

STAFF REPORT

TO: Mayor and Councillors

FROM: Strategic Development Manager

REFERENCE: A503-3

DATE: 2 December 2008

SUBJECT: LTCCP Statement on Fostering Maori Participation in Council Decision-Making

PURPOSE OF THE REPORT

To seek Council adoption of a revised *Statement on Fostering Maori Participation in Council Decision-Making* for inclusion in the Long Term Council Community Plan (LTCCP).

BACKGROUND

Schedule 10(5) of the Local Government Act 2002 (LGA02) states that “A LTCCP must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Maori capacity to contribute to the decision-making processes of the local authority, over the period covered by that plan”.

This relates to other sections in the LGA02 that make specific provisions for Maori to contribute to the decision-making processes of a local authority. For example, section 81(1) states that:

“A local authority must –

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

It is important to note that these are LGA02 requirements, which are separate to anything a local authority is required to do under the Resource Management Act 1991 (RMA) or any other legislation.

Section 4 of the LGA02 makes it clear that these requirements reflect the Crown's obligations under the Treaty of Waitangi. Therefore, anything the Council may choose to do in relation to Maori would not set a precedent for any other group to seek the same or similar input into the decision-making processes of a local authority.

CURRENT LTCCP STATEMENT

The current statement in the 2006 LTCCP is attached as Appendix 1.

The current statement is vague, as it sets out five methods "that may be considered following meetings with each Iwi through the various Manawhenua Trust, to improve our relationship". Over the last three years the Council initiated steps towards appointing a Kaumatua, however, this has not proceeded. There have been a few staff receive some training on Maori matters. Little progress has been made on the other methods. However, we have been developing the relationship with Tiakina te Taiao, particularly on resource management issues, and individual staff have informal contacts in place.

ALTERNATIVE OR ADDITIONAL METHODS FOR THE COUNCIL TO CONSIDER

The Council discussed the current statement at a LTCCP workshop in November and indicated a wish to consider amending its statement to more closely reflect what is practical to achieve over the coming years. Several possible methods were identified and staff were asked to discuss these with Iwi/Maori and to report back to the Council. The methods identified were:

- a) Committing to regular hui/liaison meetings with Iwi and Maori to develop the relationship further and to discuss issues of relevance to both parties. The hui attended by most Councillors on 28 October 2008 could be the start to such a process. There would be minimal direct cost involved in this method (e.g., koha), however, there is a reasonable amount of staff time involved in organising such events and the Council does not have anyone on staff with this responsibility.
- b) Assistance to Iwi to prepare an Iwi Management Plan – while this is largely related to the Council's RMA responsibilities, it is something that the Iwi have been seeking assistance for from the Council for sometime. The outcomes of the plan may also be relevant for the Council's LGA02 functions, particularly as input into the Community Outcomes process and for identifying issues for the Council to address in future LTCCPs, as well as under the RMA. If such a plan was prepared, the Council could give due consideration to the matters covered in it (alongside all other relevant matters) in its decision making processes. Some funding for the preparation of the plan would be needed in the LTCCP, although there may be sufficient funding already within the Iwi support funding that the Council currently has.

- c) Involve Maori in groups working on issues of specific relevance to Iwi and Maori. A current example of this approach is the appointment of an Iwi representative to the Waimea Water Augmentation Committee. Future examples could include other water projects like the Motueka water pipeline, estuary management, resource management issues, and cultural/historic matters. If an advisory group was established or regular hui occurred, they could assist with the identification of what working groups we would involve Iwi/Maori in. The costs associated with this method, would be any payment for the time of the people on the working groups.
- d) Have one or two Councillors appointed as Maori/Iwi portfolio holders. This has the advantage of providing Iwi and Maori with points of contact within the Council to raise concerns and issues. The Councillor(s) may attend regular marae based meetings and other relevant hui, which means the role could be time consuming. The funding implications of this method are likely to be small.
- e) In conjunction with Iwi providing some future structured training/familiarisation course to improve Councillors and staff understanding of Iwi perspectives.

DISCUSSION WITH IWI

On 8 December I will be attending a hui at Te Awhina Marae to discuss with Iwi the revised statement (Appendix 2) containing the methods above. I will report back on the outcomes of the discussion at the Council meeting.

CONCLUSION

The current *Statement on Fostering Maori Participation in Council Decision-Making* should be amended to reflect the discussion at the workshop, subject to the outcome of the discussion with Iwi on 8 December.

RECOMMENDATION

That in accordance with Schedule 10(5) of the Local Government Act 2002 the Council agrees to the *Statement on Fostering Maori Participation in Council Decision-Making* outlined in Appendix 2, subject to any amendments resulting from the discussion with Iwi.

Report prepared by:

Susan Edwards
Strategic Development Manager

2006: Statement on Fostering Maori Participation in Council Decision-Making

Purpose

This statement outlines the steps Council is taking to foster Maori capacity to contribute to Council decision-making processes over the period of this LTCCP, as required by Schedule 10(5) of the Local Government Act 2002.

Background

For some time, Council has been increasingly aware of the importance of furthering a close working relationship between the District's Maori community and itself. The Council recognises the wealth of special values that the tangata whenua hold for the places, the resources, the history and the long term sustainability of the District. Council further recognises that its activities and services impinge daily on these values and that in order to make appropriate decision, Council must account for the values of Maori as a special set of community values. Council consult and engage with Maori on a regular basis. In certain cases, these are ongoing processes required by legislation such as the Resource management Act 1991. Other cases are a way of recognising the spirit of partnership inherent in the Treaty of Waitangi.

Steps Council is taking to foster Maori participation in Council Decision-Making

The New Local Government Act 2002 now places a number of obligations and responsibilities on Council in regard to Maori. These include the need to establish and maintain processes to:

Appendix 1

- Provide opportunities for Maori to contribute to the decision-making processes of Council.
- Consider ways in which we may foster the development of Maori capacity to contribute to the decision-making processes of Council.
- Provide relevant information to Maori for the above purposes.

There are a number of methods being put forward by Iwi and local authorities around New Zealand to improve their relationships. The methods set out below are not exhaustive, but represent some of the steps that may be considered following meetings with each Iwi through the various manawhenua Trust, to improve our relationship:

- Developing a formal memorandum of understanding concerning the Iwi/Maori/Council relationship.
- Iwi nominating a Kaumatua to a Council.
- In consultation with Iwi appointing an Iwi Liaison Officer, as a full or part-time member of Council staff.
- In conjunction with Iwi providing some future structured training/familiarisation course to improve Councillors and staff understanding of Iwi perspectives.
- Modifying Council policies so that the need for Iwi consultation and involvement is clearly part of the decision-making process of Council.

Proposed 2009: Statement on Fostering Maori Participation in Council Decision-Making

Purpose

This statement outlines the steps Council intends to take to foster Maori capacity to contribute to Council decision-making processes over the period of this LTCCP, as required by Schedule 10(5) of the Local Government Act 2002.

Background

For some time, Council has been increasingly aware of the importance of furthering a close working relationship between the District's Maori community and itself. The Council recognises the wealth of special values that the tangata whenua hold for the places, the resources, the history and the long term sustainability of the District. Council further recognises that its activities and services impinge daily on these values and that in order to make appropriate decision, Council must account for the values of Maori as a special set of community values. Council consult and engage with Maori on a regular basis. In certain cases, these are ongoing processes required by legislation such as the Resource Management Act 1991. Other cases are a way of recognising the spirit of partnership inherent in the Treaty of Waitangi.

Steps Council is taking to foster Maori participation in Council Decision-Making

The Local Government Act 2002 places a number of obligations and responsibilities on Council in regard to Maori. These include the need to establish and maintain processes to:

Appendix 2

- Provide opportunities for Maori to contribute to the decision-making processes of Council.
- Consider ways in which we may foster the development of Maori capacity to contribute to the decision-making processes of Council.
- Provide relevant information to Maori for the above purposes.

There are a number of methods being put forward by Maori and local authorities around New Zealand to improve their relationships. The methods set out below are not exhaustive, but represent some of the steps that could be considered following meetings with each Iwi and Maori, to improve our relationship:

- Committing to regular hui/liason meetings with Iwi and Maori to develop the relationship further and to discuss issues of relevance to both parties.
- Providing assistance to Iwi to prepare an Iwi Management Plan.
- Involving Maori in groups working on issues of specific relevance to Iwi and Maori.
- Appointing a Councillor as a Maori/Iwi portfolio holder.
- In conjunction with Iwi providing some future structured training/familiarisation course to improve Councillors and staff understanding of Iwi perspectives.