

MĀORI STANDING COMMITTEE

8 JUNE 2021

AGENDA ITEM 6.5

MĀORI STANDING COMMITTEE TERMS OF REFERENCE REPORT

Purpose of Report

For the Committee to review the revised Māori Standing Committee Terms of Reference and recommend to Council its adoption.

Recommendations

Officers recommend that the Committee:

1. *Receive the Māori Standing Committee Terms of Reference Report.*
2. *To endorse and recommend to Council the adoption of the Māori Standing Committee Terms of Reference.*

1. Executive Summary

On 4 August 2020, Engaged Well presented to the Māori Standing Committee (the Committee) on a proposal to conduct a cultural audit of the South Wairarapa District Council. During subsequent discussions to clarify the scope of the proposed cultural audit and Engaging Well's availability to complete the work, it was proposed to proceed with work on the Terms of Reference (TOR) with a view to conducting a cultural audit in 2021 ahead of the Long Term Plan. Members endorsed proceeding in this manner on 21 September 2020.

Engaging Well developed a draft TOR which incorporates feedback from officers and Committee members. The Committee is now being asked to review the changes and endorse the TOR for adoption by Council.

2. Discussion

The draft TOR are included in Appendix 1 and include comments made at and since the TOR workshop held with Committee members.

The TOR look to strengthen the relationship between the Council and Committee members and to ensure that the role of kaitiakitanga by the Committee and tāngata whenua is fulfilled and the wellbeing of the South Wairarapa district and its people is enhanced.

The proposed TOR clarifies the purpose of the Committee which is to advocate on behalf of and in the best interests of tāngata whenua in the district (including the

descendants and hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa) and to ensure that the Council is fulfilling its obligations to them.

The proposed TOR incorporates new powers for the Committee to make recommendations to Council on significant governance issues and decisions, and matters of relevance, affecting tāngata whenua in the District.

Additional functions include contributing to Council's activities based on Te Tiriti o Waitangi/the Treaty of Waitangi principles, advising Council on matters that support sustainable resource management, kaitiakitanga and economic growth, supporting the development of Māori capacity and capability, contributing to the development of a Māori consultation policy, and advising on consultation processes and engagement with tāngata whenua.

The proposed TOR retains the ability for the Committee to manage a budget for the purpose of making community grants, marae grants and undertaking projects that promote Māori interests. Delegations include the ability of the Committee to discretionarily spend on community grants and projects, and to determine the criteria and allocation of marae development funds granted by Council.

One of the key changes is in the Committee's responsibility in relation to resource consents. Under the new TOR, the Committee will provide advice on the hapū responsible for cultural and historical input into resource consents under the Resource Management Act. The Committee will no longer have responsibility for assessing resource consent applications relating to land situated in the rural zone. This reflects where the appropriate mandate for this work sits and the Committee's function to input in strategic rather than operational matters.

2.1 Options

The Committee may either endorse the TOR as it is presented or provide feedback and suggestions for further changes.

2.2 Legal Implications

In considering this report Council and the Committee are complying with section 32 of Schedule 7 the LGA 2002 as the proposed delegations to the Committee are powers that may be delegated by Council.

2.3 Financial Considerations

There are no financial implications associated with the decision to endorse the TOR.

The development of the TOR have been funded from funds set aside for a TOR Review carried forward from 2019/20 as shown in the MSC Income and Expenditure Statement for the period ended 30 April 2021.

3. Conclusion

The Committee is asked to provide feedback or endorse the TOR as presented and make a recommendation to Council to adopt the TOR.

4. Appendices

Appendix 1 – Māori Standing Committee Terms of Reference

Contact Officer: Steph Frischknecht, Committee Advisor

Reviewed By: Karen Yates, Policy and Governance Manager

Appendix 1 – Māori Standing Committee Terms of Reference



**MĀORI STANDING
COMMITTEE**
Kia Reretahi Tātau

**SOUTH WAIRARAPA DISTRICT COUNCIL MĀORI STANDING
COMMITTEE**

TERMS OF REFERENCE

Commented [GTSSA1]: Insert whakatauki

[date]

Reports to: Council

Membership: Three councillors appointed by Council in consultation with Iwi representatives

Two representatives from each of the three South Wairarapa Marae (Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae)

Two representatives from Pae Tū Mokai o Tauira

One representative from Ngāti Kahungunu ki Wairarapa

One representative from Rangitāne o Wairarapa

The Mayor (ex-officio)

One youth representative in an advocacy role

Nominations must be received in writing from each participating body. Membership is ratified by Council. The chairperson and deputy chairperson are elected by the Committee at the start of the triennium.

A robust induction process will be in place for all incoming members of the Committee.

Non-voting attendees

The youth representative is not a voting member of the Committee

Commented [GTSSA2]: Add something in re having workshops/briefings about matters that impact local government and Maori that are not decision-making forum

Meeting Frequency:

Eight-weekly or as required

Commented [SFCA3R2]: see under para 10 below

Quorum:

Five members including a minimum of three representatives from iwi or marae/Pae tū Mōkai O Tauira and one representative from Council

Commented [GTSSA4]: KY to investigate EQUIP training for members

Commented [KY5R4]: To be circulated

Commented [KYPaG6]: New members should be provided with the council's induction training. Further training can be considered as part of the determination of the nature of Maori liaison from July 2021

1. Introduction

These Terms of Reference reflect the intent and expectations of both the South Wairarapa District Council (“**the Council**”) and the South Wairarapa District Council Māori Standing Committee (“**the Committee**”).

These Terms of Reference look to strengthen the relationship between the Council and the Committee members and to ensure that the role of kaitiakitanga by the Committee and tāngata whenua is fulfilled and the wellbeing of the South Wairarapa district and its people is enhanced.

Te Tiriti o Waitangi/the Treaty of Waitangi is a historical agreement between the Crown and Māori. The Council is a statutory body with powers and responsibilities delegated to it by the Crown. The Council must therefore adhere to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi in respect of tāngata whenua within the South Wairarapa district.

The Council and the Committee acknowledge that the iwi of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa and their respective hapū exercise mana whenua and mana moana over the South Wairarapa district. The Council and the Committee acknowledge that the marae in the South Wairarapa district are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tauira as a kaupapa māori community group represented on the Committee. The Council and the Committee further acknowledge that there are mataawaka (people of Māori descent who are not tāngata whenua) living within the South Wairarapa District.

Commented [GT7]: Need to recognize all relationships between council and maori in the district, captured in the LTP and aligned here.

2. Background

On 15 December 1993, the Council made a resolution to support in principle the establishment of a Māori Standing Committee of the Council. On 27 March 1996, the Council Working Party and tāngata whenua established the Committee. On 17 April 1996, the Committee first met, and on 20 June 1996, the Committee was formally established following the adoption of the 1996/1997 Annual Plan. The Annual Plan included a [Māori Policy](#) and an acknowledgement that the Committee was now fully operational. The Committee has been established every triennium thereafter.

Commented [GTSSA8]: MSC members to research background to this word to determine if appropriate

Commented [AF9]: The more common word used is mataawaka

Commented [KY10R9]: added in

The Committee is established pursuant to clause 30(1)(a) of Schedule 7 of the Local Government Act 2002.

Commented [GTSSA11]: Circulate copy of Maori Policy

Commented [KY12R11]: Policy is on the SWDC website [here](#) and added in

3. Overview

The South Wairarapa District, which extends from the Tararua Ranges to the South Wairarapa Coastline and includes Greytown, Featherston and Martinborough (“**the**

District”), is rich in Māori history and culture. The iwi of the District are Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa, the marae are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tauira is a kaupapa māori community group represented on the Committee.

Some of the earliest known occupational sites exist within the District’s boundaries and for centuries the natural environment has provided both material and spiritual sustenance. Its place in the Māori political history of Aotearoa is a matter of national record. Lake Wairarapa and the South Wairarapa Coastline are of immense cultural, spiritual and historic significance to tāngata whenua.

The Local Government Act 2002 (“**the LGA**”) signals that the social, cultural and economic development of Māori is of particular importance. There are also specific requirements to enable Māori to contribute to council decision-making. The Resource Management Act 1991 (“**the RMA**”) places obligations on the Council including a duty to consult with Māori during the planning process and requires consideration of Māori cultural and traditional relationships with their ancestral lands, water, sites of significance, wāhi tapu, and other taonga. These obligations are in turn derived from the underlying principles of Te Tiriti o Waitangi/the Treaty of Waitangi, which in this context, includes:

- » **Partnership** - the development of an active and on-going relationship between the Council and hapu of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa in the South Wairarapa.
- » **Participation** - a principle which emphasises positive and active Māori involvement in the business of the Council, and in particular its planning and delivery functions.
- » **Active Protection** - the requirement to ensure that Māori well-being is enhanced whenever possible, and that principles of equity of Māori outcomes are observed in the Council’s decision-making processes.

Commented [GTSSA13]: Add settlement provisions

The Council is committed to giving effect to these principles by engaging effectively with tāngata whenua and fostering positive relationships in pursuance of the partnership envisaged under Te Tiriti o Waitangi/the Treaty of Waitangi, on matters that affect and concern tāngata whenua.

4. Purpose and functions

The purpose of the Committee is to advocate on behalf of and in the best interests of tāngata whenua in the District (including the descendants of hapu of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa) and to ensure that the Council

is fulfilling its obligations to them. To achieve this purpose, the Committee will undertake the following functions to the extent that resources allow:

- » Give advice and make recommendations to the Council on significant governance issues and decisions that affect tāngata whenua in the District.
- » Actively participate in and contribute to decision-making processes, policy and strategy development and other activities of the Council, based on Te Tiriti o Waitangi/the Treaty of Waitangi principles of participation, partnership and active protection.
- » Consider ways in which to support the development of Māori capacity and capability to contribute to the decision-making processes of the Council.
- » Provide advice and relevant information to the Council regarding economic, social, environmental, spiritual and cultural matters in the District that support sustainable resource management, kaitiakitanga and economic growth.
- » Make recommendations to the Council on matters of relevance affecting tāngata whenua in the District, and to help fulfil the Māori consultative requirements of the Council particularly with regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi, the LGA and the RMA.
- » Work with the Council to develop and maintain a Māori consultation policy and advise the Council about particular consultation processes with tāngata whenua in the District. Assist in the development of consultation networks throughout the District.
- » Manage a budget for the purposes of making community grants, marae grants and undertaking projects that promote Māori interests.
- » Advise the Council on engagement with tāngata whenua to ensure that these engagements are positive, productive, and culturally safe and that the tikanga of the tāngata whenua are observed and respected by Council.

Commented [GTSSA14]: Toni to suggest grouping under headings in order of importance / aligned to Treaty obligations

5. Stakeholders

Stakeholders include:

- » South Wairarapa District Council.
- » Hapu of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa.
- » Iwi settlement trusts and their entities
- » Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae.
- » Pae Tū Mokai o Tauira.
- » Greater Wellington Regional Council.
- » Wellington Water Ltd.
- » The wider South Wairarapa District community.

6. Deliverables

In addition to its functions outlined above, the Committee will:

- » Contribute to the Long Term Plan every three years.
- » Contribute to the Annual Plan every other year.
- » Provide advice on the hapu responsible for cultural and historical input into resource consents under the RMA.

7. Accountability and reporting

The Committee is accountable to the Council and minutes of Committee meetings and specific reports will be presented to the Council. The chairperson or nominated appointee of the Committee may provide an update to the Council at each Council meeting.

8. Delegations

In addition to the functions of the Committee outlined in paragraph 3 above, the Council delegates to the Committee the power to:

- » Discretionarily spend on community grants and projects.
- » Determine the criteria and allocation of the marae development fund granted in the 19/20 Annual Plan, and any subsequent development grants, to Kohunui Marae, Hau Ariki Marae, Pāpāwai Marae and Pae tū Mōkai O Tauira.

9. Review of terms

These Terms of Reference may be reviewed, updated or amended at any time by the Committee and must be endorsed by the Committee and approved by Council.

10. Meetings

Timing and frequency

Ordinary meetings will be convened by the Chief Executive on an eight-weekly cycle. Extraordinary or emergency meetings may be called in accordance with Standing Orders.

Council	Delegation to attend and speak but not vote
Planning and Regulatory Committee	Delegation to attend and speak but not vote
Assets and Services Committee	Delegation to attend and speak but not vote

Meeting procedure

Committee meetings are conducted pursuant to [Council's Standing Orders](#).

Commented [GTSSA15]: Add workshop/briefing ref
Commented [KY16R15]: see below
Commented [GTSSA17]: Insert link
Commented [KY18R17]: done

Decisions

Decisions will be made at a meeting through a vote exercised by the majority of members.

Quorum

The quorum for Committee meetings is five Committee members including a minimum of three representatives from iwi or marae/Pae tū Mōkai O Tauira and one representative from Council.

Commented [GTSSA19]: Consider if we want a number of quorum to be mana whenua or marae reps

Commented [AF20]: I would like to see a quorum set at five members. Consisting of 3 Marae or iwi reps.

Commented [KY21R20]: amendments included. Note that a quorum must include 1 council rep on a committee of council.

Secretariat

Secretariat services are to be provided by the Council Committee Advisor.

Agenda and paper circulation

The agenda for Committee meetings will be circulated by email as well as by post, to be received at least two working days before the Committee meeting. The agenda will also be made publicly available at the South Wairarapa libraries and on the Council's website in the following location: <https://swdc.govt.nz/meetings/>.

Workshops and briefings

The Committee may hold workshops and briefings about matters that impact local government and Māori. These workshops are not decision-making forums and the provisions of [Council's Standing Orders](#) relating to workshops and similar forum apply.