

Council Briefing Agenda

Date: Wednesday, 12 February, 2020

Time: 9:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Gavin Benney
Cr Vince Cocurullo
Cr Nicholas Connop
Cr Ken Couper
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Jayne Golightly
Cr Phil Halse
Cr Greg Innes
Cr Greg Martin
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Apologies

2. Reports

2.1 Maori Participation in Decision Making

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3. Closure of Meeting

2.1 Participation by Māori in local authority decision-making

Meeting:	Council Briefing
Date of meeting:	12 February 2020
Reporting officer:	Dominic Kula – General Manager Strategy and Democracy

1 Purpose

To update Council and Te Huinga on options for participation by Māori in local authority decision-making.

2 Background

Councils are required under the Local Government Act 2002 (LGA) to facilitate participation by Māori in local authority decision-making. This has taken several different forms across the Country, a summary of these has been included as Attachment 1.

In Whangārei Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement, which was superseded by a Strategic Relationship Agreement in 2014.

Since that time different representation and relationship structures have been in place alongside Te Kārearea. These have included advisory representation on committees and a strategic alliance between Te Kārearea and the Northland Regional Councils Te Tai Tokerau Māori and Council (TTMAC) Working Party.

Te Kārearea was the only governance mechanism in place in the last term of Council.

3 Discussion

Following elections an early (08 November 2019) hui was held with Te Huinga to start to consider how to work together, and set direction, in the new term of Council.

The meeting aimed to build understanding of different perspectives, with common themes identified including:

- Potential for Te Kārearea to become a standing committee of council
- Potential for a staged approach to representation over time
- Resourcing for hapū involvement Council's processes
- Communication between, and capability building of, both partners
- Different tiers/mechanisms for Council's relationship with Māori (i.e. project, process, organisation, and Te Huinga/Te Kārearea based)
- A need for clarity around the different relationships with Council, and the processes for any outside of Te Huinga

Overarching these was a desire from both parties for the Partnership to be more strategic, while also acknowledging the need to connect with the community and its issues.

At the hui staff outlined the need for a formal decision making process for both parties for the term ahead, noting that for Council this will be via an Agenda outlining options for consideration. It was also acknowledged that while Te Huinga members on Te Kārearea represent hapū and Māori across the District, there were other mechanisms for participation of Māori in decision making.

Following the hui staff met with the Te Huinga executive to work through some of the practicalities of a Council committee (particularly the constraints under standing orders) and a Council workshop was held. Key feedback since the hui has included:

- Te Huinga support for Te Kārearea becoming a standing committee
- A draft Terms of Reference was sought to clarify the purpose/decision making powers of Te Kārearea if it were to become a committee of Council
- A desire to also provide voice/participation for urban Māori
- A request for budget information

3.1 Options

In terms of participation there are three potential options at the governance level that have previously been discussed.

These are briefly summarised below, along with supporting information around the terms of reference/decision making powers that would apply for each option:

1. Continuation of Te Kārearea as an advisory committee

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The forum has a strong focus on Relationship, which is underpinned by the 2014 Strategic Relationship Agreement (Attachment 2).

While not a decision-making body, the Agreement sets out the principles underpinning the relationship and how Council and Te Huinga will work together to understand each other's views and priorities. In doing so it provides a platform for developing shared strategic priorities, along with the potential for a work programme to achieve those.

It is envisioned that the Relationship Agreement would form the basis for Te Kārearea Strategic Partnership Forum if this option were to continue under this term of Council.

2. Te Kārearea as a committee of Council

The 2014 Te Kārearea Relationship Agreement intended that the 'relationship would build to develop more robust partnerships over time through learning conversations'. The creation of Te Kārearea as a committee of Council was raised as an option at the hui on 09 November 2019 that could provide a vehicle for achieving this.

However, feedback received following the hui was that further detail was required around the purpose/decision making powers of Te Kārearea if it were to become a committee of Council. Draft Terms of reference were distributed to both Councillors and Te Huinga for review and feedback on 09 January 2020.

Feedback received has been included in Attachment 3, along with initial staff advice/response (in red). A corresponding revised tracked changes version of the draft Terms of Reference has been provided as Attachment 4. Key points from feedback received will be worked through at this Briefing.

3. Māori Participation on Council's committees of the whole

The third option, Māori Participation on Council's committees of the whole, would involve appointment of hapū representatives to Council Committees.

Under this option it is envisioned that a hapū representative would be a member of each committee.

As such the powers/decision of the appointee would fall under existing committee terms of reference.

It is important to note that these options are not mutually exclusive. For example, Māori participation on Council committees could sit alongside either option 1 or 2, as was the case in the 2013/16 term of Council.

3.2 A desire to be more strategic

Overarching feedback received to date has been a desire for a strategic focus. In this context it is necessary to differentiate what the option does (as established in the Relationship Agreement or Terms of Reference) and how it could be used to develop strategic areas of focus.

An example of this can be seen through the development of a 'Strategic Alliance in 2015. At that time hapū and Council worked to develop a combined list of priorities, and a timeline for a staged approach to outcomes.

This was done under the gambit of the 2014 Relationship Agreement, and in the context of the provisions of the LGA. This work culminated in a 2016 Agenda item providing an overview of the Strategic Alliance, inclusive of its identified priorities. The Agenda, along with the corresponding analysis of the requirements of the LGA undertaken at that time, has been included as Attachment 5.

While the terms of reference for the Alliance were not adopted at that time, it provides a clear example of how a strategic focus can be developed within governance structures. It is important that work already done in this space is not lost (although it is also important to note initial NRC feedback that any collaborative forum would have to have regional participation/focus, and clear terms of reference).

All the above options broadly provide for an approach such as this. However, option 3 in isolation is likely to be less effective than options 1 and 2 due to the lack of a dedicated forum/committee to identify and progress strategic priorities, and option 2 would have the added weight of decision making powers within the Committees Terms of Reference.

3.3 Non governance based mechanisms

As noted above Council has different tiers/mechanisms for Māori participation in decision making. These are often operational (i.e. project, process or legislatively based). As reported previously staff are currently working on the scope for an operational Treaty Audit against statutory requirements in key areas in order to identify gaps and improve participation in our processes.

At the same time hapū are working through the outcomes of the Tane Whakapiripiri Report. The report, amongst other things, sought to 'lift the capacity of ngā hapū o Whangārei to engage with Local Government in matters of importance relating to natural resource protection, management and any associated economic opportunity'. One of the key recommendations for achieving this was through the creation of a hapū practitioners pool. While the details of this are yet to be worked through it could provide an important technical forum to work with hapū on Resource Management Act 1991 processes (particularly in relation to District Plan changes). This could operate alongside any of the options outlined above.

Staff have also received feedback on the need to continue to connect with the community through Marae based community forum/Hui a Hapori (under the previous term monthly Te Kārearea meetings alternated between Council Chambers and Marae).

As such the draft Terms of Reference propose monthly meetings until June 2020, followed by quarterly meetings. The intent of this meeting structure is to ensure there are enough meetings in the first six months for any committee to work through strategic direction and priorities. After that it is proposed that meetings be quarterly, with community/technical forums in the intervening months (particularly continuation of the Marae based community forum/Hui a Hapori). This approach could also be applied if Te Kārearea were to continue as an advisory committee.

This will be a point of discussion in this briefing.

3.4 Financial Implications

There is total operational budget of \$49,699 for Te Kārearea in the 2019/20 financial year. This covers all meeting fees, venue/marae hire, catering and koha. Any costs associated with the options would need to be met from existing budgets.

4 Attachments

1. What other Councils are doing
2. Strategic Relationship Agreement
3. Summary of Feedback on Draft Te Kārearea Terms of Reference
4. Te Kārearea Terms of Reference (including recommended changes)
5. Strategic Alliance Example

What other Councils are doing

In 2017 Local Government New Zealand released an information paper for councils and Māori when considering their arrangements to engage and work with each other. The paper provides a stocktake of readily available information along with examples of what other New Zealand Councils are doing. Of the 78 councils included:

- 81% have some form of structured arrangements
- 56% have some joint decision-making
- 23% have co-governance/joint committees.

There is considerable variety of how these arrangements are structured however, examples are summarised below.

Māori Representation at Governance level

Māori wards are the least used mechanism by councils. There were only two examples (both regional councils) that had Māori wards, where those registered on the Māori electoral role can vote. They are Waikato and Bay of Plenty Regional Councils. Kapiti gave this decision to their partnership committee (Te Whakaminenga o Kapiti), who advised that they preferred appointed members.

Co-governance committees/entities were more common, typically for the governance of land involved in settlements (redress) although not always land reinstated in Māori ownership. These arrangements can be included in Settlement Acts. Examples of these arrangements include:

- Pou tu o te Rangi/Harding Park, and Taharoa Domain in Kaipara
- The volcanic cones in Auckland
- Ninety Mile Beach in the Far North
- Waikato, Kaituna and Rangitaiki river authorities
- Whenua Rangatira in Auckland

A number of Councils had **appointed members appointed to decision making committees with full voting rights**. Examples included:

- Kapiti – an appointed representative on every committee
- Marlborough – an appointee on every committee
- Auckland – a member of the Maori Statutory Board on every committee, working party and forum.
- Waitaki – representatives on a number of committees and working parties

There are some councils that have **Māori appointees with observer status only**, but with full speaking rights. These included Central Hawkes Bay (every committee), Timaru (Safer Communities and Creative Communities) and Wellington (Strategy and Planning Committee).

Relationship agreements

MoUs and other formal agreements range from brief documents stating intent to work together to documents on specific topics defining a joint approach. They are often with hapū collective entities or Settlement Trusts.

The common content of such agreements include:

- Commitment to regular meetings

- Resourcing of the engagement
- Methods of engagement

Examples of these include:

- Waimakariri/Te Ngai Tuauriri agreement committing Council to keep the iwi updated on Council actions and projects
- Wellington/two Iwi Settlement Entities committing Council to fund capacity building
- Southland councils (seven)/Ngai Tahu ki Murihiku (24 runanga) charter of understanding

Forums/Advisory groups

Some councils have regular **open forums** for Māori to discuss their issues with councils and/or attend existing Forums. They may also have **Advisory Forums/Committees** with no delegations (Partnership/Relationship Forums). Examples of this are Kaipara, Northland Regional Council, Kapiti, and Rotorua.

Hapu/Iwi groups often established for other purposes, who work with councils on various matters including:

- Two-way discussions on Mea Māori at either governance or management level of Iwi/Councils
- Make appointments on behalf of manawhenua to Council joint forums, and committees/working parties
- Act as a reference group for Council staff when developing policies and plans
- Review resource consent applications

RMA arrangements

Iwi/hapu **environmental management plans** are a tool available to hapū/Iwi under the RMA. These must be considered in regional and district planning decisions. These are typically funded jointly by regional and district/City councils.

Joint committees are used by some regional councils for regional policy statements and regional plans. Councils who have these include Hawkes Bay, and Wellington. Environment Canterbury has a Two-Way Capacity Building agreement for resource management matters.

Joint Management Agreements (Sec 36B of the RMA) are also used for a variety of purposes e.g.

- Waikato River management agreement between a number of Iwi and councils.
- Joint Te Waihora catchment management in Canterbury involving several councils and iwi
- Gisborne/Ngati Porou for appointment of commissioners for notified consents and private plan changes for Waiapu catchment
- Taupo/Ngati Tuwharetoa for appointment of commissioners for resource consents and private plan changes where they apply to multiply owned land

Amendments to the RMA (Schedule 1), allow for the creation of **Mana Whakahono a Rohe** / Iwi Participation Agreement to be created to agree arrangements for Māori input into RMA matters. Most Councils have arrangements for input from iwi as required.



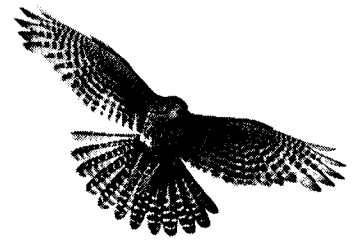
Te Kaupapa a Te Kārearea
Te Kārearea Strategic Relationship Agreement

Developed August 2012

Reviewed May 2014

Agreed June 17th 2014

Te Kārearea



Te Pae Tawhiti/Vision:

“He Whenua Rangatira”

“Whangārei, a district of prosperity, wellbeing and empowered communities”

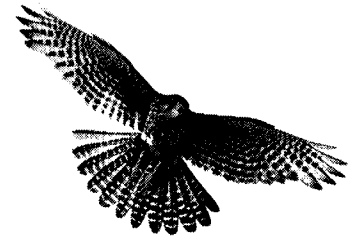
Te Kaupapa/Mission:

“Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa”

“Local Government that works through effective partnership and provides practical solutions”

Ngā Tikanga/Principles:

- He kitenga mutunga kore, mahi tahi, mahi pono – Strategic partnership working collaboratively and in good faith
 - Kia Māia – Providing leadership through courage
 - Te Manawatōpu – Of one heart and mind. We are stronger working together
 - Anga mua – Progressive and proactive
 - Me kōrero tika, tau noa ngā take – Open and frank mutually agreed outcomes
-



Te Kārearea Strategic Relationship Agreement

Purpose

Te Kārearea is the strategic partnership forum between the hapū of Whangārei district, working through Te Huinga and the Whangārei District Council. The purpose of Te Kārearea is to enable the partners to work closely together to achieve the agreed vision '*He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities*' and mission '*Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and provides practical solutions*'.

The forum provides a platform for high level, strategic discussions that will enable self-determination and self-reliance to flourish. This relationship will build to develop more robust partnership arrangements over time through learning conversations.

Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi 1840 provide the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Whangārei District Council engages with the hapū of Whangārei and recognizes its obligations under the Treaty of Waitangi and the Local Government Act. The organisational culture of Council will build strong relationships and embrace the principles and intent of these legislations. Issues will be addressed in a culturally appropriate way – with preference given to *kanohi ki te kanohi*, face-to-face engagement.

Whāinga - Priorities of Work

Te Huinga and Whangārei District Council will identify and develop their respective priorities, and then through Te Kārearea agree priorities, which can be progressed together. This will be done in the spirit of "*Mahi tahi tutuki noa te kaupapa – Completing the tasks through a culture of partnership*".

There will be a commitment to understanding each other's views and priorities. The membership of Te Kārearea will work in good faith to support progress on their respective priorities for the duration of this agreement. The Partnership will always be reflective – going forward but looking back.

Representation and Mandate

The Te Kārearea Strategic Partnership Forum is made up of eight mandated hapū representatives and eight elected members of Whangārei District Council, which includes the Mayor. The forum will be co-chaired by a hapū representative and the Mayor of Whangārei District Council.

Te Kārearea Consultation

To achieve its purpose, each Partner will develop a schedule of 'issues of significance' to hapū in the Whangārei District and bring them to Te Kārearea.

The issues will be ranked by priority and the list kept up to date by Te Kārearea. The priority list of issues will guide Te Kārearea in developing a work programme and will be reviewed annually.

The Te Kārearea partners will engage in ongoing meaningful consultation with the wider Māori community to ensure that it maintains an awareness of the issues of significance to Māori in the community.

Review of Agreement

The representatives on the Te Kārearea Partnership Forum will accept responsibility for reviewing this Strategic Relationship Agreement every three years from the date of signing.

Pita Tipene

Te Huinga

Mayor Sheryl Mai

Whangārei District Council

As Co-Chairs of Te Kārearea Strategic Partnership Forum

Dated this 17th day of JUNE 2014

Appendices:**Background**

Whereas Central Government is recognised as The Treaty of Waitangi partner, it is acknowledged that partnership must also happen at a local level where local decisions are made.

New Zealand/Aotearoa is moving inexorably towards a new sense of nationhood and these partnership arrangements at a local level will further define a distinct society in a national and global setting, built on mutual respect, trust and advantage.

This partnership forum provides a starting point for Māori representation and participation in Council decision-making processes.

The strategic partnership shall be between Whangārei District Council (elected member representatives) and Te Huinga (hapū representatives of Whangārei). This strategic partnership will be known as Te Kārearea Strategic Partnership Forum. Refer Diagram 1.

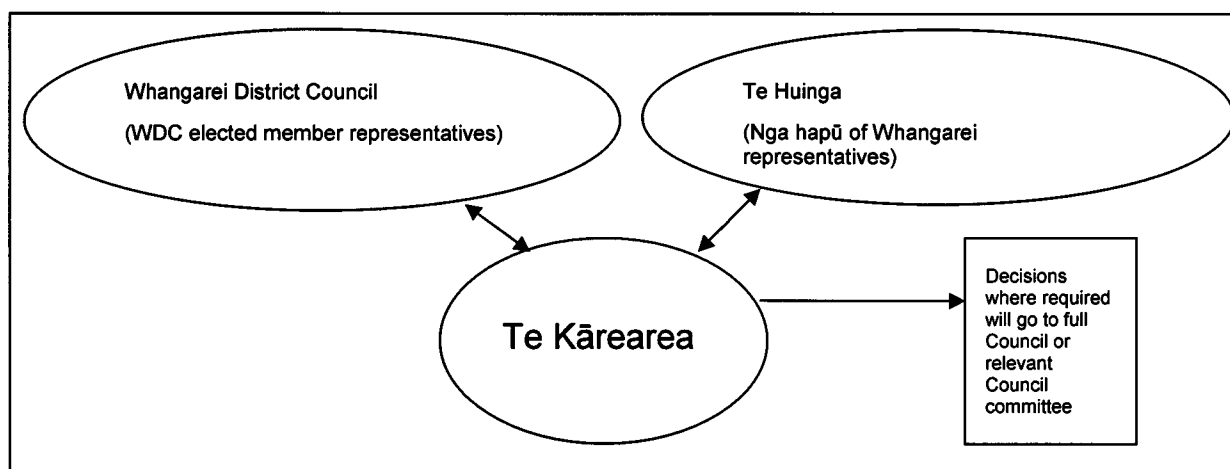


Diagram 1

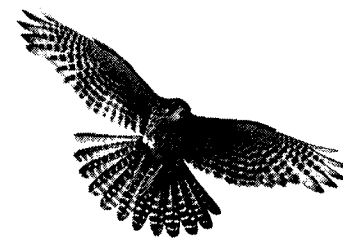
Te Huinga Statement of Principles

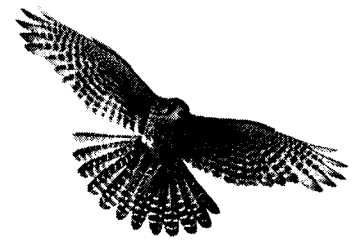
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Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
 - a A rohe with a vibrant Māori culture
 - b A Māori community, which is healthy and highly educated
 - c A society that protects and cares for all its members
 - d A rohe with a flourishing Māori economy
 - e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
 - a Whanau – the extended family is the social unit that Māori identify with.
 - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
 - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
 - d Whakarite – Invest time and energy in building decision-making capacity and capability.
 - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
 - f Kia maia – Providing leadership through courage.





Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council has undertaken as part of the Whangārei District Council Long Term Plan 2012-2022 to further its collaboration with Māori organisations within the District. Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council willingly acknowledges it wishes to engage with Māori hapū and to recognize the Treaty of Waitangi.

The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Local Government Act 2002

Section 4 (LGA)

Treaty of Waitangi

“In order to recognize 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.”

Part 2 (LGA)

Section 14(1) (d)

“A local authority should provide opportunities for Māori to contribute to its decision-making processes.”

Part 6 (LGA)

Section 76-80

Planning, decision-making, and accountability

These sections direct Council to consider all reasonably practicable options to achieve the objective of a decision, to give consideration to the views and preferences of persons likely to be affected, about have to achieve compliance, the significance of a decision and the identification of inconsistent decisions.

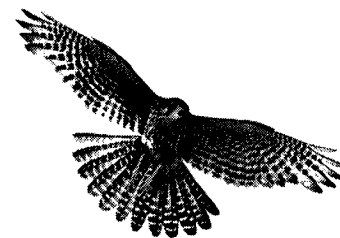
Section 81

Contributions to decision-making processes by Māori

- 1 *A local authority must -*
 - (a) *establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and*
 - (b) *consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
 - (c) *provide relevant information to Māori for the purposes of paragraphs (a) and (b).*
- 2 *A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to -*
 - (a) *the role of the local authority, as set out in section 11; and*
 - (b) *such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.*

Section 82(2) (LGA)

“A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1))”



The Resource Management Act 1981 also places Treaty obligations on local authorities.

Part 2 – 6 (RMA)

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 recognise and provide for the following matters of national importance:

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahitapu and other taonga*
- (f) *the protection of historic heritage from inappropriate subdivision, use and development*
- (g) *the protection of recognized customary activities.*

Part 2 – 7 (RMA)

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 have particular regard to –

- (a) *Kaitiakitanga*
- (b) *the ethic of stewardship*

Part 2 – 8 (RMA)

Treaty of Waitangi

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).

Both the Resource Management Act 1991 (RMA), and more recently the Local Government Act 2002 (LGA), require Council to establish more formal, meaningful and sustainable relationships with Māori. These relationships, guided by the Treaty of Waitangi principles, are intended to foster:

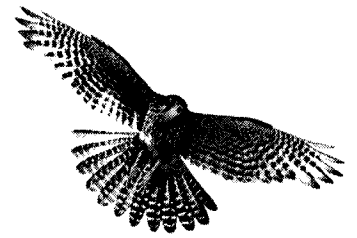
- opportunities for Māori to contribute to the decision-making processes of Council
- the development of Māori capacity to contribute to the decision-making processes of Council
- the provision of information to Māori so they are enabled to contribute to the decision-making processes of Council
- improved consultation with Māori.

Working Relationship

- (a) A letter shall be completed between Whangārei District Council and Te Huinga covering operating protocols, agreed agenda-setting process, confidentiality issues, and press/publicity matters.
- (b) Formal meetings of Te Kārearea shall generally be held monthly with meetings alternating between a Marae and Council Chambers. A meeting with the full Whangārei District Council shall be held at least twice per annum.
- (c) Whangārei District Council will nominate its Senior Management and staff to work with Te Huinga.
- (d) The strategic partnership Te Kārearea will undertake an annual self-review process and a three-year review consistent with the Long Term Plan (LTP) cycle.
- (e) The Te Kārearea strategic partnership does not preclude individual hapū working on matters of their own concern with Council.

Funding

Council will fund Te Kārearea to give effect to its kaupapa. This budget will be negotiated and agreed annually in advance.



Te Huinga Representation and Mandate

At present there are 16 endorsed hapū representatives. Eight of these members represent hapū on Te Kārearea. Each hapū grouping has a lead and an alternate/support person in the event the lead is not available. They are as follows:

- Pita Tipene and Pita Cherrington (Te Orewai and Ngati Hine)
- Merepeka Henley and Te Warihi Hetaraka (Nga Hapū o Whangaruru)
- Deborah Harding and Jared Pitman (Patuharakeke)
- Allan Halliday and Mike Kake (Ngati Hau)
- Dick Shepherd and Huhana Seve (Ngati Kahu o Torongare)
- Taipari Munro and Hona Edwards (Te Parawhau and Te Urirotoi)
- Pereri Mahanga and Aperahama Edwards (Te Waiariki, Ngati Korora, Ngati Takapari)
- Kaile Nahi-Taihia and Anaru Kaipo (Nga Hapū o Mangakahia)

Discussion will be had with the respective hapū within the Whangārei rohe to decide on how representation will be configured on Te Huinga.

Eight of these sixteen members currently represent Te Huinga and sit on Te Kārearea following their hapū consultation processes, which endorsed their representation.

Whangārei District Council Representation and Mandate

Council representation on Te Kārearea shall be Her Worship the Mayor, Deputy Mayor plus six elected members as appointed by HWM and received by Council at the start of each political term. In the event any Councillor/s on Te Kārearea is unavailable, there is provision for an alternate Councillor/s to replace them for that meeting.

Council representatives appointed to Te Kārearea are as follow:

- HWM Sheryl Mai
- Deputy Mayor - Cr Morgan
- Cr Deeming
- Cr Martin
- Cr Innes
- Cr Bell
- Cr Christie
- Cr Williamson

Alternates

- Cr Halse
- Cr Bretherton
- Cr Cutforth
- Cr Glen
- Cr Hermon
- Cr McLachlan

Summary of Feedback on Draft Te Kārearea Terms of Reference

Are these Terms of Reference for TE KĀREAREA if it becomes a standing committee?

While these are draft Terms of Reference for Te Kārearea if it becomes a standing committee, they are subject to change as a result of feedback from both Te Huinga and Council. The intent was to get feedback and then work through key changes proposed and/or points of contention at the hui on 12 February.

How can we have a partnership approach if we have a Chair and Deputy Chair as opposed to current co-chairs?

Unfortunately this is one of the key constraints of a Committee of Council. If a Committee is created it must be run under standing orders which do not provide for co-chairs. We are still working through how we can get manage this in order to reflect the intent of true partnership if a Committee becomes the preferred option and I hope to be able to update Te Huinga and councillors at the 12 February Briefing.

Meetings – is this standard practice – monthly to June then quarterly?

Council meetings are generally either monthly or quarterly. However, the feedback taken from both councillors and Te Huinga is that there is a desire for Te Karearea to be more strategic, while also continuing to connect with the community. The intent of the meeting structure is to ensure there are enough meetings in the first six months for the committee to work through strategic direction and priorities. After that it is proposed that meetings be quarterly, with community/technical forums in the intervening months (particularly continuation of the marae based meetings and Hui a Haora)

More emphasis on partnership approach

We will place more emphasis on partnership in the draft Terms of Reference that goes to the briefing on 12 February. Given the importance of partnership, and the constraints of standing orders/Terms of Reference, if a Committee is the preferred option it could be beneficial for councillors and Te Huinga to continue with a partnership/relationship agreement alongside the formal Terms of Reference? We will highlight this as a point for discussion on the 12th

Can quorum be 4 council/4 hapu

Yes, Council can set the quorum when it adopts any Terms of Reference and we can see nothing that prevents this.

Other changes noted on Terms of Reference document

Two questions were included in the draft Terms of Reference which are have included in italics/highlights and responded to below.

- *Ensure the views of Māori are taken into account in the exercise of council functions.- what does this mean?*

Apologies, for the jargon. 'That the views of Māori are taken into account in Council business'.

- *Receive and consider audit reports on Council's compliance with its legislative obligations – are all audits independent*

Not all audits undertaken by Council are independent but our key internal and external Audit programmes are (we use BDO for our internal audit programme and Audit NZ for our Annual Report). It is also proposed for our treaty audit to be done through an external provider.

More mention of the partnership in the preamble – strong emphasis to partnership

We will place more emphasis on partnership. As above we will also raise the potential for an ongoing relationship agreement outside of the Terms of Reference if a Committee is the preferred option

Is He Whakaputanga part of legislative obligations as is Treaty of Waitangi?

While the principles of TREATY OF WAITANGI are throughout Local Government legislation, He Whakaputanga is not. This is probably a key point of discussion for the 12th

Recommend ways to develop council capacity for He Whakaputanga and Treaty of Waitangi

We will highlight this as a key point for discussion on the 12th

Councillor membership of the committee in the draft Terms of Reference was questioned

If Council proceeds with Te Kārearea as a Standing Committee councillor membership and chairperson (unless the Mayor uses her powers) will be a decision for Council.

External Partnerships

Te Kārearea Partnership Committee – Terms of Reference

Membership

Chairperson Councillor Phil Halse (Proposed)

Deputy Chairperson TBC

(note; while there can only be one Chair under standing orders it is proposed to have a hapū mandated Deputy Chair, and for meetings to be managed to ensure a partnership approach to chairing. Staff will look into potential mechanisms to achieve this under standing orders)

Members

Her Worship the Mayor Sheryl Mai

Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid

Eight mandated hapū representatives, TBC following a hapū led mandating process

Meetings

Monthly to June 2020, followed by quarterly

Quorum

8 comprised of 4 councillor and 4 hapū members

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori¹ in the Whangarei District. (participation)
- Ensuring Council complies with statutory provisions that refer to He Whakaputanga and Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

Key responsibilities

¹ Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

- Participation
 - Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
 - Ensure the views of Māori are taken into account.
 - Recommend ways to develop Māori capacity to contribute to decision making processes
 - Recommend ways to develop Council capacity for He Whakaputanga and Te Tiriti o Waitangi
- Direction
 - Provide advice on topics referred by Council and Māori
 - Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
 - Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
 - Identifying joint/agreed strategic priorities of the partners, along with the mechanisms for implementation
 - Monitor progress of each partner on strategic priorities
- Assurance
 - Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
 - Receive and consider audit reports on Council's compliance with its legislative obligations
 - Monitor and ensure that appropriate action is being taken
 - Monitor and assess the primary partner relationship against its vision and mission

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including but not limited to:
 - (a) establishment of working parties or steering groups.

Better Decision Making - Whangarei Strategic Alliance

Reporting officer: Rob Forlong (Chief Executive)

Date of meeting: 25 May 2016

1 Purpose

To approve the Whangarei Strategic Alliance (the Alliance) Better Decision-Making Terms of Reference.

2 Recommendation

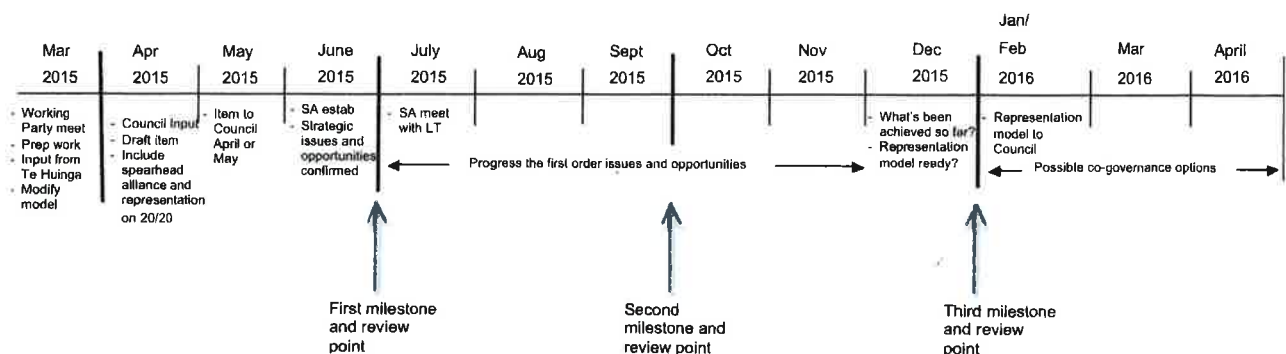
That Council:

- a) agree the Whangarei Strategic Alliance Terms of Reference.
- b) note that the Whangarei Strategic Alliance and its associate Terms of Reference will be reviewed along with Council Committees following the election.

3 Background

In April 2015 Whangarei District Council considered an item 'More Inclusive Decision-Making' (attachment 1) which saw the establishment of the Whangarei Strategic Alliance and approved a planned process to follow.

Since formal establishment of the Alliance, members have met monthly.



7 Legislation

Within Whangarei Strategic Alliance discussions, Te Huinga, Whangarei District Council and Northland Regional Council have given cognisance to relevant legislations within the RMA and Local Government Act which seeks to maintain and improve opportunities for Māori to contribute to local government decision-making processes. (Maori Collaboration attachment 3).

For clarity, it should be noted that Audit New Zealand has certified that Whangarei District Council does comply with the relevant provisions of the Local Government Act in terms of the Annual Report.

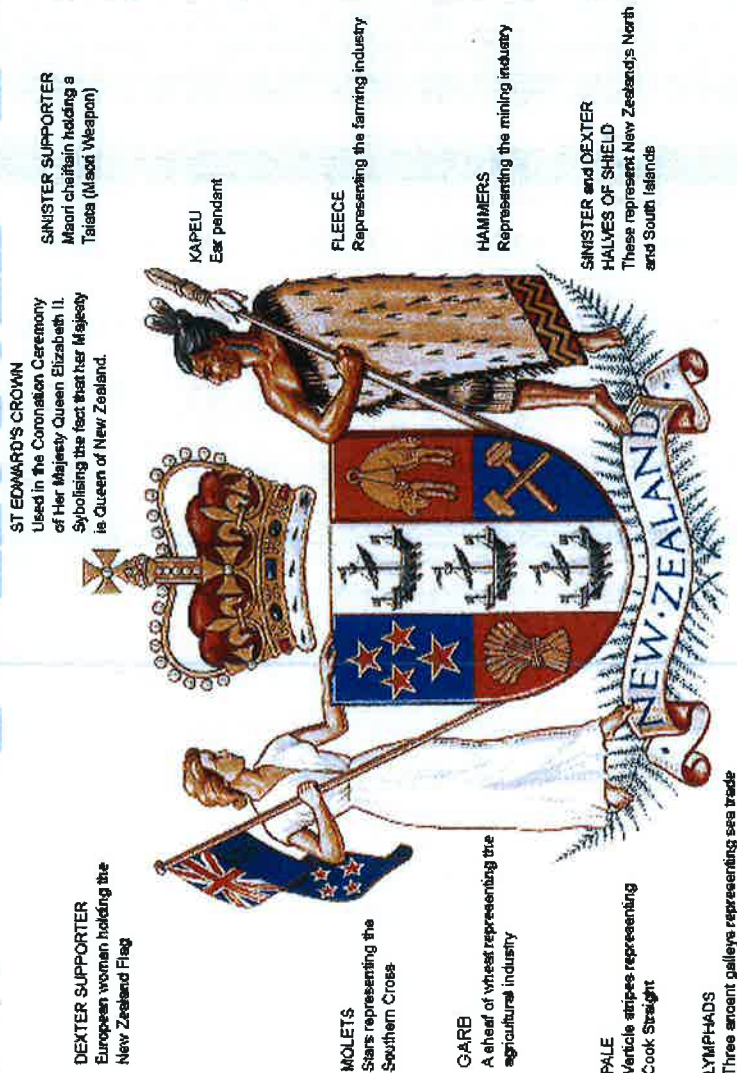
The Whangarei Strategic Alliance and its associate Terms of Reference will be reviewed along with Council Committees following the election.

8 Significance and Engagement

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via Agenda publication on the website.

Māori Collaboration

Local Government Act 2002 is set in New Zealand legislation. The Coat of Arms depicts the various industries and the partnership of Māori and European.



On the Coat of Arms the Māori chief stands equal to the European woman, not behind her, not far off away from her but together side by side in partnership.

Legislation is black and white, specific and factual. Māori collaboration is a requirement of law.

Māori Collaboration

Principles relating to local authorities

In performing its role, a local authority must act in accordance with the following;

- (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- (b) a local authority should make itself aware —
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)

(d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:

Part 2 subpart 14-1
Principles relating to
local authorities
page 35 and 36

Māori Collaboration

Contributions to decision-making processes by Māori

(1) A local authority must—

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
- (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

(2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—

- (a) the role of the local authority, as set out in section 11; and
- (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Māori Collaboration

A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1)

Subsection (1)

Consultation that a local authority undertakes in relation to **any decision or other matter must be undertaken**, subject to subsections (3) to (5), in accordance with the following principles.....

Māori Collaboration

General

An annual report must include a report on the activities that the local authority has undertaken in the year to establish and maintain processes to provide opportunities for **Māori to contribute to the decision-making processes of the local authority.**