



**A**

# **Charter**

**between the**

**Hawke's Bay Regional Council**

**and the**

**Māori Committee of Council**

## Introduction

# He Toa Takitini Strength in Unity

1. The principle of this Charter is to operationalise the Treaty partnership between Hawke's Bay Regional Council and tangata whenua.
2. The Hawke's Bay Regional Council Māori Committee has been in existence since the 1990s and has served as a valuable network for the Regional Council. It operates on the basis of this Charter, ensuring Māori input to various activities of the Council including active participation in the decision-making processes and the development of sustainable relationships with Māori.
3. This Charter looks to continue the strengthening of the relationship of this Committee with the Regional Council, to ensure that the role of kaitiakitanga, through marae, hapū iwi mandated entities is enacted for the protection and enhancement of the wellbeing of the Hawke's Bay environment and its people.
4. The Treaty of Waitangi is between the Crown, hapū and whānau. The Regional Council is a statutory body with powers and responsibilities delegated to it by the Crown.
5. Councillors of the Hawke's Bay Regional Council are elected by the regional community and are accountable to that whole community, tangata whenua represented within this committee are also equally elected by their marae and hapū with the primary focus of the Council being environmental stewardship.
6. Hapū have Mana Whenua, Mana Moana and Mana Motuhake (Tino rangatiratanga – self-determination, control over their own affairs, collective responsibility) relating to the land or sea, as established in the Treaty, and the Regional Council exercises its functions as established by legislation.
7. The Māori Committee is a standing committee under clause 30(1)9b) of Schedule 7 of the Local Government Act 2002.

## Purpose (as reflected in 2023 ToR)

8. The purpose of the Māori Committee is to:
  - 8.1. Actively participate and contribute in the decision-making processes, policy development and other activities of the Hawke's Bay Regional Council
  - 8.2. Consider ways in which to support the development of Māori capacity to contribute to the decision-making process; and
  - 8.3. Provide leadership and relevant information to Council regarding economic, social, environmental and cultural matters regionally that support sustainable resource management and economic growth.
  - 8.4. To make recommendations to the Council on matters of relevance affecting the tangata whenua of the Region, and to help fulfil the Māori consultative requirements of the Council particularly with regard to the principles of the Treaty of Waitangi, Local Government Act 2002 and the Resource Management Act 1991.

## Mahi Tautoko (Work Programme)

9. The Regional Council will engage with the Māori Committee members in the spirit that reflects authentic Treaty partnership. Council will strongly endeavour to enhance tangata whenua's role as kaitiaki through:
  - 9.1. Co-design: Māori Committee are meaningfully engaged across all levels of HBRC's operation from inception.
  - 9.2. The Regional Council commit to informing the Māori Committee of all relevant government or private initiatives or directions; or policy, legislative or environmental changes or proposed changes to the Hawkes Bay region.
  - 9.3. Māori Committee are involved in decisions around allocation of budget.
  - 9.4. Māori Committee have representation on sub-committees.
10. A work programme will be developed to provide an overview of key tasks that require the Māori Committee members input and direction:
  - 10.1. To provide policy advice with respect to the regional plan, regarding provisions for the wāhi tapu, wāhi taonga, wāhi tipuna engagement processes and where relevant to tangata whenua, any other amendments to the plan.
  - 10.2. To provide input to the Long Term Plan and Annual Plan with particular reference to those issues of importance to Māori from the region.
  - 10.3. To provide insight into Māori and other strategic community issues with particular reference to the Long Term Plan, the effectiveness of the Regional Plan and the delivery of the Annual Plan.
  - 10.4. To consider and recommend Māori capacity building initiatives.
  - 10.5. The true intent is to work within the framework of te Tiriti o Waitangi.

## Model of Communication



## Māori Committee Membership (as reflected in 2023 ToR)

11. The Māori Committee are those 12 representatives nominated by each of the four Ngāti Kahungunu Taiwhenua and Executive in this region, plus 1 representative of the NKII Board.
12. Within the first year of the Committee's establishment, a work plan for the Committee will be developed to set out, in general terms, what the Committee aims to achieve over its three-year term.
13. Within the first three months of the Committee's establishment, an induction programme for the Committee will be completed.
14. The expectation of the membership is that each Taiwhenua and Executive collective will engage with their respective constituents.

**Members** *Twelve* representatives will be appointed at the first meeting of the Māori Committee each triennium. The make-up of these twelve representatives is three, plus one proxy representative nominated to attend in an appointee's absence, appointed from each of the constituents being:

- Wairoa
- Te Whanganui-ā-Orotu
- Heretaunga
- Tamatea

*One* representative of the NKII Board  
Up to *four* elected members of the Council

**Meeting Frequency** Quarterly, with the Chair of the Committee authorised to arrange additional meetings should the need arise, with Wednesday being the normal meeting day.

15. The Chair is to be elected at the first meeting of the Committee of each triennium, from among the appointed Māori members of the committee. The Chair shall be elected for that term of the Committee but is not precluded from a subsequent term as Chair if so nominated. Two key roles of the Chair will be to:
  - 15.1. preside over meetings of the Committee in accordance with the Regional Council Standing Orders.
  - 15.2. manage the nominations and appointments to the Māori Committee before the beginning of each triennium.
16. The Deputy Chair is to be elected at the first meeting of the Committee of each triennium from among the appointed members of the committee.
17. Māori Committee members will be remunerated appropriately when undertaking any Council business.

## Meeting procedures

18. The Committee will meet on scheduled dates as agreed by Council for the purpose of discussing relevant agenda business put forward by either the Council or Māori Committee.
19. Such meetings will generally be quarterly with the ability for the Māori Committee Chair to call extra meetings if required to deal with specific and/or urgent business.
20. The meetings of the Committee shall be conducted in accordance with HBRC's Standing Orders while incorporating tikanga Māori (Māori custom and practice) as appropriate.
21. The Māori members of the Committee may hold a pre-meeting prior to the formal public meeting to network and clarify issues to be raised at the meeting proper.
22. When meeting on marae the Standing Orders will be suspended to allow marae kawa.
23. Each rohe may appoint a proxy representative to attend committee meetings on occasions when the appointed representative from their area is unavailable, but this right is to be used as infrequently as is possible to ensure continuity and familiarity of appointed members.

## **Quorum**

24. As per the Council's Standing Order 10.2:
  - 24.1. Council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference.
  - 24.2. In accordance with SO 10.2 the quorum for the Māori Committee, to be stated in the Terms of Reference, will be a majority of members including at least 1 HBRC councillor.

## **Delegated Powers**

25. In its Partnership role, the Māori Committee is to make recommendations to Council in relation to the matters detailed in the Māori Committee work programme and matters of significance to Māori.
26. The Māori Committee has authority to develop procedures and protocols that assist in its operation, provided that such procedures and protocols meet the statutory requirements of the LGA, the Local Government Official Information and Meetings Act 1987 and/or HBRC's Standing Orders.
27. There is no casting vote for the Chair.

## **Māori Committee Members' Responsibilities**

28. Ensure consultation and feedback to hapū and marae and other Māori organisations.
29. Put forward appropriate agenda items to the Co-chairs for discussion by the Committee.
30. Ensure that the work of the Māori Committee will align with hapū and marae aspirations, which, in turn, are appropriately promoted for Council when developing the Council Long Term Plan (LTP), LTP review and/or Annual Plan.
31. Liaise with hapū, marae and tangata whenua when required to assist direct contact with the Council.
32. Provide the Regional Council with appropriate tangata whenua contacts as and when necessary
33. Promote tangata whenua interests in the Council's decision-making processes.

## **Responsibilities of Councillors on the Māori Committee**

34. An understanding of the issues relevant to the Regional Council that are of importance to tangata whenua.
35. Represent and reflect the Council's policies, plans and responsibilities to the Māori Committee.
36. Promote an understanding of the concerns and reflect the resolutions of the Māori Committee to Council.
37. Assist with the promotion and support of hapū aspirations, which have been supported by the Māori Committee, when developing the Council's LTP, LTP review or Annual Plan processes.

## **Policies**

### **Te Tiriti O Waitangi (Treaty of Waitangi) Policies**

*(The Treaty Article relevant to each Policy is shown in brackets)*

38. The Hawke's Bay Regional Council acknowledges that:
  - 38.1. Major aspects of the Resource Management Act and Local Government Act place particular responsibilities on the Council regarding its involvement with Māori (Article One)
  - 38.2. It is necessary and valuable to have Māori input into decision-making and policy development, where appropriate (Article One and Two)
  - 38.3. There are special requirements of Council to consult with tangata whenua over matters of interest to Māori (Article Two).

### **Resource Consent Process (Article One and Two)**

39. The Council will provide a documented process to enable relevant tangata whenua to have a meaningful input into publically notified or limited notified resource consent applications that affect them as either hapū, marae or iwi.
40. Relevant Māori members of the Māori Committee will at times be asked to provide appropriate tangata whenua contacts in relation to resource consent application(s) and in particular notified consents.
41. The appropriate contacts will be required to represent tangata whenua's views in relation to the proposed activity requiring resource consent and may involve formal submissions either supporting or opposing the application and appearing at consent hearings.
42. The documented process will be reviewed at least every three years with members of the Māori Committee to ensure it is still relevant and effective.

### **Consultation/ Communication (Article One and Two)**

43. The Council and Māori Committee acknowledge the elements of effective consultation as established through the Courts, being:
  - 43.1. That sufficient timely information is provided to the consulted party, so that they can make informed decisions
  - 43.2. That sufficient time is given for both the participation of the consulted party and the consideration of the advice given
  - 43.3. That genuine consideration of that advice, including an open mind and a willingness to change, is shown; and
  - 43.4. That consultation must be carried out in good faith by both parties.

## Consultation Policy for Tangata Whenua Issues (Article One and Two)

*Kanohi ki te kanohi – Pokohiwi ki te pokohiwi*

*Face to face – Shoulder to shoulder*

44. In a wide variety of the Council's work there will be a need for effective consultation/communication with tangata whenua.
45. The Council will endeavour to identify those with Mana Whenua (authority for that land) through the appropriate members of the Māori Committee on relevant occasions and in particular for resource consent applications.
46. The Council will endeavour to meet kanohi ki te kanohi (face to face) at an appropriate venue, such as marae.
47. The Council will acknowledge the mana (integrity) of the hui (meeting) by sending senior staff and, where appropriate, Councillors. That is, those who can make the decisions.
48. Where there are ongoing meetings required, Council will ensure that the relevant member of the Māori committee is kept informed about developments and involved directly at an early stage if there is a possibility of an impasse.
49. The Council will allow such time as is reasonable for a decision to be made allowing for tikanga Māori (Māori custom and practice) and thereby maximising the chances of a decision where the Council and tangata whenua will be pokohiwi ki te pokohiwi (shoulder to shoulder) on the issue.
50. The Council's commitment is, through a process of pokohiwi ki te pokohiwi, to achieve a result where all parties are confident that their voice has been heard and respected and that the outcome has their support. It is accepted, however, that on rare occasions the Council may have to use its statutory powers or to refer issues to the legal system as a measure of last resort.
51. The Council will, within its statutory responsibilities, exercise its duty to protect Māori taonga (treasures) to the fullest extent practicable. (Article Two and One)
52. The Council will resource tangata whenua, where appropriate, to ensure adequate consultation at a meaningful level is achieved on relevant issues. (Article Two and Three)
53. The Council, in making any decision, will ensure that the results of any consultation with tangata whenua are fully considered. (Article Two and Three)

## Wāhi Tapu (Article Two)

54. The Council will exercise its responsibility to assist tangata whenua to protect and preserve wāhi tapu sites in the coastal marine area, on the beds of lakes and rivers and on Council owned or administered land through the Regional Resource Management Plan.
55. Council acknowledges that only tangata whenua can identify wāhi tapu and decide on the importance of any particular wāhi tapu.
56. Council will provide a facility for the registering of wāhi tapu, wāhi taonga and wāhi tipuna sites of significance.
57. Council will take all practical measures to protect the sanctity of wāhi tapu sites within the reasonable bounds of budgetary allocation.
58. Council will respect the wishes of hapū and marae who wish to keep the actual site of a particular wāhi tapu secret by recording a general locality indicator, or by operating a 'silent file' for limited access.
59. Council will give the utmost respect to information given by hapū and marae in confidence.

60. The Council will investigate which powers could be transferred to recognise hapū. (Article Two)
61. The Council will lift the general awareness within Council of the significance of Māori issues. (Article Three)
62. The Council will provide training, particularly of Officers and Councillors of the Council, in relation to bi-cultural awareness and issues. (Article Three)
63. The Council will provide relevant training to members of the Māori Committee. (Article Three)

## **Regional Council's Commitment to the Māori Committee**

64. The Regional Council, in acknowledging the necessity and value of Māori involvement in decision-making and policy development, will:
  - 64.1. Appropriately resource the Māori Committee and, accordingly, remunerate tangata whenua members undertaking pre-agreed Council business.
  - 64.2. Resource Māori Committee meetings on marae when appropriate and also relevant consultation hui.
  - 64.3. Maintain, at least, **one** position on each of the Regional Council's committees namely: Environment and Integrated Catchments, Corporate and Strategic and Regional Transport committees for tangata whenua representatives of the Māori Committee.
  - 64.4. Maintain one position on other Regional Council committees/working groups to provide Māori input where the focus of the group has a direct impact on Māori
  - 64.5. Where a new Māori Committee has not been established after a local body election, the Regional Council will support the previous Māori Committee Chair(s) attending, with voting rights, relevant initial Council committee meetings. This will maintain continuity until the Māori Committee nominates its new representatives. This will also include the Māori Committee representative(s) appointed to any Hearing Panel that spans the election process.
  - 64.6. Have the Māori Committee Chair, or where appropriate the Co-Chairs, participate at Hawke's Bay Regional Council meetings.
  - 64.7. Maintain a strong working relationship with the Post Settlement Governance Entities (PSGE) and Ngāti Kahungunu Iwi Incorporated.
  - 64.8. As and when relevant, source appropriately experienced iwi member(s) to be contracted to undertake specific work for the Council.
  - 64.9. Ensure Chair(s) of the Māori Committee is provided with all background information to work in collaboration with Council staff for agenda setting of Committee meetings.



## Hawke's Bay Regional Planning Committee Act (2015)<sup>1</sup>

65. The purpose of the Hawke's Bay Regional Planning Committee Act is to:
  - 65.1. Improve tangata whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991<sup>2</sup> for the Hawke's Bay region.
66. To that end, the Act establishes the Hawke's Bay Regional Planning Committee (RPC) as a joint committee of the Hawke's Bay Regional Council.<sup>3</sup>
67. The function of the RPC is to oversee the development and review of the RMA documents prepared in accordance with the RMA for the RPC region.
68. The construct of the tangata whenua membership to the RPC is formed from the eight Treaty entities within the Hawke's Bay region.
69. Relationship between the Māori Committee and the RPC tangata whenua members:
  - 69.1. Whilst the Local Government Act provides the backdrop for engagement, the fundamental composition of the Māori Committee focuses on hapū, iwi and marae. With the establishment of the RPC Act and the role of the Treaty partners; the unfolding relationship still sits in the commitment to whānau, hapū, iwi and marae, to which this Committee has performed competently over the years.
  - 69.2. The Māori Committee members have developed a communication process for engaging with the RPC tangata whenua membership. This is to strengthen the relationship between both respective committees in providing governance, oversight and engagement for the wider tangata whenua of this region.
  - 69.3. The Māori Committee recognises the steps of evolution that will emerge from this relationship with the RPC and offer their commitment to working together for the benefit and wellbeing of the environment, the hapū, iwi and marae.

## Evaluation

70. To provide an evaluation of the effectiveness of the Māori Committee, the Māori Committee may request that an evaluation of its role, functions and performance be arranged by Council. Council may also indicate its intention to evaluate the role, functions and performance of the Māori Committee. Notwithstanding this process, the Māori Committee will provide an opportunity for a discussion of its performance at the last committee meeting each calendar year.
71. The Charter will be reviewed at least once every three years.

---

<sup>1</sup> Hawke's Bay Regional Planning Committee Act (2015)

<http://legislation.govt.nz/act/public/2015/0065/latest/DLM6059509.html?src=qs>

<sup>2</sup> Resource Management Act 1991

<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html#DLM230264>

<sup>3</sup> Part 1- s3 Preliminary provisions – Purpose

## Summary

72. This Charter is a statement of the agreed principles of participation between the Hawke's Bay Regional Council and the Māori Committee of Council.
73. It sets out the broad parameters under which the parties will interact.
74. The creation of the Māori Committee of Council is an important step in the process of strengthening Treaty partnership and Tino Rangatiratanga of Māori within the Hawke's Bay.
75. This Charter is entered into by both parties with the utmost good faith.
76. The Charter signifies a partnership to enable tangata whenua to have a meaningful voice in local government and is based on the trust that has been established between the two groups.

Signed \_\_\_\_\_  
**Hinewai Ormsby**  
Chair  
Hawke's Bay Regional Council

Signed... \_\_\_\_\_  
**Mike Paku and Katarina Kawana**  
Co-chairs  
Hawke's Bay Regional Council  
Māori Committee

Date 3 May 2023

Date 3 May 2023