



Chair's Report: 5th October 2021

Te Kahu o Taonui's representation on Tai Tokerau Regional Skills Leadership Group

- Have provided a formal response to Minister Carmel Sepuloni.
- Letter in appendices.

. Meeting with Iwi Colab:Kauri Protection Governance Group. 20th August 2021

- Though initially a meeting with Te Roroa, Ngāti Wai, Te Rarawa, Ngāti Kuri around Kauri dieback clear that government and others agenda's don't align
- Opportunity for Te Kahu o Taonui to apply a leadership lens supporting the appointment of Huhana Lyndon as Interim Co Chair.
- Approach not dissimilar to appointment above.

Interview with Dale Husband , Waatea regarding the appointment of Aperahama Edwards to Te Mātāwai. 30th August 2021

Submission to the Environment Committee: 9th September 2021

- Presented the Te Kahu o Taonui submission on the Natural and Built Environments Bill Consultation Draft to the Environment Committee (see submission in Appendix)
- Presented alongside the Ngāti Kuri Submission
- Submission template was provided by Iwi Fresh Water Technical Group

Meeting with Tai Tokerau Wānanga | Northtec , 18th September 2021

- Chair anxious to be able to engage|test thinking around the future shape of Northtec with Te Kahu o Taonui
- Request a time to meet with a cohort of Te Kahu o Taonui (perhaps similar to Kōtui Hauora)

Monthly meetings with Whai Kainga

- These were attended by Jodi Hayward (Te Pai Roa Tika) as we shape a Te Kahu o Taonui response.

Appointments Committee for the CEO of Far North District Council

- I have been approached to contribute to the appointment process of a CEO for the Far North District Council
- Wane Wharerau has offered to take on this role.



TE KAHU O TAONUI

Me mahi tahi tātou

Meeting with Sports Northland : 2nd September 2021

- Following on from the last Te Kahu o Taonui hui, met with Sports Northland to prepare future Board appointments supported by Te Kahu o Taonui.

Ongoing relationship with Tai Tokerau Mayors

- In discussions with Jason Smith and Shaun Clarke, we will be creating a series of scheduled meetings to discuss common issues and opportunities.
- First online zoom planned for November to test format.

Appendices

NATURAL AND BUILT ENVIRONMENTS BILL: CONSULTATION DRAFT

SUBMISSION TO ENVIRONMENT SELECT COMMITTEE

SUBMITTER INFORMATION

Name: Te Kahu o Taonui

Iwi / hapū/Māori Organisation: Ngāti Kuri, Te Aupouri, NgaiTakoto, Te Rarawa,
Ngāti Kahu, Ngāti Kahu Ki Whaingaroa, Kahukuraariki
Ngāpuhi, Ngāti Hine, Ngāti Wai, Te Roroa,
Ngāti Whatua

Email: harry@replassheet.com

Phone: 021 485985

Contact: Harry Burkhardt,

INTRODUCTION

1. Te Kahu o Taonui is a collective of 12 Tai Tokerau Iwi, whom each are mandated to represent the political, economic, social and cultural interests of their respective Uri.
2. **SCOPE OF SUBMISSION**
3. This submission addresses:
 - (a) overarching comments on the Natural and Built Environments Bill (the **Bill**) and its development;
 - (b) those matters that are included in the Bill; and
 - (c) some critical matters that are not yet included in the Bill (and views on those matters).
4. We wish to make an oral submission in support of this written submission.

OVERARCHING COMMENTS

5. Te Kahu o Taonui records the following overarching concerns with the Bill in its current form and the process for its development:
 - (a) **The Bill needs to meet its stated aims:**

The early indications from those driving the reform were that this reform was intended to be transformational. In addition, the Bill is intended to improve recognition of te ao Māori and Te Tiriti o Waitangi (which includes reference to Te Oranga o te Taiao in the Bill's purpose).

It is critical that, in the next phase of policy development and drafting, the overarching aims objectives for the reform are achieved (including, in particular, those expressly referred to in this submission).

(b) Failure to recognise iwi and hapū rights and interests in freshwater (and other taonga):

Te Kahu o Taonui continues to be concerned at the lack of priority shown by successive Governments on the issue of recognising iwi rights and interests in freshwater (and other taonga). This Bill has the potential to continue and perpetuate that failure and undermine any future recognition of iwi rights and interests in freshwater. The development of this Bill further stresses the importance of the Government urgently prioritising the resolution of iwi rights and interests in freshwater.

The importance of ensuring iwi and hapū rights and interests in freshwater are addressed.

(c) Te Tiriti o Waitangi settlements must be upheld:

It is critical that redress provided under Te Tiriti o Waitangi Settlements are upheld. Whilst the Accompanying Paper to the Exposure Draft notes that Treaty Settlements will be upheld, this will need to be carefully considered (and tested) through the rest of the policy development and legislative drafting phases.

(d) Negotiated agreements under the RMA (e.g. JMAs and Mana Whakahono ā Rohe) must also be upheld:

It is equally critical that arrangements under the RMA are also upheld (for example, JMAs entered into under the RMA that do not arise from Treaty settlements¹, Mana Whakahono ā Rohe² and section 33 RMA transfers³).

SUBMISSIONS ON MATTERS INCLUDED IN THE BILL

6. Te Kahu o Taonui supports some key elements in the Bill which it submits must be maintained. In this respect, it is understood that many of these matters have been included in the Bill in their current form as result of the engagement of iwi technicians

¹ There are currently JMAs under the RMA between Ngāti Tūwharetoa and Taupō District Council (2009) regarding consenting on Māori land and between Ngāti Porou and Gisborne District Council (2015) regarding decision-making in the Waiapu catchment.

² Being an iwi participation arrangement entered into under Part 5 Subpart 2 of the RMA.

³ There is currently one transfer that has been made under section 33 of the RMA (being between Ngāti Tūwharetoa and Waikato Regional Council).

alongside Crown officials in the development of the Bill.

7. However, there is still a lot of work that needs to be done on the Bill (including further work on the policy to inform the legislative drafting). This process (i.e. the Exposure Draft process) provides an opportunity for early comment on those matters to ensure amendments can be made before the Bill is formally introduced into the House of Representatives.

Purpose (clause 4)

8. Te Kahu o Taonui supports inclusion in the purpose clause to enable Te Oranga o Te Taiao to be upheld. We suggest the drafting be amended to require Te Oranga o Te Taiao to be upheld (rather than to enable it).
9. It is also important that Te Oranga o Te Taiao is able to be reflected regionally (rather than have a rigid definition that is at a National level).
10. It is also clear that further work is required to ensure that Te Oranga o te Taiao will be upheld across the entire system. Te Kahu o Taonui expects that the legislative provisions within the Bill will provide the foundation for Te Oranga o te Taiao (in this context) and enable the relationship of iwi/hapū with Te Taiao and related tikanga to be recognised and upheld. In our view, the cumulative effect of these provisions – together with the provision requiring decision-makers under the Bill to give effect to principles of Te Tiriti – represents a significant step beyond the current position under the RMA. The retention of Te Oranga o Te Taiao within the purpose, and its implementation throughout Bill and subordinate instruments, is crucial to deliver transformational change.
11. There are a number of ways Te Oranga o Te Taiao could be upheld. However, there must be ongoing engagement on definitions of “kaitiakitanga” and “mātauranga” to ensure these are terms founded in and expressed through tikanga, and assist with furthering the purpose of the Bill to uphold Te Oranga o te Taiao. The term ‘iwi and hapū’ should be retained and used throughout the Bill and subordinate instruments.
12. It will also be important that the implementation of Te Oranga o te Taiao upholds its integrity and purpose, which is not only the well-being of the natural environment, its interconnectedness and life sustaining capacity but also the intrinsic relationship between iwi and hapū and te Taiao. For Te Oranga o te Taiao to be upheld iwi and hapū must co-develop implementation processes, frameworks and plans with the Crown and Local Authorities.
13. Te Kahu o Taonui is concerned that clause 5 (1) (b) refers only to the “use” of the environment in supporting the wellbeing of current generations without compromising the wellbeing of future generations. It is important to recognise that well being encompasses both the use and the protection of the environment.

Te Tiriti o Waitangi (clause 6)

14. Te Kahu o Taonui supports section 6 of the Bill that requires all persons exercising powers and performing functions and duties under the Bill to give effect to the principles of the Te Tiriti o Waitangi.
15. It will be important to ensure that this obligation is also given further expression through the Act. For example, by ensuring that there are appropriate mechanisms for iwi and hapū decision-making throughout the various processes in the Bill (some of which are yet to be developed).

Environmental limits (clause 7)

16. The concept of environmental limits is likely to lead to better protection of the environment and its life sustaining capacity. However national level limits may lead to bottom lines (rather than ceilings) that are subject to political maneuvering and become the targets to which development aims. This must be avoided. In that regard, it is unclear what “limits” are intended to be set at a National level (aside from the guidance in the accompanying paper to the Exposure Draft). Environmental limits must also be set at a regional level in partnership with iwi and hapu utilising mātauranga Māori (for example, in relation to freshwater). These points need to be the subject of further consideration and policy development.

Environmental outcomes (clause 8)

17. The environmental outcomes expressed in the Bill need to be interpreted through the lens of Te Oranga o te Taiao (to ensure that where outcomes may conflict, an approach or interpretation that enables Te Oranga o te Taiao is upheld).

National planning framework (Part 3)

18. Whilst the concept of a National Planning Framework is reasonably necessary, the process to develop the content of the National Planning Framework is currently not clear. In that regard, Ngāti consider the co-development of, and regional input into, a national direction setting framework is critical.
19. In addition, and relevant to the consideration of National level matters, Te Oranga o te Taiao me Te Mana o te Wai are able to act as korowai across the new system. Te Mana o te Wai must be retained and strengthened in in the development of the new resource management system (including the setting of any National direction).

Governance – at a National and Regional level

20. Governance across any new system will be critical. It is accepted that there will be National level direction (primarily through the National planning framework). However, regional level limit setting and governance are also an essential part of the system.
21. At a National level, the following principles can be applied in relation to the governance of any new system:

- (a) National Body to provide advice to the Minister for the Environment on National Direction (i.e. make recommendations on the National Planning Framework) and have a mandated oversight role in monitoring and compliance for National Direction matters **only**.
 - (b) Convention that the Minister makes decisions in accordance with recommendations of the National Body.
 - (c) National Body does not usurp the mana of hapū and iwi in their respective rohe.
 - (d) Membership of any National Body must reflect Treaty of Waitangi partnership and must be 50% Iwi and 50% Crown appointees:
 - (i) Iwi appointments could be based on a Te Kawai Taumata type model and Crown appointments made by Minister.
 - (ii) Iwi appointees accountable to iwi and Crown appointees accountable to Minister.
 - (iii) Co-chair appointed by each partner.
 - (e) National Body can co-opt skill-based technical support where required (i.e. pūkenga, governance, science and mātauranga, legal, policy, etc).
 - (f) Resourcing for operation of National Body must be provided by the Crown and include dedicated secretariat (e.g. comprised of senior Crown officials and iwi/hapū technicians).
22. At a Regional level, the following principles can be applied in relation to the governance of any new system:
- (a) Mana motuhake o ia iwi, o ia iwi, i tā rātou rohe.
 - (b) Membership of Regional Governance Arrangements give effect to Treaty of Waitangi partnership and must be 50% Iwi appointees and 50% Local Authority and Crown appointees:
 - (i) Iwi appointments made by iwi and hapū and local authority and Crown appointments made by Local Authorities and the Minister respectively.
 - (ii) Iwi appointees accountable to iwi and hapū and Crown appointees accountable to Local Authorities.
 - (iii) Co-chairs appointed by each partner.
 - (c) Composition (i.e. number of members) of Regional Governance Arrangements should be designed to reflect Treaty of Waitangi settlement arrangements [where they exist], iwi and hapū rohe and Local Authority boundaries and to maintain operational effectiveness of governance arrangement (i.e. fit for purpose membership composition).⁴
 - (d) Roles of Regional Governance Arrangements to implement functions of Spatial Planning Act and National Built Environment Act including the co-design of:
 - (i) Mandatory environmental limits.

⁴ Noting the 50% Local Authority and Crown composition may shift depending on the role of the Regional Governance Arrangement.

- (ii) Regional Spatial Strategies.
 - (iii) National Built Environment Plans.
 - (e) Resourcing for Regional Governance Arrangements provided by Local Authorities/Crown and include secretariat (e.g. local authority and iwi/hapū technicians, co-opted skill-based technical appointments - tikanga Māori, science and mātauranga, planning and policy, legal etc).
 - (f) Scope of role for regional roles and functions will assist to guide the principles (i.e. limit setting at a catchment level).
23. Any policy objectives relating to governance, management and allocation must therefore reasonably include (alongside other policy parameters):
- (a) giving effect to the principles of Te Tiriti;
 - (b) better reflecting a Te Ao Māori view (including by upholding both Te Oranga o te Taiao and Te Mana o te Wai); and
 - (c) addressing iwi/hapū rights and interests.
24. The process used to develop, and the content of, National Direction, Regional Spatial Strategies and National Built Environment Plans (see below) must be co-designed with iwi and hapū.

Natural and Built Environments Plans (Part 4)

25. The Governance principles set out above apply equally to the development and confirmation of the proposed National and Built Environment Plans. The composition of proposed Planning Committees, whose primary function will be to make decisions on and maintain National and Built Environment Plans, should be designed to reflect Treaty of Waitangi settlement arrangements [where they exist], iwi and hapū rohe and Local Authority boundaries.
26. The purpose of National and Built Environment Plans (clause 20) should be to achieve the purpose of the Act, provide a framework for the integrated management of the region that the plan relates to, and include provisions to resolve conflict between environmental outcomes.
27. Te Kahu o Taonui consider the clauses relating to the content and consideration of plans are incomplete and need to be the subject of more detailed policy development. Where they exist, environmental plans prepared by iwi and hapū must be given effect by planning committees in the design of content for National and Built Environment Plans.

SUBMISSIONS ON MATTERS THAT ARE NOT INCLUDED IN THE BILL

28. There are a number of matters that will ultimately be included in the National and Built Environments Act, but are not in the Bill. The submissions below address they key matter for Te Kahu o Taonui .

Recognition of hapū/iwi rights and interests in freshwater

29. The recognition of freshwater rights and interests of iwi and hapū must not be negatively affected through the ultimate design of the Act. Currently, the Bill does not provide for the recognition of iwi/hapū rights and interests. The select committee must ensure that the next steps for the Bill do not preclude future recognition of rights and interests.
30. Addressing rights and interests in freshwater covers the areas of governance, management and allocation. In that regard, Te Mana o te Wai and Ngā Mātāpono ki te Wai can guide the consideration of these matters. These frameworks ensure that the mana of freshwater is upheld while also recognising and providing for the full expression of iwi/hapū rights and interests in freshwater.
31. The freshwater rights and interests of iwi and hapū are substantive, not merely procedural or participatory. They include decision making on upholding the quality of the wai and an equitable, fair and permanent share of access to water take and discharge entitlements for iwi/hapū (separate from, and in addition to, any policy initiatives for developing Māori land).
32. Any policy objectives relating to freshwater governance, management and allocation must therefore reasonably include (alongside other policy parameters):
 - (a) giving effect to the principles of Te Tiriti;
 - (b) better reflecting a Te Ao Māori view (including by upholding both Te Mana o te Wai and Te Oranga o te Taiao); and
 - (c) addressing iwi/hapū rights and interests.
33. Iwi and hapū rights in freshwater must be addressed as a matter of priority and the Bill must not restrict options for recognition.

Consenting

34. Consenting is not addressed in the Exposure Draft.
35. Te Kahu o Taonui understand the current focus of the Ministry of the Environment's work to focus on the plans and limits, thereby reducing the need for permits to be as onerous as they currently are. Caution needs to be applied to any assumption that the proposed plans will be able to fix all issues currently being experienced under the RMA (as the RMA plans have not done that).
36. Te Kahu o Taonui recommends that provisions in the new legislation to enable better allocation through the review of consents, and discontinuation of activities contrary to or not permitted by provisions in the National Planning Framework or Natural and Built Environment Plans, should be strengthened.

The Strategic Planning Act

37. Improving how we plan for future growth and development within agreed environmental limits is a fundamental plank of the reforms. While the details of the Strategic Planning Act are still to be developed and agreed by Ministers, the purpose is to set long-term (i.e. 30-year) outcomes and objectives for a spatial area (i.e. a region) and to integrate resource management planning, infrastructure provision and investment decisions.

38. Te Kahu o Taonui understands that Regional Spatial Strategies are likely to precede any process to develop National and Built Environment Plans and would likely 'set the scene' for how natural resources (i.e. water, land etc) are utilised. Te Kahu o Taonui is aware that there are overlaps with the way in natural resources are protected (or restored) and allocated within environmental limits.
39. Iwi and hapū must be engaged at an early stage in any spatial planning process that is employed to develop Regional Spatial Strategies. Te Kahu o Taonui also think there may be opportunities to signal the development of Māori land through Regional Spatial Strategies which could be the subject of further submissions.
40. Te Kahu o Taonui intends to make a submission on the Strategic Planning Bill when it is introduced.

The Climate Adaption Act

41. There is currently very little visibility over the Climate Adaption Act.
42. It is important that the various reform programmes are connected and progressing in tandem.
43. Te Kahu o Taonui intends to make a submission on the Climate Adaption Bill when it is introduced.

Other related reform processes

44. There are currently a range of interconnected reform processes underway (including the Three Waters Review and those other Bills that will be introduced as a part of this reform package).
45. These strands of reform are connected and there needs to be cohesion. In our view, the development of the various strands of reform is currently siloed. The Ministry for the Environment must show leadership and ensure that the dots are joining up across the various parts of the reform.

Transitional arrangements

46. Transition arrangements are currently unclear. This should be highlighted.
47. Specifically in relation to the National Policy Statement on Freshwater Management, it will be important to ensure that the work undertaken by iwi to date on Te Mana o Te Wai within the National Policy Statement for Freshwater Management must not be derogated from through any new system (if those arrangements have been developed with iwi).

Hon Carmel Sepuloni

MP for Kelston

Minister for Social Development and Employment
Minister for ACC
Minister for Arts, Culture and Heritage
Minister for Disability Issues



Harry Burkhardt
Email: harry@replassheet.com

22 JUN 2021

Tēnā koe Harry

I am pleased to inform you that I have appointed you as co-chair for the Tai Tokerau region Regional Skills Leadership Group (RSLG), with the endorsement of Te Kahu o Taonui, for a term commencing on 25 June 2021 and expiring on 25 June 2024.

RSLGs are independent advisory bodies. They have been formed to identify and support better ways of meeting future skills and workforce needs in our regions and cities, through the provision of local intelligence and improved regional coordination. They are part of a joined-up approach to regional economic development and labour market planning that will see our welfare, education and immigration systems working together to better meet labour force needs across the country.

RSLGs are a fundamental part of the government's drive to build productive, inclusive, sustainable and resilient regions. The mahi you will be doing is essential to improving labour market outcomes for all New Zealanders and I look forward to working towards that goal with you during your term on the Regional Skills Leadership Group for the region of Tai Tokerau.

Authority for the Appointment

Your appointment is made in accordance with the Cabinet decision to establish RSLGs, and to appoint two co-chairs to lead each Group. Your appointment, including role and responsibilities, is made according to the Terms of Reference for the RSLGs, and is not made under any specific statutory requirement. This appointment is specific to you and another individual may not be substituted in your place if you are unavailable to attend a meeting.

Term of Office

Your term of office for this appointment is three years, commencing on 25 June 2021 or the date of your acceptance, whichever is the later.

Resignation

I understand that personal circumstances can change. Should you wish to resign from your role as co-chair you may do so by providing me, as the responsible Minister, with written notice (with a copy to the Ministry of Business, Innovation and Employment).

Removal

As your appointment is made by me as Minister for Social Development and Employment, I retain the right, with just cause, to remove any co-chair and/or member from the RSLG at any time.

Terms of Reference and Protocols

The attached Terms of Reference set out the purpose, role and functions of the RSLGs, and the associated protocols. I would like you to read them carefully as they set out your responsibilities and obligations as a Ministerial appointee and representative of the Crown. I would particularly like to draw your attention to clauses 9, 11, 12 and 13 which reference the Code of Conduct, Official Information Act, confidentiality of information and engagement with the media.

Disclosure of Interests

I remind you of the need to continually disclose your interests in matters relating to the RSLG to ensure that any perceived, potential or actual conflicts are managed appropriately during your term.

Remuneration

Remuneration for co-chairs of the Groups is set in accordance with the Cabinet Fees Framework. The Group currently falls within level 3 of Group 4 in the Framework for advisory committees. The fee for a co-chair of the advisory group is \$575 per day (plus GST if applicable) for non-government members. Hourly pro-rata rates based on a standard 8-hour day will be calculated, to apply when hours worked differ from a standard day.

It is expected that you will commit up to 16 hours per month to the RSLG. You are also entitled to claim for actual and reasonable travelling and other expenses incurred in carrying out your duties as co-chair of the Group.

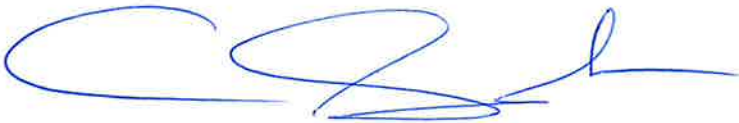
Acknowledgment of the Appointment

I would be grateful if you could formally acknowledge your appointment by signing the attached letter and returning it to the Ministry of Business, Innovation and Employment (email: RSLGmembership@mbie.govt.nz), who will record it on my behalf.

A copy of this letter and your notice of appointment have also been provided to your fellow co-chair, and the Chief Executive of MBIE.

Congratulations again on your appointment as the RSLG co-chair for the region of Tai Tokerau.

Ngā mihi nui



Hon Carmel Sepuloni
Minister for Social Development and Employment

cc: Carolyn Tremain



TE KAHU O TAONUI

Me mahi tahi tātou

Hon Carmel Sepuloni
Minister for Social Development and Employment
Parliament Buildings
Wellington

Tēnā koe Minister.

Nga mihi mahana ki a koe.

I acknowledge receipt of your letter advising me of my appointment as co-chair of the Regional Skills Leadership Group for Tai Tokerau region. This has been fully supported by Te Kahu o Taonui, the collective of Tai Tokerau Iwi Chairs. On that basis I am accountable to those Chairs while providing a relationship accountability to you as the Crown representative.

I note it is for term of 3 years expiring on 25 June 2024, and confirming my acceptance of this appointment.

I will ensure that I will keep myself fully familiar with the obligations and responsibilities of the position. I am aware of the need to disclose and manage any conflicts of interest as they arrive.

Signed

Name Harry Burkhardt
Date. 25th June 2021

Chair Te Kahu o Taonui.