

Memo

18 August 2016

To: Regional Strategy and Policy Committee members
From: Jacques Victor; General Manager: Auckland Plan Strategy and Research
Subject: **Hauraki Gulf Forum: Governance Review**

Purpose

This memo provides Councillors with an update on work that the Hauraki Gulf Forum has been undertaking in regard to more effective governance.

Background

The Hauraki Gulf Forum (the Forum) is a statutory forum established by the Hauraki Gulf Marine Park Act 2000 (HGMP Act).

The Forum is deemed to be a joint committee of the constituent local authorities in accordance with the Local Government Act 2002. The purpose of the Forum is:

- a) *To integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand,*
- b) *To facilitate communication, co-operation and co-ordination on matters relating to the statutory functions of the constituent parties in relation to the Hauraki Gulf, its islands and catchments and the Forum,*
- c) *To recognise the historic, traditional, cultural and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and where appropriate, its catchments.*

Membership is determined in accordance with Section 15 of the HGMP Act and constitutes:

- 1 representative appointed each by the Minister of Conservation, the Minister of Fisheries and the Minister of Maori Affairs
- 7 representatives appointed by the Auckland Council
- 1 representative appointed by each of the following local authorities - Hauraki District Council, Matamata-Piako District Council, Thames-Coromandel District Council, Waikato District Council, Waikato Regional Council
- 6 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Maori Affairs.

Context

In June 2015 the Forum commissioned a report on the effectiveness and efficiency of the Forum (the Bradley Report). This report highlighted a number of opportunities, one of which was to explore a better governance model for the Forum.

In response to the Bradley Report, the Forum commissioned a further report - '*Hauraki Gulf Forum Governance review and recommendations*' (prepared by Beverley, Payne and Maloney) - which was discussed at the Forum's meeting on 20 June 2016. This report independently assessed the existing function and form of the Forum and made a number of recommendations for the Forum's consideration.

The *Governance Review* report used a number of guiding principles to inform the review - these included:

- respecting, and accommodating, existing and future Treaty settlements
- requiring the current approach to the governance of the Forum needing to reflect contemporary best practice
- the future governance model of the Forum should be based on 'influence' rather than 'representation'
- the Forum should employ the concept of Rangatira to Rangatira, and should be made up of influential leaders with the Crown playing a greater role
- governance of the Forum needs to be simplified and focussed on the purpose of the Forum.

Hauraki Gulf Forum Governance review and recommendations, June 2016

The recommendations from the *Governance Review* included actions that sought to optimise short term and long term functioning of the Forum, and signalled where legislative change may be needed. The recommendations of the June 2016 report are as follows:

- That particular attention is paid to Treaty settlements and the current Treaty settlement processes, and the Sea Change Tai Timu Tai Pari process, alongside this governance review process*
- That the governance model for the Forum is changed to a co-governance approach, comprising equal numbers of mana whenua and other members*
- That mana whenua appoint their members directly through a process designed and approved by mana whenua*
- That the size of the Forum is reduced to 16 members*
- That the Forum membership is made up as follows:*
 - *8 members appointed by mana whenua*
 - *5 members appointed by the Minister of Conservation (for example political, business, community or NGO leaders rather than Crown representatives)*
 - *3 members appointed by local authorities (1 form each of the Auckland Council, Waikato Regional Council and the territorial authorities collectively) – these may or may not be elected members*
- That the term of appointments be 3 years with the ability to reappoint up to a maximum number of terms to be agreed, with a staggering of terms to ensure that there is some continuity of knowledge across terms*
- That in addition to the other changes recommended in this report, the Forum undertakes a process to promote a clear understanding of and focus on the governance task of the Forum, including the relevant purpose, objective and function provisions of the Hauraki Gulf Marine Park Act 2000*
- That any reform of the governance arrangements for the Forum should include provision for the Forum to have more statutory authority and a stronger and more direct role in terms of statutory decision making over the Hauraki Gulf*
- That, as an interim step, the Forum creates a smaller 'core group' of 12 members to drive more focussed and strategic governance for the Forum,, and at the same time advances a case for legislative amendment to the Hauraki Gulf Marine Park Act 2000*
- That the Chief Executives of the local authorities and relevant ministries/departments work together to implement these recommendation immediately following the 2016 triennial local authority elections*

The Forum discussed the above recommendations at its 20 June meeting. Whilst there was much discussion, the Forum did not arrive at an agreed position or way forward.

At a subsequent meeting of the local authority Chief Executives (or their nominees) – as per recommendation (j) above - it was agreed that councils be informed of the recommendations before the Forum, and that the matter be discussed further with constituent councils post the October 2016 elections (as not all councils / agencies could form a considered view prior to the elections). This would then enable the 2016 - 2019 councils to determine their positions and feed these into Forum discussions.

The Forum has only had an initial discussion of the recommendations from the *Governance Review*, and has therefore not set any firm direction or made any governance related decisions. The Forum meets again in September, at which time there may be further discussion. The Forum will however not have received feedback from constituent councils at that point in time.

Next steps

This matter will be put to the Auckland Council at an appropriate time post the October 2016 election.

In order to assist Council discussions at such time, the authors of the *Governance Review* report could present the rationale and key findings of the report if so required. When the matter is put to the Auckland Council, legal advice on matters pertaining to the review and its recommendations will be provided to Councillors.

Regards

Jacques Victor