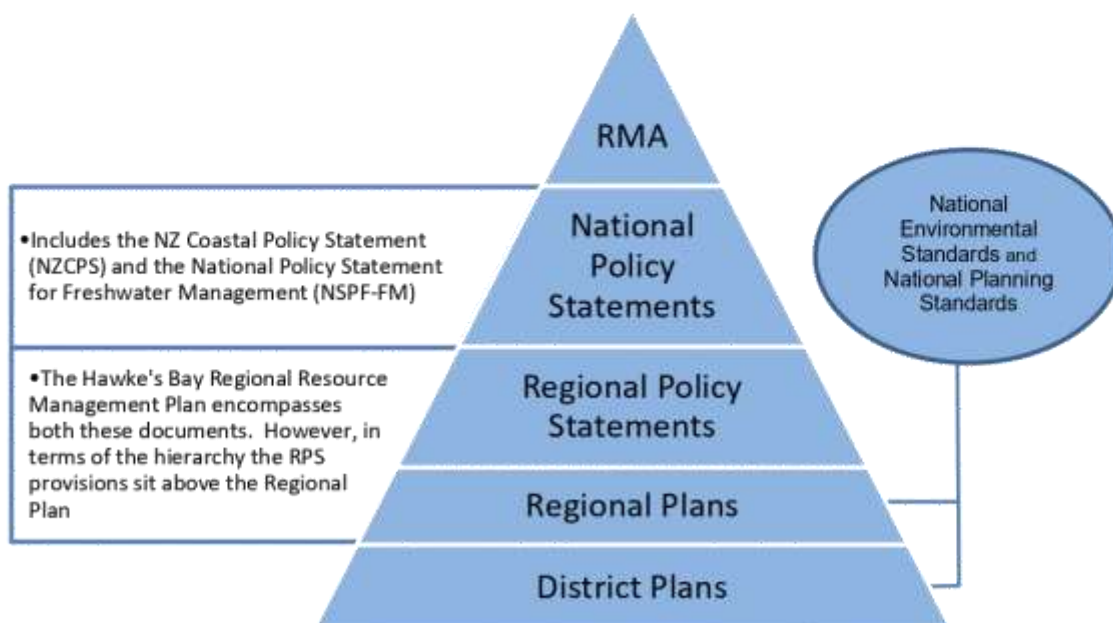
The Resource Management Act also contains procedural principles, which are set out in section 18A of the Act. Decision makers are required to "take all practicable steps" to:

- Use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised;
- Ensure that policy statements and plans include only those matters relevant to the purpose of the Act and are worded in a way that is clear and concise; and
- Promote collaboration between local authorities on their common resource management issues.

Hierarchy of planning documents

RMA planning documents sit within a hierarchy, and collectively those documents are intended to implement the RMA. As is shown by the diagram, the documents move through a hierarchy of those prepared at a national level, through to regional documents and then district documents. The lower order documents are required to give effect to particular higher level documents.

The Minister for the Environment⁹ is responsible for developing *national policy statements (NPS)*. These state objectives and policies for matters of national significance that are relevant to achieving sustainable management. They are developed through a rigorous process of formulation and evaluation and allow



⁹ The Minister of Conservation is responsible for the New Zealand Coastal Policy Statement.

central government to provide policy direction for lower order planning documents to be prepared by regional and district councils.¹⁰

National environmental standards (NES) are regulations that prescribe technical standards, methods or other requirements for environmental matters. The government sets standards to ensure a consistent standard across the country for an activity or resource use, and councils must enforce them as well as ensuring their own planning documents are not out of step with any NES.

National planning standards set out new, nationally consistent requirements relating to the structure, format or content of regional policy statements, regional plans and district plans.

Regional policy statements (RPS) provide an overview of the resource management issues in the region. RPS set out policies and methods to achieve integrated management of the natural and physical resources within the region.

Regional plans assist a regional council in carrying out its functions in order to achieve the sustainable management purpose of the RMA. The Council must amend regional policy statements and regional plans to give effect to NPS and RPS. The phrase “give effect to” means “implement” - it is a strong directive that creates a firm obligation on the part of those subject to it.

District plans, prepared by district and city councils, must give effect to NPS and RPS, and not be inconsistent with a regional plan.

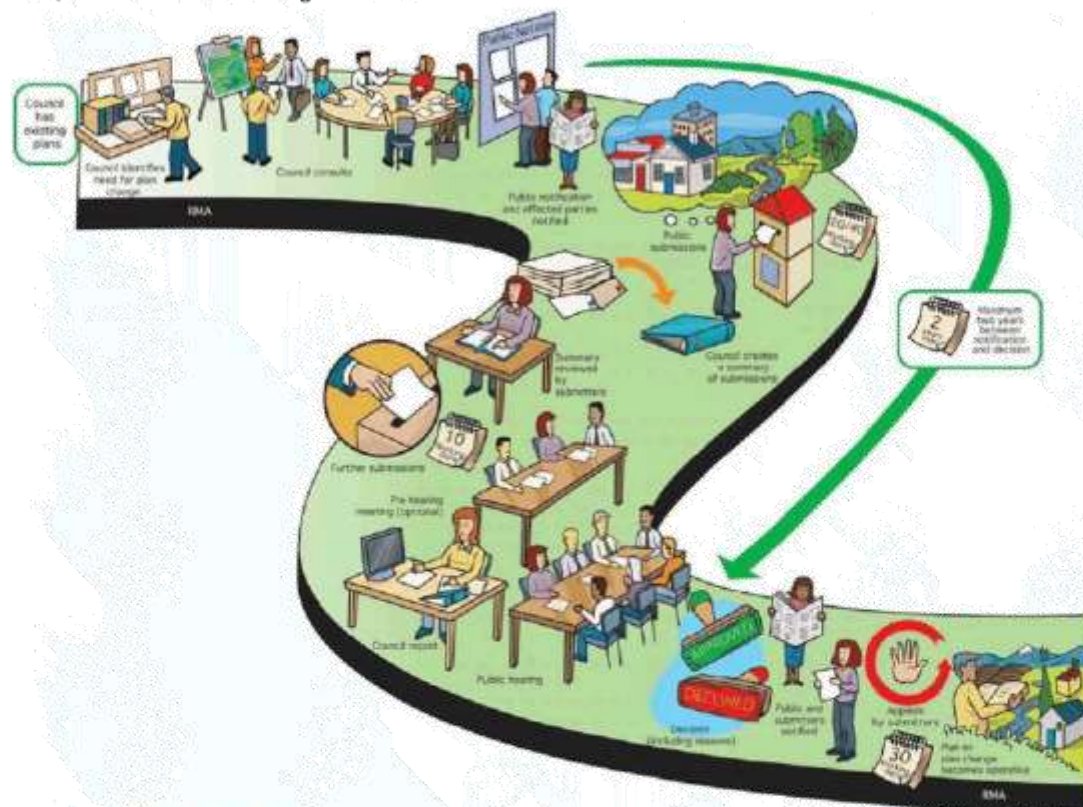
¹⁰ There are currently NPS for: Urban Development Capacity, Freshwater Management, Renewable Electricity Generation, Electricity Transmission and the New Zealand Coastal Policy Statement.

Policy and plan making process

There are four processes for developing regional policy statements and regional plans under the RMA which are briefly described below.

Schedule 1 process

Regional policy statements and regional plans may be changed using the process set out in Schedule 1 of the RMA, as illustrated in the diagram below.



Limited notification process

This process may be used for a proposed change or variation where there is an identifiable group of persons "directly affected" by the proposed change or variation. It follows the Schedule 1 process, except that only those persons identified as being directly affected by the proposed change or variation and the relevant Ministers, local authorities, and iwi authorities are notified, have the right to lodge submissions, participate in a hearing, and lodge an appeal on the decision.

Streamlined process

Councils may make a request to the Minister to use a streamlined planning process. The process must be "proportional to the issues being addressed" and is intended to provide greater flexibility in planning processes and timeframes and allow these to be tailored to specific issues and circumstances.

Collaborative process

This process is intended to provide a process for the community to participate at the front end of the planning process where alternatives, costs and benefits of various options can be debated for informed decision-making, to produce plans that better reflect community values and reduce litigation costs and lengthy delays later.

Overview of HBRC Resource Management Plans

Currently Council has two statutory planning documents under the RMA:

- a) The Hawke's Bay Regional Resource Management Plan - RRMP (incorporating the Regional Policy Statement (RPS)) and;
- b) The Hawke's Bay Regional Coastal Environment Plan - RCEP.

The HBRC merged the Regional Policy Statement and RRMP into one document in order to provide a more integrated and user-friendly approach.

The HBRC must have regard to the provisions of these plans when considering applications for resource consents. In addition, territorial local authorities within Hawke's Bay must ensure that their district plans give effect to the RPS and are consistent with the provisions of Regional Council Plans.

Regional Policy Statement (RPS) and Regional Resource Management Plan (RRMP) *Operative 28 August 2006*

- Sets out a policy framework for managing resource use activities in an integrated manner across the whole of the Hawke's Bay region.
- The RPS provides an overview of resource management issues in the region and policies and methods to achieve integrated management of the natural and physical resources of the region. It cannot contain rules.
- The RPS enables the Regional Council to provide broad direction and a framework for resource management within Hawke's Bay as regional and district plans must give effect to them.
- The RRMP states objectives for the region, policies to implement the objectives, and rules (if any) to implement the policies.
- The RRMP cover issues within the function of the Regional Council, including soil conservation, water quality and quantity, discharge of contaminants, allocation of resources, aquatic ecosystems, biodiversity and natural hazards.
- The RRMP incorporates all plan changes that have since become operative.

Regional Coastal Environment Plan (RCEP) *Operative 8 November 2014*

- Regional Council must prepare an RCEP.
- Purpose is to promote sustainable management of natural and physical resources of Hawke's Bay's coastal environment.
- Sets out issues relating to protection and enhancement of the coast, water quality, controls on activities and structures, and coastal hazards.
- Incorporates the coastal marine area and landward component of the coastal environment because elements and qualities which comprise the coastal environment are inextricably linked.

Plan changes and variations:

- 'Plan change' is a change to an operative plan.
- 'Variation' is when a change is made to a plan or plan change that is still in the 'proposed stage' and has yet to be finalised.
- Both update the content of a plan according to changes in central government requirements and/or to reflect changes in the communities' aspirations.

Appendix 3: Tangata Whenua Committee Member Role Description

Purpose

The purpose of the Committee member's role is to represent the interests of Māori in a general sense, and the body that appointed them (tai whenua, iwi authority, PSGE) more specifically.

Collective Duties

1. Representing the interests of Māori.
2. Helping to formulate the Council's strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by Council over a ten year period.
3. Providing input and feedback to Council policies within the Council's geographical area of responsibility.
4. Providing input and feedback on the ongoing performance of Council against its stated objectives and policies.
5. Overseeing Council compliance with any relevant Acts of Parliament.

Representation and Advocacy

6. Bringing the view of Māori into Council decision making processes
7. Being an advocate for community groups and individuals at Council meetings
8. Balancing the need to advocate for specific interests against the needs of the wider community
9. Participating in relevant consultative processes with the local marae, hapu and/or other Māori organisations.

Governance

10. Participating constructively and effectively in the good governance of the Council as a whole.
11. Understanding and ensuring that basic principles of good governance are a part of the decision making approach of the Council.
12. Recognising that the governance role does not extend to operational matters or to the management of any implementation.
13. Having a good understanding of the Council processes set out in the Standing Orders that determine how Council meetings are run.
14. Developing and maintaining a working knowledge of Council service, management processes, powers, duties and constraints.
15. Participating in the setting and monitoring of Council policies, budgets, strategies and service delivery through annual and long term planning processes.
16. Ensuring familiarity with agendas and other Council reports before Council meetings.
17. Complying with the Code of Conduct adopted by the Council.
18. Identifying, being aware of and declaring any potential conflicts of interest, whether of a pecuniary or non-pecuniary nature.

Appendix 4: Māori Committee Chairperson Role Description

Purpose

The purpose of the Committee Chair's role is to coordinate, lead and direct the business of the Māori Committee, in a manner consistent with the powers delegated by Council under its terms of reference.

Key Tasks

Responsibilities in addition to those of a committee member include:

- Chairing meetings of the Māori Committee, in particular:
 - Developing a clear understanding of the terms of reference of the Committee, and of the scope and range of the specific areas of activities and business within the powers delegated by the Council
 - Ensuring sufficient familiarity with Council Standing Orders and meeting procedures to be able to Chair meetings effectively
 - Undertaking sufficient preparation before meetings they are chairing to effectively carry out their role as Committee Chair. In collaboration with Council staff, this includes agenda discussion meetings in advance of Committee meetings.
 - Managing the progress of business during meetings, including ensuring adherence to the Council's Code of Conduct, Standing Orders and other statutory obligations and requirements within the powers delegated by the Council
 - Encouraging all meeting participants to contribute to debate and decision-making appropriately, in line with appropriate tikanga and kawa
 - Liaising with appropriate Council staff in respect of setting annual meeting schedules and agendas.
- Reporting to HB Regional Council meetings on matters relating to Tangata whenua, particularly:
 - providing direction and guidance on Council obligations to Māori in relation to growth of authentic partnerships with Tangata Whenua, effective engagement, awareness and understanding
 - making recommendations to Council with regard to achieving the Committee's purpose and role
 - Monitoring and advising Council on its compliance in responsiveness to Māori regarding its obligations under the RMA 1991 and LGA 2002 ensuring that Council take appropriate account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and opportunities for Māori to contribute to local decision-making processes
 - Assisting where possible to connect the Council with Mana Whenua contacts and appropriate lines of contact and tikanga in relation to waahi tapu and sites of significance to Māori as appropriate.
- Assisting Council's Te Pou Whakarae to coordinate the nominations and appointments by Taiwhenua / Executive to the Māori Committee at the end of each triennium, for re-establishment of the Committee for the next triennium; and to review and define the Terms of Reference.

Appendix 5: Examples of Forms

Item 9

Attachment 1

Meeting and Travel Claim Form

Name: _____ Month: _____

Meeting	Date	Distance (in Kms)
Māori Committee Meeting		
Others – please list:		
Total		

Residential Address: _____

Signature: _____ Date: _____

Office Use Only

Travel Allowance	Number	322-008-2720	Amount	Total
Total				

Approved by:
Governance Team: _____ Date: _____



Tangata Whenua Expense Reimbursement Claim Form

IMPORTANT:

➤ This form must be used to claim back expense reimbursements from Council – NB: Tax invoice receipts must be attached as proof of purchase.

Tangata Whenua Member's Details	
Name:	Date of Application:
Committee:	
Reason for Claim	\$ Amount
Total amount to be reimbursed	
Bank Account Number:	
Please tick if this is to replace an existing bank account already supplied. <input type="checkbox"/>	
Charge Code (from Governance Lead)	

Signed by Applicant: _____

Approved by Governance Lead: _____

Date: _____

Don't forget to
attach your tax
invoice receipts!

Register of Member's Interests Declaration Form



About this form

Appointed Members of the Regional Planning and Māori Committees are required to disclose any potential and/or actual pecuniary interests within 30 days following appointment or immediately after becoming aware of any interests. These declarations are recorded in a Register of Interests maintained by Council, audited by the Auditor General. Appointed Members must complete the Register of Interests Declaration form at least annually, and return to the Chief Executive, Hawke's Bay Regional Council.

Interest declaration

Member's name: _____

Member's partner's name: _____

Effective date ¹: _____

Description	RPC Member	Partner ²
Company directorships and	1	1
controlling interests ³	2	2
	3	3
	4	4
Other companies and	1	1
business entities ⁴	2	2
	3	3
	4	4
Employment ⁵	1	1
	2	2
Beneficial interests in, and	1	1
trusteeships of, trusts ⁶	2	2
	3	3
	4	4
Organisations and trusts	1	1
seeking Council funding or	2	2
leases ⁷	3	3
	4	4

Description	RPC Member	Partner ²
Interests in property ⁸	1	1
	2	2
	3	3
	4	4
Other interests that warrant disclosure	1	1
	2	2
	3	3
	4	4

This statement

information contained in this statement is to the best of my knowledge complete and accurate as at the Effective Date. I confirm that I have included in this statement details of any interests held by me or my Partner through trusts or companies.

Signed ⁹: _____ Date: _____

Explanatory notes

- 1 The Effective Date is the date on which the Member was appointed, or in the case of this being a subsequent submission, the Effective Date is the date which the Appointed Member became aware of the interest being declared.
- 2 Please ensure your Partner's interests are registered. It is not assumed, at any time, that your Partner's interests are the same as the Appointed Member's. You can indicate them as being the same by writing "Same". Similarly, you can indicate the Partner has no interest by writing "None". Otherwise, complete in full.
- 3 List the legal name of all companies in which a directorship and/or controlling interest is held. A controlling interest is where more than 5% of the voting rights are controlled or held.
- 4 List all companies or business entities in which a pecuniary interest is held (including but not limited to shares or bonds).
- 5 Any employment or business carried on by you, and any entity, other than Hawke's Bay Regional Council, who employs or has appointed you. List the job title and company for each position held, including self-employment.
- 6 State the legal name of each entity, for which you (your Partner) are a Director or Trustee, including any body to which you are appointed by Hawke's Bay Regional Council.
- 7 Where the member (or Partner) is a member of a trust, club or organisation which is or is likely to seek funding or leases from the Council it should be declared here.
- 8 Provide the physical and postal address for each property within the Hawke's Bay Regional Council boundaries in which you have a beneficial interest. This includes properties which are owned and/or occupied by the Appointed Member (or Partner), or owned and/or occupied by trusts declared above.
- 9 The Appointed Member is to sign this document. It is not necessary for the Member's Partner to sign.
- 10 Where a Member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.
- 11 If in doubt about an issue seek advice from the Chief Executive. The consequences of getting it wrong could be significant.



Item 9

Attachment 1