

Aroha ki te Tangata



For the love of people

Māori Wardens Modernisation Working Group Terms of Reference

19 September 2019

Proposed Objectives and Scope

Background/Context

In October 2018, the Minister for Māori Development began meeting with Māori Wardens as she travelled around the country. Based on key themes that emerged from those hui, the Minister then held workshops alongside Rātana, Waitangi and Te Matatini, and gathered further feedback through more hui, and written and online surveys. Te Puni Kōkiri officials then held workshops with Māori Wardens, to summarise their feedback and present modernisation options for their consideration (as detailed in a *Modernisation Options* document).

On 19 July 2019, at their National Conference at Tūrangawaewae Marae in Ngāruawāhia, the majority of Māori Wardens Districts (15/16)¹ supported the following modernisation options:

- **Role and Powers:** A broad modernisation of the functions of Māori Wardens; and
- **Level of Autonomy:** Increased Operational Autonomy (as a first step towards the realisation of full autonomy, within 5-7 years).

Role and Powers

As was detailed in the *Modernisation Options* document, this option could involve:

- The role of Māori Wardens being described as supporting: Whānau; Hāpori; and Huihuinga Tangata.
- Wardens not needing to be warranted (as they'd no longer have powers – these would be removed from the Act), and potentially instead being licensed or certified.
- The appointment process needing to be re-designed, and new promotional materials produced.

The 'pros' of this option were that it could:

- Update the role of Māori Wardens to reflect current and future activities.
- Recognise the breadth of contributions that Māori Wardens currently make in communities throughout Aotearoa.

The 'cons' of this option were that it could:

- Not provide any limits to what Māori Wardens can do, which risks their straying into specialist areas (e.g. mental health), "doing whatever they want", and/or being asked to provide supports that they are not qualified for.
- Create unhealthy competition for limited resources (for unlimited activities).
- Raise questions about whether warrants are required.

¹ Tairāwhiti voted for Full Autonomy.

Requirements to effect this option could include:

- Changes to Sections 30-35 (powers of Māori Wardens) of the Māori Community Development Act 1962 (“the Act”), and potentially changes to Section 7 (Appointment of Māori Wardens) of the Act (if it is agreed that these new functions do not require statutory authority).
- The need to reach agreement on: the description of the modernised functions of Māori Wardens; and whether/why the new functions require statutory authority (powers and warrants).

Level of Autonomy

As was detailed in the *Modernisation Options* document, this option could involve:

- Māori Wardens Districts, as well as marae and other community groups are involved in the nomination of Wardens for appointment or reappointment (and the District Māori Councils may not be involved anymore).
- Māori Wardens District representatives participate in Māori Wardens Project funding allocation decisions.
- Māori Wardens Districts have increased or complete autonomy (e.g. receive bulk funding from the Māori Wardens Project for all District training, equipment/resources).

The ‘pros’ of this option were that it could:

- Address some of the ideas developed by the 2015 Joint Advisory Group.
- Result in increased Warden numbers and community support.
- Result in greater satisfaction with funding allocation decisions.
- Provide for more structured and supported Districts.

The ‘cons’ of this option were that it could:

- Increase costs to distribute funding and resource Districts.
- Potentially not require the establishment of a national entity for Māori Wardens to manage themselves.

Requirements to effect this option could include:

- Changes to Sections 7 (5) [Appointment of Māori Wardens], and 16 (5) and (6) [Functions of District Māori Councils] of the Act.
- The need for the nomination and appointment process to be re-designed (especially if no warranting is required).
- The need for processes for Wardens to participate in funding allocation decision-making to be established.
- The need for processes for Districts to have more autonomy (e.g. receive funding and resources on the basis of a District Plan) to be established.

Objective

The Māori Wardens Modernisation Working Group is being established to provide advice to the Minister for Māori Development on how the selected options can be implemented to support the modernisation of Māori Wardens.

Scope

The Māori Wardens Modernisation Working Group will advise the Minister for Māori Development on:

- new arrangements that are required to effect a broad modernisation of the functions of Māori Wardens, including appointment requirements, training needs, and resource implications;
- legislative amendments and/or requirements to effect a broad modernisation of the functions of Māori Wardens;
- new relationships that are required to realise the full benefits of a broad modernisation of the functions of Māori Wardens, including those required to give Māori Wardens contemporary authority;
- new arrangements that are required to effect an increased operational autonomy of Māori Wardens, including appointment requirements and resource allocation processes;
- legislative amendments and/or requirements to effect an increased operational autonomy of Māori Wardens;
- new relationships that are required to realise the full benefits of the increased operational autonomy of Māori Wardens;
- implementation and transition activities, timeframes and responsibilities; and
- other changes that may be needed to enable the realisation of Māori Wardens' modernisation interests, including governance, recruitment and training, and resources and reporting.

Out of scope

Amendments to any other Sections (other than those relating to Māori Wardens²) of the Māori Community Development Act 1962 are outside the Māori Wardens Modernisation Working Group's scope.

² These include Section 7 [Appointment of Māori Wardens], Section 16 (5) and (6) [Functions of District Māori Councils], and Sections 30-35 [Powers conferred on Māori Wardens].

Detailed Function and Operations

Purpose

The Māori Wardens Modernisation Working Group is being established to provide advice to the Minister for Māori Development on how and when the selected Māori Wardens modernisation options (as detailed in the Background/Context section) can be implemented.

Deliverables

The Māori Wardens Modernisation Working Group will deliver its substantive advice to the Minister for Māori Development by 13 December 2019 in a written report. Following consideration of the Working Group's advice, further advice may be sought in early 2020, and in preparation for the 2020 National Māori Wardens Conference.

Membership

The Māori Wardens Modernisation Working Group shall be comprised of:

Member	Representing
Carol Te Huna	Māori Wardens Aotea District
Susan Hana King	Māori Wardens Hauraki District
Georgina Cribb	Māori Wardens Maniapoto District
Noeline Smiler	Māori Wardens Pōneke District
Jordan Winiata	Māori Wardens Raukawa District
Owen Lloyd	Māori Wardens Tairāwhiti District
Monica Watson	Māori Wardens Tākitimu District
Taka Hei	Māori Wardens Taitokerau District
Jarrold Taumaunu	Māori Wardens Tāmaki District
Matarora Smith	Māori Wardens Tāmaki Ki Te Tonga District
Sophie Te Moni	Māori Wardens Tauranga Moana District
Verna Barrett	Māori Wardens Te Tau Ihu District
Mandy Reti	Māori Wardens Te Waipounamu District
Gloria Hughes	Māori Wardens Waiariki ³ District
Tina Drummond	Māori Wardens Waikato District
Henare Mason	New Zealand Māori Council (Deputy Chair)
Matt Tukaki	New Zealand Māori Council (Executive Director)
Wayne Panapa	NZ Police
John Tangaere	NZ Police

³ 'Waiariki' includes the Te Arawa and Mataatua Māori Wardens Districts.

Member	Representing
Te Rau Clarke	Te Puni Kōkiri (Māori Wardens Project Manager)
Pareaute Panapa-Solomon	Te Puni Kōkiri (Māori Wardens Project Team)

Members are expected to act in good faith, with integrity, and adhere to the principles that underpin the activities of Māori Wardens: manaaki; mahi tahi; and awhi.

Facilitator

To ensure all members can freely contribute to discussions, the Māori Wardens Modernisation Working Group meetings will be facilitated by Rauru Kirikiri.

Conduct of Business

Frequency of meetings

The Māori Wardens Modernisation Working Group will meet on the following dates:

- Thursday 5th September 2019;
- Thursday 17th October 2019;
- Wednesday 27th November 2019;
- Wednesday 19th February 2020;
- Wednesday 25th March 2020.

Meetings will be arranged by Te Puni Kōkiri and supported by the Coordinator Dee Ayers.

Further meetings in 2020 may be scheduled, depending on the Working Group's progress, and planning/preparations for the 2020 National Māori Wardens Conference.

Minutes and meeting papers

The minutes of each Māori Wardens Modernisation Working Group meeting will be prepared by Dee. Full copies of the minutes, including attachments, will be provided to all Māori Wardens Modernisation Working Group members no later than five working days following each meeting.

By agreement of the group, out-of-session decisions will be deemed acceptable. Where agreed, all out-of-session decisions will be recorded in the minutes of the next scheduled meeting.

Proxies to meetings

Members of the Māori Wardens Modernisation Working Group will nominate a proxy to attend a meeting if the member is unable to attend. The nominated proxy will provide relevant comments/feedback about the attended meeting to the Māori Wardens Modernisation Working Group member they are representing.

Quorum requirements

A meeting quorum will be no less than 10 members of the Māori Wardens Modernisation Working Group, including the Chair.

Information Requests

All advice and information produced by the Māori Wardens Modernisation Working Group, or provided by government agencies, will be subject to the provisions of the Official Information Act 1982. All advice provided by government agencies to Ministers and/or Chief Executives will be subject to the provisions of the Official Information Act 1982.

Decisions on the release of information will be determined after consultation with any party whom the Māori Wardens Modernisation Working Group has determined as an interested party to the proposed information that may be released.

Public Communications

Members of the Māori Wardens Modernisation Working Group will seek consensus agreement before communicating any aspects of its work in public fora. This includes, but is not limited to, blogging, media engagement, and academic work.

Conflicts of Interest

Members should avoid situations that might compromise their integrity or otherwise lead to conflicts of interest.

The Māori Wardens Modernisation Working Group will put in place appropriate procedures, including a register of interests, to ensure that any potential conflicts of interest are identified and managed effectively.

Authority

The Māori Wardens Modernisation Working Group is an advisory group, and has no authority to direct any government department or agency, employ staff, or enter into contracts, or make commitments or undertakings on behalf of any Minister or Chief Executive.

Support from Te Puni Kōkiri

Te Puni Kōkiri will provide support for the Māori Wardens Modernisation Working Group by:

- funding Māori Wardens District and New Zealand Māori Council representatives travel and accommodation costs;
- covering meeting venue and catering costs;
- funding the independent facilitator; and
- providing technical advice, research/analytical and writing support as required.