

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING OF COUNCIL
(Submissions Hearing – Draft Maori Policy)**

Minutes of the Special Meeting of Council to Hear Submissions to the Draft Maori Policy held in the Council Chambers, Queen Street, Wairoa on Tuesday 16th December 2008 at 9:00 AM.

PRESENT: His Worship the Mayor Mr L Probert (Chair)

COUNCILLORS

D Caves, B McKinnon, B Cairns, and J Heron

IN ATTENDANCE: P J Freeman (Attended from 10:30am) (Chief Executive Officer)
T Cook (Administration Manager)
R Snow (Attended from 11:30am) (Finance Manager)

CIVIC PRAYER: Councillor Cairns gave the Civic Prayer

APOLOGIES

An apology was received from Councillor Eaglesome

<u>Resolved:</u> <i>That the apology from Councillor Eaglesome be received.</i> McKinnon/Heron
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CALLS FOR CONFLICTS OF INTEREST

NIL

General Items

The Chief Executive Officer introduced Council's Maori Liaison Officer, Mr Ropata Ainsley to elected members of Council and those in attendance. The Chief Executive Officer informed Council that while Mr Ainsley did not commence employment with Council until January 2009 he had expressed an interest in attending today's meeting as he would be responsible for implementing the Maori Policy once adopted. The Chief Executive Officer then excused himself from the meeting.

SCHEDULE OF SUBMISSIONS

A06.14.02.02

His Worship the Mayor welcomed Council's Maori Liaison Officer and those in attendance explaining the procedure for the Hearing of Submissions and subsequent deliberations by Council. Submitters in attendance were advised verbal submissions were not to take the form of personal attacks, particularly as related to media reports, and as such were not to be offensive or derogatory in language or behaviour.

His Worship the Mayor read aspects of the former Maori Liaison Officer's report as pertained to the receipt of submissions

Verbal submissions were then heard.

SUBMITTER: Mr Garry Cooper – Ruataniwha

In addressing Council, Mr Cooper paid respects to the ancestors, those who had passed before this time, and those who had passed recently, including Councillor John Petersen. In speaking to the submission before Council, Mr Cooper advised that he was representing those of Ruataniwha Marae and Te Kapua Ma-te-toru hapu.

Mr Cooper was grievously concerned with wording in the policy and was against the word 'involving' being replaced with 'consulting'. He supported comments previously made in the media by Council's Chief Executive Officer in that Maori were to be 'involved' in decision making processes. To move forward Council needed a policy that was strong and robust.

Mr Cooper expressed concern at the reduction of number of representatives proposed in the new structure. Maori were not in a position to give authority to someone to represent all marae/hapu within a cluster in which they had no direct affiliation. This was unethical and would be an imposition on the 'tikanga tuturu' of all Maori. Neither did the qualification of submitting curriculum vitae hold importance with Maori. This was not the means by which authority was given to an individual to represent and speak for Maori.

Mr Cooper objected to the reference that the Maori Committee would take an active role in carrying out Council's objectives. This gave Maori a sense of being dictated to 'do as I say boy' and as such gave reference to the Committee being a 'taurekareka' slave to Council.

In referring to a whakatauki, Mr Cooper stated that 'The food of chiefs is to talk, to discuss, to come to amiable decisions. Tikanga Maori says that you welcome your guests; you feed them, sup with them, and then welcome them to the table to speak. While there was an objection from Councillors to Maori sitting at their table, Maori representatives were voted to their positions by Maori, just as elected members were voted to their positions by the people, many of whom were Maori. There was a need to break down the 'you – me' barrier and work toward an 'us'. If the interest in maintaining a separation were to continue, then Council would be touching on racism. Mr Cooper sought a new Council understanding of partnership, reiterating the words of James Busby, He iwi kotahi tatou, we are one people. Partnership, since the signing of the Treaty of Waitangi, was based on equal terms, and as such Maori had a right to sit at the table with Councillors.

Mr Cooper thanked Council for allowing him to speak to the submission.

His Worship the Mayor thanked Mr Cooper for his words and acknowledged that people often found it difficult to come to Council with their concerns. He then explained the history behind, and intention of the Draft Maori Policy, as presented for consultation by Council's previous Maori Liaison Officer. Council had various responsibilities imposed on it by legislation and as such they were bound by what legislation required. Council would take on board and consider all that had been said, including the request to increase the number of representatives on the Maori Committee.

SUBMITTER: Julie Amato/Tara Querneville – Ngati Makoro

Miss Querneville thanked Council for being given the opportunity to speak to their submission, and asked Council whether they had any questions as pertained to the Ngati Makoro submission. Miss Querneville acknowledged the difficulty that Council had before them in doing work for the community to the benefit of the community. The Ngati Makoro submission emphasised those things within the Draft Maori Policy that they supported, and expressed concern that what was missing from the policy was the need for unity, which needed to be a vision for the entire district.

Mrs Amato, in acknowledging the newly appointed Maori Liaison Officer, stated that whomever was in that role, needed to be really active within the Maori Community, and needed to be seen to be liaising with the people. Mrs Amato also sought an assurance that the new Maori Committee would not be able to be put into abeyance as the previous committee had, as despite the failings of the previous members, they should have been the primary group consulted with in developing the draft Maori Policy thereby securing their support in any resulting restructure.

His Worship the Mayor acknowledged concerns raised by Mrs Amato. Consultation was always difficult for Council and the intention of the Draft Maori Policy was allow for the new Maori Committee to provide a bridge of communication between Council and the Maori Community as a whole. There was no intention to do away with the Maori Committee, and perhaps in hindsight, involving former Maori Committee members should have been considered when reviewing the Maori Policy.

SUBMITTER: Pat Hohepa – Te Reinga

Mr Hohepa stated that being a member of the former Maori Committee had been an exhilarating experience for him in that he found he had to do things he had no previous knowledge of, such as considering resource consent applications, participating in the formulation of bylaws, and the development of policy. He expressed disappointment that the Maori Committee of the time had not been given the opportunity to participate in the process, and disagreed with the proposed clusters and limitation of representation to six. If this were to be applied, and he was to be appointed as a representative, he would be required to speak for ten marae, all with different hapu and different views on what was important to Maori. It would be inappropriate to expect one person to fairly represent the views of so many.

SUBMITTER: Kathleen Mato

Mrs Mato advised that she was speaking as Chairperson of the Mahia Maori Committee. Mrs Mato supported statements made by previous speakers, and requested that clause two be reinserted into the Policy to enhance the relationship between Maori and Council.

Mrs Mato expressed concern at statements that had been made by Councillors at previous meetings as related to the Draft Maori Policy, as she believed those statements to be of racist tones. There was a need for Councillors to change their attitudes if Council and Maori were to work together as one. Mrs Mato commended the work done on the Draft Maori Policy by the previous Maori Liaison Officer, expressing concern at what appeared to be a limited budget for the activity, and asking that an appropriate budget be applied to future years, and looked forward to the new Maori Liaison Officer being a bridge of communication for Maori.

His Worship the Mayor thanked Mrs Mato for her comments, stating that there had been no intentional racism, with comments made in the heat of the moment by some Councillors, inaccurately reported by media.

Councillor Cairns made reference to the Maori Liaison Officer as being the bridge, the connection, the umbilical chord between Maori and Council. To reach the potential aspiration of that role, Maori should sit alongside Council, not to the side.

SUBMITTER: Te Hira Whaiti

Mr Whaiti supported the intent of the Draft Maori Policy stating that the sooner it was adopted in its final form, the sooner Maori would be able to move forward, in that it was a stepping stone toward achieving a partnership.

There being no further attendees to speak to their submissions, His Worship the Mayor thanked those submitters who had attended, advising that Council would take all comments and submissions into consideration in determining how to progress with finalising the Draft Maori Policy in a manner that would be acceptable to both Maori and Council.

ADJOURNED: 10:25 AM

RECONVENED: 10:32 AM

His Worship the Mayor advised Councillors that his wish was to move the Maori Policy forward to enable the establishment of a Maori Committee and sought guidance on how that should progress given the number of concerns that had been raised by submitters.

Resolved: That the report be received.

Heron/Caves

The primary concern of submitters was the clustering of marae into zones and the subsequent reduction of number of representatives to six.

The Chief Executive Officer informed Councillors that the original Maori Policy allowed for representatives of fourteen marae committees to be nominated, two Councillors and the Mayor as ex-officio. The fourteen representatives had directly represented hapu concerns as against the intended purpose of their representing Maori interest as a whole. As a result, the Maori Committee focussed more on Council business than issues that directly affected Maori. Councils of the past elected under a ward system had conducted business in a similar manner. The question put to Council was why were more needed to represent less, given that Council had been reduced to a Mayor and six Councillors elected at large, who in turn represented the entire district. In reviewing the Maori Policy, the Maori Liaison Officer of the time had advised that the Tai Whenua operated six cluster groups, and as such the policy was developed around that representation.

Councillor Caves believed that the intention was to focus on zonings that would enable hapu in those zones to liaise as a cluster, with a representative of all hapu in that cluster then bringing matters forward for discussion to the Maori Committee for discussion.

Councillor Cairns stated that geographical spread was also an issue, particularly where one member was representing a hapu beyond their area of affiliation. Council were trying to engage Maori in what was effectively a Western process which didn't recognise the impact on what was 'tikanga Maori'. Whakapapa links should be the basis for clustering, not the zoning of Marae in neighbouring areas.

His Worship the Mayor invited Council's Maori Liaison Officer forward to offer his thoughts on the best way forward.

Mr Ainsley believed that there were four contentious issues that needed to be addressed, being; the ability of Committee members to vote on matters pertaining to Maori, fair and clear representation, the view that Council was waving a stick, and the reduced number of representatives. Mr Ropata believed that it was timely to put the responsibility for moving forward back in the hands of Maori. One means of doing this was to have Maori identify a kuia and kaumatua that sat outside of the Maori Committee to represent Maori at a formal level with Council. As these people would have mana in the district, Maori would listen to what they had to say.

In respect to representatives of the Maori Committee, Mr Ropata believed that this could be achieved by seeking representation from existing Maori bodies/organisations that already represented Maori in the district in varying form. The Waikaremoana Trust Board, Tai Whenua, Ti Ore, Ngati Pahuwera, Rongomaiwahine, Kahungunu Executive, and Maori Women's Welfare League should be approached to gauge their interest in nominating a representative to sit on Council's Maori Committee.

The Chief Executive Officer saw benefit in the seven groups identified forming the basis of a Maori Committee prior to the actual adoption of the Draft Maori Policy, and as such an approach should be made to each of the groups identified, while also making provision for additional representation from other groups if required. The actual mechanics of the Maori Committee could be identified by the members themselves.

His Worship the Mayor sought support and guidance to be given to the Maori Liaison Officer to move the process forward. Councillor Cairns expressed her interest in being involved in moving the process forward.

<u>Resolved:</u>	<i>That the Maori Liaison Officer take the Draft Maori Policy to the Waikaremoana Trust Board, Tai Whenua, Ti Ore, Ngati Pahuwera, Rongomaiwahine, Kahungunu Executive, and Maori Women's Welfare League, for discussion, assisted by Councillor Cairns, and that a representative group be in place by February 2009.</i> Cairns/Heron
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ADJOURNED: 11:25 AM

RECONVENED: 11:30 AM

DIRECTORS'- QUALITY ROADING SERVICES (WAIROA) LIMITED

B.04.01

The Chief Executive Officer spoke to the report advising that it was an administrative matter that required addressing in that while he had been reappointed as Chairman, and recently congratulated by Council, Mr Munro needed to be retrospectively appointed to the Board of Directors.

<u>Resolved:</u>	<i>That Council confirm the appointment of Mr Dennis Leonard Munro as Chairman of the Board of Directors for Quality Roading Services (Wairoa) Limited for a term of three years from 01 January 2008 to 31 December 2010.</i>	McKinnon/Heron
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Councillors discussed the need for future planning in relation to ensuring people with specific skill sets were identified for future appointment to the Board, particularly in light of the term of three of the Directors, including the current Chairman, would expire in 2010.

MAHIA HEIGHTS – GRANT OF EASEMENT OVER LAND TO BE VESTED IN COUNCIL RM030066

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/McKinnon
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The Chief Executive Officer spoke to the report advising that it was an administrative matter that required a resolution of Council in accordance with Section 48 of the Reserves Act 1977.

<u>Resolved:</u>	<p><i>That</i></p> <p>1. <i>Council in accordance with Section 48 of the Reserves Act 1977 and acting under the delegation to Territorial Authorities from the Minister of Conservation consents to the easements in the schedule below.</i></p>																	
	<p>SCHEDULE</p> <p>Hawkes Bay Land District Wairoa District Council</p>																	
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	<p>2. <i>This be a decision of Council.</i></p>																	
		Caves/McKinnon																

PUTAHI MARAE – REQUEST FOR FUNDING

F.07.02

<u>Resolved:</u>	<i>That the report be received.</i>	Heron/Cairns
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Councillors expressed concern that any approval of funding would set a precedent for applications to be made from the remaining 33 marae that were also registered as Civil Defence Centres for Council. Schools and Community Halls were also utilised during emergencies.

<u>Resolved:</u>	<i>That Council receive the information and take no further action.</i>	Caves/Heron
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INSULATION PENSIONER HOUSING

H.07.03

Resolved: *That the report be received.*

Cairns/Heron

Councillor Caves questioned the process that was being undertaken in that he was of the belief that Council had decided to engage local Contractor's to undertake any work required on Pensioner Houses.

Councillor Cairns informed Councillor Caves that his perception of what had been agreed was not correct. Council had approved the installation of heating pumps and quotes had been obtained as requested, however installation had been put on hold as Council had also requested that alternative forms of heating and the insulation of flats be investigated. The document provided in the report detailed what was required to insulate the flats, and the subsidised cost to do so. Local contractors were not in a position to offer an alternative quote as they could not obtain subsidy from ECA. Once insulated Council could then determine which flats still required heat pumps, and which would be better serviced by an alternative form of heating such as space savers.

Resolved: *That Council approve the quote received from Energy Options to insulate Council owned Pensioner Flats, and that the funds be made available from the District Development Fund as previously approved by Council for the installation of heat pumps.*
His Worship the Mayor/Cairns

WAIROA COMMUNITY DEVELOPMENT TRUST

A.24.01.04

Resolved: *That the report be received.*

McKinnon/Cairns

The Chief Executive Officer spoke to the report informing Councillors that an approach had been made to the Trust by Gisborne Concert Band Inc to organise a public concert in Wairoa on 21 February 2009. As part of the concert, the Trust was seeking a dispensation as related to the Central Business District liquor ban.

Given the number of dispensations sought and approved over recent months the Chief Executive Officer pointed out to Councillors that there was the potential for conflict to arise with café and bar owners should such events and request become even more frequent in that one group was permitted to drink in the public arena and the other was not. Councillors agreed and questioned whether it was appropriate to allow a dispensation for what was supposed to be a family orientated event.

Resolved: *That:*

1. *Council grants the dispensation under section 4.6.1(a) of the Wairoa District Council Consolidated Bylaw, Part 3 – Public Safety, subject to satisfactory response from the New Zealand Police as required under section 4.6.2(b) of the same bylaw.*
2. *Council waive the costs associated with granting this dispensation as outlined in section 4.6.3 of the bylaw.*
3. *Council give public notice of the dispensation by way of advertisement in the Wairoa Star at least 14 days prior to the commencement of the period when the dispensation commences.*

McKinnon/Cairns

BY-ELECTION 2009-01-13

A.10.14

Resolved: *That the report be received.*

McKinnon/Cairns

The Finance Manager and Chief Executive Officer spoke to the report informing Councillors that with the recent passing of Councillor Petersen, Council was required to hold a by-election. While acknowledged that little time had passed, legislated requirements were such that Council had to notify of and hold a by-election within a specified timeframe. No disrespect to Councillor Petersen was intended.

Resolved: *That:*

1. *The returned voting documents for the 2009 Wairoa District by-election be processed during the voting period, such early processing to be taken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral regulations 2001 and the Society of Local Government Manager's Code of Best Practice.*
2. *The names of the candidates at the 2009 Wairoa District by-election be arranged on the voting documents in alphabetical order of surname.*

His Worship the Mayor/McKinnon

CHIEF EXECUTIVE OFFICER'S CONTRACT

His Worship the Mayor advised that following a meeting of Councillors with the Consultant engaged to assist in the appointment of a Chief Executive Officer, that there was a need to alter their earlier resolution of appointment to change the commencement date to 19th February 2009. This was as a result of Councillors requirement for the current Chief Executive Officer to utilise accumulated leave prior to the commencement of his new five year contract with Council.

Resolved: *That the resolution of 11 November 2008 be amended to: "Council confirm the Contract of the Chief Executive Officer as tabled, and offer the Contract of Employment to Mr Peter Freeman to commence 19th February 2009."*

His Worship the Mayor/McKinnon

There being no further General Business, the His Worship the Mayor, declared the meeting closed:

MEETING CLOSED: 11:59 AM

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Chair