

Memorandum Of Understanding

Between Waikato Regional Council
and Hauraki Maori Trust Board
July 2000



1 Background

- A. The Hauraki Maori Trust Board was born out of a desire of the Hauraki people to determine their collective destiny. The Hauraki Maori Trust Board Act 1988 and the Maori Trust Boards Act 1955 guide its statutory functions and duties.

The kaupapa of the Hauraki Maori Trust Board is "Kia mau te tino rangatiratanga o te Iwi o Hauraki".

The Board is also required to participate and influence decisions made under the Resource Management Act 1991 and other statutes set out in this Memorandum of Understanding at Appendix 11.

- B. The Waikato Regional Council was established by the Crown under the Local Government Act 1974, which contains provisions relating to its powers, functions and duties.

The Resource Management Act 1991 is one of Council's primary statutes. Within this Act Council is required, inter alia, to exercise powers and functions to promote the sustainable management of natural resources in the Region (s5). In so doing it is required to give effect to sections six and seven and take into account the Principles of the Treaty of Waitangi (s8).

Council also has functions and duties under other statutes which relate to what activities it is required to undertake (eg, Biosecurity, Civil Defence etc.) and how it is required to work (eg, Local Government Act 1974, Local Government Official Information and Meetings Act 1987 etc). These statutes are included in the Memorandum of Understanding at Appendix Two.

- C. While the Hauraki Maori Trust Board and the Waikato Regional Council acknowledge that their respective mandates and aspirations will not always be compatible, there is merit in understanding different views and agreeing on areas of co-operation which will be of mutual benefit. However, the scope of this Memorandum of Understanding and its implementation relates to the extent of the functions, powers and duties which apply to each party.

2 Terms of the Memorandum of Understanding

2.1 Aims and Principles

- 1 By this Memorandum of Understanding the Hauaki Maori Trust Board and the Waikato Regional Council record their intention and commitment to establishing an interactive, positive and balanced relationship exercising good faith, co-operation and flexibility and responsiveness in working together.
- 2 The parties agree to direct this positive working relationship to:
 - a) *Addressing matters of mutual interest*
 - b) Working together in the promotion of sustainable development within the context of Council's role in the sustainable management of natural and physical resources and taonga (including their protection where appropriate) of importance to tangata whenua, having regard to the cultural and spiritual relationship of tangata whenua with the natural world.
 - c) Working together to consider other relevant matters before the Waikato Regional Council pertaining to the statutes listed (appendix 2),
 - d) *Working together and consulting in the preparation and implementation of environmental and resource management policies and plans.*
 - e) *c) Working together to consider ancillary issues from time to time.*
 - f) Working together to understand and support where appropriate Hauraki Maori Trust Board tribal initiatives, including the development of tribal resources and provisions for kaitiakitanga.
 - g) Expressing Waikato Regional Council's commitment to take into account the principles of the Treaty of Waitangi, including the tino rangitira tanga of Hauraki.

3 Joint Working Group

To this end the Hauraki Maori Trust Board and Waikato Regional Council have agreed to establish a body which shall be known as the Joint Working Group, to be serviced by the Council.

The Joint Working Group will.

- a) Comprise four representatives appointed by the Hauraki Maori Trust Board and four representatives appointed by the Waikato Regional Council.
- b) Determine and direct the activities that will promote the objectives outlined in clause 2.
- c) Address relevant matters before Waikato Regional Council within the Hauraki rohe.

The Joint Working Group will observe the following protocols:

- a) All discussions will be undertaken on a "without prejudice" basis until such time as decisions and policies are formalised by agreements between the parties.
- b) Such agreements will take the form of resolutions where they fall within the scope of the delegated authority of the Joint Working Group representatives,
- c) Proceedings will be recorded in written minutes and will take effect when both parties have acknowledged in writing, by their authorised representatives, that the minutes accurately reflect the resolutions that have been made by the joint Working Group, otherwise, they will take the form of further formal confirmations executed by the parties.
- d) The joint Working Group may invite other interested parties to discuss and contribute to particular issues.
- e) The joint Working Group will not address directly matters relating to the Hauraki Comprehensive claim and/or other claims which may be lodged with the Waitangi Tribunal, unless otherwise agreed by the parties.

4 Deliverables

Priorities for action by the joint Working Group are.

- a) Development and maintenance of close and ongoing political contact on matters of mutual interest, particularly in respect to, but not limited to, the management of natural and physical resources.
- b) To be a forum for discussing new initiatives, approaches and directions that are of strategic interest to both parties.
- c) Establishment of joint projects and approaches of mutual interest including.
 - Consultation protocols and processes on issues that affect the social, economic, cultural well being and development of tangata whenua.
 - Information sharing protocols (which includes respect and acknowledgement of information sources and protection of confidential/sensitive information).
 - Research initiatives that enhance the sustainable management of resources in the Hauraki area.
 - Programme of information sharing and educational awareness to promote a greater understanding of cross cultural values and practices.
 - Identification of initiatives to promote community understanding of kaitiakitanga.
 - joint submissions concerning legislation and other approaches to Government as appropriate.
- d) To develop a mutual commitment to the promotion of sustainable development in the Hauraki area.
- e) To assist with the effective implementation of policy formulation and its implementation (in particular consent processing) relating to Resource Management, Asset Management, Biosecurity and other functions of Council by the identification of appropriate authorities with which to consult.
- f) Development of a mechanism to enable quick and effective solutions to issues that may arise, or to pre-empt issues arising in the future.

5 Implementation

Implementation of this Memorandum of Understanding will be as follows:

- a) Three meetings per annum between the members of the joint Working Group to consider and implement the intentions of this Memorandum of Understanding.
- b) The joint Working Group will compile a jointly agreed report to its Council or Board, as the case may be, following each of the meetings.
- c) Additional meetings may be called by joint agreement to deal with new or urgent matters that may arise from time to time.

6 The Parties' Contribution

- a) The Waikato Regional Council will provide reimbursement for Board members of the joint Working Group at the rate provided for Councillors in terms of meeting and travel allowances. Administrative costs will also be reimbursed for the staff in attendance.
- b) Both parties will provide specific information that they may possess relating to agenda items, which assist the joint Working Group understand and resolve the issues.
- c) The Waikato Regional Council will, on matters raised by the Joint Working Group which require joint work and submissions, resource the exercise to the extent and in the manner agreed to by the joint Working Group.
- d) Other matters falling outside the above (eg. joint work on preparing a submission) will be resourced to the extent and in the manner agreed to by the joint Working Group on a case-by-case basis.
- e) The Waikato Regional Council will, in instances agreed to by the Joint Working Group, adequately resource specific forums, consultative meetings and in particular Board advice where it is jointly agreed to be necessary.
- f) In such cases, Board members of the joint Working Group will confer with the Hauraki Maori Trust Board for advice and budgetary submissions to Council.
- g) The Hauraki Maori Trust Board will provide to the Council sound advice and information to assist it with efficient and robust consultative processes with key tribal owners and stakeholders of the Hauraki rohe who are or may be affected by particular consent applications.
- h) The Hauraki Maori Trust Board will, through its own networks, provide strategic advice pertaining to particular consent applications.
- i) The Hauraki Maori Trust Board, with agreement of its Board Members, will use its networks to achieving jointly agreed objectives.
- j) The Hauraki Maori Trust Board will make available its abilities as facilitator to achieve the agreed deliverables, particularly relating to clause 4.

7 Scope

Nothing in this Memorandum of Understanding will preclude the Hauraki Maori Trust Board or the Waikato Regional Council from carrying out their respective duties. Also, it will not preclude the Hauraki Maori Trust Board from furthering the interests of Hauraki, its members, the Hauraki Maori Trust Board's beneficiaries or any of them as the Hauraki Maori Trust Board sees fit.

8 Review

This Memorandum of Understanding and its provisions will be reviewed annually at the final scheduled meeting of each year.

Signed for and on behalf of:

Waikato Regional Council



Neil Clarke OBE, JP
(Chairman)

Hauraki Maori Trust Board

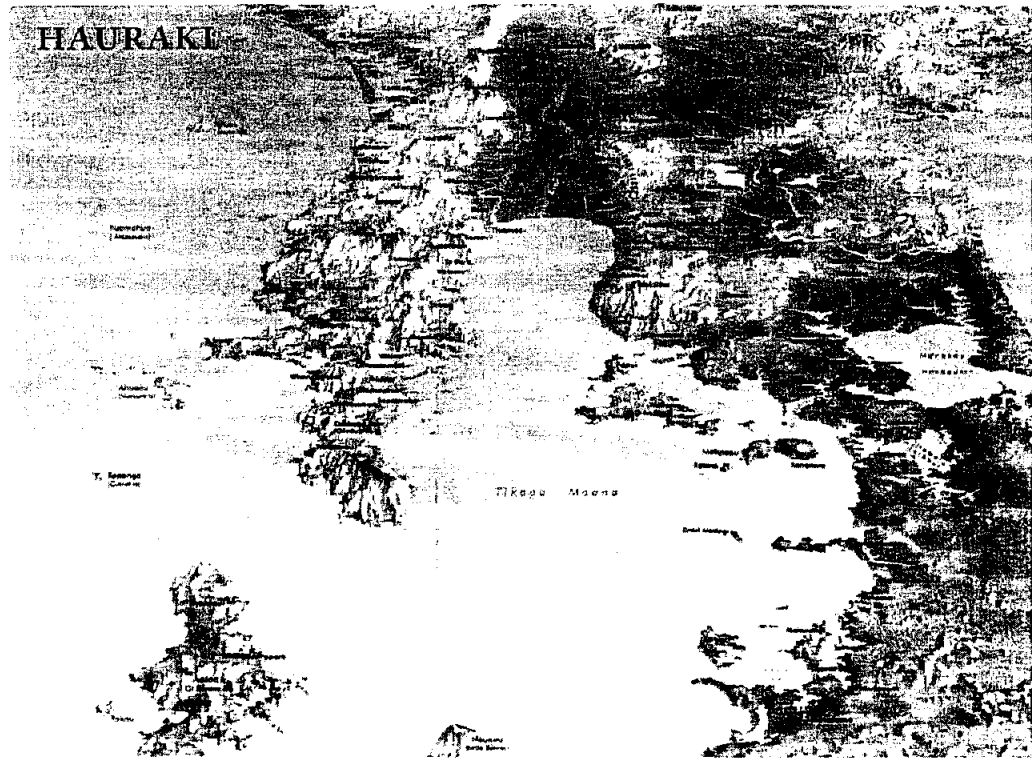


Toko Renata Te Taniwha ONZM
(Chairman)

Dated this 27th day of July 2000

Appendix I

Map of the Hauraki Area



Appendix II Legislation affecting Environment Waikaito

The main Acts from which council takes its functions and duties are as follows:

- Local Government Act 1974
- Biosecurity Act 1993
- Civil Defence Act 1983
- Harbours Act 1950
- Land Drainage Act 1908
- Land Transport Act 1993
- Local Government Act 1974
- Maritime Transport Act 1994
- Resource Management Act 1991
- Soil Conservation and Rivers Control Act 1941
- Transit New Zealand Act 1989
- Transport Services Licensing Act 1989
- Hauraki Gulf Marine Park Act 2000.

Acts which guide how council conducts its activities include:

- Employment Contracts Act 1991
- Local Authorities (Members' Interests) Act 1968
- Local Authorities Loans Act 1956
- Local Government Act 1974
- Local Government Official Information and Meetings Act 1987
- Health and Safety in Employment Act 1992
- Privacy Act 1993
- Rating Powers Act 1988
- Trustee Act 1956
- Rating Valuations Act 1998.