



A CHARTER

between the

**HAWKE'S BAY REGIONAL
COUNCIL**

and the

MAORI COMMITTEE OF COUNCIL

Adopted December 2002

Reviewed and Revised June 2011

1. Background

The initial groundwork for the establishment of tangata whenua direct input into Regional Council began before the 1989 reorganisation of local government and before the requirements of the Resource Management Act 1991.

The then Hawke's Bay United Council recognised the need for special input into decision making by Maori, and established a consultative committee of tangata whenua to provide input into a variety of issues.

Special mention should be made of the work of the late Ngarangimataeo Eru Smith and the Chairman of the Council at that time, Harry Romanes, for the vision and energy provided to achieve this process.

In terms of the new Regional Council, a Maori consultative committee was not formalised until requested by tangata whenua following a hui at Kohupatiki Marae in June 1990. The iwi at this hui requested that:

"Hawke's Bay Regional Council amend their structure to include a 'Maori Standing Committee'".

This request was duly considered by Council and adopted in July 1990.

The Maori Committee consisted of twelve Maori members and three Council representatives. There were three Maori members elected by the iwi in their respective districts representing Wairoa, Napier (Ahuriri), Hastings (Heretaunga) and Central Hawke's Bay (Tamatea). These three members represented the Maori Executive, the Taiwhenua and a kaumatua, from each district.

The relative roles are:

- a) The Maori Executive is representative of Maori and hapu, and most marae in the rohe (area).
- b) Taiwhenua represents Maori in the rohe (area) including taura here (those without a 'connection' or 'whakapapa link' to Hawke's Bay).
- c) An appropriate kaumatua is nominated to represent kaumatua from that rohe (area).

The committee commenced meetings in September 1990 under the Chairmanship of Bill Bennett.

The first stated purpose of the Committee was to *"make recommendations to the Council on matters of general concern, which affect Maori people of the Region, and fulfil the Maori consultative undertakings of the Council's Annual Plan"*.

It must be stated that generally the feeling amongst those Maori involved in this process was that this was a compromise solution, that while not acknowledging the full spirit of the Treaty of Waitangi, it did provide, for the first time, an input directly into local government.

It is against this background that the present Committee has forged a strong commitment to achieving Maori input into decisions made by the Regional Council.

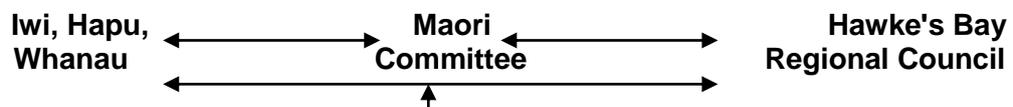
2. Introduction

It is important to establish the place of the Regional Council and its relationship with the iwi and the Crown.

- 2.1 The Treaty of Waitangi is between the Crown, iwi, hapu and whanau.
- 2.2 The Hawke's Bay Regional Council is a statutory body with powers and responsibilities delegated to it by the Crown.
- 2.3 Councillors of the Hawke's Bay Regional Council are elected by the regional community and are accountable to that whole community, with the primary focus of the Council being environmental stewardship.
- 2.4 Hapu have mana whenua and mana moana (tino rangatiratanga – self-determination, control over their own affairs) relating to the land or sea, as established in the Treaty, and the Council exercises its functions as established by legislation.
- 2.5 It is established that in most given situations the Council will communicate to and consult with hapu/marae/tangata whenua via the contact(s) established by the Maori Committee. It is vital where contact is made, or is on-going between the Council and hapu/marae/tangata whenua, that the relevant members of the Maori Committee are kept informed of developments.

2.6

Model of Communication



3. Vision

He Toa Takitini – “Strength in Unity”

4. Purpose of the Charter

The purpose of the Charter is to outline the relationship between the Hawke's Bay Regional Council and the Maori Committee of Council, highlighting:

- the clear understanding of the basis and on-going conduct of the relationship
- that the relationship is one of mutual benefit, and
- the involvement of the Committee in decision-making processes.

5. Purpose of Maori Committee

The purpose of the Maori Committee is seen as three-fold:

- 5.1 Actively participating in relevant decision-making, policy development and other activities of the Hawke's Bay Regional Council.
- 5.2 Initiating effective hapu/marae/tangata whenua interaction with the Hawke's Bay Regional Council.
- 5.3 Advising Council how to deal with particular issues affecting tangata whenua in particular.

6. Committee Kawa (Protocol)

- 6.1 The Committee will meet on calendared dates as agreed by Council for the purpose of discussing relevant agenda business put forward by either the Council or tangata whenua.
- 6.2 Such meetings will generally be every second month with the ability for the Chairman to call extra meeting(s) if required to deal with specific and/or urgent business.
- 6.3 The Committee shall elect a Chairman to conduct the meetings of the Maori Committee and perform other functions of the Committee as appropriate. The Chairman shall be elected from the Maori members of the Committee.
- 6.4 The Chairman shall be elected for the term of the Committee but shall not be precluded from a subsequent term as Chairman if so nominated.
- 6.5 The meetings of the Committee shall be conducted in accordance with standing orders of Council while at times recognising the process of tikanga Maori (Maori custom and practice).
- 6.6 The Maori members of the Committee may hold a pre-meeting prior to the meeting proper to network and clarify issues to be raised at the meeting proper.
- 6.7 When meeting on marae the Standing Orders will be suspended to allow marae kawa.
- 6.8 Each rohe (area) may appoint a 'stand in' representative to attend committee meetings if a regular representative from their area is unavailable, but this right is to be used as infrequently as is possible to ensure continuity and familiarity by appointed members.

7. Maori Committee Members' Responsibilities

Maori Committee Members will:

- 7.1 Ensure consultation and feedback to hapu/marae and other Maori organisations.
- 7.2 Put forward appropriate agenda items for discussion by the Committee.
- 7.3 Ensure that the work of the Maori Committee is aligned with hapu aspirations which, in turn are appropriately promoted for Council consideration when developing the Council Long Term Plan (LTP), LTP review and/or Annual Plan.
- 7.4 Liaise with hapu/marae/tangata whenua when required to assist direct contact with the Council.
- 7.5 Provide the Regional Council with appropriate tangata whenua contacts as and when necessary.
- 7.6 When requested by Consents staff, provide appropriate tangata whenua contacts for those deemed 'affected' by a notified resource consent application.
- 7.7 Promote tangata whenua interests in the Council's decision-making processes.
- 7.8 Assist Council to avoid disputes involving tangata whenua issues.

8. Responsibilities of Councillors on the Maori Committee

Regional Councillors on the Maori Committee will:

- 8.1 Seek an understanding of the issues relevant to the Regional Council which are of importance to the tangata whenua.
- 8.2 Represent and reflect the Council's policies, plans and responsibilities to the Maori Committee.
- 8.3 Promote an understanding of the concerns and reflect the resolutions of the Maori Committee to Council.
- 8.4 Assist with the promotion and support of hapu aspirations, which have been supported by the Maori Committee, when developing the Council's LTP, LTP review or Annual Plan process.

9. Te Tiriti O Waitangi (Treaty of Waitangi) Policies

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

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

9.2 Policies

9.2.1 Resource Consent Process (Article One & Two)

9.2.1.1 The Council will provide a process to allow relevant tangata whenua to have a meaningful input into publically notified or limited notified resource consent applications that affect them as either hapu/marae or iwi.

9.2.1.2 Relevant Maori members of the Maori Committee will at times be asked to provide appropriate tangata whenua contacts in relation to resource consent application(s) and in particular notified consents

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.

9.2.1.3 The process will be reviewed at least every three years with members of the Committee to ensure it is still relevant and effective.

9.2.2 Consultation/ Communication (Article One & Two)

9.2.2.1 "*Consultation is an essential component of giving effect to the principles of the Treaty rather than an accepted principle of the Treaty itself*" (Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, P5, June 1992).

9.2.2.2 The Council and Maori Committee acknowledge the elements of effective consultation as established through the Courts:

- a) That sufficient information is provided to the consulted party, so that they can make informed decisions,
- b) That sufficient time is given for both the participation of the consulted party and the consideration of the advice given, and
- c) That genuine consideration of that advice, including an open mind and a willingness to change, is shown.
- d) That consultation must be carried out in good faith by both parties.

9.2.3 Consultation Policy for tangata whenua Issues (Article One & Two)

Kanohi ki kanohi – Pokohiwi ki pokohiwi

Face to face – Shoulder to shoulder

9.2.3.1 In a wide variety of the Council's work there will be a need for effective consultation/communication with tangata whenua.

9.2.3.2 The Council will endeavour to identify those with mana whenua (authority for that land) through the appropriate members of the Maori Committee on relevant occasions and in particular for resource consent applications.

9.2.3.3 The Council will endeavour to meet kanohi ki kanohi (face to face) at an appropriate venue, such as marae.

9.2.3.4 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.

- 9.2.3.5 Where there are on-going meetings required, Council will ensure that the relevant member of the Maori committee is kept informed about developments and involved directly at an early stage if there is a possibility of an impasse.
- 9.2.3.6 The Council will allow such time as is reasonable for a decision to be made allowing for tikanga Maori (Maori custom and practice) and thereby maximising the chances of a decision where the Council and tangata whenua will be pokohiwi ki pokohiwi (shoulder to shoulder) on the issue.
- 9.2.3.7 The Council's commitment is, through a process of pokohiwi ki 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.
- 9.2.4 The Council will, within its statutory responsibilities, exercise its duty to protect Maori taonga (treasures) to the fullest extent practicable. (Article Two & One).
- 9.2.5 The Council will resource tangata whenua, where appropriate, to ensure adequate consultation at a meaningful level is achieved on relevant issues. (Article Two & Three).
- 9.2.6 The Council in making any decision will ensure that the results of any consultation with tangata whenua are fully considered. (Article Two & Three).

9.2.7 Waahi Tapu (Article Two)

- 9.2.7.1 The Council will exercise its responsibility to assist tangata whenua to protect and preserve waahi tapu sites, in the coastal marine area, on the beds of lakes and rivers and on Council owned or administered land.
- 9.2.7.2 Council acknowledges that only tangata whenua can identify waahi tapu and decide on the importance of any particular waahi tapu.
- 9.2.7.3 Council will provide a facility to allow the registering of waahi tapu sites.
- 9.2.7.4 Council will take all practical measures to protect the sanctity of waahi tapu sites within the reasonable bounds of budgetary restraints.
- 9.2.7.5 Council will respect the wishes of hapu/marae who wish to keep the actual site of a particular waahi tapu secret by recording a general locality indicator, or by operating a 'silent file' for limited access.
- 9.2.7.6 Council will give the utmost respect to information given by hapu/marae, in confidence.
- 9.2.8 The Council will investigate which powers could be transferred to recognised nga hapu. (Article Two).
- 9.2.9 The Council will lift the general awareness within Council of the significance of Maori issues. (Article Three)
- 9.2.10 The Council will provide training, particularly of Officers and Councillors of the Council, in relation to bi-cultural awareness and issues. (Article Three)
- 9.2.11 The Council will provide relevant training to members of the Maori Committee. (Article Three)

10. Council's Commitment to the Maori Committee

Council, in acknowledging the necessity and value of Maori involvement in decision-making and policy development, will:

- 10.1 Appropriately resource the Maori Committee.
- 10.2 Resource Maori Committee meetings on marae when appropriate and also relevant consultation hui.
- 10.3 Maintain two positions on each of the Council's Environmental Management and Asset Management & Biosecurity Committees for representatives from the Maori Committee.
- 10.4 Maintain two positions on the Council's Strategic Planning and Finance Committee, one of whom shall be the Chair of the Maori Committee.
- 10.5 Maintain one position on the Hearings Committee for a representative from the Maori Committee.
- 10.6 Where a new Maori Committee has not been established after a local body election, Council will support previous Maori Committee representatives attending, with voting rights, relevant initial Council committee meetings. This will maintain continuity until the Maori Committee nominates its new representatives. This will also include the Maori Committee representative(s) on any Hearing Committee that transverses the election process.
- 10.7 Maintain one position on other Council Committees/Task Groups to provide Maori input where the focus of the Committee has a direct impact on Maori.
- 10.8 Have the Chairman of the Maori Committee as a participant at the full Regional Council meetings.
- 10.9 Councillors and appropriate staff will hold a wananga ('seminar') with kaumatua from throughout the rohe (area) to listen to the issues that are of importance for these iwi leaders at times when it is considered appropriate by either party.
- 10.10 Maintain a strong working relationship with Ngati Kahungunu Iwi Incorporated.
- 10.11 As and when relevant, source appropriately experienced Maori to undertake specific work for the Council.
- 10.12 Ensure the Chairman (and through him/her the members) of the Maori Committee is provided with the background information relating to Council's meeting agendas.
- 10.13 Be particularly mindful that tangata whenua are not adversely affected in the decision-making process when applying Council's policy on significance when the outcome has a clear impact on tangata whenua.

11. Evaluation

To provide an evaluation of the effectiveness of the Maori Committee, the Maori 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 Maori Committee.

Notwithstanding this process, the Maori Committee will provide an opportunity for a discussion of the Committee's performance at the last committee meeting each calendar year.

The Charter will be reviewed every three years.

12. Summary

This Charter is a statement of the agreed principles of participation between the Hawke's Bay Regional Council and the Maori Committee of Council.

It sets out the broad parameters under which the parties will interact.

The creation of the Maori Committee of Council has been an important step in the process of acknowledging tino rangatiratanga in Hawke's Bay.

While it is not intended to be a legally binding document, the Charter is entered into by both parties with the utmost good faith.

The Charter is a continuation of the process 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.

December 2002

**** Amended May 2005***

****Reviewed April 2011***

Signed..... Signed.....

Fenton Wilson

Chairman of the Regional Council

Mike Mohi

**Chairman of the Hawke's Bay
Regional Council Maori
Committee**

Date.....Date.....