

**TO:** The Council

**FROM:** Policy Analyst

**MEETING DATE:** 8 August 2011

**SUBJECT:** **MĀORI PARTICIPATION PROCESSES**

## SUMMARY

Pursuant to section 81 of the Local Government Act 2002, councils need to "consider ways in which they may foster the development of Māori capacity to contribute to their decision-making processes".

The Dunedin City Council has a Memorandum of Understanding with the two local Rūnanga (Manawhenua) which provides the framework within which the Council and Manawhenua give effect to the legislative requirements to consult with iwi and to provide opportunities for Māori to contribute to local government decision-making processes. This is currently implemented through the Māori Participation Working Party (MPWP), and by convening hui with the wider Māori community in Dunedin.

The local Rūnanga have proposed to establish an Otago Consultation Model which would include all territorial local authorities in the Otago region.

## IMPLICATIONS FOR:

- |  |   |
|--|---|
| (i) <b>Policy:</b>                     | No.   |
| (ii) <b>Approved Annual Budget:</b>    | Yes – there is currently no funding set aside to for the development, or the ongoing support the proposed Otago Regional Consultation Model.            |
| (iii) <b>LTP/ Funding Policy:</b>      | Yes – the LTP sets out the steps the Council intends to take to foster Māori capacity to contribute to its decision-making processes.                   |
| (iv) <b>Activity Management Plans:</b> | Yes – activities to implement the proposed Otago Regional Consultation Model to be included in relevant AMPs (Corporate Policy, Community Development). |
| (v) <b>Community Boards:</b>           | No.   |
| (vi) <b>Sustainability:</b>            | No.   |

## **RECOMMENDATIONS**

- 1 That the Council recognises the unique relationship that the Dunedin City Council currently has with Manawhenua in Dunedin.
- 2 That the Council undertakes further work and discussions with the local Rūnanga on their proposal to establish an Otago Regional Consultation Model, subject to clarification of the funding requirement.
- 3 That the Council formalises its relationship with the Araiteuru Marae Council in a separate agreement after discussions have been completed on the Otago Regional Consultation Model.

## **INTRODUCTION**

This report provides the Council with details on the methods which are currently utilised to consult with Māori in Dunedin and provides a brief outline of the Rūnanga's proposal to establish an Otago Consultation Model.

## **BACKGROUND**

Section 81(1) of the Local Government Act 2002 states:

*"A local authority must –*

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision making process of the local authority; and*
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
- (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b)."*

The Council's primary method for Māori to contribute to the Council's decision-making processes is via the Māori Participation Working Party (MPWP), and through convening annual hui with the Māori community.

## **MĀORI PARTICIPATION WORKING PARTY**

### **Background**

A Memorandum of Understanding (MOU) between Kati Huirapa Rūnaka ki Puketeraki Incorporated, Te Rūnanga o Ōtākou Incorporated and Dunedin City Council was signed on 11 December 2006 (refer to Attachment One). The MOU provides the framework within which the Council and Manawhenua give effect to the legislative requirements to consult with iwi and to provide opportunities for Māori to contribute to local government decision-making processes. The MOU also formalised the MPWP, which has met quarterly for the last six years.

### **Araiteuru Involvement**

In early 2008, the Araiteuru Marae Council (Araiteuru) requested formal recognition of their involvement in the MOU. A draft revision of the MOU was prepared by the Council, but was not supported by the Rūnanga, as the MOU is a relationship agreement between Manawhenua and the Council only.

### **Review of MOU**

A formal review of the MOU was undertaken in December 2009 by the MPWP. The MPWP recognised the unique relationship the Council has with Manawhenua.

The relationship between the four Papatipu Rūnanga with the Otago region and the territorial local authorities was discussed and a regional consultation model was proposed, based on the

Southland model. It was agreed that the focus of the MPWP should be on implementation of the MOU until formal discussions about the regional consultation model were undertaken.

## **OTAGO REGIONAL CONSULTATION MODEL**

The two local Rūnanga have proposed to establish an Otago Consultation Model, similar to the Southland Model (refer to the 'Otago Regional Consultation Model' report from Edward Ellison and KTKO Ltd). The model would include all territorial local authorities (TLA) in the Otago region supported and funded by all TLA's.

The key aspects of the proposed Otago Consultation Model include:

- Establishing a regional group made up of the Chairs of the four Papatipu Rūnanga and the Chief Executives and/or Councillor from each of the Otago TLA's supported by Executive Staff; and
- Continuing the implementation of operational organisations and groups (e.g. KTKO Ltd and the MPWP). The groups would undertake to deliver the Annual Service Plan as directed by the regional group.

Edward Ellison will be in attendance at the Council meeting on 8 August 2011 to provide additional information regarding the proposed Otago Regional Consultation Model.

## **Financial implications**

There is an assumption within the Otago Regional Consultation Model that the funding for the structures would be shared by the TLA's. Whilst the contribution has not been identified, it is understood that Queenstown Lakes District Council contributes around \$30,000pa towards the Southland regional model. The current budget allocated for the MPWP and hui is \$1,500pa, and this would still be required if the proposed model is implemented.

## **CONCLUSION**

The Council's current processes to include Māori in its' decision-making processes are working well, and meet legislative requirements. It is recommended that the Council continues to work with local Rūnanga to establish an Otago Consultation Model, and that funding is identified for the development, and the implementation of the Otago Consultation Model.

Prepared by:

Approved for submission by:

Tami Sargeant  
**POLICY ANALYST**

Nicola Johnston  
**MANAGER CORPORATE POLICY**

Approved by: Sue Bidrose  
**GENERAL MANAGER STRATEGY AND DEVELOPMENT**

Date report prepared: 28 July 2011

## **Attachments**

Attachment One Memorandum of Understanding between Kati Huirapa Rūnaka ki Puketeraki, Dunedin City Council, and Te Rūnanga o Ōtākou

# MEMORANDUM OF UNDERSTANDING

Between



**Te Rūnanga o Ōtākou (Inc)**

Tamatea Road  
Ōtākou  
RD2  
DUNEDIN, NZ

**11 DECEMBER 2006**

# **Memorandum of Understanding**

**between**

**Kati Huirapa Runaka ki Puketeraki Incorporated,  
Te Runanga o Otakou Incorporated**

**and**

**Dunedin City Council**

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## **1. The Purpose**

- 1.1 The purpose of this memorandum is to define mechanisms to promote and facilitate effective consultation and liaison between the Dunedin City Council, Kati Huirapa Runaka ki Puketeraki Incorporated and Te Runanga o Otākou Incorporated. This Memorandum of Understanding recognises the status of the two papatipu runaka as Manawhenua and as the first point of contact for the Dunedin City Council. It also provides the framework within which the Dunedin City Council and Manawhenua propose to give effect to the legislative requirements to consult with iwi and provide opportunities for Maori to contribute to local government decision-making processes.

## **2. The Treaty of Waitangi**

- 2.1 The Dunedin City Council and Manawhenua wish to continue to maintain an effective treaty relationship. (Copies of the Treaty of Waitangi are attached as Appendix 1).
- 2.2 All parties agree to co-operate within the spirit of the Articles I, II, and III of the Treaty of Waitangi, whilst recognising that the two versions (Māori and English) require understandings and intention to uphold the principle intent of the Treaty.

## **3. Statutory context**

- 3.1 The Dunedin City Council recognises that it has statutory responsibilities to consult with Ngai Tahu (Manawhenua and Te Runanga o Ngai Tahu) on relevant management issues within its area to recognise matters of importance to tangata whenua and to take into account the principles of the Treaty of Waitangi. These statutory obligations are primarily under the Resource Management Act 1991, the Ngai Tahu Claims Settlement Act 1998, the Ngai Tahu Claims Settlement (Resource Management Consent Notifications) Regulations 1999.
- 3.2 In addition, the Local Government Act 2002 requires local authorities to provide opportunities for Maori to contribute to their decision-making processes.

- To establish and maintain processes to provide opportunities for Maori to contribute to the decision making processes of the Dunedin City Council (section 81 (1) (a))
- To consider ways in which Dunedin City Council may foster the development of Maori capacity to contribute to the Council's decision-making processes. (section 81 (1) (b))
- To provide relevant information to Maori for purposes of the above (section 81 (1) (c)).

3.3 This Memorandum of Understanding provides the framework within which the Dunedin City Council and Manawhenua propose to give effect to these requirements and reflects a working partnership.

#### **4. Relationships**

4.1 This Memorandum of Understanding recognises the status of the two Papatipu Runaka as the organisational arms of the manawhenua, which are mandated to represent the views of their membership whilst being subject to accountability criteria. The Papatipu Runaka acknowledge the customary duty of providing manaakitanga to people of other tribal and hapu callings who are resident within their takiwa, and hence residents of Dunedin. This duty corresponds with the Dunedin City Council's duty under the local Government Act to provide for Maori participation in decision making processes. The Dunedin City Council and Papatipu Runaka will seek ways to achieve greater Maori participation in Dunedin City Council decision making processes.

#### **5. Partner Undertakings / Implementation**

- 5.1 Through this Memorandum the signatories undertake to work together to:
- Understand clearly the respective responsibilities of each partner.
  - Achieve effective consultation and liaison between Dunedin City Council, Kati Huirapa Runaka ki Puketeraki Incorporated and Te Runanga o Otākou Incorporated.
  - Achieve meaningful runanga awareness of, and participation in, key Council decision-making processes.
  - Achieve greater understanding of Maori needs and aspirations by Council officers and elected members.
  - Establish agreed strategies and monitoring framework to achieve negotiated outcomes.

#### **6. Consultation with Māori**

- 6.1 By their support and operation of this Memorandum of Understanding Manawhenua and the Dunedin City Council will facilitate consultation and liaison with Maori within the jurisdictional boundary of the Dunedin City Council.
- 6.2 The Dunedin City Council recognises the need to consult Manawhenua in the development, review and implementation of the Council's regulatory plans, policies and strategies under the Resource Management Act. The process for facilitating iwi involvement and consultation in the Resource Management Act resource consent process used by the Dunedin City Council is covered by a specific protocol appended to this Memorandum of Understanding. (See Appendix 6).
- 6.3 The Dunedin City Council also wishes to facilitate Ngāi Tahu contributions to the development of the Dunedin City Council's Annual Plan, Long Term Council Community Plan and other significant issues and decisions as defined by the Local Government Act 2002. To facilitate Ngai Tahu contributions to the Annual Plan process, the Council will convene annual meetings in conjunction with the two Papatipu Rūnanga to which will be invited local Ngai Tahu and Te Runanga o Ngai Tahu.
- 6.4 All parties will work co-operatively to develop a range of consultation methods with the intent of maximising participation by Māori in the Dunedin City Council decision making processes.
- 6.5 The Dunedin City Council and Papatipu Runanga seek to maintain and develop their close association for the benefit of all people in Dunedin. Liaison to provide Ngai Tahu comments, perspectives and advice to the Council, and liaison for the Council to provide support to Ngai Tahu, will be facilitated through the Maori Participation Working Party. (See Appendix 3 for Terms of Reference.)
- 6.6 The existence of the Maori Participation Working Party does not substitute the need for continued maintenance of relationships between the Dunedin City Council and Manawhenua. The Dunedin City Council will work with Papatipu Runanga (or their nominated representatives) to organise workshops, as and when mutually agreed to be appropriate, to promote the process for iwi involvement, consultation and approvals.

## **7. Implementation**

- 7.1 The Maori Participation Working Party will oversee achievement toward milestones set out in the agreed Work Plan (Appendix 4).
- 7.2 In terms of resourcing of implementation:
  - a) The Dunedin City Council will provide annually a list of opportunities for participation / strategic consultation in the coming twelve months.
  - b) The Dunedin City Council will provide briefings on the Annual Plan and other such priority opportunities as mutually agreed with the Māori Participation Working Party.

## **SCHEDULE A**

### **Term**

This agreement has no fixed term and begins on ..... 2006.

### **Aims**

The aims of this agreement are greater understanding of Maori needs and aspirations, as they relate to Dunedin City, and greater Maori involvement in strategic decision-making within Dunedin City Council.

### **Partner expectations from this relationship agreement**

1. Dunedin City Council and Ka Papatipu Runaka are committed to working together in good faith to achieve the objectives.
2. Maori members of the Working Party will have an effective working relationship with Ka Papatipu Runaka and with Taurahere.
3. Ka Papatipu Runaka will support the Maori members of the Working Party to contribute to the achievement of the agreed aims.
4. Dunedin City Council undertakes to provide the following assistance in achieving the aims:
  - Staff resources and expertise.
  - Consultation processes and mechanisms which are intended to address Maori needs.
5. Ka Papatipu Runaka undertakes to provide the following assistance in achieving the aims:
  - An effective working relationship with Te Runanga o Ngai Tahu.
  - An effective working relationship amongst ka papatipu runaka.
  - An effective relationship with Kai Tahu Whānui.
  - Contribute to an understanding of the needs of Maori whanau within Dunedin City.
6. Ka Papatipu Runaka and the Dunedin City Council are committed to fully participating in wanaka to define how to implement the relationship to achieve shared aims.
7. Ka Papatipu Runaka and the Dunedin City Council will work to achieve identified milestones on an agreed work plan.

### **Review**

An informal review of the Memorandum will be undertaken each year by the signatories to assess its relevance and effectiveness.

The signatories to this agreement will formally review the agreement triennially to assess the benefits of this agreement, and to determine whether there are any



changes which should be made to either the agreement or the manner in which it is implemented. If one of the parties considers there is a need to discuss the Memorandum of Understanding, the signatories to this agreement, or their representatives will meet within 3 months of the issue being raised in writing by that party to the other parties.

### **Termination**

This agreement can be terminated by:

- a) Any of the parties giving the others at least 12 months written notice in writing, or
- b) All parties mutually agreeing a termination date.

### **Signatories**

\_\_\_\_\_ Date \_\_\_\_\_

*for, and on behalf of*  
***Dunedin City Council***

\_\_\_\_\_ Date \_\_\_\_\_

*for, and on behalf of,*  
***Kati Huirapa Runaka ki Puketeraki Incorporated***

\_\_\_\_\_ Date \_\_\_\_\_

*for, and on behalf of*  
***Te Runanga o Otākou Incorporated***

## **APPENDICES**

**APPENDIX 1:** Citations

**APPENDIX 2:** Treaty of Waitangi (Māori and English versions)

**APPENDIX 3:** Maori Participation Working Party Terms of reference

**APPENDIX 4:** Milestones / work programme

**APPENDIX 5:** Organisational relationships diagram

**APPENDIX 6:** Protocol between Dunedin City Council and Kai Tahu ki Otago for effective consultation and liaison on resource consent applications.

**APPENDIX 7:** Glossary of terms.

## APPENDIX 1: CITATIONS

- 1.1 Te Runanga o Ngai Tahu is the tribal representative body of Ngai Tahu Whanui, a body corporate established 24 April 1996 under section 6 of the Te Runanga o Ngai Tahu Act 1996 (the "TRoNT Act"). Te Runanga o Otakou and Kati Huirapa ki Puketeraki are delegates of Te Runanga o Ngai Tahu. Section 5 of the TRoNT Act describes the takiwa (area) of Ngai Tahu Whanui, which includes the entire area of Dunedin City. In the context of this memorandum the term "Manawhenua" means the signatories to this document other than the Dunedin City Council.
- 1.2 Section 15 (1) of the TRoNT Act prescribes that "Te Runanga o Ngai Tahu shall be recognised for all purposes as the representative of Ngai Tahu Whanui".
- 1.3 Section 15(2) of the TRoNT Act prescribes that " Where any enactment requires consultation with any Iwi or any Iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whanui, be held with Te Runanga o Ngai Tahu".
- 1.4 Section 15(3) of the TRoNT Act prescribes that "Te Runanga o Ngai Tahu, in carrying out consultation under sub section (2) of this section....
  - (a) Shall seek the views of such Papatipu Runanga of Ngai Tahu Whanui and such hapu as in the opinion of Te Runanga o Ngai Tahu may have views that they wish to express in relation to the matter about which Te Runanga o Ngai Tahu is being consulted; and
  - (b) Shall have regard, among other things, to any views obtained by Te Runanga o Ngai Tahu under paragraph (a) of this sub section; and
  - (c) Shall not act or agree to act in such a manner that prejudices or discriminates against any Papatipu Runanga of Ngai Tahu or any hapu unless Te Runanga o Ngai Tahu believes on reasonable grounds that the best interests of Ngai Tahu Whanui as a whole require Te Runanga o Ngai Tahu to act in that manner"
- 1.5 It is the acknowledged practice of Te Runanga o Ngai Tahu that consultation in the first instance is with the Papatipu Runanga. In the area of Dunedin City it is recognised that there are two Papatipu Runanga with whom consultation should occur. These are: Kati Huirapa Runaka ki Puketeraki Incorporated and Te Runanga o Otākou Incorporated.
- 1.6 The Dunedin City Council is a Local Authority constituted by the Local Government (Otago Region) Reorganisation Order 1989, and subsequent amendments.

## APPENDIX 2: TREATY OF WAITANGI - Māori text

Preamble:

KO WIKITORIA te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira - hei kai wakarite ki nga Tangata maori o Nu Tirani - kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu - na te mea hoki he tokomaha ke nga tangata o tona Iwi kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

### KO TE TUATAHI

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua Wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu - te Kawanatanga katoa o o ratou wenua.

### KO TE TUARUA

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga Hapu - ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otira ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

### KO TE TUATORU

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

*(signed)*

**William Hobson,**

Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

## TREATY OF WAITANGI - English text

### PREAMBLE

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

### ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

### ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

### ARTICLE THE THIRD

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

*(signed)*

**William Hobson,**  
Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified. Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

## **APPENDIX 3 :**

### **MAORI PARTICIPATION WORKING PARTY – TERMS OF REFERENCE**

#### **Objectives**

The objectives of the Maori Participation Working Party are:

- To provide a direct line of communication between the Dunedin City Council with Ngai Tahu runanga and Taurahere (non – Ngai Tahu Maori)
- To facilitate communication and understanding at the executive / governance level of all parties to the MOU
- To provide a forum for discussion of strategic level issues that are relevant to the interests and ongoing partnership objectives of Kai Tahu and the Dunedin City Council
- To provide advice to the Dunedin City Council on issues relating to Maori, including cultural / protocol matters relating to formal and other occasions
- To identify, set out and evaluate options for the participation of Maori in the Dunedin City Council area arising from the Local Government Act 2002.
- To monitor the success of the Memorandum of Understanding in achieving the stated aims.

#### **Membership**

The membership of the Maori Participation Working Party shall be appointed by Council's agreement to nominations from the two Ngai Tahu Runanga (Te Runanga o Otakou Incorporated and Kati Huirapa Runaka ki Puketeraki Incorporated). Consideration will also be given to the inclusion of non-Ngai Tahu Maori via Arai Te Uru.

Council representatives shall be: the Mayor; Chair of Finance and Strategy; Chair of Infrastructure Services; Chair of Economic Development; and one other Councillor. The Executive representatives shall be the Chief Executive and General Manager of Strategy and Development.

**Chair person:** Mayor of Dunedin City

**Reporting to:** Finance and Strategy Committee  
Kati Huirapa Runaka ki Puketeraki Incorporated (General meeting)  
Te Runanga o Otakou Incorporated (General meeting)

**Expected Term:** 2007

## **APPENDIX 4: IMPLEMENTATION MILESTONES**

Kā Papatipu Rūnaka and Dunedin City Council agree to work towards the following milestones in order to achieve the key objectives in section 5.

### **2005/ 06**

- ❑ *The Partners negotiate and sign a Memorandum of Understanding (MoU).*
- ❑ *The Partners agree a Māori Participation Policy for inclusion in the Dunedin City Council's Community Plan.*
- ❑ *The Partners work together to identify priorities for Maori to be considered in developing the Dunedin City Council's Community Plan for 2006/07 - 20014/15.*

### **2006/ 07**

- ❑ *The Partners agree on a process for ensuring appropriate services to meet prioritised Maori needs and outcomes relevant to Maori.*
- ❑ *The Partners agree on a process for monitoring effectiveness of services and service outcomes regarding the identified Maori needs.*
- ❑ *The Partners work together to identify priorities for Maori for the following year.*

### **2007/08**

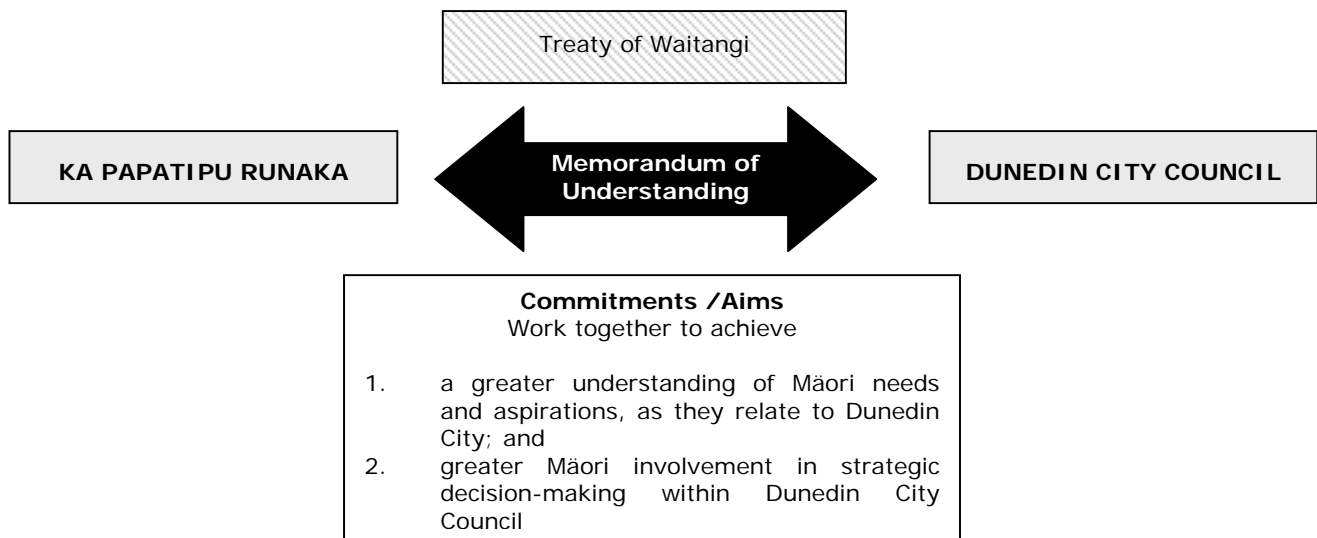
- ❑ *The Partners agree on a process for ensuring appropriate services to meet prioritised Maori needs and outcomes relevant to Maori.*
- ❑ *The Partners agree on a process for monitoring effectiveness of services and service outcomes regarding the identified Maori needs.*
- ❑ *The Partners work together to identify priorities for Maori for the following year.*

### **2008/09**

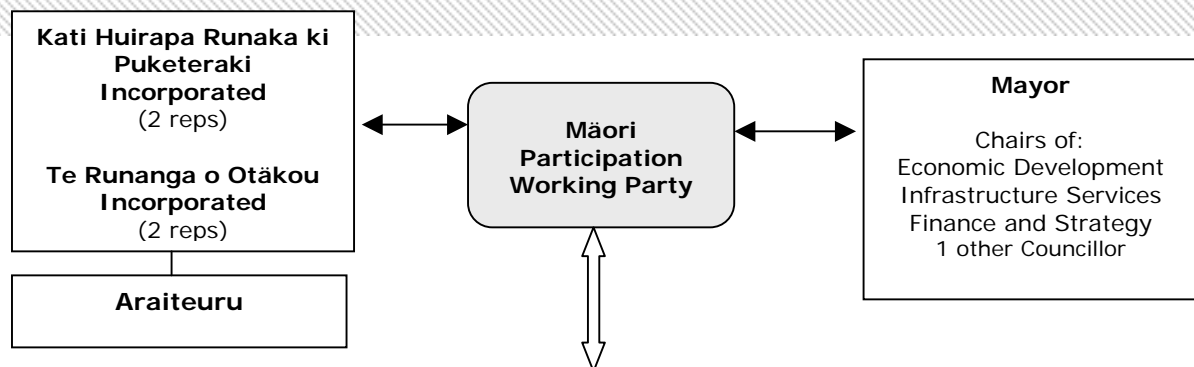
- ❑ *The Partners agree on a process for ensuring appropriate services to meet prioritised Maori needs and outcomes relevant to Maori.*
- ❑ *The Partners agree on a process for monitoring effectiveness of services and service outcomes regarding the identified Maori needs.*
- ❑ *The Partners work together to identify priorities for Maori for the following year.*
- ❑ *The Partners review the appropriateness / effectiveness of the Memorandum of Understanding and /or its implementation.*
- ❑ *The Partners work together to identify priorities for Maori to be considered in developing the Dunedin City Council's Community Plan for 2009/10 - 20017/18.*



## ORGANISATIONAL RELATIONSHIPS MODEL



### GOVERNANCE



#### Aims

- To provide a direct line of communication between the Dunedin City Council with Ngai Tahu Runanga
- To facilitate communication and understanding at all levels
- To provide a forum for discussion of strategic issues
- To provide advice on issues relating to Māori
- To identify, set out and evaluate options for participations

### IMPLEMENTATION

#### Agreed work programme and milestones

- Contribution to understanding of Māori needs
- Maintain an effective working relationship with Te Runanga o Ngai Tahu

- Provide staff resources and expertise
- Provide consultation mechanisms and processes to meet Māori needs

Protocol between  
Dunedin City Council and Kai Tahu ki Otago  
for effective consultation and  
liaison on resource consent applications

**Effective February 2003**

**1. Purpose**

- 1.1 The purpose of this protocol is to define the process for facilitating iwi involvement and consultation in the Resource Management Act resource consent process used by the Dunedin City Council.

**2. Citations**

- 2.1 Te Runanga o Ngai Tahu is the tribal representative body of Ngai Tahu Whanui, a body corporate established 24 April 1996 under section 6 of the Te Runanga o Ngai Tahu Act 1996 (the “TRoNT Act”). Section 5 of the TRoNT Act describes the takiwa (area) of Ngai Tahu Whanui, which includes the entire area of Otago Region. In the context of this memorandum the term “Kai Tahu ki Otago” means signatories to this document other than the Dunedin City Council.
- 2.2 Section 15(1) of the TRoNT Act prescribes that *“Te Runanga o Ngai Tahu shall be recognised for all purposes as the representative of Ngai Tahu Whanui.”*
- 2.3 Section 15(2) of the TRoNT Act prescribes that *“Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whanui, be held with Te Runanga o Ngai Tahu.”*
- 2.4 It is the acknowledged practice of Te Runanga o Ngai Tahu that consultation in the first instance is with the Papatipu Runanga. It is recognised that there are two Papatipu Runanga with whom consultation should occur. The two Papatipu Runanga are Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou.
- 2.5 The Dunedin City Council is a Local Authority constituted by the Local Government (Otago Region) Reorganisation Order 1989, and subsequent amendments.

**3. Consultation and Liaison**

- 3.1 The Dunedin City Council and Kai Tahu ki Otago wish to continue to develop and maintain effective consultation and liaison mechanisms.

**4. The Resource Management Act and the Ngai Tahu Claims Settlement Act**

4.1 The Resource Management Act and the Ngai Tahu Claims Settlement Act impose requirements on local authorities to have regard to the principles of the Treaty of Waitangi, to consult with iwi, and to recognise the matters of importance to iwi.

**5. Kai Tahu ki Otago Ltd**

5.1 The four Papatipu Runanga of Otago and their encompassed whanau roopu have combined in the creation of *Kai Tahu ki Otago Ltd*.

5.2 *Kai Tahu ki Otago Ltd* employs expertise to address inquiries relating to the concerns Kai Tahu may have that are associated with the processing of resource consents and the application of the District Plan by the Dunedin City Council.

**6. Agreement**

6.1 The parties to this protocol agree to use the capabilities and expertise of *Kai Tahu ki Otago Ltd* to facilitate iwi consultation and provision of information between the parties. This agreement is for the purposes of facilitating the processing and administration of resource consents.

6.2 The parties to this protocol acknowledge that *Kai Tahu ki Otago Ltd* will not be engaged in initiating submissions to the Dunedin City Council. However, the information available to *Kai Tahu ki Otago Ltd* will be available to iwi for incorporation into any submission that any Runanga or whanau roopu wish to make, individually or collectively.

**7. Dunedin City Council Resource Consent Process**

Resource Consent Administration

7.1 Figure 1 and Figure 2 illustrate key decision making processes that the Dunedin City Council uses to make an orderly and consistent administration of resource consent applications.

Non-Notified Applications

7.2 Where a resource consent application is requested to be processed non-notified and the Dunedin City Council considers that Te Runanga o Otakou or Kati Huirapa Runaka ki Puketeraki may be an affected party the Council will refer applicants to *Kai Tahu ki Otago Ltd* for obtaining written approvals on behalf of relevant Papatipu Runanga. Such applications will not be processed until the applicants append written approvals to their application.

7.3 Where a resource consent applicant requests the Dunedin City Council to seek iwi approvals the Council will do so, from *Kai Tahu ki Otago Ltd*, on the applicant's behalf. Any costs associated with this process will be recovered from the applicant.

- 7.4 It is noted that the process defined in 5.1 to 5.3 does not remove any obligations on the Dunedin City Council in relation to the Ngai Tahu Claims Settlement (Resource Management Consent Notification) Regulations.

#### Notified Applications

- 7.6 Where a resource consent application is proposed to be publicly notified and the Dunedin City Council considers that iwi may be an affected party, the Council will not process the application until evidence of consultation with iwi is appended to the application. Such evidence of consultation shall state and appropriately detail the issues of relevance to iwi. The Council will refer applicants to *Kai Tahu ki Otago Ltd* to assist and/or undertake iwi consultation with the applicant.
- 7.7 The Dunedin City Council will make all relevant application information available to *Kai Tahu ki Otago Ltd*, *Office of Te Runanga o Ngai Tahu* and Papatipu Runanga. Should further information be required, the issues involved will be discussed by *Kai Tahu ki Otago Ltd*, *Office of Te Runanga o Ngai Tahu* and Papatipu Runanga with both the Dunedin City Council and the applicant.

### **8. Mutual Assistance**


- 8.1 *Kai Tahu ki Otago Ltd* will develop a dynamic guideline manual to assist Dunedin City Council staff to identify what is of interest to iwi so that “affected party” status can be determined. The guideline will set out the type of information that should accompany consent applications, and the time frames for approvals. *Kai Tahu ki Otago Ltd* will identify the type of consent applications where Papatipu Runanga do not wish to be treated as an affected party. This manual will be regularly reviewed to meet changing circumstances. Council staff will be briefed through periodic workshops and training sessions.
- 8.2 The Dunedin City Council will support *Kai Tahu ki Otago Ltd* to organise and hold workshops to promote the process for iwi approvals, involvement and consultation in the consent process.
- 8.3 The Council will periodically update its pamphlet information for applicants, clearly identifying the key points of this protocol, and will assist *Kai Tahu ki Otago Ltd* with a public education and information programme.

### **9. Reviewing the protocol**


- 9.1 Each calendar year the signatories and Te Runanga o Ngai Tahu will review the protocol to assess the benefits of this agreement and to determine whether or not there are any desirable changes to be made to either the agreement or the manner in which it is implemented. If one of the review parties considers there is a need to discuss the protocol the signatories to this agreement, or their representatives, and Te Runanga o Ngai Tahu will meet before the end of the calendar year.

**10. Signatories**

Dunedin City Council

by  ..... 10/2/03  
Mr P J Harland Date  
Chief Executive Officer

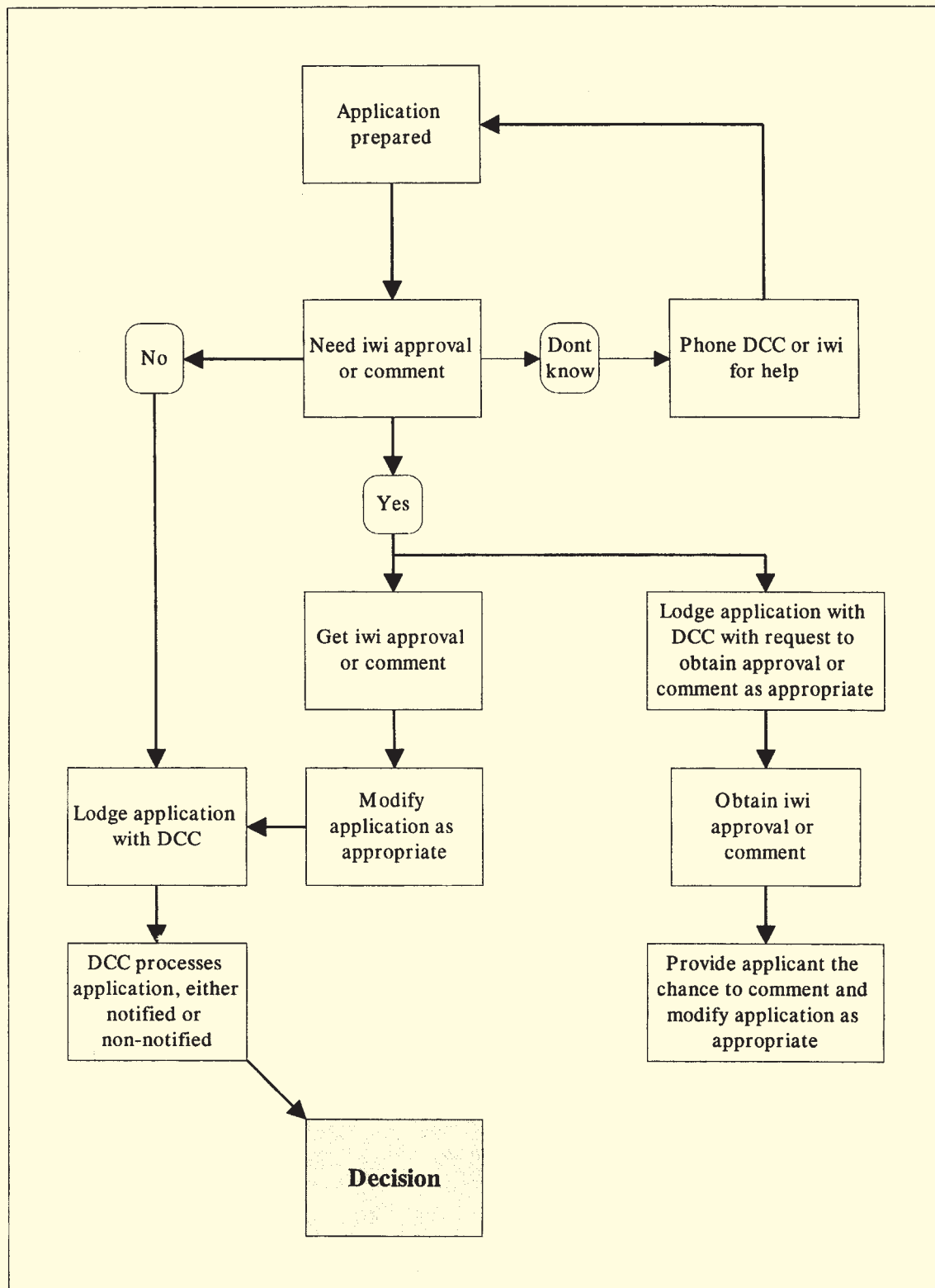
Kati Huirapa Runaka ki Puketeraki

by  ..... 10/02/03  
Mr Richard Parata Date

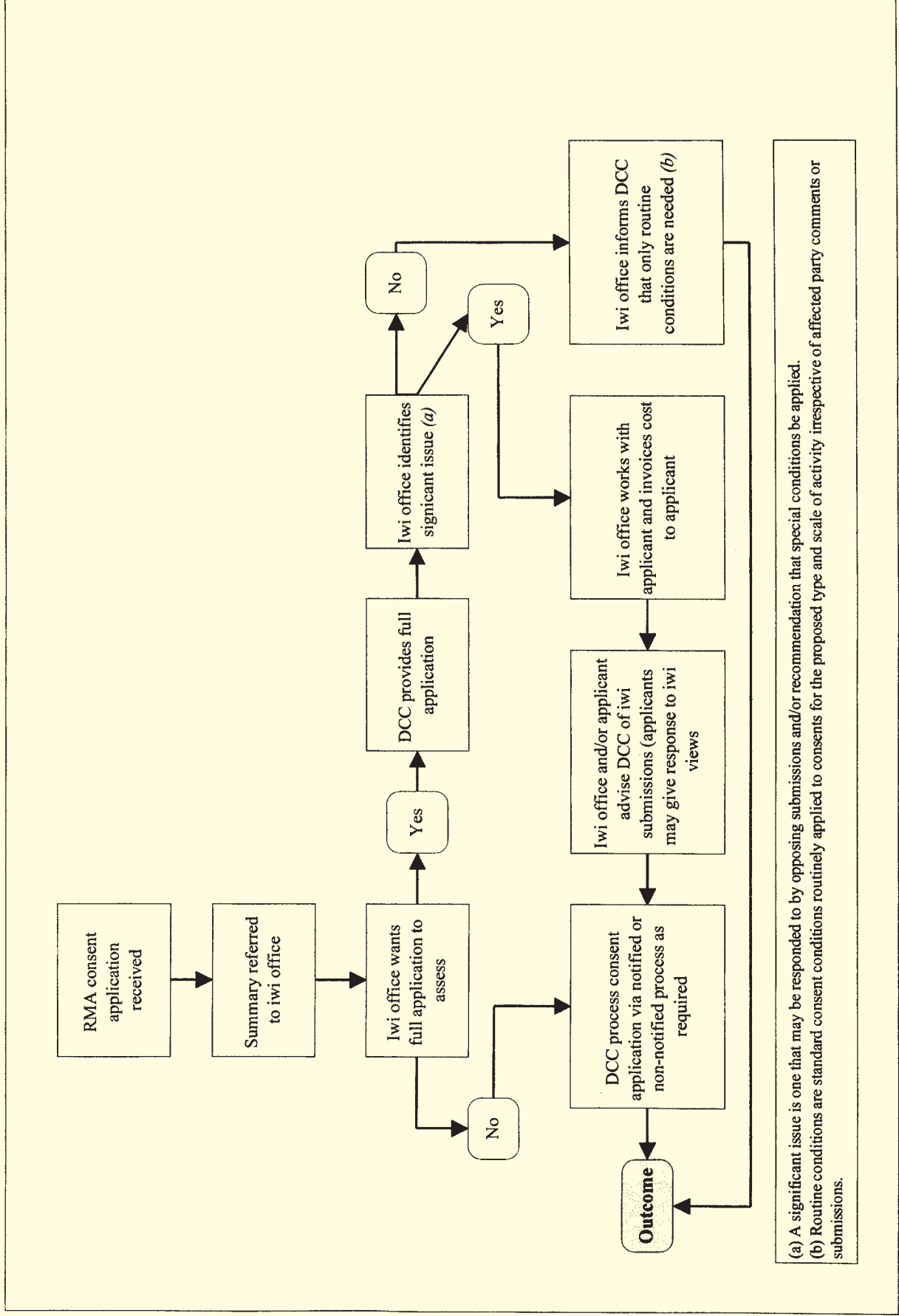
Te Runanga o Otakou

by  ..... 10/02/03  
Mr Kuao Langsbury Date

**Figure 1: Iwi affected party consent approval/comment process**



**Figure 2: Key steps in application process**



## **APPENDIX 7:**

### **Glossary / Definition of terms**

hapu	Sub tribe, extended whanau
Kati Huirapa Rūnaka ki Puketeraki Incorporated	The legal name of the Ngai Tahu Papatipu Runaka based at Puketeraki. The Runaka is also known as Kati Huirapa ki Puketeraki.
manaaki / manaakitanga	Show kindness to, look after, entertain
manawhenua	Those who exercise customary authority or rakatirataka.
papatipu	Original Māori land
papatipu rūnanga / runaka	Traditional runaka
rakatirataka	Chieftainship, decision making rights
roopu	Group
runaka	Local representative group or community system of representation
takiwa	Area, region, district
tangata whenua	Local people
taurahere	The Araiteuru Council is the organisation where associated whanau and roopu who do not have manawhenua status meet and manage their social and cultural affairs. In the case of Dunedin, this is non-Ngai Tahu Maori.
Te Runanga O Otākou Incorporated	The legal name of the Ngai Tahu Papatipu Runaka based at Otakou. The Runaka is also known as Te Runaka o Otakou.
wanaka	Place of learning
whanui	Large, extended, broad.