

Report No.	20-105
Decision Required	

IWI MATTERS UPDATE

1. PURPOSE

- 1.1. This report provides an update to Council on iwi and hapū matters in the region, including Treaty settlements.

2. EXECUTIVE SUMMARY

- 2.1. The Treaty settlements for Te Korowai o Wainuiārua and Ngāti Maniapoto are both close to initialling the Deed of Settlement.
- 2.2. Discussion has begun regarding the formation of Te Awa Tupua Surface Water Activities Collaborative Group; Horizons needs to appoint a representative to that group.
- 2.3. An iwi member has been appointed to the Coordinating Executive Group.

3. RECOMMENDATIONS

It is recommended that Council:

- a. receives the information contained in Report No. 20-105 and Annex.
- b. agrees to the inclusion within the Ngāti Maniapoto Deed of Settlement, of the requirement for the Maniapoto post settlement governance entity and Horizons to work together to develop a relationship agreement;
- c. notes that the drafting of a relationship agreement with Te Korowai o Wainuiārua will be completed, but is not included within their Deed of Settlement;
- d. considers appointing Mr Ross Brannigan to represent Horizons on the Surface Water Activities Collaborative Group; and
- e. notes the appointment of Mr Chris Kumeroa to the Coordinating Executive Group.

4. FINANCIAL IMPACT

- 4.1. There are no financial impacts associated with this report

5. COMMUNITY ENGAGEMENT

- 5.1. Horizons engages with iwi and hapū across the region within Treaty of Waitangi settlement processes, as well as the ongoing relationship building and normal business activities.

6. SIGNIFICANT BUSINESS RISK IMPACT

- 6.1. There is no significant business risk associated with this item

7. BACKGROUND

- 7.1. The negotiation teams from Ngāti Maniapoto and Te Korowai o Wainuiārua, along with Te Arawhiti (Crown Agency), have presented to Horizons Council. They have engaged multiple times with staff members over recent years, seeking views and keeping Horizons informed of progress. Council has previously received reports regarding these settlements.

8. DISCUSSION

- 8.1. Both iwi groups are nearing the initialling of Deed of Settlement (DoS). The initialling of DoS indicates that the negotiations between the parties have concluded. The remaining steps of the process are the ratification by the iwi groups and then the enacting of legislation. It is probable that both deeds will be initialled post the general election.

Treaty Settlements

- 8.2. The draft DoS for Ngāti Maniapoto is similar to that presented previously, and contains the following:
- A requirement for the Maniapoto post settlement governance entity and Horizons to work together to develop a relationship agreement.
 - A section on aspirations regarding two-way capacity and capability building. This seeks to develop and strengthen capacity and capability between the iwi and the Crown, and the iwi and local authorities in the review, regulation and management of activities that have an impact on the waterways in their rohe.
 - Further aspirations involve working with local authorities to co-design and co-govern programmes for data capability that measure and deliver outcomes and assess progress. In the previous versions, iwi were working with Crown in this aspiration.
- 8.3. The Crown negotiation team are seeking council agreement to include the requirement of a relationship agreement with Ngāti Maniapoto. Horizons staff welcome the opportunity to work with the iwi on this and recommend that council consider agreeing to the inclusion within the settlement.
- 8.4. The draft DoS for Te Korowai o Wainuiārua remains close to that previously presented to Council. Horizons will be a member of a collaborative land forum, along with the local council and Crown Agencies. This forum has an environmental focus.
- 8.5. Horizons has committed to developing a relationship agreement with Te Korowai o Wainuiārua. However, due to time constraints, this will not be attached to the DoS.
- 8.6. The team from Te Arawhiti considers that all parties have a degree of comfort with the DoS for Te Korowai o Wainuiārua. Further, as the relationship agreement will sit outside of the DoS they have not sought specific agreement from Council on any matters.
- 8.7. Council is asked to note that the drafting of a relationship agreement with Te Korowai o Wainuiārua will be completed, but is not included within their DoS.

Te Awa Tupua Surface Water Activities Collaborative Group

- 8.8. Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (the Act) provides for a collaborative group to collectively establish a process, under which they review how activities carried out on the surface of the water of the Whanganui River are being regulated. Further, they can consider how to improve and co-ordinate the management of those activities.

- 8.9. The Act provides information on what the review might consider. Without attempting to limit the matters for deliberation; it may include the following:
- the nature and extent of existing and possible future activities on the surface of the Whanganui River; and
 - the existing regulatory provisions for managing and controlling activities on the surface of the Whanganui River; and
 - the relationship between activities on the surface of the Whanganui River and activities on land adjacent to the River; and
 - matters relevant to public health and safety; and
 - the health and well-being of Te Awa Tupua; and
 - any other relevant matters.
- 8.10. The participants in the collaborative group consisting of representatives from:
- iwi with interests in the Whanganui River;
 - Department of Conservation;
 - Maritime New Zealand; and
 - relevant local authorities.
- 8.11. In recent months, discussion has begun around initiating the collaborative group. It is prudent that Horizons consider their representation on this group. This group will require people with technical expertise and experience.
- 8.12. Under Sec 33D of the Maritime Transport Act 1994, a regional council may appoint a harbourmaster for any port, harbours or waters in its region. Horizons has chosen not to appoint a harbourmaster for the Whanganui River. However, Mr Ross Brannigan, of Horizons, holds the role for the Manawatū River. His experience would be useful in this collaborative group.
- 8.13. It is recommended that Council consider appointing Mr Ross Brannigan to represent Horizons on the Surface Water Activities Collaborative Group.

The Coordinating Executive Group Iwi Representative

- 8.14. Included within the Horizons Regional Council civil defence emergency management responsibilities is the management of a Coordinating Executive Group (**CEG**). The CEG is responsible for the oversight of the regional civil defence emergency management capability, and the policy to guide the response in an event. The CEG is a legislative requirement and meets around six times a year.
- 8.15. The CEG membership comprises of councils and services within the Horizons' regional boundaries. It includes the council chief executives (or their representatives) with representatives from the Emergency services, Health Boards, Ministry of Social Development, Lifelines, Rural, and other services and groups.
- 8.16. In August 2018, a paper titled 'Delivering better response to natural disasters and other emergencies – Government response to the Technical Advisory Group's recommendations' was released. Within it, the Government clearly signalled its intention for iwi to have representation on the CEG.
- 8.17. The COVID-19 response provided an opportunity to seek someone to represent iwi views on the CEG. Staff had become aware of an iwi person, Mr Chris Kumeroa, who seemed particularly suited for the role. During the response, he was working with the Iwi Chairs Forum Pandemic Response Group, and through that, working with the Government and the National Crisis Management Centre.

25 August 2020

- 8.18. An appointment process was drafted. Each iwi was given the option to vote to follow a full formal process or appoint Mr Chris Kumeroa. A majority voted to appoint Mr Chris Kumeroa; his profile is attached at Annex A. He attended his first CEG meeting on the 1st of July 2020

9. TIMELINE / NEXT STEPS

- 9.1. The iwi negotiation teams will remain focussed on their settlement until enacted. Post enactment it will take some time for the Post Settlement Governance Entity to establish and settle into their work streams. The drafting of relationship agreements may not start in the near future, but council will be kept informed. Once completed, council will be provided the draft agreements for consideration and ratification.

10. SIGNIFICANCE

- 10.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Jerald Twomey
SENIOR POLICY ANALYST IWI

ANNEXES

- A Profile: Chris Kumeroa