



**Report To:** Regional Council  
**Meeting Date:** 29 June 2017  
**Report From:** Yvonne Tatton , Interim Governance Manager

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## **Appointment of an Informal Voting Member to Te Maru o Kaituna River Authority**

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### **Executive Summary**

At its meeting on 14 June 2017 Te Maru o Kaituna River Authority (the Authority) voted to invite Te Komiti Nui o Ngāti Whakaue to join Te Maru o Kaituna River Authority as an informal member with full voting rights. Ngāti Whakaue had previously held observer status on the Authority, in anticipation of full membership being granted as part of its own Treaty settlement. In acknowledgement of this settlement being delayed, the Minister for Treaty of Waitangi Negotiations supported Ngāti Whakaue seeking an “informal voting seat” on the Authority.

Te Maru o Kaituna River Authority supported Ngāti Whakaue’s informal membership, with that membership including full voting rights, on the condition that an additional Council member with the same status is also appointed. This reflects Clause 5.18.2 of the Tapuika Deed of Settlement, which provides for an additional Bay of Plenty Regional Council member to be appointed when Ngāti Whakaue gain formal membership through Treaty settlement legislation.

This report asks Council to appoint an additional member (and alternate) to Te Maru o Kaituna River Authority.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Appointment of an Informal Voting Member to Te Maru o Kaituna River Authority;**
- 2 Notes the decision by Te Maru o Kaituna River Authority to extend to Te Komiti Nui o Ngāti Whakaue informal membership of the Authority with full voting rights and the consequent need to appoint an additional Council member with the same status to the Authority;**
- 3 Appoints Councillor XXXXX to Te Maru o Kaituna River Authority as the additional primary member and Councillor XXXXX as their alternate for the Bay of Plenty Regional Council for a three-year term from the date of appointment.**

## 1 Background

Te Maru o Kaituna River Authority was established as a permanent joint committee by the Tapuika Claims Settlement Act 2014 (the Act). Membership is prescribed by the Act (s118) and consists of one member each from four local authorities, being Bay of Plenty Regional Council, Rotorua District Council, Tauranga City Council and Western Bay of Plenty District Council; and one member each from four iwi appointing organisations, being Tapuika Iwi Authority Trust, jointly between Tapuika Iwi Authority Trust and Te Kapu o Waitaha, Te Pumautanga o Te Arawa Trust and Te Tāhuhu o Tawakeheimoa Trust.

However, the Tapuika Deed of Settlement (the Deed) (on which the Act is based) anticipates this membership being expanded through Treaty of Waitangi settlement legislation to include an appointment from the Ngāti Whakaue entity (cl 5.18.1). The Deed also provides for the appointment of an additional Regional Council member (cl 5.18.2) in order to keep the balance of iwi and local authority members on the Authority.

## 2 Process

A series of letters was initiated between Te Komiti Nui o Ngāti Whakaue, Te Maru o Kaituna River Authority and the Minister for Treaty of Waitangi Negotiations in October last year as a result of Ngāti Whakaue being removed from the Office of Treaty Settlements work programme. With the prospect of a formal seat on the Authority on hold, Ngāti Whakaue requested consideration be given to them having an “informal voting seat” to replace their current observer status, particularly as the Kaituna River Document was being developed and approaching notification. The Minister expressed support for the creation of an informal voting seat providing all parties agreed.

At its meeting on 16 May 2017 the Authority unanimously agreed to invite Ngāti Whakaue to become an informal voting member of the Authority, with the scope of the informal seat to be determined at the next Authority meeting. At its meeting on 14 June 2017, the Authority voted by 70% majority to attach full voting rights to the Ngāti Whakaue informal membership; however the required 70% majority was only achieved on the condition that an additional Council member with the same status was also appointed, in keeping with the Tapuika Deed of Settlement.

The resolutions passed were:

***“That the Te Maru o Kaituna River Authority under its delegated authority:***

- 1 Receives the report, Options: Scope of Ngati Whakaue on Te Maru o Kaituna, Kaituna River Authority.***
- 2 Endorses the selection of Option 3: informal membership with full voting rights, on the condition that the corresponding Bay of Plenty Regional Council member is appointed with the same status (refer clause 5.18.2 of the Tapuika Deed of Settlement).***
- 3 Invites Te Komiti Nui o Ngāti Whakaue to advise Te Maru o Kaituna River Authority of its appointed representative and alternate.”***

### **3 Appointments**

The Authority requests that Council appoints an additional primary member to Te Maru o Kaituna River Authority, and also appoints an additional alternate member. It is suggested that Council does appoint an additional alternate member, rather than relying on one alternate to cover two primary members, as this will maintain the balance between iwi and local authority members. Local authority appointees must be members of the local authority, and are appointed for a term of three years.

When appointing, Council must be satisfied that the person appointed has the skills, knowledge or experience to participate effectively in the Authority; and to contribute to the achievement of the purpose of the Authority; and must have regard to the skills of any members already appointed to the Authority to ensure that the membership reflects a balanced mix of skills, knowledge, and experience in relation to the Kaituna River. (s118 (3) of the Act).

### **4 Council's Accountability Framework**

#### **4.1 Community Outcomes**

This proposal directly contributes to the Regional Collaboration and Leadership Community Outcome in the council's Long Term Plan 2015-2025.

#### **4.2 Long Term Plan Alignment**

This work is planned under the Governance Services activity in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

The implementation of Council's co-governance decision-making structure is budgeted for in the Governance Services activity. There will be minimal extra cost to Council.

#### **Future Budget Implications**

Future costs for the continued implementation Council's governance and decision-making structure is budgeted for in the Governance Services activity in Council's Long Term Plan 2015-2025.

Robyn Garrett  
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**for Interim Governance Manager**

**26 June 2017**