

Wairoa District Council

Statement of Proposal

Draft Pūrongo Māori - Māori Policy 2008

Adopted for public consultation
14 October 2008



Executive Summary

The Maori Policy of Council has now been reviewed after consultation with local Maori, its principle target group.

The policy in its draft form has been endorsed, with minor amendments, by members of the Wairoa Taiwhenua representative of the wider Wairoa tangata whenua.

Reporting back to tangata whenua will take place according to the schedule outlined below.

A final opportunity for input at this grass root level will be provided and amendments made as appropriate.

This will avoid the risk that respective Taiwhenua representatives may not have reported back and or representatives who may have been absent on the day it was presented.

It will also provide an opportunity for further discussion after its first introduction at the Taiwhenua as the draft policy will have had an opportunity to be further absorbed.

This policy has a primary focus on consultation and the Treaty of Waitangi and has interlaced the fabric of other legislation as part of it also.

The major change in structure from the previous policy has been the down sizing of the body representative of tangata whenua from a membership of 14 to 6 cluster groups and the introduction of terms of reference as a guide for all concerned; both Council and the committee.

It is proposed that this will give much needed assistance to the desired outcome of Council to provide input to the policy processes of Council and also to tangata whenua in terms of making a meaningful contribution to the community in which they live.

In essence, the draft policy builds on those areas covered by the previous policy while introducing terms of reference for guidance under a new cluster group structure.

Finally the draft policy is given mana by both the Treaty of Waitangi and the Local Government Act 2002.

Schedule of Meetings

	Date	Time	Venue
Cluster 1	Mon, 27/10	10 am to 12 noon	Tuahuru Marae
(Tuahuru, Te Rakato, Ruawharo, Mahanga, Kaiuku)			
Cluster 2	Mon, 27/10	1 pm to 3 pm	Kahungunu Marae
(Kahungunu, Manutai, Tane Nui A Rangi, Te Rehu, Tamakahu, Te Kotahitanga)			
Cluster 3	Tues, 28/10	10 am to 12 noon	Taihoa
(Taihoa, Kihitu, Iwitea, Whakaki, Whaakirangi)			
Cluster 4	Tues, 28/10	1 pm to 3 pm	Ruataniwha
(Tawhiti A Maru, Takitimu, Ruataniwha, Hinemihi, Hurumua)			
Cluster 5	Thur, 30/10	10 am to 12 noon	Waihua
(Te Huki, Waipapa A Iwi, Waihua, Kahungunu)			
Cluster 6	Thur, 30/10	1 pm to 3 pm	Te Mira
(Erepeti, Te Reinga, Rangiahua, Te Mira, Putahi, Pakowhai, Aranui, Arimawha, Waimako, Kuha)			

Members of the general public will not be excluded but the meetings are primarily reporting back sessions for the specific target groups of tangata whenua with the opportunity for final comment.

An invitation by letter will be sent to each marae committee to attend the meeting scheduled for their respective cluster group and or any other meeting of their choosing.

Marae from Clusters 3, 4 and 6 with the exception of Ruataniwha, Te Reinga and Aranui were not represented at the Taiwhenua meeting and this will provide the opportunity for any interested parties to attend.

Statement of Proposal
Wairoa District Council
Maori Policy / Purongo Maori

This statement of proposal has been prepared by the Wairoa District Council for the Special Consultative Procedure of the Maori Policy under s83 of the Local Government Act 2002 (LGA 2002).

The review of the Wairoa District Council Maori Policy has been an extensive process and therefore was undertaken in 2 parts.

Part 1 Research and consultation

Part 2 Reporting back and final consultation

This consultation is being undertaken with the community so Council can assess public support for the proposed new Maori Policy and its relevant parts and therefore can consider additions and alterations to the proposed Maori Policy as a result of any public submissions received.

This proposed new policy generally expands on the same material that was contained in the previous policy while introducing terms of reference for guidance under a new and revised cluster group structure.

The current policy was adopted 12 years ago and is overdue for review.

The Statement of Proposal will be available at Council Administration Office, Queen Street, Wairoa and the Wairoa Centennial Library, Marine Parade, Wairoa for the period 16 October to 17 November 2008. It will also be available on the Council website www.wairoadc.govt.nz where you can also make an online submission. Public submissions on the statement of proposal can be mailed to:

Submission - Wairoa District Council Maori Policy (Purongo Maori)

Wairoa District Council

PO Box 54

Wairoa 4160

FAX: (06) 838-8874

EMAIL: info@wairoadc.govt.nz

SUBMISSIONS CLOSE 5.00PM, MONDAY 17TH NOVEMBER 2008

Submissions may consist of a letter to the Council, or alternatively a submission form. Additional forms further to the submission form attached with this Statement of Proposal will be available at the Council offices and on the Council website.

Your submission to the Statement of Proposal can:

- Support or oppose the proposed Maori policy.
- Recommend changes to the proposed Maori policy.
- Support parts of the proposed Maori policy while opposing others.
- Raise issues that you believe have not been addressed in the proposed Maori policy.

Please note in accordance with the LGA 2002, all submissions will be made available to the public. Please note that the Council may forward on your submission, where it relates to another Council process (e.g. Long Term Council Community Plan process).

The hearing of submissions will be held after the closing of the public consultation period and will be publicly notified. Speaking times will be scheduled and you will be advised when to come to the Council Chambers.

MAORI POLICY
OF
WAIROA DISTRICT COUNCIL
between
THE WAIROA DISTRICT COUNCIL
AND
TANGATA WHENUA (MAORI) O TE WAIROA

STATEMENT OF INTENT

The Wairoa District Council seeks to develop a robust Maori Policy whose purpose it will be to manage the relationship between the parties and will be reviewable regularly at the discretion of the Council, or upon request by tangata whenua, through the Maori Committee which will:

- Ensure tangata whenua participation in decisions that concern Maori.
- accept the role tangata whenua have in the joint management of the district.

POLICY STATEMENT

The policy shall wherever possible be transparent and consistent with the following including legislation, amongst others:

1. The Principles Of The Treaty of Waitangi 1840
2. The Resource Management Act 1991
3. Local Government Act 2002
4. Te Ture Whenua Maori Land Act 1993
5. The Foreshore and Seabed Act 2004
6. The Local Government (Rating) Act 2002
7. Proactive Consultation - RMA 1991
8. Historic Places Act 1993
9. Maori Community Development Act 1962
10. Maori Community Development Amendment Act 1996

GOAL

To encourage and maintain a high commitment to effective communication and consultation with *tangata whenua* of the district.

PRINCIPLES

Treaty Principles

Wairoa District Council and *tangata whenua, iwi/hapu* recognise Te Tiriti O Waitangi, The Treaty of Waitangi as the founding document of New Zealand.

Wairoa District Council and *iwi/hapu* agree to the following understanding of the principles of the Treaty.

- **Principle of Tino Rangatiratanga - Self management**
The right of Maori to exercise under the law, authority and control over their rohe, land, rivers, resources and taonga.
- **Principle of Kawanatanga – Governance**
The Government has the right to make laws for the good of order and security of the country subject to the duty imposed (on the Crown) to Maori under the Treaty.
- **Principle of Whakawhanaungatanga – Partnership**
A duty on both the Council and *tangata whenua, iwi/hapu* to interact in the best possible way towards one another, reasonably, with respect and in good faith.
- **Principle of Oritetanga – Equality**
The right of *Tangata Whenua* to fair and equal treatment under the law.
- **Principle of Kaitiakitanga – Guardianship**
The right of Maori to exercise guardianship over their ancestral lands, water, sites, *waahi tapu* and other *taonga*.
- **Principle of ‘He here kia mohio’ – Co-operation and consultation**
The duty to listen to what others have to say, consider their responses and then decide what will be done.
- **Principle of Whakatika I Te He – Redress Past Breaches**
The duty of the Crown to work towards settlement of grievances under the Treaty of Waitangi.

(refer to Appendix 1, attached for diagram)

RELATIONSHIP PRINCIPLES

(Article 2, Treaty of Waitangi, Parts 2, 6 in particular ss10, 11, 81 Local Government Act 2002)

The Wairoa District Council and *tangata whenua, iwi/hapu* agrees that the relationship will be based on the following principles.

- Wairoa District Council and *iwi/hapu* are both seeking to provide for the cultural, social, economic and environmental well-being of their respective communities in the present and for the future.
- Wairoa District Council and *tangata whenua, iwi/hapu* will act in utmost good faith.
- The relationship shall be built on honesty and integrity and shall be fair and equitable and maintained in a spirit of friendship and co-operation.
- Wairoa District Council recognises that *tangata whenua, iwi/hapu* is the *kaitiaki*¹ of their *rohe* and has *mana whenua*² over their *rohe*³.
- Wairoa District Council recognises the relationship *tangata whenua, iwi/hapu* has with its culture and traditions with respect to *the tangata whenua, iwi/hapu* ancestral lands (e.g. *maunga*/mountains) and water bodies (e.g. *moana*/sea, *awa*/river) also sites of significance including sites recorded on the Wairoa District Council GIS, *waahi tapu*⁴ and other *taonga* and the need to protect these.
- It is recognised that *tangata whenua* have an inherent right to contribute to the decision making processes which affect their *rohe*⁵.

The recognition of these principles will be manifest in the following ways:

1. Ongoing commitment by Wairoa District Council to involving the Maori Committee of Council in all decisions that have the potential to impact on *tangata whenua*.

¹ Kaitiaki means guardian or stewardship. The RMA 1993 defines kaitiakitanga as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources and includes the ethic of stewardship”. S.7(a) provides opportunities for tangata whenua, through the practical expression of kaitiakitanga, to be involved in managing the use, development and protection of their ancestral taonga.

² Mana whenua means people who whakapapa back to a specific block of land.

³ Rohe means tribal area. It is recognised that in some instances more than one iwi/hapu has interests where rohe overlap.

⁴ Waahi tapu is a place of special significance according to the history and tikanga for tangata whenua, iwi/hapu. Refer also to s 6 of the RMA 1993.

⁵ As per s 81 of the Local Government Act 2002.

2. Ongoing commitment by Wairoa District Council to the retention of a body representative of *tangata whenua* views.

EXISTING POLICIES

A relationship shall exist with other policies of council. Where this occurs the consideration of these principles as outlined shall take place.

This list is non-exhaustive.

The following areas particularly shall have regard to *tikanga Maori*:

1. Tourism
2. Economic Development
3. Rates – Maori Freehold Land
4. Resource Management
5. Signage
6. Cultural Landscape
7. Foreshore and Seabed
8. Active Consultation
9. Waahi Tapu, Cemeteries and Burials

POLICY DEVELOPMENT

The Maori Policy will reflect the dynamic people of the district and will develop over time. The policy will reflect the necessity to review this policy regularly every three years in line with the reappointment of the members of the Maori committee following the tri-ennial Local Government Authority elections.

Ongoing and continued commitment to the development of the Maori Policy by the Wairoa District Council will ensure that *tangata whenua* input remains real and vital and will continue to be heard into the future.

Periodic amendments driven by legislative changes will also be addressed regularly at the same time.

The reconstitution of the Maori committee of Council should not be considered the only means available to *tangata whenua* to seek a hearing or redress from the Council and acknowledges the right to *tino rangatiratanga* of every individual as *tangata whenua*, *iwi/hapu*.

POLICY IMPLEMENTATION

1. MAORI COMMITTEE

Objective

Establish develop and resource a Maori Committee representative of *tangata whenua, iwi/hapu* in the Wairoa District.

Policy

1. The committee shall be a full committee of the Wairoa District Council and entitled to meeting allowance and travel costs as appropriate.
2. Mileage costs shall be compensated, based on a travelling distance of 20 kilometres outside of the township proper at the standard rate applicable as if an employee. All other mileage within this distance to be met by the member.
3. The committee shall consist of a specified number of members.
 1. 6 members nominated by the district⁶, appointed by Council
 2. His Worship the Mayor ex-officio
 3. 2 Councillors – to be recommended by the Maori committee for appointment by Council..
4. **Representation** – Part 6, s81 Local Government Act 2002

One person will be nominated by *tangata whenua, iwi/hapu* and appointed by Council to represent each of the following 6 geographic areas.

1. **Wairoa Township** – situated in the centre of the district.
2. **Mohaka – Waiau** – occupies the area to the south of the Wairoa township and encompasses the communities of Kotemaori, Willowflat, Putere, Raupunga, Mohaka and Waihua.
3. **Frasertown** - occupies the communities of Awamate, Waihirere-Clydebank, Frasertown, Mill Pa, Kihitu, Ngamotu, and Mangapoike-Tukemokihi.
4. **Tuhara – Nuhaka** – occupies the area to the north of Wairoa township and encompasses the communities of Iwitea, Waiatai, Whakaki, Tahaenui, Nuhaka, Morere, Mangaone Valley and some parts of Waikokopu.
5. **Mahia** – is the northern most coastal area of the district and encompasses the Mahia Peninsula and its isthmuses. Communities within this area are Mahanga, Opoutama, Kaiwaitau, Mahia Beach, Oraka, Te Mahia, Whangawehi and the Peninsular.

⁶ Wairoa township, Mohaka-Waiiau, Frasertown, Tuhara-Nuhaka, Mahia, Waikaremoana-Ruakituri

6. Lake Waikaremoana – Ruakituri – occupies the inland and has the communities of Ardkeen, Marumaru, Te Reinga, Ruakituri, Piripaua, Tuai and Onepoto.

6. The Terms Of Reference

6.1 Purpose

- (1) To provide policy advice with respect to the District Plan, regarding provisions for *Waahi Tapu*, *Papakāinga* and where relevant to *tangata whenua* and other amendments to the District Plan.
- (2) To provide input to the LTCCP with particular reference to those issues of importance to Maori from within the District.
- (3) To provide insight into Maori and other strategic community issues with particular reference to the LTCCP Outcomes, the effectiveness of the District Plan and the delivery of the Annual Plan.
- (4) To consider and recommend Maori capacity building initiatives within budget and resource constraints of the Council.

6.2 Role

- (1) The role of the members is to provide strategic leadership and advice to the Wairoa District Council, *tangata whenua* and the wider community in respect of environmental, social, economic and cultural outcomes relating to *tangata whenua*.
- (2) To provide a *tangata whenua* forum for *tangata whenua* within the Wairoa District Council area to discuss and debate their local authority issues and concerns to advance and protect the interests of *tangata whenua*.
- (3) To provide an opportunity for the Wairoa District Council to receive input, discuss and develop council concepts, policies, projects and procedures that impact on *tangata whenua*.
- (4) Council will where appropriate, invite *iwi/hapu* to have a role in civic ceremonies.
- (5) The committee shall make recommendations to the Council regarding issues, including resources and educational requirements of the committee and the community as a whole.
- (6) The committee will take an active lead role in the community in carrying out the objectives of the Council.

(7) The Committee will work with Council officers where an official Maori presence is desirable.

6.3 The Term Of Office

(1) Shall be three years in conjunction with the Local Government Authority Elections.

(2) *Iwi/hapu* nominations shall be received by Council up to one month post the election results. Appointments will be actioned at the first full meeting of council thereafter and successful nominees notified by letter as a matter of priority within 3 working days post decision.

(3) Each nominee will provide a curriculum vitae and a written statement for this role as member of the Maori committee outlining their aspirations, skills and strengths and in particular identifying what added value they would bring to the committee for Council consideration prior to appointment.

7. Meetings

7.1 Shall take place on a specified date once a month. With the exception of the meetings to be held in December and January months.

7.2 The Maori committee agenda and the Wairoa District Council agendas will be received by the Maori Committee at the same time, prior to both the Maori Committee meeting and the Council meeting up to one week but no less than 3 working days prior.

7.3 The scheduled meeting will take place prior to the Council meeting, to allow the Maori committee to provide input to the Wairoa District Councillors meeting.

7.4 One member who shall be chosen at the previous members meeting shall attend on a rotational basis.

7.5 The primary role will be to report to both Council and the Maori committee issues of concern to Maori and ensure the Maori voice is heard.

7.6 This member to attend and sit with the Wairoa District Councillors on their table.

7.7 That member shall not have a voting right, but shall have a speaking right.

2. MAORI LIAISON

Objective

The appointment of an appropriately skilled community officer to liaise between the Council and the Maori Community and give administration support to the Maori Committee.

Policy

1. The Chief Executive shall appoint and resource a community officer to service the Maori community and to liaise with and between *tangata whenua* and Council.
2. The community officer shall be referred to as the *Kaitakawaenga Maori*.
3. The *Kaitakawaenga Maori* or Maori Liaison Officer shall provide support for the Maori Committee, receive and prepare items for consideration to be included in the agenda.
4. The Maori Liaison Officer shall be responsible to the Administration Manager while having a working relationship with the Chief Executive officer.
5. The Maori Liaison Officer may have a working relationship with all Council staff and Councillors.

3. CONSULTATION

(Principles of the Treaty of Waitangi, Resource Management Act 1991, Local Government Act 2002)

Unlike many other cultures in New Zealand this is the Maori cultural homeland, the genesis of Maori culture, and there is nowhere else in the world for Maori to express, live and sustain their culture. Assimilation, integration and subsumption of minority cultures, such as Maori, into larger Western Eurocentric cultures are not reasons to discriminate, marginalise and alienate a distinct minority culture, and to dispute its identity.

Contemporary Maori offer an indigenous perspective that should be taken into account. Maori have a distinct set of customs and values often referred to as *tikanga*.

Along with cultural identity, Maori often have a different set of issues often based on indigenous cultural perspectives, beliefs and assumptions, and distinct from the wider community and stakeholder groups.

Objective

To enhance and build on good relationships, partnerships and collaboration with Maori groups at the local government level. The driving force for participation and collaboration should be the desire of the parties to respect, consult, learn and understand each other.

Council recognises that:

1. Individual communities of interest have their own consultation processes and timeframes that should be taken into consideration when Council initiates its consultation process.
2. Sufficient time needs to be allowed and appropriate information provided for people to make a meaningful contribution to the issues under consultation.

In this respect it is recognised that *iwi/hapu* need adequate opportunity to hold hui and to develop an understanding and consensus by the *iwi/hapu*.

Policy

- To clarify the obligations and responsibilities of local government under the Treaty of Waitangi.
- Improve the mandate under the RMA 1991 and the RMAA 2002 that clarifies and defines how Maori values and resources (*taonga*) can be incorporated and implemented in planning, policy and decision-making. Note RMA on Maori issues at s6(a), & (e) and s8.
- Hold meetings with Maori groups on a regular basis, at agreed venues and times outside policy driven debates, or legislative consultation rounds.
- Meet and engage with Maori as early as possible in the planning or issue process.
- Base meetings on trust, respect and understanding.
- Promote development of *iwi* and *hapu* management plans, and provide assistance to the development of these plans.
- Promote the development of *iwi* and *hapu* state of the environment and cultural indicators and provide assistance for the development of these reports.
- Help Maori groups such as *iwi/hapu* to build capacity skills, resources, expertise to develop high quality plans, and become involved in all aspects of decision-making (social, equity and representation target).
- Establish joint projects with Maori groups that demonstrate direct benefits to the wider community and stakeholders, while also fulfilling national and local government goals, strategies and outcomes.
- Evaluate and measure through indicators(s8, RMA) progress towards achieving clearly defined goals at the local government level, and measure this success against defined and clarified goals under the Treaty Of Waitangi and legislation such as the RMA1991 and RMAA 2002.

4. CONSULTATION NETWORK

Objective

Develop a consultative network with *tangata whenua*.

Policy

- To identify all *hapu*, *iwi*, maori organisations and marae of the district and their areas of influence.
- To develop and continually update a register of *iwi*, *hapu*, and maori organisations and marae representatives in the Wairoa district.

(See Appendix for marae list and contacts).

DRAFT

IWI/HAPU ADDENDUM

Iwi / hapu Information

1. Name of the *{iwi/hapu}* is known by:

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.....

2. Brief history of the *{iwi/hapu}*

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.....
.....

3. What are the physical boundaries and bordering hapu relationships?

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.....
.....

4. Where is the *{iwi/hapu}* located?

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.....
.....

5. What are the landmarks / sites of significance for the *{iwi/hapu}*?

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.....
.....

Iwi / hapu Representation

6. The group mandated to represent *{Iwi/hapu name}* in terms of consultation protocol are (list of individuals mandated):

.....
.....
.....

7. The nominated point of contact for *{Iwi/hapu name}* is:

.....
.....

8. The nominated point of contact for resource consents is:

.....
.....

9. Name *{iwi/hapu}* representatives on Council activities.

.....
.....
.....

10. A mandate process will assist with the clarification of mandates where there is doubt. Does one exist for the *{iwi/hapu}*?

.....
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.....
.....

Land Trust Protocols

- 11 What is the preferred protocol regarding Council’s relationship with Maori land trusts in your rohe?

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.....
.....
.....

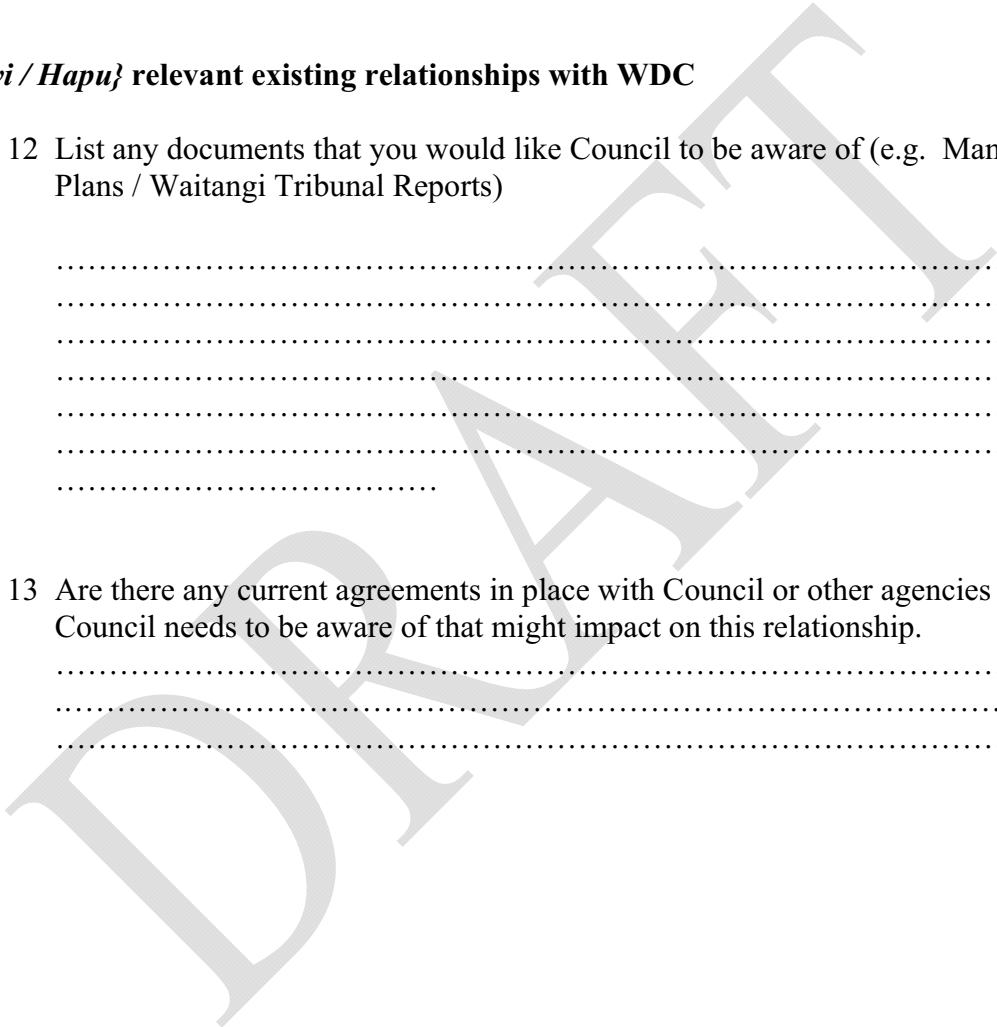
***{Iwi / Hapu}* relevant existing relationships with WDC**

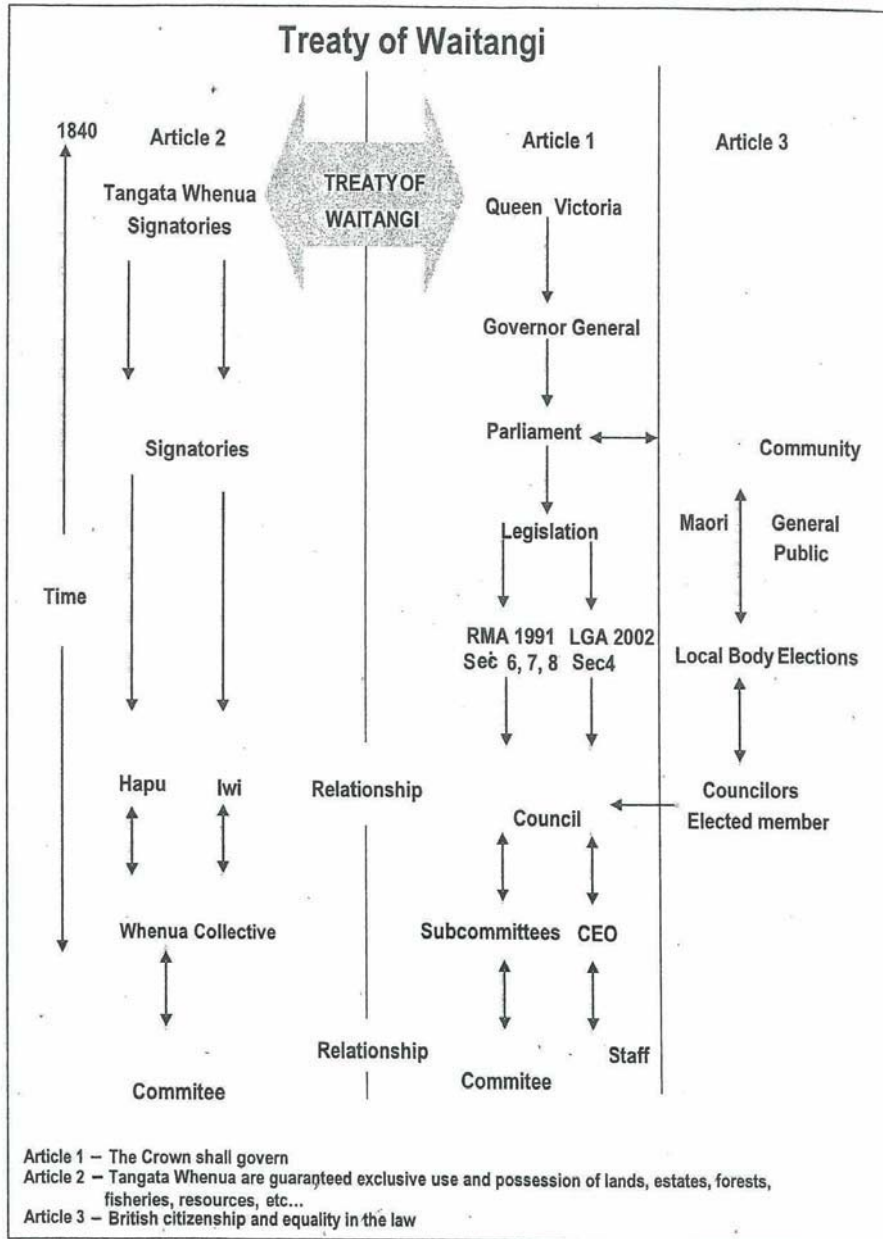
- 12 List any documents that you would like Council to be aware of (e.g. Management Plans / Waitangi Tribunal Reports)

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.....
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.....

- 13 Are there any current agreements in place with Council or other agencies that Council needs to be aware of that might impact on this relationship.

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4. I seek the following decision from the Local Authority [give precise details]:

5. If others make a similar submission, I will consider presenting a joint case with them at a hearing **YES/NO**
[delete one]

6. I **do/do not** wish to be heard in support of my submissions **[delete one]**

[Signature of person making submission or persons authorised to sign on behalf of person making submission.]

Date: / /

Address for Service of Person Making Submission: _____

Telephone No: _____

Fax No: _____

Email: _____

Contact Person:

[Name, designation and telephone number if different from above]

Address: _____

Telephone No: _____

Fax No: _____

Email: _____

Please note in accordance with the LGA 2002, all submissions will be made available to the public. Please note that the Council may forward-on your submission, where it relates to another Council process (e.g. Long Term Council Community Plan process).

The hearing of submissions will be held after the closing of the public consultation period and will be publicly notified. Speaking times will be scheduled and you will be advised when to come to the Council Chambers.

SUBMISSIONS CLOSE 5.00 PM, MONDAY, 17 NOVEMBER 2008.

Please return your completed submission form to: Submission – Pūrongo Māori - Māori Policy 2008
Wairoa District Council
PO Box 54
WAIROA 4160

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