

Report to Council - August 2016

File No: 22 03 36

Date: 03 August 2016

To: Chief Executive Officer

From: Director Science and Strategy

Subject: **Hauraki Gulf Forum Governance Review update**

Section: A (Committee has delegated authority to make decision)

Purpose

To provide Council with an update on the work that the Hauraki Gulf Forum has been undertaking in regard to more effective governance.

Recommendations:

1. That the report "*Hauraki Gulf Forum Governance Review update*" report (Doc # 8875095 dated 03 August 2016) be received.
2. That the report lie on the table and that the incoming Council be asked to form a view on the Governance recommendations for the Hauraki Gulf Forum.

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 is constituted by:

- 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.

In June 2015 the Forum commissioned a report on the effectiveness and efficiency of the Forum (the Bradly Report). The Bradly Report highlighted a number of opportunities, one of which was to explore a better governance model for the Forum. In June 2016 the Forum received a further report, 'Hauraki Gulf Forum Governance review and recommendations' (the Beverley, Payne, Maloney Report) which was discussed at the Forum's meeting on 20 June. The June 2016 report independently assessed the existing function and form of the Forum and made a number of recommendations for the Forum's consideration.

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

- (a) *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*
- (b) *That the governance model for the Forum is changed to a co-governance approach, comprising equal numbers of mana whenua and other members*
- (c) *That mana whenua appoint their members directly through a process designed and approved by mana whenua*
- (d) *That the size of the Forum is reduced to 16 members*
- (e) *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*
- (f) *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*
- (g) *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*

- (h) *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*
- (i) *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*
- (j) *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*

At the 20 June meeting of the Forum the above recommendations were discussed. While 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 it was agreed that a paper be placed before Councils updating them on the recommendations before the Forum, and that the matter is discussed further with constituent Councils post the October 2016 elections. This would then enable the 2016-2019 Councils to determine their positions and then feed these into Forum discussions.

In order to assist Council discussions, the authors of the June 2016 report (Paul Beverley, Mark Maloney or Vaughan Payne) are happy to present the rationale and key findings of the report.

Conclusion

The purpose of this agenda item is to report back to constituent councils the conversations that are being had at the Hauraki Gulf Forum. As the recommendations from the 2016 Governance Review have only been subject to initial discussion at the Forum no firm direction has been set.

Assessment of significance

To the best of the writer's knowledge, this decision is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Tracey May

Director Science and Strategy

Attachment:

1. Hauraki Gulf Forum – Governance review and recommendations, June 2016

Unconfirmed minute (2/9/2016)

Hauraki Gulf Forum Governance Review Update

File: 22 03 36 (Agenda Item #6.3) Doc #8875095

The report provided Council with an update on the work that the Hauraki Gulf Forum had been undertaking in regard to more effective governance. The Director, Science and Strategy (T May) was present to respond to questions.

During questions, answers and related discussion it was noted:

- All of the impacted territorial authorities had received an update on the review.
- It was noted to be important that the members were there to represent Hauraki and not to represent their individual councils.
- Council requested the governance oversight of reviewing the minutes through the agenda. Councillors were assured that the minutes would be provided through the Council's agenda when they were available.
- Council noted general support for a smaller decision making body but that it was important to keep a watching brief over the project.
- The metadata that informed the Gulf Report in 2014 was reviewed at the time when inaccuracies were raised, and clarification was sent out to update information that was supplied in the report. There would be another report in a couple of years which would again refresh the information supplied.
- The Chair thanked Councillor Buckley for his time dedicated to the Hauraki Gulf Forum and appreciated the updates he had brought to council to highlight the issues of the area and the forum.

Cr PR Buckley moved/Cr TS Mahuta seconded.

1. **THAT the report "*Hauraki Gulf Forum Governance Review update*" report (Doc # 8875095 dated 03 August 2016) be received.**
2. **THAT the report lie on the table and that the incoming Council be asked to form a view on the Governance recommendations for the Hauraki Gulf Forum.**
3. **THAT the minutes of the Hauraki Gulf Forum held 20 June 2016 be received.**

The motion was put and carried (WRC16/257)