

## Tairāwhiti Piritahi: Fostering Māori Participation in Council Decision-Making

### 1.0 Introduction

Council's vision articulates the connection of people to use their assets in order to fulfil their aspirations. Tangata whenua have a long historical settlement and connection to Tairāwhiti, and an equally long term role in the future planning and decision-making for the region.

They are significant players in our community and Council has statutory and constituent obligations to empower Māori to participate in local government.

### Tairāwhiti First!

**Tairāwhiti Tangata First to see the light**

**Tairāwhiti Taonga First choice for people and lifestyle**

**Tairāwhiti Wawata First choice for enterprise and innovation**

**First place for the environment, culture and heritage**

The powers and functions exercised by Council in its rates collection, regulatory and local public service functions has significant impact on Māori, specifically whanau, hāpu and iwi experiences and how they collectively express their values, priorities and lives.

Council has statutory, constituent and organisational obligations to Māori. This means Council has a three-pronged method to delivering on our responsibilities to Māori.

- The legal requirements are Council's minimum bottom line to deliver on our Māori outcomes. By meeting these obligations, there will be significant contributions by Māori to Council's own planning and decision making.
- The constituent obligations to our community includes Māori in our community as citizens with distinctive cultural aspirations should be understood and incorporated in all aspects of our work. This will result in service delivery which meets the needs and aspirations of Māori.
- Our organisational obligations are what we have promised to do with Māori: this includes our formal agreements and ensuring they are successful. This will result in partnerships with Māori that contribute to sustainable Tairāwhiti outcomes.

Underpinning Māori and their long-term aspirations, plans and often inter-generational projects, is Council's committed contribution to Māori planning cycles, creating better outcomes for Tairāwhiti.

Council therefore requires a working knowledge and effective relationships with Māori of Tairāwhiti in order to undertake its core role of leading and representing its communities.

This policy outlines Council's approach and plans to achieving sustainable Tairāwhiti outcomes in partnership with Māori:

- Māori as ratepayers of Māori land (usually collectives who are whanau and/or hāpu who have whakapapa to their land) and as ratepayers of general land.
- Māori as tangata whenua (usually whanau, hāpu and iwi who have whakapapa to land and are the mana whenua and kaitiaki of natural and cultural resources in their traditional area and Māori as ...elected representatives on mandated iwi authorities.
- Māori as a community of interest (usually individuals, organisations with distinctive cultural aspirations).

### 2.0 Why are we doing this?



#### 1. Enable Te Tiriti o Waitangi/Treaty of Waitangi

By supporting the spirit and implementation of our district's iwi Treaty settlements (which are now largely settled).

*Te Tiriti o Waitangi is the guiding document in the relationship between Māori and the Crown.*

#### 2. Be an empowered organisation that values Te Ao Māori (the Māori world)

By acknowledging Māori values such as kaitiakitanga, tikanga, mana whenua, rangatiratanga, matauranga Māori and their role in solutions for our issues.

We will do this by supporting staff to build cultural knowledge about Māori through providing training opportunities such as Te Reo Māori me ona tikanga (basic and advanced courses) and networking and capability building opportunities to work with our Māori communities.

Understanding and recognising Te Ao Māori, its values, tikanga and decision-making frameworks is an essential step when developing policy and decision-making in Tairāwhiti settings in order for successful implementation.

### 3. Effect Māori participation in Council democracy

By ensuring we are including the right people, at the right level, at the right time and on the right terms.

We will do this by allocating the time and resource Māori collectives require in order to make informed decisions about our processes. We will also make our information relevant and reflective of Māori audiences. In this way, Council recognises that Māori decision-making processes are collective in nature.

We have less one-off consultation and more collaborative partnerships and processes with agreed mutual outcomes.

### 4. Strengthen relationships and share decision-making with Māori

By including all of the relevant sections of the Council in engagement processes we will support co-designed and co-located projects and processes.

This will result in more Council projects that have mutually beneficial outcomes for both the Council and Māori.

## 3.0 How will we do this?

This will be implemented by Council having the following mechanisms in place or in development:

- **Policy:** Formulation of effective policy that considers Māori needs and issues and partners early in our policy and strategy scope and development.
- **Processes:** Create and adhere to processes that ensure Māori needs/issues/concepts are considered and Māori are participating effectively throughout.
- **People:** Nurture and professionally develop staff so they have access to training that builds the organisations capability and capacity to be bicultural.

## 4.0 What will we do?

Council aims to move away from transactions into more relationship-based partnering with Māori. This will result in longer term outcomes for the benefit of all Tairāwhiti. Some interactions with Māori are straight-forward customer service transactions, however Council's interactions with Māori collectives (e.g. Whanau, hāpu, marae, iwi, Māori as communities with cultural perspectives) can benefit from greater preparation, planning and co-ordination.

All of this points to considerable opportunity for Council to improve its effectiveness in partnering with Māori by focusing on:

- applying our strategic Māori policy framework Tairāwhiti Piritahi to all of the work we do. This and its associated tools are evident in our planning and decision-making through Council reports, project plans, engagement plans and outcomes
- co-ordinate and resource iwi engagement forums with a consistent investment approach, resourced by valuing and recognising that our contribution to Māori time and capacity results in more sustainable outcomes
- build cultural capacity and capability of Council staff by improving staff's understanding and exposure to Māori values, relationships, language and projects in order to deliver on our Māori obligations and create Council-Māori outcomes.

In using this approach, Council is open to opportunities for improved innovation. Additionally, the following initiatives Council commits to actioning, and are considered business as usual:

## The menu of initiatives

### COUNCIL'S APPROACH

What will we be doing in years 1-10?

#### Be an empowered organisation that values Te Ao Māori

##### BUILD COUNCIL CAPABILITY

- Develop and implement a training pathway aimed at supporting and improving cultural competencies of staff and leadership.
- Develop and implement a mentoring system for staff and leadership i.e. collegiate support for Council-Māori participation arrangements.
- Collaborate with Māori stakeholders to create a Council resource for successful engagement with Mana Whenua.
- Support and promote forums / wananga and networks which bring Māori and Council together.
- Develop and implement Bicultural Service Targets for the organisation i.e. a % of fluent staff, implement the te reo me ona tikanga policy, provide specific training.
- Develop and implement a Māori stakeholder communication strategy to utilize across the organisation.
- Develop and implement Māori stakeholder satisfaction measures, beyond the annual survey.
- Introduce a social procurement clause (i.e. in tenders and contracts) and a social outcome measurement method.
- Establish and encourage internal forum for improved information and internal co-ordination for Māori customers on Māori issues.
- Enable iwi and hāpu input into reporting and monitoring so that it also reflects the values and priorities that they hold.
- Provide a central hub for Māori engagement and related resources.

#### Enable Treaty of Waitangi

##### MEET STATUTORY OBLIGATIONS & CURRENT AGREEMENTS

- Implement and support the Local Leadership Body.
- Collaborate with iwi to develop and implement a process of providing for Resource Legislation Amendments 2017, in particular changes to Māori participation in the Resource Management Act 1991. This should address Clause 4A, Section 32, Section 34A (under Schedule 1) and Te Mana Whakahono a Rohe.
- Consider and provide Councils response (processes, considerations, legal and legislative responsibilities, information management) to new protected and customary rights and customary title areas under the Marine and Coastal Act (Takutai Moana) 2011.
- Review planning work programme to identify areas of best focus to support the communities' economic, social, cultural and environmental well-being.
- Regular joint Council-iwi/Māori issues and relationship development opportunities for staff.
- Implementing the Treaty Settlement provisions relating to local government such as Statutory Acknowledgments, Local Leadership Body.
- Council co-ordinates relationships and opportunities for iwi arising from the Statutory Acknowledgments.

## Effective Māori participation in Council democracy

- Review and provide for efficient management of existing and new matauranga Māori material provided by and with Māori stakeholders.
- Apply Māori planning and policy tools i.e. policy, strategy and by-law reviews, Māori data in population forecasts, preparing Council's Long Term Plan, Annual Plan.
- Develop and implement mutual capacity building activities with a matched contributions approach.
- Support the provision of professional services for iwi and hāpu projects and training, i.e. RMA training, development of Iwi Management or project plans, supporting iwi through the settlement process.
- Consider developing service level agreements with Te Runanganui o Ngati Porou and Turanga iwi.
- Implement regular resourced iwi engagement forums where mutual priorities are developed and implemented.
- Develop and implement 'relationship check-in' measures to assess the level and effectiveness of Māori participation in Council processes.
- Provide opportunities for effective involvement on the scope and content of planning instruments early on in development.
- Joint committees and advisory boards to assist the process of informed Māori decision-making.
- Regular relationship check-ins to assess level and effectiveness of participation.
- Direct funding - to support engagement in planning and consenting functions.
- Contestable funding - to support iwi and hāpu projects.
- In-kind contributions such as making professional services available for iwi and hāpu projects/secondments/using Council staff to deliver iwi and hāpu relevant training.
- Making data and information freely available and relevant to Māori to support their decision-making.

## Strengthen relationships and share decision making with Māori

- Continue actions associated with the Joint Management Agreement (JMA) with Ngati Porou.
- Continue with actions associated with current co-management agreements, i.e. Kopututea, Waihirere, Ngati Oneone (for Titirangi and traditional rohe).
- Continue and complete Tairāwhiti Navigations, Titirangi restoration and other major projects with iwi partnership approach.
- Find and explore ways to support Māori land productivity, through strategic partnering and service facilitation.
- Explore and implement iwi/hāpu delegated decision-making opportunities such as RMA's transfer of powers, co-governance and co-management agreements.
- Council contribution (eg technical expertise) to Māori projects.
- Take heed of iwi management plans as these represent clear mandates and programmes of work. Work with iwi and hāpu to ensure these recognise present day thinking and priorities.
- Up-to-date Māori stakeholder list with ongoing stakeholder analysis and knowledge of capacity and interests of those on the list.
- Staff have opportunities to work on mutual projects lead by Māori.
- Co-developed training opportunities with iwi.

## Council's agreements

### Treaty partnerships

- Memorandum of Understanding with Te Runanganui o Ngati Porou and Ministry of Primary Industries demonstrating a 100-year commitment to collaboratively work with landowners to address the health of the Waiapu River Catchment.
- Joint Management Agreement with Te Runanganui o Ngati Porou for the Waiapu River catchment.
- Local Leadership Body contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations while recognising and providing for the traditional relationship of Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki with their ancestral lands, water, sites, wahi tapu and other taonga.

### Current relationship agreements

Council has relationship documents between Tangata Whenua, Māori and Council (and the private sector where appropriate). These relationship documents set out the protocols to enable effective working relationships with Tangata Whenua over specific sites or activities. These include:

- A Memorandum of Understanding (MoU) between Ngati Oneone and Gisborne District Council (GDC) for on-site earthworks for the extension of Hirini Street (2015).
- A protocol for the Heinz-Wattie site between the representatives of Te Whanau-ā-Iwi, Ngai Tāwhiri, Ngati Oneone, kaumatua, Gladiator Investments Limited and Gisborne District Council.
- MoU GDC, TROTAK and artist for the development of "Ruapani" (2014).
- MoU with GDC and TROTAK (2014) (incomplete).
- MoU with Whakarua Park Board (2015) to support the development of Whakarua Park.
- MoU with Tikitiki X Ahuwhenua Trust for Tikitiki Park (2017).

### Current co-management agreements:

- Kopututea Trust and Gisborne District Council for Kopututea Blocks 1 & 2, more commonly known as the stretch of dune along Centennial Marine Drive (2012).
- Ngati Oneone for Titirangi Reserve (2016) (to be signed).

## Statutory obligations

Council has statutory obligations to Māori. While the LGA and RMA are the key legislative frameworks in Council, there also obligations to Māori governing Treaty settlements, conservation, biosecurity, coastal management, flood management and transport legislation. The key principle which drives these obligations is the Treaty of Waitangi.

### Local Government Act 2002 (LGA)

Local Government Act 2002 recognises and respects the Crown's obligations under the Treaty of Waitangi by placing specific obligations on Councils. These obligations are intended to facilitate participation by Māori in local authorities' decision-making processes.

The Act includes requirements for Councils to:

- ensure they provide opportunities for Māori to contribute to decision-making processes
- establish and maintain processes for Māori to contribute to decision-making
- consider ways in which they can foster the development of Māori capacity to contribute to decision-making processes
- provide relevant information to Māori
- take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

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The intent is for both local authorities and Māori to move beyond engaging on matters of environmental or cultural importance only towards mutually beneficial outcomes where Māori

outcomes are better reflected in Council’s planning and decision making.

## Resource Management Act 1991 (RMA)

The RMA promotes the sustainable management of natural and physical resources in a way that enables communities to provide for their environmental, social, economic and cultural well-being. The Act recognises Māori interests in natural and physical

resources and contains specific provisions for consulting and working with tangata whenua.

Effective tangata whenua participation in local government decision-making on resource management matters is an essential element of the successful implementation of the RMA, and the achievement of good environmental outcomes.

The key considerations in the LGA and RMA are:

Local Government Act	Resource Management Act
1. To consider ways in which Council fosters the development of Māori capacity (time and resource) to contribute to Council decision-making processes.	1. <b>Section 6:</b> Recognises the national importance of the relationship of Māori and their culture and traditions and their ancestral lands, waters, sites, waahi tapu, other taonga and historic heritage.
2. Ensure there are opportunities and processes for Māori to contribute to Council decision-making processes.	2. <b>Section 7:</b> Requires that particular regard be given to kaitiakitanga and that the principles of the Treaty of Waitangi be taken into account.
3. Provide relevant information to Māori.	3. <b>Section 8:</b> Applies the same obligations to “all persons exercising powers under the RMA” to take into account the principles of the Treaty of Waitangi <sup>(1)</sup>
4. To take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.	

1 The RMA guarantees tangata whenua an opportunity to contribute to the preparation of plans and policies. “Tangata whenua” is defined to include iwi authorities, tribal runanga, iwi and hāpu trust boards, land trusts or directly as representatives of whanau, hāpu and iwi. The legislation does not provide the same guarantees in relation to individual resource consent applications, although it is accepted as good practice for resource consent applicants to consult with tangata whenua where their proposals affect matters covered by the RMA. Where tangata whenua have a legitimate interest in, or are affected by, an application they also have the right to have their views considered in the decision-making process.