

Briefing paper for Rino Tirikatene

Kaupapa	Canterbury Regional Council (Ngāi Tahu Representation) Bill
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Purpose

1. This paper is to provide the Member for Te Tai Tonga Rino Tirikatene a background on the Canterbury Regional Council (Ngāi Tahu Representation) Bill (the Bill).

Value proposition

2. Environment Canterbury Regional Council (the Council) view the continuation of Ngāi Tahu representation, as mana whenua, on the Council is a key pathway to ensure that the values and concerns of mana whenua are given full expression in the Council's decision making and environmental work. Representation of mana whenua at governance level is the most effective way for a council to meet its statutory obligations under the Resource Management Act 1991 and the Local Government Act 2002.

Background

3. The Environment Canterbury (Transitional Governance Arrangements) Act 2016 (ECan Act) provides for two Councillors to be appointed on the recommendation of Te Rūnanga o Ngāi Tahu (Te Rūnanga). Councillors Elizabeth Cunningham and Iaeen Cranwell currently hold these positions. The transitional legislation expires in October 2019 when Environment Canterbury will return to the normal elected model under the *Local Electoral Act 2001*.
4. The practical benefits of representation have been proven over the last eight years in Canterbury. These include greater efficiency in planning and consenting processes, reduced costs for both The Council and consent applicants. Since Ngāi Tahu has been represented on The Council, there have been no appeals from mana whenua to the Council's formal plan processes that have progressed to a Court hearing.
5. Ngāi Tahu is also a partner to the Canterbury Water Management Strategy (CWMS). Ngāi Tahu councillors have played a pivotal role in building the social capital and community ownership of solutions that underpin water and land management in Canterbury. The presence of Ngāi Tahu councillors has been significant, providing confidence to Papatipu Rūnanga and wider tribal members that their voice remains present at the Council decision-making level.

Progress to date and next steps

Political engagement

6. In late August, Council and Te Rūnanga sent a joint letter to the leaders of the Labour, National and Green parties, advising them of their desire for legislative change, through the Bill. In early October Environment Canterbury sent a similar (non-joint) to the leader of the New Zealand First party.
7. The letter elicited a prompt response from the Greens, requesting a meeting with their spokesperson on Māori Development, Marama Davidson. The Labour party also responded, indicating that the office of the Minister for Local Government and Internal Affairs, Nanaia Mahuta, would respond. Environment Canterbury Chair and Ceo met with Nanaia Mahuta 26 October. The response from New Zealand First indicates they do not support the Bill. There has been no formal response from the National Party to date.

Administrative steps

8. Staff have been working with Te Rūnanga staff and Simpson Grierson to prepare the Bill. Staff have also been taking advice on the Bill from the Office of the Clerk of the House and the Parliamentary Counsel Office in order to streamline processes once formal notification is initiated.
9. A proposed timetable has been developed outlining notification and administrative requirements. Environment Canterbury aim to have the Bill introduced into the house before the house rises this year.

Significance and engagement

10. One matter that Council have considered at the 18 October meeting is the extent to which Council needs to undertake further consultation on its intention to promote the Bill.
11. The agreed that further consultation is not required, for a number of reasons as follows:
 - a. The decision to be a promoter of the Bill is not in and of itself a significant decision;
 - b. Once the Bill is introduced into the House, it will follow the usual process for proposed legislation which will include full blown participation in a Select Committee process;
 - c. The subject matter of the Bill, having two Ngāi Tahu appointees sitting on Council, is simply retention of the status quo;
 - d. Council's intention was referred to in passing in the Long Term Plan consultation documents (and three submitters commented on the proposal); and in more detail in Council's consultation documents on its Representation Review (ten submitters addressed this subject); and
 - e. Council has already engaged on this subject with a number of its stakeholders (as described below).

12. To date, Environment Canterbury engagement on the Bill to date has included the following entities and forum:

Ngāi Tahu

- Environment Canterbury has worked closely with Te Rūnanga to develop the Bill.
- Environment Canterbury engagement with Ngāi Tahu also extends to all ten Papatipu Rūnanga where The Bill was discussed during Council marae visits, and the internal manawhenua engagement forum (Tuia and Te Paiherenga). The Bill has received general support at all levels.

Mayoral Forum

- The Chair Environment Canterbury Steve Lowndes tabled a paper at the Canterbury Mayoral Forum on 7 September 2018. The forum agreed:
“to support Te Rūnanga o Ngāi Tahu and Environment Canterbury’s joint proposal to secure permanent representation for Ngāi Tahu on the Canterbury Regional Council.”

Territorial Authorities

- Council has discussed mana whenua representation during Governor to Governor hui with Ashburton, Timaru, Mackenzie, Kaikoura and Waimate District Councils.
- The Council have an opportunity to discuss mana whenua representation with the Waitaki, Waimakariri and Selwyn District Councils during their Governor to Governor hui scheduled between now and the end of the year.
- Hurunui District Council and Christchurch City Council are the only territorial authorities that will not have had an opportunity to discuss manawhenua representation during Governor to Governor hui this year. This will require additional hui to be added to the current schedule to ensure direct Governor to Governor engagement has occurred on manawhenua engagement with each territorial authority in Canterbury. These hui will be included in the engagement strategy for promoting the Bill.

Next steps

13. The next steps will be to initiate the formal notification process including:

- Tuesday October 30 – Media statement confirmed in liaison with Te Rūnanga o Ngāi Tahu
- Wednesday October 31 – Public notice published
- Wednesday October 31 – Notification pack sent to all relevant Members of Parliament, Government Agencies and parties with direct interest.