

## Introduction

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.

In order to improve and enhance current and future relationships with Māori, Council acknowledge a strategic platform is required upon which to build strong relationships going forward. Council has undertaken as part of the Whangarei District Council Long Term Plan 2012-2022 to further its collaboration with Māori organisations within the District. This collaboration acknowledges that Māori are part of the social fabric of Whangarei and are represented at every level of the community. 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.

## Previous Models

Council adopted three earlier models of consultation that fit the Maori community and Council needs at that time.

In the first instance, a Kaumatua Council comprised of leading kaumatua in the district would meet when required to provide advice to Council on largely cultural issues. Independent support was also provided to the previous Mayors by ranking kaumatua who were called in to provide cultural advice and support on critical issues relating to protocols.

The demands for more formal representation later moved the Council to establish the first Maori Liaison Committee. This committee operated for a short time but then went into recess and was eventually disbanded.

The most recent model was the Te Karearea/Maori Liaison Committee which was introduced in 2008 and was operational up to the Triennial Elections held in October 2010. It was one of nine committees identified as *specialist committees* in the Long Term Council Community Plan 2009 – 2016.

Since the 2010 elections, the former members of this committee have held meetings with Council representatives (elected members and staff) to discuss future engagement models that could be considered by the Whangarei District Council. The former hapū representative members of the Te Karearea/Maori Liaison Committee have also met regularly to progress their input into this proposed model.

## Proposed model

It is therefore proposed that this engagement model shall be a strategic partnership between Whangarei District Council (elected member representatives) and Te Huinga Rangatira (representatives of hapū of Whangarei – Te Huinga Rangatira).

A terms of reference has been drafted (attached) outlining the functions and powers of Te Karearea including setting the purpose and Statement of Principles each partner brings to the partnership.

This Strategic Partnership Forum will be known as Te Karearea.

It is noted that the Te Karearea Strategic Partnership Forum does not preclude individual hapū working on matters of their own concern with Council.

## Te Huinga Rangatira Representation and Mandate

At present there are seven members: Deborah Harding, Te Warihi Hetaraka, Mike Kake, Pereri Mahanga, Taipari Munro, Richard Shepherd and Pita Tipene.

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

These seven members currently represent Te Huinga Rangatira and will sit on Te Karearea until such time as the consultation with local hapū is completed and an open and transparent process is implemented in which to elect members, who will then continue to progress the work as per this terms of reference.

## Whangarei District Council Representation and Mandate

It is proposed that Council have seven representatives on Te Karearea: His Worship the Mayor, Deputy Mayor plus five elected members as appointed by Council

### Summary

Whangarei District Council willingly acknowledges that it wishes to engage with Māori hapū and to recognise the Treaty of Waitangi. This proposed Strategic Partnership Forum – Te Karearea will provide a starting point for Māori representation and participation in Council decision making processes. The vision is to build the relationship incrementally and to develop more robust partnership arrangements over time through learning conversations.

### Recommendation:

1. The report be received.
2. That Council agree to participate in the Te Karearea Strategic Partnership Forum between Whangarei District Council and Te Huinga Rangatira.
3. That the seven Whangarei District Council representatives on Te Karearea shall be His Worship the Mayor, Deputy Mayor and the following five elected members: Councillors C B Christie, S J Deeming, G M Martin, B L McLachlan and W L Syers.
4. That Council endorse the attached Terms of Reference as a starting point for the partnership.

### Attachment:

[Proposed Terms of Reference](#)

# **Terms of Reference**

## **Te Karearea Strategic Partnership Te Kaupapa a Te Karearea**

August 2012

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## 1 Purpose

Whangarei District Council and the hapū of Whangarei, through Te Huinga Rangatira, agree to develop a strategic partnership, Te Karearea, to achieve an agreed vision. This Terms of Reference outlines the understandings around the strategic partnership and relationship.

While Te Karearea is currently in its initial stages as a partnership forum, the vision is to build the relationship incrementally and to develop more robust partnership arrangements over time through learning conversations.

## 2 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 proposed partnership forum provides a starting point for Māori representation and participation in Council decision making processes.

The strategic partnership shall be between Whangarei District Council (elected member representatives) and Te Huinga Rangatira (hapū representatives of Whangarei). This strategic partnership will be known as Te Karearea. Refer Diagram 1.

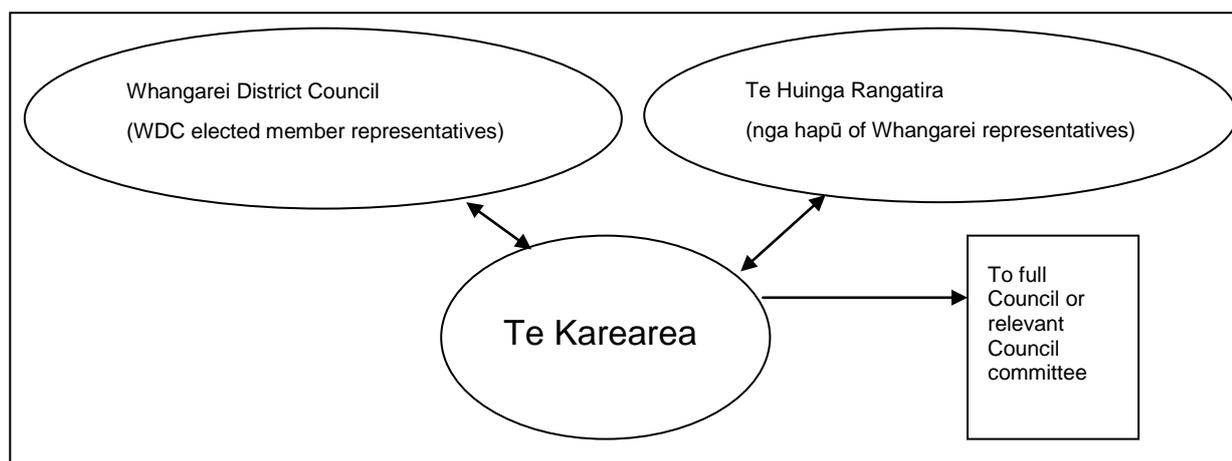


Diagram 1

## 3 Te Huinga Rangatira Statement of Principles

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

Te Huinga Rangatira 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’
- Whangarei - 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.

## 4 Whangarei District Council Statement of Principles

In order to improve and enhance current and future relationships with Māori, Council acknowledge a strategic platform is required upon which to build strong relationships going forward. Council has undertaken as part of the Whangarei District Council Long Term Plan 2012-2022 to further its collaboration with Māori organisations within the District. This collaboration acknowledges that Māori are part of the social fabric of Whangarei and are represented at every level of the community. 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.

Whangarei 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 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*
- (aa) *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.

## 5 Te Karearea - Terms of Reference Objective

As a partnership forum Te Karearea will work towards achieving its vision and broad objectives. It will provide a platform for high level, strategic discussions that will enable self determination and self reliance to flourish. Both Whangarei District Council and Te Huinga Rangatira will consider matters and issues and bring them to Te Karearea for consideration.

### Functions and powers

- (a) The partners, Whangarei District Council and Te Huinga Rangatira, to identify and develop their respective schedules of ‘issues of significance’ to hapū. To then work together through Te Karearea to collectively discuss and prioritise the issues, and develop one agreed schedule.

“Issues of significance” may be addressed as an;

- ‘A list’ - the generic type items similar to those set out in the Auckland Independent Māori Statutory Board (IMSB) Schedule of Issues of Significance publication;
- ‘B list’- being the day to day issues that will arise between Whangarei District Council and Māori

- (b) To actively work together over the schedule of issues and determine how they will be addressed.
- (c) To work together on other matters mutually agreed upon.
- (d) To work together to ensure Council's legislative obligations to Māori are met.
- (e) To work together to build local Māori capacity and capability that will contribute to Councils decision-making processes.

## 6 Working Relationship

- (a) A letter shall be completed between Whangarei District Council and Te Huinga Rangatira covering operating protocols, agreed agenda-setting process, confidentiality issues, and press/publicity matters. It is important that the relationship be one of a strategic partnership.
- (b) Formal meetings of Te Karearea shall be held monthly until such times as agreed to be held bi-monthly. A meeting with the full Whangarei District Council shall be held at least twice per annum.
- (c) Te Karearea will be co-chaired by one elected member representative from Whangarei District Council and one from Te Huinga Rangatira.
- (d) Whangarei District Council will nominate its Senior Management and staff to work with Te Huinga Rangatira.
- (e) The strategic partnership Te Karearea will undertake an annual self-review process and a three-year review consistent with the Long Term Plan (LTP) cycle.
- (f) The Te Karearea strategic partnership does not preclude individual hapū working on matters of their own concern with Council.

## 7 Funding

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

## 8 Te Huinga Rangatira Representation and Mandate

At present there are seven members: Deborah Harding, Te Warihi Hetaraka, Mike Kake, Pereri Mahanga, Taipari Munro, Richard Shepherd and Pita Tipene.

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

These seven members currently represent Te Huinga Rangatira and will sit on Te Karearea until such time as the consultation with local hapū is completed and an open and transparent process is implemented in which to elect members, who will then continue to progress the work as per this terms of reference.

## 9 Whangarei District Council Representation and Mandate

Council representation on Te Karearea shall be His Worship the Mayor, Deputy Mayor plus five elected members as appointed by Council.

## 10 Te Karearea Consultation

To achieve its purpose, the Partners will each develop a schedule of 'issues of significance' that are significant to Māori hapū in the Whangarei District and bring them to Te Karearea.

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

The Te Karearea 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.

## 11 Review of Terms of Reference

The representatives on the Te Karearea Partnership Forum will accept responsibility for reviewing the Terms of Reference and recommending updates of the criteria when and where appropriate.