

6 August 2021

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: 2122-25

I refer to your information request we received on 29 July 2021 for the following:

The Kapiti Coast District Council Long Term Plan 2021-41 states that “Mana Whenua and Council have a mutually mana-enhancing partnership”.

1. When was this ‘partnership’ entered into?

In 1994 the Kāpiti Coast District Council (the Council) entered into a Memorandum of Partnership with Te Āti Awa, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira, the tangata whenua of the Kāpiti Coast District.

2. How is the ‘partnership’ defined?

The Memorandum of Partnership (the Partnership) recognises the importance of Te Tiriti o Waitangi (the Treaty of Waitangi) and its principles and is where the Council formally recognises Te Āti Awa, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira as the tangata whenua of the Kāpiti Coast.

The Memorandum of Partnership is also the foundation from which the Council gives effect to our legislative obligations to Māori under the Local Government Act 2002 (LGA), and Resource Management Act 1991 (RMA) including (but not limited to):

- The requirements for the Council to provide for Māori participation in decision-making;
- To ensure processes are in place for consulting with Māori; and
- The exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori, in exercising its functions and powers under the RMA.

For your information, a copy of the signed Memorandum and further information about the Partnership, is publicly available at: <https://www.kapiticoast.govt.nz/our-district/tangata-whenua/te-whakaminenga-o-kapiti-iwi-and-council-partnership-committee/>.

3. What influence does this give to ‘Mana Whenua’?

Through the Memorandum of Partnership, the Council recognises the special status of tangata whenua as separate and distinct from other interest groups. It also provides opportunities within the limitations of the Council’s powers and functions that enable tangata whenua, as a Treaty partner, to share in the decision-making of the district.

Te Whakaminenga o Kāpiti is an independent advisory forum for the partnership, with the Memorandum of Partnership being the primary guide for the group's general conduct and purpose. The name reflects the partnership within this forum, with 'Te Whakaminenga', meaning 'The Confederation', used by the three iwi to describe themselves, with the addition 'o Kāpiti' (of Kāpiti) designed to include the Kāpiti Coast District Council.

Te Whakaminenga o Kāpiti stems from two core principles of the Treaty of Waitangi as identified and defined by the Court of Appeal and the Waitangi Tribunal. The first principle, 'partnership', obliges both parties 'to act reasonably, honourably and in good faith'. For that, consultation is vital. The second principle, 'active protection', requires the Crown to protect Māori in the use of their lands and waters to the fullest extent practicable.

For its part Te Whakaminenga o Kāpiti guides the Council relationship with iwi, although where appropriate the Council undertakes direct consultation with iwi.

4. Do 'Mana Whenua' have any speaking rights in KCDC meetings, and which meetings would that be?

5. Do 'Mana Whenua' have any voting rights in KCDC meetings, and which meetings would that be?

The Chair of Te Whakaminenga o Kāpiti or their nominated alternative can attend meetings of Council and may contribute to the debate but does not have voting rights, as the Local Government Act 2002 restricts voting membership to those who are elected in accordance with the Local Electoral Act 2001. Where Te Whakaminenga o Kāpiti has chosen to make a submission to the Council on an issue, or has spoken during Public Speaking Time on an issue, they are not able to participate in discussion or debate on that matter.

Additionally, the Council's Governance Structure and Delegations provides for a number of positions with both speaking and voting rights that enable tangata whenua to share in the decision-making of the district including;

- One Māori appointee to the Strategy and Operations Committee;
- Three tangata whenua representatives on the Grants Allocation Subcommittee creative Communities NZ; and
- One tangata whenua representative on the Grants Allocation Subcommittee Community Grants.

Going forward the Council is committed to strengthening its partnership with mana whenua, and the Council will continue to work with our iwi partners to identify opportunities to further strengthen mana whenua representation in the Council's governance structure.

As you have noted in your information request, the recently adopted Long term plan 2021-2041 highlights the Council's commitment, specifically through the outcome "Mana Whenua and Council have a mutually mana-enhancing partnership". Further information about this commitment and our Long term plan available at: <https://www.kapiticoast.govt.nz/your-council/forms-documents/annual-and-long-term-plans/long-term-plan/>.

Nāku nei,

A handwritten signature in blue ink, appearing to read 'J McDougall', written in a cursive style.

Janice McDougall

Group Manager People and Partnerships
Te Kaihautū, ngā Rangapū, Tāngata hoki