



## Extraordinary Meeting of the Hawke's Bay Regional Council

**Date:** Wednesday 18 November 2020  
**Time:** 3.00pm  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 18 November 2020

Item 3

## Subject: MĀORI REPRESENTATION ON HAWKE'S BAY REGIONAL COUNCIL

### Reason for Report

1. To enable Council to consider the establishment of one or more Māori constituencies, as part of its Representation Arrangements, for the election of representatives of Tangata Whenua by electors on the Māori Electoral Roll, with effect from the 2022 triennial elections.

### Officers' Recommendations

2. Council officers recommend that councillors give careful consideration to the information provided in this agenda item and to the views offered by tangata whenua representatives on both the Māori and Regional Planning committees in order to arrive at a decision on whether to establish one or more Māori constituencies for Hawke's Bay Regional Council elections.

### Executive Summary

3. Councillors have expressed a desire to pursue Māori representation on HBRC through the establishment of Māori seats or constituencies. In order to provide a basis for making decisions to put this in motion staff are providing the information gathered when Council last considered the matter in 2017, given the short timeframe.
4. Basically, the options open to Council currently include:
  - 4.1. Resolve, before 23 November 2020, to establish one or two Māori constituencies and publicly notify that resolution (and the right for 5% of electors to demand a poll by 21 February 2021) by 30 November 2020
    - 4.1.1. Initiate a review of Council's representation arrangements including the Māori constituencies (public notice of Council's initial proposal required by 8 September 2021) for the 2022 and 2025 elections
  - 4.2. Resolve to hold a poll on whether to establish Māori constituencies at the next election on 8 October 2022
    - 4.2.1. If the poll result was to establish the Māori constituencies that result would be implemented through the 2023-24 Representation Review and have effect for the 2025 and 2028 elections
  - 4.3. Delay considering whether to establish Māori constituencies until the next Representation Review, required in 2023-24.

### Background

5. The Local Electoral Act 2001 (LEA) provides that Māori constituencies may be established, either by way of a local authority resolution (s19Z) or as the outcome of a poll of electors (s19ZB and s19ZD).
  - 5.1. If the **Council resolves** to establish Māori constituencies, the resolution must be made by 23 November 2020 for the Council's decision to take effect from the 2022 triennial elections. The resolution would be effective for the next two triennial elections and would continue in effect after these two elections, until a further resolution is made by Council, or until a poll is held.
  - 5.2. If the **Council decides to initiate a poll**, it must do so by 21 February 2021 for the result of the poll to be effective for the next two triennial elections in accordance with LEA s19ZG. The outcome of a poll is binding and overrides a resolution of Council. If the result of the poll is to establish Māori constituencies it

would be effective for the next two elections and would continue in effect until a resolution is made by Council or a poll of electors is held.

- 5.3. At least 5% (5714) of the Region's electors enrolled at the previous triennial election may **demand a poll** be held on the subject of establishing Māori constituencies - at any time. If a valid demand for a poll is received by 21 February 2020 then a poll must be held by 21 May 2021. The result of the poll will be effective for the next two next two triennial elections, and beyond until a further resolution of Council is made or poll of electors is held.
6. Agenda items and minutes from the 2017 Council's consideration of Māori Constituencies are attached by way of providing the background relevant to today's discussions.
7. Councils are required to carry out a review of their Representation Arrangements at least every six years, with HBRC's next review due following the 2022 election in preparation for the 2025 election.

### **Options for Council**

8. The options for Council's decision are outlined following (and flowchart attached), including consequential requirements and/or processes.
9. Council can resolve "yes, establish one or more Māori Constituencies for the 2022 and 2025 elections".
  - 9.1. Council must then publicly notify that resolution and the option for 5% of Hawke's Bay electors (5714) to demand a poll (by 21 February 2021).
  - 9.2. If a valid demand for a poll is received by 21 February, then a poll is required to be held by 21 May 2021 (not later than 89 days after the notification). The outcome of the poll is binding and overrides a resolution of Council.
  - 9.3. If there is no valid demand for a poll by 21 February, then Council considers the details of the Māori constituencies through a Representation Review.
10. Council can resolve to hold a poll (prior to 21 May 2021) to have binding effect for the 2022 and 2025 elections.
  - 10.1. A poll date is scheduled, and the poll held (estimated cost \$230,000-250,000)
  - 10.2. Council considers the outcome of the poll in determining its Representation Arrangements through the Representation Review process
  - 10.3. The result of the poll remains in effect for two electoral cycles, and then until either a Council resolution is made or a further poll is held.
11. Council can resolve to receive this "Māori Representation on Hawke's Bay Regional Council" staff report and take no further actions at this time.

### **Strategic Fit**

12. Effective partnerships with Māori are not only a legislative requirement, but an aspiration of this Council. One of the strategic drivers in HBRC's Strategic Plan is partnerships with tangata whenua.
13. Increasingly there are both statutory and non-statutory drivers for improved and more formalised tangata whenua direct engagement in co-governance. Natural resource management is a very high priority focus for tangata whenua and the HB Regional Planning Committee Act 2015 has increasingly required HBRC to work closer with tangata whenua in response. Simultaneously tangata whenua have been moving through Treaty settlement processes which are providing greater capability, influence and economic strength to Māori within the region. In tandem these developments have rapidly increased the expectation on HBRC to co-govern and co-manage the region's natural resources.

### Considerations of Tangata Whenua

14. Council's most recent consideration of Māori representation was in 2017. Prior to that, consideration had been given to the question as part of representation reviews in 2006 and 2012, neither of which progressed to Council decision as not supported by the Māori Committee in place at the time.
15. Leading up to Council's 2017 decision on whether to establish Māori representation, hui were held to provide tangata whenua with the opportunity to actively come together to understand and consider their aspirations in regards to Māori representation on the Council. The collective preference from the Hui a Iwi was in support of the establishment of Māori representation (attachment 1).
16. Due to the short timeframes for the current process, the Regional Planning Committee tangata whenua representatives have been asked to provide their view(s) at a Zoom hui scheduled at 8am on 17 November 2020, and the Māori Committee at their meeting immediately preceding the Extraordinary Regional Council meeting today.

### Application of Legislation

17. A Council resolution or a poll decides whether or not Māori constituencies will be established **only**. The LEA requires that a Representation Review must be undertaken when a decision is made to establish Māori constituencies, and so if Māori constituencies are to be established the details of the number constituencies, constituency boundaries and names, and the total number of elected representatives will be determined through a Representation Review to be undertaken in 2021.
18. The number of Māori members for election is calculated in accordance with LEA clause 4 of Schedule 1A of the Act. Using this calculation, the Council is able to have two Māori members when the Council's total membership ranges from 9 (current) to 14 members. The number of Māori members is not discretionary but determined using the legislated formula following.

$$\text{nmm} = \frac{\text{mepd}}{\text{mepd} + \text{gedp}} \times \text{nm}$$

**nmm** is the number of Māori ward members

**mepd** is the Māori electoral population of the district

**gedp** is the general electoral population of the district

**nm** is the proposed number of members of the territorial authority.

*Fractions are rounded up or down to the nearest whole number.*

19. The most recent voter statistics from the Local Government Commission reflect the potential for HBRC to establish 2 Māori 'seats' as follows.

Region	Maori Electoral Population	General Electoral Population	Total Population	Total Members	Maori Constituency Members	Maori Constituency Members (Rounded)
Northland Region	44,142	134,934	179,076	9	2.22	2
Waikato Region	70,833	387,369	458,202	14	2.16	2
Bay of Plenty Region	59,937	248,562	308,499	14	2.72	3
Hawke's Bay Region	29,685	136,680	166,365	9	1.61	2
Taranaki Region	13,500	104,064	117,564	11	1.26	1
Manawātū-Whanganui Region	33,231	205,563	238,794	12	1.67	2
Wellington Region	40,065	466,749	506,814	13	1.03	1
West Coast Region	1,875	29,700	31,575	7	0.42	0
Canterbury Region	29,892	569,802	599,694	14	0.70	1
Otago Region	9,798	215,388	225,186	12	0.52	1
Southland Region	7,509	89,961	97,470	12	0.92	1

20. If Māori constituencies are created, those two members of Council will be elected from the Māori constituencies, and the other members will be elected from the general constituencies. Only electors on the Māori electoral roll are entitled to vote for candidates in a Māori constituency, and only electors on the general electoral roll are entitled to vote for candidates in general constituencies. No one can vote in both a general and a Māori constituency.

### Regional Council Governance Structures and Representation Arrangements

21. Councils have developed a number of different structures, mainly various types of committees (both formal and informal) for engaging iwi in decision-making and seeking their views. These are either independent of, or work alongside, other relationship or co-governance agreements. Two regional councils have established Māori constituencies.
22. Bay of Plenty Regional Council (EBoP) was the first to establish Māori constituencies (3) under the Bay of Plenty (Māori Constituency Empowering) Act 2001. In addition to its Māori constituencies, the EBoP governance structure (attached) includes statutory joint committees established by legislation.
23. Waikato Regional Council (WRD) established two Māori constituencies through its Representation Review in 2012, and voted to retain the Nga Hau e Wha and Nga Tai ki Uta seats for the 2019 elections at its meeting on 26 October 2017. In addition to its Māori constituencies, the WRC governance structure (attached) includes co-governance and co-management groups.
24. Greater Wellington Regional Council (GWRC) considered whether to establish a Māori constituency in 2017, the outcome of which was to defer the decision. To date no further decisions have been made by GWRC.
25. Canterbury Regional Council's (ECan) Canterbury Water Management Strategy (CWMS) project agreed to by the Canterbury Mayoral Forum and Ngāi Tahu formed the basis of a collaborative, locally driven process aimed to improve environmental, cultural, economic and social outcomes in 10 areas – ecosystem health/biodiversity, braided rivers, kaitiakitanga, drinking water, recreational and amenity opportunities, water use efficiency, irrigated land area, energy security and efficiency, regional and national economies, and environment limits – and set targets in each of these for 2015, 2020 and 2040. An excerpt from the ECan Local Governance Statement about its Governance Structure is attached.

26. Currently, the following councils are also considering the establishment of Māori wards or constituencies.
  - 26.1. Taranaki iwi have requested that South Taranaki District Council establishes 2 Māori seats
  - 26.2. Northland Regional Council (2)
  - 26.3. Whangerei District Council (2)
  - 26.4. Ruapehu District Council (3).

### Financial and Resource Implications

27. If Council resolves to establish one or two Māori constituencies by 23 November 2020, and no demand for a poll is received, the Council is required to undertake a Representation Review in order to establish its new Governance Arrangements. The costs associated with carrying out a Representation Review are largely for staff time and public consultation, currently unbudgeted, and estimated to be in the vicinity of \$15,000 based on the 2017-18 Representation Review costs.
  - 27.1. If Council resolves, by 23 November 2020, to establish one or two Māori constituencies, and a poll demand received by 21 February 2021, staff have been advised that the cost of holding a poll (before 21 May 2021) would be in the vicinity of \$250,000. This is currently unbudgeted expenditure.

### Decision Making Process

28. Council is required to make every decision in accordance with legislative requirements. Staff have assessed the requirements in relation to this item and have concluded:
  - 28.1. The decision is allowed in accordance with Local Electoral Act 2001 Section 19.
  - 28.2. The persons affected by this decision are the electors and ratepayers of the Hawke's Bay Regional Council.
  - 28.3. The decision is not inconsistent with an existing policy or plan.
  - 28.4. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make this decision which will then be subject to public notice and consultation provisions through a Representation Review process to be conducted in accordance with the Local Electoral Act 2001.

### Recommendations

That the Hawke's Bay Regional Council:

1. Receives and considers the "Māori Representation on Hawke's Bay Regional Council" staff report.

**and**

2. Resolves in accordance with s.19Z of the Local Electoral Act 2001 to establish one or two Māori constituencies to allow for the election of two representatives for the Hawke's Bay Regional Council with effect from the 2022 triennial elections.
3. Resolves that, in accordance with s.19ZA of the Local Electoral Act 2001, a public notice be issued, of Council's decision and of the public's right to demand a poll on the matter of establishing Māori constituencies.

**OR**

4. Receives and considers the "Māori Representation on Hawke's Bay Regional Council" staff report and takes no further action at the present time.

**Authored by:**

**Leeanne Hooper  
TEAM LEADER GOVERNANCE**

**Approved by:**

**Pieri Munro  
TE POU WHAKARAE**

**James Palmer  
CHIEF EXECUTIVE**

**Attachment/s**

- [↓1](#) 2017 Taiwhenua Feedback and Māori Committee Recommendation
- [↓2](#) Decision Processes Flowchart
- [↓3](#) Examples of Co-governance & Representation Arrangements

## MĀORI COMMUNITY VIEWS ON MĀORI REPRESENTATION ON THE HAWKE'S BAY REGIONAL COUNCIL

### Reason for Report

1. To provide Council with the Māori Committee's recommendation for consideration in its decision making process to determine whether to establish Māori constituencies for the 2019 and 2022 local government elections; that recommendation being:
  - 1.1. The Māori Committee recommends that Council resolves to establish one or more Māori constituencies to enable the election of two Māori representatives on the Hawkes Bay Regional Council at the next local election in 2019.

### Background

2. As part of its Representation Review, the Hawke's Bay Regional Council will first consider whether to establish Māori constituencies for the Hawke's Bay region. Māori constituencies may be established either by way of a local authority (HBRC) resolution or as the outcome of a poll (referendum) of electors.
3. Following a Māori Committee workshop on Friday 15 September, it was agreed that four Hui A Iwi would be coordinated to invite hapū, whānau and marae members to consider this important topic.

### Hui A Iwi

4. Each of the four Ngati Kahungunu Taiwhenua hosted hui during October to discuss Māori representation on the Council. These were hosted by:
  - 4.1. Te Taiwhenua o Heretaunga (2 October)
  - 4.2. Te Taiwhenua o Tamatea (9 October)
  - 4.3. Te Wairoa Taiwhenua (13 October) and
  - 4.4. Te Taiwhenua o Te Whanganui-a-Orotū (25 October).
5. These four hui were advertised via local newspapers and social media.
6. Numbers ranged between 10 -20 with attendees at these hui, including local Māori and two RPC Tangata Representatives (Toro Waaka and Apiata Tapine), councillors Tom Belford (Heretaunga), Paul Bailey (Heretaunga), Debbie Hewitt (Tamatea) and Neil Kirton (Te Whanganui-a-Orotū). Councillor Fenton Wilson offered his apologies to the Wairoa hui, as he was unable to attend due to a prior commitment. Council staff also attended to provide technical support and process information.

### Feedback

7. Key points that emerged from all four hui include:
  - 7.1. All very keen and committed to have Māori representatives at the Regional Council table
  - 7.2. Recognise the landscape of change is upon Māori, however there is work still needed to ensure greater Māori voting participation
  - 7.3. A question was asked, "by supporting Māori representative seats on the Council would the Māori Committee (MC) then cease to exist?" Responses informed the hui that MC is in existence at the behest of the current Council therefore at any triennium the committee can be retained or removed. The members of the MC wanted to pursue this conversation regardless if they are to remain or not - this is about targeting the greater kaupapa of *Māori representation*. There is currently a Statutory

Committee of Tangata Whenua - the RPC - so it is with confidence that the MC members know Māori voices are at the table. The MC of the HBRC has been in existence for over 20+ years and has proven its value so the HBRC would need to consider the removal very carefully.

8. These four hui have provided a voice for Tangata Whenua to actively come to understand, fully participate and consider their aspirations and tools needed to enable their rights and responsibilities to be fulfilled in regards to Māori representation on the Council.

#### **Next Steps**

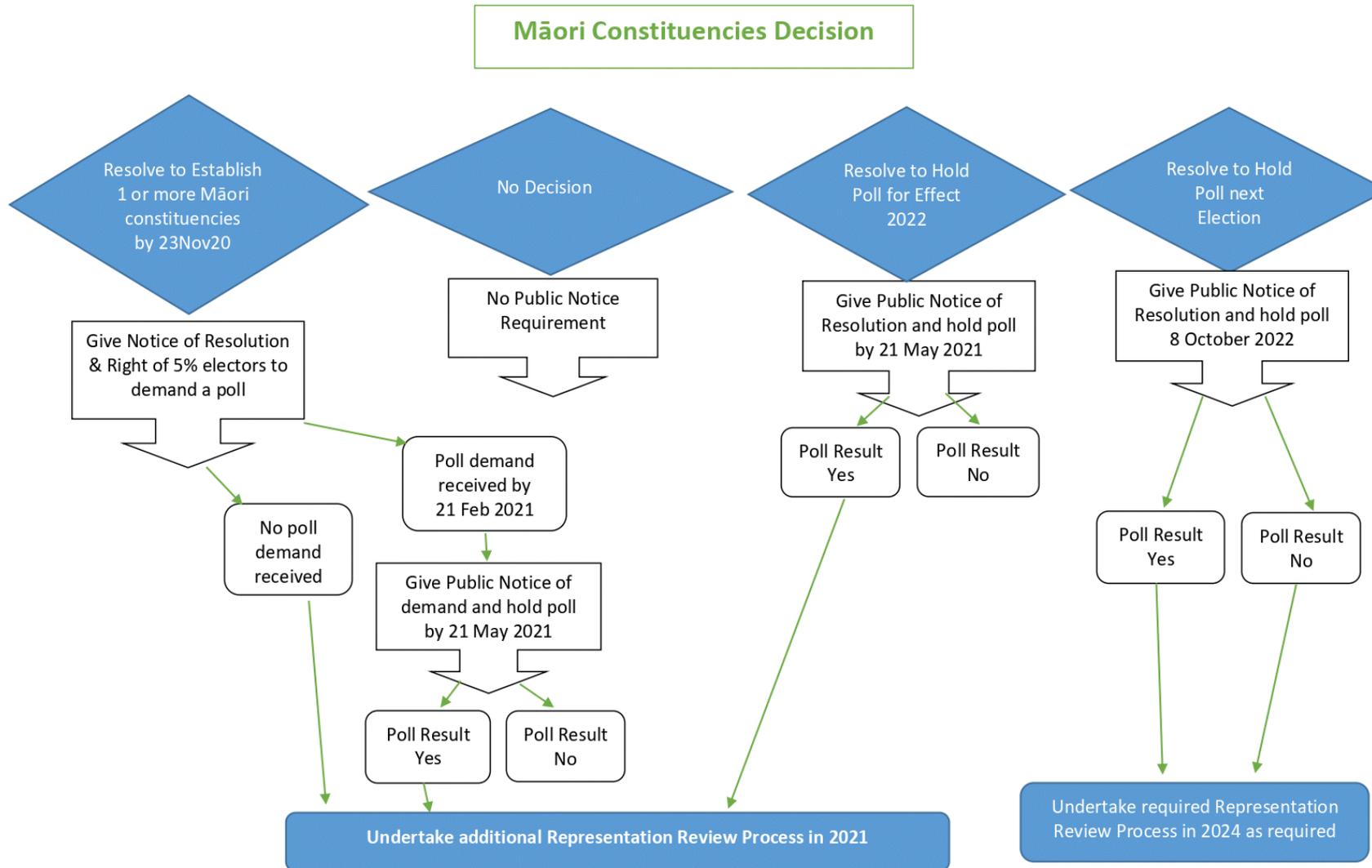
9. Once the Council has made its decision, there is much work to be done, including:
  - 9.1. to develop a robust communication plan inclusive of the whole community
  - 9.2. further conversations to encourage Māori to actively take this korero and position forward
  - 9.3. Ensure that representation includes local voices, particularly from the Wairoa rohe.

#### **Authored by:**

**Joyce-Anne Raihania**  
**SENIOR PLANNER**  
**GOVERNANCE AND IWI LIAISON**

#### **Approved by:**

**HBRC Maori Committee**





# Bay of Plenty Regional Council Local Governance Statement 2017

## What do councillors do?

Bay of Plenty Regional Council's elected members:

- Set the policy direction of Council.
- Employ the Chief Executive.
- Represent the interests of the Bay of Plenty's current and future residents.
- Monitor Bay of Plenty Regional Council's performance as a whole.

Their purpose is:

- To enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- To meet the current and future needs of communities for good-quality local infrastructure, local public services and regulatory functions in the most cost-effective way for households and businesses.
- To set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- To provide strategic oversight of the Council's financial affairs.

## How does the Council work?

The Council has a Chairman and Deputy Chair. It meets as a full Council every six weeks, and has several committees and joint committees to help it make decisions.

The Chairman has overall responsibility for leading the Council.

Each committee has a Chairperson and Deputy Chairperson. The Chairperson is responsible for maintaining order at meetings and has the power to remove any member of the public for disorderly conduct, or remove a councillor who does not comply with Standing Orders. Standing Orders are the rules and guidelines for the running of the meetings.

For an ordinary meeting of Council, at least 14 days' notice of the time and place of the meeting must be given. Extraordinary meetings may be called at three working days' notice. Legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987. You can obtain a copy of the Code of Conduct and Standing Orders from any Bay of Plenty Regional Council office.

## Core committees

### Regional Direction and Delivery Committee

Sets the strategic direction for the region by formulating policy that clearly identifies Council's role and direction on issues. Develops and approves Council strategy and policy.

Sets the operational direction for approved Regional Council policy and strategy, and monitors how it is implemented. Develops specific operational decisions which translate policy and strategy into action.

Membership: Chairman and all councillors.

### Audit and Risk Committee

Develops and reviews the Council's funding and financial policies and frameworks, performance monitoring framework and the Council's audit and risk policies and frameworks.

Membership: Five councillors, one independent Council appointee and the Chairman as Ex-Officio.

### Komiti Maori

Sets operational direction for the Council's legislative obligations to Māori and monitors how these are implemented. Makes decisions which translate legislative obligations to Māori into action. Tangata whenua and any other member of the public are encouraged to participate at meetings held on marae across the region.

Membership: Three Māori constituency councillors and three general constituency councillors and the Chairman as Ex-Officio.

### Public Transport Committee

Determines operational policy and operational matters for public transport.

Develops and approves operational decisions which translate strategy and policy into action.

Membership: Eight Councillors including the Chairman as Ex-Officio and one representative each from Tauranga City Council, Western Bay of Plenty District Council and Rotorua Lakes Council.

### Lake Rotorua Incentives Committee

Contributes to the improvement of Lake Rotorua water quality to secure permanent reductions in nitrogen discharges. Promotes and facilitates the uptake of profitable low nutrient land management and land use systems in the Lake Rotorua Groundwater Catchment.

Membership: Minimum of five and a maximum of seven members, one of whom must be a councillor and independent representatives appointed by Council.

## Subcommittees

### Regional Coastal Environment Plan Appeals Subcommittee

Guides resolution of Environment Court Appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan.

Membership: Three Councillors.

### Executive Employment and Remuneration Subcommittee

Acts for and advises the Council on the employment of the Council's Chief Executive Officer.

Membership: Chairman, Deputy Chair and two Councillors.

## Statutory Committees

### Regional Transport

Prepares a Regional Land Transport Strategy and programme for the region, any variations and any reports.

Approves the Regional Road Safety Action Plan.

Approves submissions to Central Government, local authorities and other agencies on Regional Transport Committee-related matters.

Membership: Two members representing the Regional Council, one each from each territorial authority in the region and one representing the New Zealand Transport Agency.

### Rotorua Te Arawa Lakes Strategy Group

Set up under the Te Arawa Lakes Settlement Act 2006.

A joint committee with Rotorua Lakes Council and Te Arawa Lakes Trust which coordinates policy and actions to improve Rotorua's lakes. The partner organisations work together to protect and restore water quality in 12 Rotorua lakes for the enjoyment and use of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes. The Group meets four to five times a year to coordinate policy and actions to improve the Rotorua lakes. It is established in law as part of the Te Arawa Lakes Settlement.

Membership: Two members each from Te Arawa Lakes Trust, Rotorua Lakes Council and Bay of Plenty Regional Council.

### Civil Defence and Emergency Management Group Joint Committee

Coordinates and plans programmes and activities related to civil defence emergency management, including reduction, readiness, response and recovery across the region.

Membership: Representatives from Bay of Plenty Regional Council, Kawerau, Ōpōtiki, Rotorua, Western Bay of Plenty and Whakatāne District Councils and Tauranga City Council.

### Rangitāiki River Forum

Set up under the Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012.

Protects and enhances the environmental, cultural and spiritual health and well-being of the Rangitāiki River and its resources for the benefit of present and future generations.

Prepares and approves the Rangitāiki River Document. Bay of Plenty Regional Council must recognise and provide for the River Document when preparing or changing the Regional Policy Statement.

Membership: One member each appointed by Te Rūnanga o Ngāti Whare, Te Rūnanga o Ngāti Manawa, Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust, Te Rūnanga o Ngāti Awa, Ngāti Hineuru, Whakatāne District Council, Taupō District Council and three members appointed by Bay of Plenty Regional Council.

### Te Maru o Kaituna

Set up under the Tapuika Claims Settlement Act 2014.

Restores, protects and enhances the environmental, cultural and spiritual health and well-being of the Kaituna River.

Prepares and approves the Kaituna River Document. Bay of Plenty Regional Council must recognise and provide for the River Document when preparing or changing the Regional Policy Statement.

Membership: One member each appointed by Tapuika Iwi Authority Trust, Tapuika Iwi

Authority Trust and Te Kapu o Waitaha jointly, Te Pumautanga o Te Arawa Trust, Te Tahuu o Tawakeheimoa Trust, Bay of Plenty Regional Council, Rotorua Lakes Council, Tauranga City Council and Western Bay of Plenty District Council.

### Joint Committees

#### SmartGrowth Implementation Committee

Prioritises, reviews and monitors the implementation of the 2013 SmartGrowth Strategy update.

Membership: Tauranga City Council Mayor and three councillors, Western Bay of Plenty District Council Mayor and three councillors, Bay of Plenty Regional Council Chairman and three councillors, four tangata whenua representatives, SmartGrowth Independent Chairperson.

#### Eastern Bay of Plenty Joint Committee

A collaboration between Bay of Plenty Regional Council, and Kawerau, Ōpōtiki and Whakatāne District Councils which responds to and manages a range of Eastern.

Bay of Plenty issues. The Committee forms, explores and makes recommendations for strategic collaborative initiatives between the partner councils.

Membership: Two elected members each representing Regional Council, Kawerau, Ōpōtiki and Whakatāne District Councils.

#### Ōhiwa Harbour Implementation Forum

Oversees and monitors the implementation of the Ōhiwa Harbour Strategy.

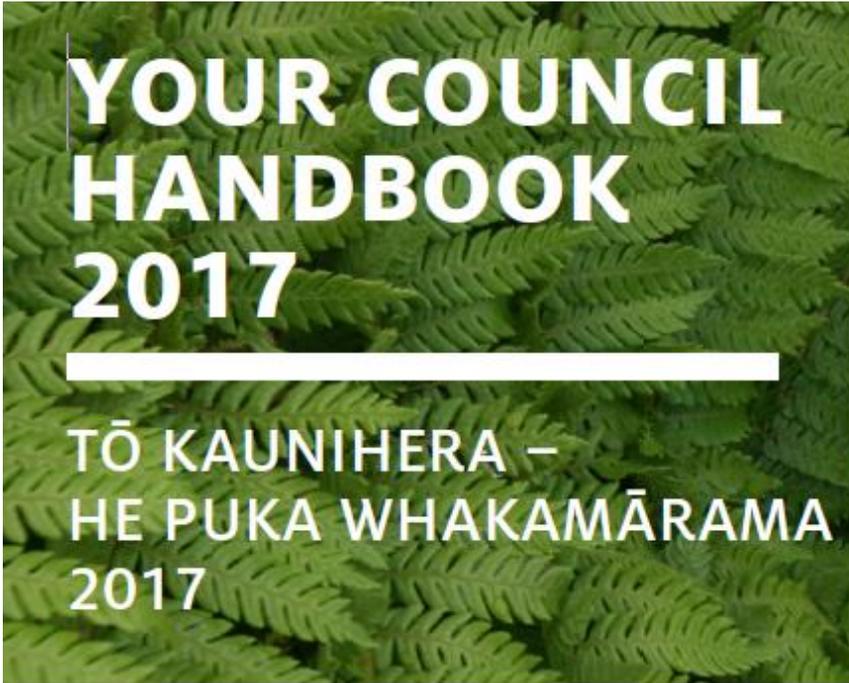
Membership: One elected members of Ōpōtiki and Whakatāne District Councils, Bay of Plenty Regional Council and four Tangata Whenua appointees representing Whakatōhea, Upokorehe, Ngāti Awa and Ngāi Tahu.

#### Eastern Bay Road Safety Committee

Provides strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury.

Attachment 3

Item 3



# Co-management and co-governance

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 introduced new co-governance and co-management frameworks for the Waikato River and its catchment area specifically for Waikato-Tainui.

Following this, the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012 were introduced recognising the mana whakahaere interests of river iwi in the middle and upper Waikato and upper Waipa catchment areas. As a result, similar co-governance and co-management arrangements were established with Raukawa, Te Arawa, Tūwharetoa and Maniapoto.

The primary instruments for co-governance and co-management are the Iwi-Crown Ministerial Accords, Iwi-Ministerial appointments to the Waikato River Authority, Iwi-Council co-governance committees and Joint Management Agreements (JMAs).

Plan Change 1 Waikato and Waipa River catchments (Healthy Rivers) is the primary document focusing on protecting and restoring the health of the river. The purpose of the Waikato River Authority is to set direction, through the Plan Change to achieve the restoration and protection of the health and wellbeing of the Waikato River for present and future generations and to promote an integrated, holistic and coordinated approach to the implementation of the vision and strategy and the management of the Waikato River.

As part of the Waikato-Tainui treaty settlement, the Crown established the Waikato River Clean-Up Trust and has committed to provide \$210 million over 30 years for clean-up initiatives. A further \$10 million contribution to the trust has been introduced through the Ngā Wai o Maniapoto (Waipā River) Act 2012. Any member of the public is entitled to apply for funding to resource clean-up initiatives that achieve the purpose of the Act. The Waikato River Authority acts as trustee and administrator.

In most cases, the Waikato Regional Council is required to develop JMAs with each river iwi within an 18 month timeframe starting from the time settlement legislation has been fully enacted.

JMAs developed to date are operational tools to give expression to the mana whakahaere for each iwi (or authority of the tribe) to exercise control and management of the river and include provisions for iwi to become involved in:

- river-related resource consent processing
- monitoring and enforcement of river-related resource consents
- state of the environment, permitted activity and policy effectiveness monitoring

- preparation, review, change or variation of RMA planning documents in relation to the Vision and Strategy
- customary activities; by way of exempting river iwi from consent requirements for activities fundamental to their relationship with the river.

Co-governance committees have been established between the Waikato Regional Council and river iwi to oversee the details of JMAs. JMAs have been signed with Raukawa Charitable Trust, Te Arawa River Iwi Trust, Waikato-Tainui, the Maniapoto Māori Trust Board and Tūwharetoa Māori Trust Board.

Waikato Regional Council and Waikato-Tainui have formed a co-management agreement in relation to sites of significance and flood control scheme managed lands transferred to Waikato-Tainui from Crown ownership as part of the settlement.

## Treaty settlements and claims

A number of iwi in the Waikato region received statutory acknowledgements through the Treaty Settlement legislation. They include Tūwharetoa, Raukawa, Te Arawa and their affiliated iwi and hapū. Pouakani and Maraeroa blocks A and B have also been statutorily acknowledged.

Further iwi are at different stages of progressing their comprehensive treaty settlements and these include Ngāti Korokī-Kahukura, the Hauraki Iwi Collective, Ngāti Maniapoto, Ngāti Hauā and Ngāi Tūhoe. Ngāti Tūwharetoa, Ngāti Te Ata, Ngāti Tamaoho and Ngāti Hinerangi are currently engaged in negotiations with the Office of Treaty Settlements. We expect discussions will include recognition of respective iwi interests, particularly in the Waikato, Waihou and Piako river catchment areas.

A number of outstanding Treaty claims are yet to be completed by the Waitangi Tribunal. These include claims seeking redress from the Crown for Treaty breaches along the west coast areas of the region and Te Rohe Potae.

## Committees required by statute

## Waikato Civil Defence Emergency Management Group

Objective	To provide governance and oversight of all planning, co-ordination and delivery of Civil Defence Emergency Management within the Waikato Region Civil Defence Emergency Management Group area.
Waikato Regional Council Members	Councillor Hugh Vercoe (chair) Councillor Stu Husband (alternate - if representative not available to attend)
Frequency of meetings	Quarterly or as required

## Regional Transport Committee

Objective	To undertake the functions as prescribed in the Land Transport Management Act 2003 (LTMA), and to provide a regional forum for the consideration of regionally significant transport matters. To monitor the implementation of the Regional Public Transport Plan outside of Hamilton City.
Waikato Regional Council Members	Councillor Hugh Vercoe (chair) Councillor Russ Rimmington (deputy)
Frequency of meetings	Quarterly or as required.

## Hauraki Gulf Forum

Purpose (Section 15, Hauraki Gulf Marine Park Act)	<ol style="list-style-type: none"> <li>To integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand.</li> <li>To facilitate communication, co-operation and co-ordination on matters relating to the statutory functions of the constituent parties in relation to the Hauraki Gulf, its islands and catchments and the Forum.</li> <li>To recognise the historic, traditional, cultural and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and where appropriate, its catchments.</li> </ol>
Waikato Regional Council Members	Councillor Dal Minogue Councillor Jennie Hayman (alternate - if representative not available to attend)
Frequency of meetings	3-4 times per annum (or as required).

## Lake Taupō Protection Project Joint Committee

Objective	<p>Establish the Lake Taupō Protection Trust to implement the Lake Taupō Protection Project in accordance with the Trust Deed.</p> <p>Provide governance to the Lake Taupō Protection Trust in accordance with the Local Government Act 2002 and The Lake Taupō Protection Project Agreement.</p>
Waikato Regional Council Members	Councillor Kathy White Councillor Kataraina Hodge

Frequency of meetings	Quarterly or as required by the chair or by the Joint Committee (clause 9.1, Project Agreement).
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## Ngā Wai o Waipā Co-Governance Forum

Objective	To give effect to the governance provisions outlined in Clause 15 of the Joint Management Agreement between the organisations.
Waikato Regional Council Members	Councillor Alan Livingston (co-chair) Councillor Stu Kneebone (alternate - if representative not available to attend)
Frequency of meetings	Annually (or more frequently if agreed).

## Raukawa Charitable Trust and Waikato Regional Council Co-Governance Committee

Objective	To give effect to the guardianship provisions as provided for pursuant to clause 8 of the Joint Management Agreement between the organisations.
Waikato Regional Council Members	Councillor Alan Livingston (co-chair) Councillor Kataraina Hodge (deputy) Councillor Stu Kneebone Councillor Hugh Vercoe
Frequency of meetings	Annually (or more frequently if agreed).

## Te Arawa River Iwi Trust and Waikato Regional Council Co-Governance Committee

Objective	To give effect to the guardianship provisions as provided for pursuant to clause 12 of the Joint Management Agreement between the organisations.
Waikato Regional Council Members	Councillor Alan Livingston (co-chair) Councillor Kathy White (deputy) Councillor Kataraina Hodge Councillor Tipa Mahuta
Frequency of meetings	Annually (or more often if agreed).

## Tūwharetoa Māori Trust Board and Waikato Regional Council Co-Governance Committee

Objective	To commence the process for finalising a Joint Management Agreement between the Trust and the Council.
Waikato Regional Council Members	Councillor Alan Livingston (co-chair) Councillor Kathy White (deputy) Councillor Kataraina Hodge Councillor Tipa Mahuta
Frequency of meetings	No less than once a year.

## Waikato Raupatu River Trust and Waikato Regional Council Co-Governance Committee

Objective	To give effect to the meetings between the parties' provisions (clause 9) as provided for in the Joint Management Agreement between the organisations.
Waikato Regional Council Members	Councillor Alan Livingston (co-chair) Councillor Tipa Mahuta (deputy) Councillor Jenny Hayman Councillor Fred Lichtwark
Frequency of meetings	Annually (or more often if agreed).

## Standing committees

## Strategy and Policy Committee

Objective	To set council's strategic direction and policy responses, signal regional issues, respond to external agency statutory planning processes via advocacy submissions, advise the council in respect of thought leadership across matters of regional significance, establish strategic priorities for organisational direction and policy setting.
Waikato Regional Council Members	Councillor Bob Simcock (chair) Councillor Tipa Mahuta (deputy) Councillor Jane Henneby Councillor Alan Livingston Councillor Russ Rimmington Councillor Kathy White Councillor Kataraina Hodge Councillor Fred Lichtwark Councillor Stu Husband Councillor Stu Kneebone Councillor Jennie Hayman Councillor Hugh Vercoe Councillor Dal Minogue Councillor Barry Quayle
Frequency of meetings	Six weekly or as required.

## Environmental and Services Performance Committee

Objective	To monitor and report on the effectiveness of and compliance with council's resource management responsibilities.  To be informed about emerging and significant environmental issues, monitor performance trends, and to review policy in relation to the emerging issues and trends.
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Waikato Regional Council Members	<p>Councillor Kathy White (chair)</p> <p>Councillor Kataraina Hodge (deputy)</p> <p>Councillor Fred Lichtwark</p> <p>Councillor Stu Husband</p> <p>Councillor Barry Quayle</p> <p>Councillor Jennie Hayman</p> <p>Chair <u>or</u> Deputy Chair of Council ex-officio</p>
Frequency of meetings	Quarterly or as required.

## Integrated Catchment Management Committee

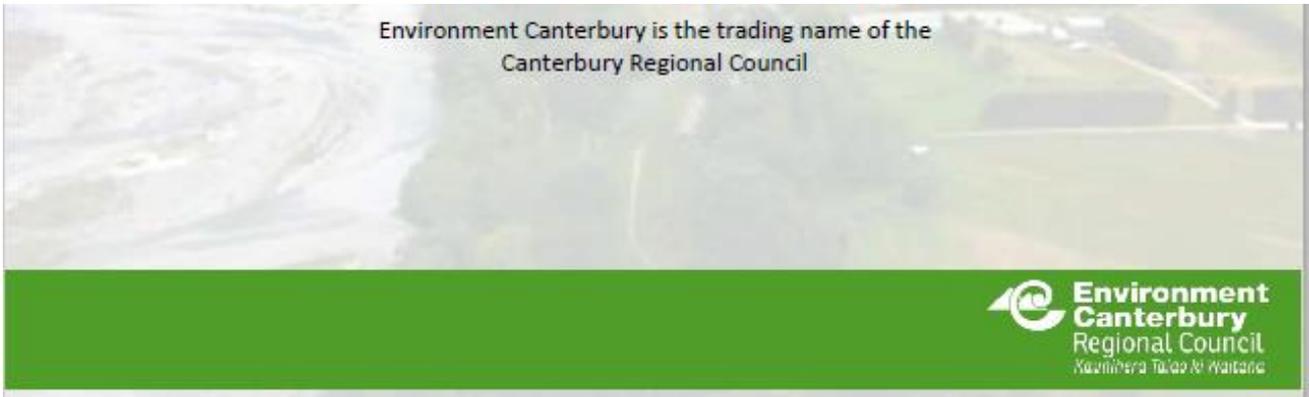
Objective	To set objectives, priorities and levels of service for catchment management and monitor achievement levels through the outcomes.
Waikato Regional Council Members	<p>Councillor Stu Husband (joint-chair north)</p> <p>Councillor Stu Kneebone (joint-chair south)</p> <p>Councillor Fred Lichtwark</p> <p>Councillor Dal Minogue</p> <p>Councillor Jennie Hayman</p> <p>Councillor Kataraina Hodge</p> <p>Councillor Kathy White</p> <p>Chair <u>or</u> Deputy Chair of Council ex-officio</p>
Frequency of meetings	Two monthly or as required.

## Healthy Rivers - Wai Ora Committee

Objective	To provide co-governance functions with respect to Plan Change 1 and the Waikato and Waipa Rivers, including a focus on implementation, plan effectiveness monitoring and providing direction on the possible next steps post notification of Plan Change 1 including the co-design of the project framework for subsequent planning processes that focus on the allocation of contaminant discharges to replace the existing "hold the line" approach.
Waikato Regional Council Members	<p>Councillor Stu Kneebone (co-chair)</p> <p>Councillor Kataraina Hodge (dep co-chair)</p> <p>Councillor Stu Husband</p> <p>Councillor Bob Simcock</p> <p>Councillor Tipa Mahuta</p> <p>Councillor Barry Quayle</p>
Frequency of meetings	Quarterly or as required.

# Local Governance Statement

Prepared in terms of Section 40 of the Local Government Act 2002



## POLICIES FOR LIAISING WITH, AND MEMORANDA OR AGREEMENTS WITH, MĀORI

### Tuia Agreement

Above and beyond the statutory obligations of the Local Government Act and Resource Management Act, Environment Canterbury has committed with Ngāi Tahu leadership to engage as partners in a constructive and progressive relationship. This commitment is based on the recognition that the relationship of Ngāi Tahu with their ancestral land within Canterbury is inextricably affected by the powers and functions of Environment Canterbury. It is supported by a formal agreement and work programme called Tuia, which translates as 'working together shoulder to shoulder'.

Tuia is a practical relationship of Environment Canterbury with the ten Papatipu Rūnanga of Ngāi Tahu in Canterbury. Tuia is affirmed in our *Strategic Directions* documents as a top priority for the whole organisation. The aims of Tuia include achieving sustainable environmental outcomes,

perpetuating and supporting customary practices, being responsive to mana whenua needs and providing for effective iwi participation. In progressing Tuia, Environment Canterbury and Papatipu Rūnanga are committed to working together in a spirit of partnership that promotes mutual respect, transparency, trust and good faith for the benefit of mana whenua, other Maori and the wider community.

Tuia has many interconnecting work streams that span across all parts and functions of the Council.

### **Te Waihora Co-Governance Agreement**

Environment Canterbury, Te Rūnanga o Ngāi Tahu, Selwyn District Council and more recently Christchurch City Council are parties to a co-governance agreement over the lake and catchment of Te Waihora.

The Parties are jointly committed to maximising and expediting the rejuvenation of the lake and catchment for the benefit of current and future generations, and are confident that working collaboratively in the best interests of the catchment will achieve the greatest outcomes for the catchment and the living relationships people enjoy with the catchment.

The Council's responsibilities are sourced in statute, including through the Resource Management Act 1991 and the Local Government Act 2002, which require the Councils to prudently manage the catchment.

Ngāi Tahu's responsibilities derive from custom, an inherited body of law conferring on Ngāi Tahu obligations to be enduring kaitiaki over the catchment. For Ngāi Tahu the customary status of mana whenua manifests in part through the reciprocal obligation to the landscape to act as kaitiaki.

The statutory and customary responsibilities forge a common purpose: successful leadership and stewardship of Te Waihora and catchment.

### **Service Agreements with rūnanga environmental advisory companies**

Environment Canterbury has entered into service agreements with a number of rūnanga-owned environmental advisory companies. The purpose of these agreements is to provide a clear and consistent funding process that will enable the companies to provide well defined environmental services to Environment Canterbury for work within their rohe.

### **Maori Participation Policy**

Environment Canterbury's Maori Participation Policy (Part A Long Term Plan 2015-2025), recognises that within the Canterbury region Ngāi Tahu is the tangata whenua. The Council seeks to build durable relationships with Māori (Ngāi Tahu Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu and Ngā Maata Waka) and give effect to the Council's obligations under the Treaty of Waitangi, Ngāi Tahu Claims Settlement Act 1998, Local Government Act 2002, and related obligations under the Resource Management Act 1991. Environment Canterbury continues to develop its relationship with all ten Papatipu Rūnanga in Canterbury and with Te Rūnanga o Ngāi Tahu – the iwi authority. In particular, the Maori Participation Policy recognises and respects the mana whenua (customary tribal authority) status of Ngāi Tahu Whānui set out in section 5 of the Te Rūnanga o Ngāi Tahu Act 1996.