

6 May 2022

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Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: OIR 2122-231

I refer to your information request we received on 5 April 2022 for the following:

- 1. I wish to request information you have that describes what Mana Whakahono a Rohe arrangements council has in progression or completed and a copy of any completed or drafted agreements.**
- 2. I am interested in what scope the agreements cover and therefore any gaps and request a copy of any analysis or reports or advice to this effect that council has. In particular any documentation that shows how council has considered how to cater for the voice or needs of hapu, taura here or other Maori groups who may not be adequately represented by the above agreements.**
- 4. This should include any reports or communications regarding review of Te Whakaminenga and its effectiveness over the past five years, including any such carried out by Te Whakaminenga partners over the same period. A copy of any review or correspondence from Te Ati Awa indicating the outcome of their review or reasons for withdrawing would be appreciated along with any documents that indicate how council has responded to the withdrawal in terms of meeting its Maori, hapu and Tiriti requirements in the Waikanae/Paraparaumu rohe.**

The context for these questions is to understand how well Maori needs are being catered for within Council's scope/obligations, what efforts are being made to ascertain this and therefore what gaps and options there may be to progress additional efforts.

Council response to Questions 1, 2 and 4

- a. In recognition of the Crown's responsibility under the Treaty of Waitangi, the Local Government Act sets out principles and requirements for Council to facilitate Māori participation in all decision-making processes, which includes appropriate consultation with Māori on different issues (please refer to section 4, Parts 2 and 6 of the [Local Government Act](#)).
- b. Kāpiti Coast District Council has a history of Māori representation and input into matters of local governance.
- c. Since 1994, Council has been party to a Memorandum of Partnership with the three local iwi and hapū on the Kāpiti Coast District represented by Te Rūnanga O Toa Rangātira, Ngā Hapū o Ōtaki and Te Āti Awa ki Whakarongotai Charitable Trust.

The Memorandum of Partnership sets out principles and objectives to ensure an effective and meaningful partnership between Council and iwi. The Memorandum can be accessed here: [Te Whakaminenga o Kāpiti - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/whakaminenga). The partnership is also reflected in Council's Governance Structure and Delegations document which can be found on our website here: [Governance 2019–22 - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/governance)

- d. Te Whakaminenga o Kāpiti was established as the independent advisory forum for the partnership consisting of a representative of each of Council's iwi partners. The forum was intended to strengthen iwi capacity to manage and maintain mana whenua interests in the district, providing an opportunity to exchange views on issues that impact on the social, environmental, economic and cultural wellbeing of tāngata whenua.
- e. Over the years, there have been some changes to the partnership between mana whenua and Council and the effective operation of Te Whakaminenga o Kāpiti. In June 2020 Te Āti Awa ki Whakarongotai Charitable Trust signalled their intention to withdraw from Te Whakaminenga o Kāpiti and in October 2020 and subsequently advised Council of their intention to undertake an independent review of their partnership with Council. On 29 September 2021, Te Āti Awa ki Whakarongotai Charitable Trust formally withdrew from Te Whakaminenga o Kāpiti meaning the forum is not currently representative of all mana whenua in the district.
- f. The MartinJenkins independent organisational review report dated June 2020, identified Council's deep commitment its partnership with iwi, along with challenges in the Council's partnership and engagement with iwi including through Te Whakaminenga o Kāpiti. The review found iwi are not always adequately resourced to participate and engage with Council and recommended that more funding be allocated to facilitate iwi contribution at different levels of Council. As an outcome of the review, Council agreed to a focus area of 'strong and effective partnerships between elected members, iwi and management' along with specific actions to realise this, including:
 - Initiating a conversation with iwi partners on aspirations of partnership and opportunities to strengthen this
 - Initiating a formal review of Te Whakaminenga o Kāpiti
 - Work with iwi partners to develop an approach to more appropriately resource iwi to participate in the work of Council.
- g. The review commissioned by Te Āti Awa ki Whakarongotai Charitable Trust is not yet publicly available and is scheduled to be presented to Council at the upcoming 7 June Council meeting. The provision of this information is declined under section 17(d) of the LGOIMA on the basis that it will soon be made publicly available.
- h. Council has been engaging with its iwi partners in response to the review findings and is developing a proposed action plan to take to Council on 7 June 2022.
- i. Council has been engaging extensively with iwi via its Iwi Partnerships team, to determine how to best work in partnership and collaboration with local Māori and iwi. This engagement has also been in relation to Council's response to the organisational review and review commissioned by Te Āti Awa ki Whakarongotai Charitable Trust.
- j. Council has been actively considering options to strengthen Council's governance structure to ensure effective mana whenua representation at Council and have been engaging with iwi in this regard. Council is also planning to take these recommendations to Council on 7 June 2022.

- k. In late 2021 Council commenced discussions with Te Āti Awa ki Whakarongotai Charitable Trust around an interim charter to provide a framework for the parties to work together on the Wastewater Project Governance Group and other Infrastructure projects. This is still at the level of discussions and no agreement has been finalised.
 - l. Council is committed to strengthening its partnership with mana whenua and is engaging in a number of activities to this end. The draft long term plan 2021-2023 introduces a specific outcome 'the mana whenua – Council partnership to sustain our community' and includes a significant increase to the iwi capacity funding budget.
- 3. *With council resolving not to engage Maori wards, I similarly wish to have a copy of any council documents, key communications or advice relating to this decision that indicates how council proposes to satisfy its obligations for Maori such as LGNZ and RMA requirements to consider the needs of Maori - and what analysis and advice was relied upon to ascertain if the above iwi agreements (and Te Whakaminenga) suffice or other considerations are required.***

Council response to Question 3

As you highlight, Council recently considered whether to provide for Māori representation in its representation arrangements. On 29 October 2020 and 6 May 2021, Council considered whether to establish a Māori ward under section 19Z and Schedule 1A of the Local Electoral Act 2001. Council, guided by the advice of all three iwi partners, resolved not to establish a Māori ward ahead of the next 2022 local body elections. Iwi expressed their desire to continue discussions on the matter in the next triennium.

Please refer to the links to reports to Council on [29 October 2020](#) and [minutes, 6 May 2021](#) report and [minutes](#).

In addition to the advice of local iwi, Council has sought legal advice from Buddle Findlay in 2019 and 2021 in relation to Council's Council's obligations to and relationships with Māori in the district (please refer to attachment 1 and 2). On 27 July 2021 Buddle Findlay briefed Council on this advice.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



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Te Kaihautū, ngā Rangapū, Tāngata hoki