

January 2010



Te Puni Kōkiri  
REALISING MĀORI POTENTIAL

# Māori Statutory Board

Local Government (Auckland  
Law Reform) Bill 2009

# Purpose of this session

- To outline the provisions in the Local Government (Auckland Law Reform) Bill which relate to the establishment of a Māori Statutory Board.
- To provide information on how to make a submission to Select Committee, should you wish to voice your opinion on any aspect of the Bill.



# Background

- In April 2009, Cabinet announced that there would not be Maori seats on the new Auckland Council.
- In May 2009, the Minister of Māori Affairs sought a reversal of that decision.
- In August 2009, Cabinet reconfirmed its decision that there would not be Māori seats on the Auckland Council.
- Cabinet instead directed that a statutory board model be explored.
- After considering a number of options, Cabinet decided to establish an independent statutory board.

# Purpose of the Statutory Board

**“Promote cultural, economic, environmental and social issues of significance for mana whenua and Māori of Tamaki Makaurau to assist the Auckland Council in making decisions performing functions, and exercising powers.”**



# The Statutory Board

- The Board will be independent of the Auckland Council.
- It is proposed to give the Statutory Board a range of powers that will enable it to achieve its purpose.



# Functions and powers of the Board

- Identify the issues that are important to Māori and work with the Auckland Council to address them.
- Advise the Auckland Council on matters affecting mana whenua and taura here.

# Functions and powers of the Board

- Appoint up to 2 people to sit on each Auckland Council Committee dealing with the management and stewardship of natural and physical resources.
- Work with the Auckland Council to ensure that consultation with mana whenua and taupapa here is done well, and that feedback is accurately captured and represented.

# Functions and powers of the Board

- Establish sub-committees to help it do its work.
- Consult any person and seek the advice it requires to enable it to fulfil its role (e.g. hire experts to obtain advice).
- Accept requests from the Council that the Board accept the delegation of a function of the Council.
- Delegate particular powers and functions.

# Auckland Council will be required to

- Consult with the Statutory Board on matters affecting Māori.
- Work with the Statutory Board on the design and execution of Council consultation processes that seek the views of mana whenua and taura here.
- Take into account the advice of the Statutory Board in relation to ensuring the input of mana whenua and taura here are reflected in strategy, policies, or plans.

# Auckland Council will be required to

- Provide the Statutory Board with information on the future business of the Auckland Council.
- Take into account the advice of the Statutory Board on other matters when making decisions.
- Negotiate with the Statutory Board, an annual programme of work.

# Why are there requirements on both parties?

- A balanced, enduring relationship between the Board and the Council is needed. The relationship between the two will stand a much better chance of delivering improved outcomes for mana whenua, taura here, and all the people of Auckland if it is balanced and long-standing.
- The Bill establishes a requirement for both the Board and the Council to be reasonable in their dealings with each other.

# Why give powers to the Statutory Board?

- The roles, functions and powers proposed for the Statutory Board are intended to ensure that the new Auckland Council fulfils its existing legislative Treaty of Waitangi obligations (e.g. the Resource Management and Local Government Acts).



# Makeup of the Statutory Board

- In deciding to establish a Statutory Board, Government also decided that the Statutory Board would have 9 members:
  - 7 members of the Board would be representatives of **Mana Whenua**.
  - 2 Board members would be drawn from amongst the **Taura Here** of Auckland.



# Membership of the Statutory Board

- The Minister of Māori Affairs will write to those mana whenua groups who:
  - Are located wholly or in part within the Auckland Council boundaries, and
  - Are one of more of the following:
    - a mandated iwi organisation under the Māori Fisheries Act 2004, or
    - a body that has settled Treaty of Waitangi claims, or that is engaged in Treaty of Waitangi settlement negotiations with the Crown.
- The Minister of Māori Affairs will ask those groups to identify a representative to act on their behalf as member of a Selection Body.

# Selection Body

- The Selection Body will administer a process for selecting and appointing Mana Whenua members of Board.
- The Selection Body will administer the process for seeking and considering applications for Taura Here Board members. It will then select and appoint the Taura Here members of the Board.
- If the Selection Body cannot agree on who to appoint, the Minister of Māori Affairs will step in as a last resort and make appointments.



# Māori Statutory Board

## Selection Body and Board open to other groups in future

- Should more groups be recognised in future, they will be able to join in future Selection Body processes.
- Groups can also decide that they do not wish to participate in either the Selection Body or the Board.

## Who can be on the Board?

- There are some generic minimum requirements for membership on the Board (similar to general requirements for membership of Trusts, Incorporations, or Companies).

# Support for the Board

- The Board is expected to have a large workload, considering issues that span a variety of areas and issues.
- This means that to fulfil its role, the Board needs to be supported with high quality advice and expertise.
- The Bill will establish a Secretariat to assist the Board in fulfilling its purpose.



# The Secretariat

- The Secretariat will report to the Board, and will be expected to carry out a range of activities to support the Board in fulfilling its functions.
- The Bill requires that the Secretariat will be adequately resourced to carry out these functions according to the needs of the Board.

# Funding

- To enable the Board to carry out its purpose, perform its functions, and exercise its powers, the Auckland Council must meet the reasonable costs of—
  - the board’s operations; and
  - the board’s secretariat; and
  - establishing sub-committees; and
  - seeking and obtaining advice.

# Annual Funding Agreement

- The Board and the Council must make a funding agreement every year on the amount of money and the level of servicing that the council is to provide to the board.
- The agreement is to be made within a time that enables the Board to continue to carry out its purpose without interruption.

# Remuneration

- Board members will be receive fees which will be set at a level that recognises the Board's purpose, functions, and powers.
- An independent expert will make recommendations on the level of fees that the Board should receive.
- The Council will consider these recommendations when setting the fees for the Board.
- In addition to fees, Board members will also be able to be reimbursed for any reasonable expenses they incur in carrying out their role.

# Important Dates

- **Introduction:** 10 December 2009
- **First reading:** 15 December 2009
- **Select Committee Consideration:** December 2009 to May 2010
- **Public submissions due:** 12 February 2010
- **Report back to the House:** on or by 4 May 2010



# Select Committee Submissions

- Submissions to the Auckland Governance Legislation Committee are an excellent opportunity to present your views about the information you have heard today.
- Points raised in your submission will be carefully considered by the Select Committee, and will help to ensure that the legislation benefits the people of Auckland to the fullest extent possible.

# How do I make a Submission?

- Submissions to the Auckland Governance Legislation Committee may be made either orally or in writing, in Māori or in English.
- The full text of each Bill and detailed instructions on the submissions process can found on Parliament's website: [www.parliament.nz](http://www.parliament.nz)



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