



Independent Māori
Statutory Board

**Auckland
Council**
Te Kaunihera o Tamaki Makaurau



2018-19 Funding Agreement

between

Auckland Council

and

The Independent Māori Statutory Board

DRAFT

1.0 Signatories and Period of Agreement

The Funding Agreement covers the period from 1 July 2018 to 30 June 2019

Agreement for any subsequent annual periods needs to be reached "within a time that enables the Board to continue to carry out its purpose without interruption." This means prior to 30 June in any year but every attempt will be made to align with the Council's annual planning cycles.

Signatories to the agreement:

On behalf of: Independent Māori Statutory Board:	
Name: David Taipari	Name: Brandi Hudson
Title: Chairman	Title: Chief Executive Officer
Date:	Date:

On behalf of: Auckland Council:	
Name: Phil Goff	Name: Stephen Town
Title: Mayor	Title: Chief Executive Officer
Date:	Date:

2.0 Summary

The purpose of the Board is as follows:

Assist the Auckland Council to make decisions, perform functions and exercise powers by:

- (a) Promoting cultural, economic, environmental and social issues of significance for Mana Whenua groups and Mataawaka of Tāmaki Makaurau; and
- (b) Ensuring the Council acts in accordance with statutory provisions referring to the Treaty of Waitangi.

The general and specific functions include:

- (a) to sit as members on each of the Auckland Council's committees that deal with the management and stewardship of natural and physical resources;
- (b) to keep the Schedule of Issues of Significance to Mana Whenua and Mataawaka of Tāmaki Makaurau up to date;
- (c) to advise the Auckland Council on matters affecting Mana Whenua groups and Mataawaka of Tāmaki Makaurau;
- (d) to work with the Auckland Council on the design and execution of documents and processes to implement the Council's statutory responsibilities towards Mana Whenua groups and Mataawaka of Tāmaki Makaurau; and
- (e) to meet with the Council to discuss the Board's performance of its functions.

3.0 Overview of Work Plan

The key tasks to ensure that the Board is able to fulfil its statutory obligations (outlined above) for this period includes the following:

- Annual review of the Board's remuneration as required by the legislation;
- Engaging and reporting to Mana Whenua and Mataawaka;
- Reviewing and refining processes by which the Secretariat will support the Board, provide information and support to Board members to effectively participate on Council Committees;
- Engaging specialist resources to provide expert advice on the prioritisation and implementation of the Te Tiriti o Waitangi Audit recommendations and the Issues of Significance/Māori Plan;
- Embedding an understanding and use of the Schedule of Issues of Significance/Māori Plan and the Māori Report;
- Providing reports on progress of the Māori Plan's outcome indicators;
- Engaging specialist resources to provide expert advice on:

- Advising on the implementation, use and monitoring of the Māori provisions in the Auckland Unitary Plan and any subsidiary plans;
 - Monitoring and advising on the Auckland Plan implementation
 - Monitoring the review and implementation of the Long-term Plan;
 - Monitoring other key Council Plans, policies and processes to ensure there are provisions and resourcing to achieve Māori outcomes
- Monitoring and reviewing Māori outcomes across all key Council policies and plans;
 - Monitoring and advising on council's Māori responsiveness as expressed through Council's Te Tiriti Audit Response programme 2018-2021 and the Te Toa Takitini portfolio of work;
 - Monitoring the development and implementation of the council's key work streams of Te Toa Takitini;
 - Monitoring and reporting on council's programme of scheduling sites of significance, cultural landscapes and sites of value;
 - Monitoring of the CCO's respective Statements of Intent, plans and their Māori Responsiveness Plans, specifically their obligations with respect to statutory provisions referring to the Treaty of Waitangi and achieving Māori outcomes;
 - The maintenance of relationships with Mana Whenua, Mataawaka, the Mayor and his officials, Council Executive and Senior Leadership, CCOs, Local Boards and Central Government Agencies;
 - Developing and producing key communication and education resources and tools to assist with effective communication of the Board's purpose and function;
 - Review of the Board's annual Strategic Work Priorities; and
 - Providing corporate and administrative services to the Board and Secretariat.

4.0 Details on the Work Plan

The Auckland Plan, Long-term Plan and Auckland Unitary Plan have high aspirations for achieving Māori outcomes and it is crucial that the Auckland Council family build up the capability and capacity to deliver on *"A Māori identity that is Auckland's point of difference in the world providing opportunities for all."*

The Board has a pragmatic and focused interest in Council's implementation of these plans via Te Toa Takitini including the Te Tiriti Response Programme. It is important that its organisational systems and culture embed good practice in Treaty partnership and adequate resourcing to achieve Māori outcomes that benefit all Aucklanders as a matter of priority.

The Act is specific in requiring the Board to appoint a maximum of two members to each Council Committee that deals with the management and stewardship of natural and physical resources. The Board may appoint members to other Committees as requested by the Council.

The Board, with the Council's agreement, has appointed members of the Board to participate fully on Council's Committees of the Whole and 5 other committees. The Chair of the Board is an Ex-officio on the Appointments and Performance Review Committee and the Audit and Risk Committee.

Effective participation by Board members on Council Committees is essential to advance the interests of Māori.

The Board requires advice from both a Māori worldview and mainstream perspective independent of council officials to enable them to make informed decisions on Council committees. The Secretariat's main role is to support and assist the Board, to provide:

- an overview of the committee's existing and future work programme and alert the Board members to pending agenda items that are relevant to the issues of significance to Māori? Or Mana Whenua and Mataawaka of Tāmaki Makaurau;
- alert the Board members to critical workshops and provide briefings;
- review specific committee papers and provide a written and or verbal brief on issues of importance to the Board members (referring to the Issues of Significance, Te Tiriti o Waitangi Audit and Māori Plan);
- advice on issues and drafting of alternative positions and recommendations where there is concern with council's position and recommendation;
- seek further information and clarification from Council officers on behalf of the Board member(s);
- follow-up with Council to ensure that resolutions and actions agreed with Council are implemented; and
- attend committee meetings and panels for specific items as required.

The level and type of resource required will be assessed and monitored through the Board's ongoing strategic planning process including consultation with its constituency and through an assessment of how the Council is performing against Māori outcomes, implementation of the Te Tiriti o Waitangi Audit recommendations and Schedule of Issues of Significance/ Māori Plan. Where this resource cannot be sourced internally, or independence is required, then it will be sourced externally.

Engagement and Reporting to Māori Communities

This part of the work plan covers both the means by which the Council will communicate and engage with Māori and also the way that the Board will engage and report to Māori.

Maintaining direct relationships with the large number of marae, community groups and organisations is a significant task and one that must be done well. This also includes the management of a website, the production of education and training tools explaining the Board's purpose and functions and regular newsletters.

Maintenance of Key Relationships

To be effective, the Board has established a range of relationships. This includes relationships with the Mayor, Councillors, Local Boards, CCOs and central government departments. Meetings with CCOs, Local Board chairs and central government personnel is an on-going priority.

Specialist Advisors

The Board will utilise the input of skilled advisors and will include governance and prudential control responsibilities, and specialist advice that is needed to support the Board in carrying out its purpose and performing its functions, including its membership of Council Committees.

Council's Performance with respect to the Treaty of Waitangi and Council's statutory obligations to Māori

One part of the Board's purpose is to assist the Council by ensuring that the Council acts in accordance with statutory provisions referring to the Treaty. The Board sees this role as one of active monitoring. The Board is also charged with working with the Council on its documents and processes to implement the Council's statutory responsibilities to Māori.

The third Tiriti o Waitangi Audit is scheduled to be finalised in August 2018. The last part of the audit will be undertaken in July-August 2018.

Background

In response to the 2011/12 audit, a monitoring and reporting regime was developed to allow the council and the Board to monitor compliance and progress.

The Treaty Audit Recommendations Implementation programme 2012 guided the Council to make changes to its policies and processes so it can meet its statutory obligations to Māori. However this programme struggled to produce tangible results across many departments of the council and CCOs. The Board recommended that it prioritise this issue by reviewing the implementation programme and making adjustments so that investment into this work programme is effective.

The Council underwent a second comprehensive audit in 2014/15 and only a few of the 42 recommendations from 2012 were closed. A new approach to the monitoring of the Te Tiriti Audit Response Programme was agreed and its progress was slow namely due to a restructure of Te Waka Angamua.

Although improvement has been made in some departments and CCOs, their continues to be a lack of understanding of legislative responsibilities by a large majority of council and especially CCO staff in respect of the Treaty of Waitangi, obligations. This has resulted in inconsistency of policy, planning and processes across the council and inadequate resourcing to achieve Māori outcomes in the LTP. This continues to raise concerns for the Board. Since 2012 the Board has advocated that council give priority to the audit recommendations that council implement a performance management system.

The key steps to be taken by the Council in implementing the recommendations of the Audit in the 2017-18 year that continue to be monitored by the Board are:

- the transformational approach to addressing the Treaty of Waitangi Audit findings across the council with the leadership of the CEO and Executive Leadership Group of Auckland Council family;

- the implementation of the agreed actions to address significant and high-risk ratings in collaboration with the Board;
- using a register to track closed actions/groups of actions linked to the Treaty Audit recommendations that is monitored by the Waharoa Group (includes the Board secretariat and council's Head of Internal Audit);
- the priorities for policies and processes that relate to Council's statutory obligations to Māori;
- the establishment of a simple performance management systems that includes improvement targets and measurement of performance against these targets;
- the reports to account for progress against the actions; and recommendations at governance and management levels.

Council will continue to prepare three reports to the Finance and Performance Committee that outlines performance results, level of expenditure toward Māori outcomes and any improvement opportunities for the Council. There will also be progress reports to meetings of the Governing Body and the Board.

The Board will continue to collaborate with the Council in reviewing and agreeing a programme of action to achieve these improvements. As a necessary continuation of the best practice approach to this auditing exercise, the Board will monitor the recommendations that have been agreed by both parties.

Independent assessment of Te Toa Takitini projects

In 2017, PWC were contracted by the Board to complete an independent assessment of Te Toa Takitini projects delivered by ATEED, Auckland Transport and Panuku to achieve Māori outcomes for their respective Financial Year 2015/16; and to assess the quality of their systems, their prioritisation process of projects, project management that includes budgets to meet their respective milestones, statement of intent objectives and KPIs for Māori outcomes.

By way of background, in December 2013, the Board contracted KPMG to conduct an independent assessment of expenditure incurred Auckland Council to achieve Māori outcomes in their Financial Year 2012/13 accounts.

This independent assessment resulted from the Board's concern that the council had a limited approach to allocate resources to Māori outcomes projects. Furthermore, the consistency of resource allocation and level of reporting at that time made it difficult to measure and report on the projects and activities being undertaken by the council.

This follow-up independent assessment completed in 2017 provided the Board with constructive recommendations to advocate to council and CCOs to improve their systems and processes for identifying transformational interventions to deliver, measure and report on their projects resulting in quality Māori outcomes and prudent use of rate payers funds.

The Board will continue to do on-going monitoring of how the council implements the recommendations from the 2017 report.

Advocating for Council to Implement the Schedule of Issues of Significance/ Māori Plan in Tāmaki Makaurau

The focus of this work-stream is to continue to use the Schedule of Issues /Māori Plan and the Māori Report as an advocating tool at Council committee level and as a

'terms of reference' to identify relevant actions and measure whether positive change actually occurs for Māori via council programmes and projects.

The successful launch of the Māori Report in November 2016 has provided the Board with an excellent platform to continue to analyse statistics and data that generate the truth about Māori in Tāmaki Makaurau. This information is invaluable and essential to inform council and central government agencies' planning, processes and practices to ensure that rates and tax payers contributions are used prudently to achieve Māori outcomes at an optimal level and are sustainable. The Māori Report has created national and international attention due to the leadership and collaborative approach from the Board, Māori, council and central government agencies.

The Board will produce Māori values reports that will provide data that assists them to understand how well Māori are doing in a Te Ao Māori context.

The high level steps are as follows:

- The Board and the Council will work to align the Issues of Significance actions/Māori Plan indicators with the Council policies and action plans within the Council; and
- The Board and the Council will work on improving the monitoring, and embedding performance management processes for the Council and other agencies on Māori responsiveness, Māori outcomes and actions.
- A budget for specialist advice has been provided to enable the Board to work with council to include a Māori perspective, outcomes and actions into its plans, policies and projects.
- The council will ensure through the implementation of the Long-term Plan and business as usual that relevant managers continue to identify within their project budgets sufficient resources to obtain appropriate expertise to address and deliver Māori outcomes. This appropriately recognises that implementation is primarily the council's role.

5.0 Work Plan Resourcing by the Secretariat

Based on a functional breakdown, the Board Secretariat is deployed as follows:

Function	Description	Resourcing
Monitoring and Reporting	To monitor and report on the Council's performance in meeting its obligations under the Treaty and relevant legislation; Māori outcomes and actions addressing Issues of Significance /Māori Plan indicators	Part of policy team internal resource and external consultancy resources as and when required
Monitoring and Evaluation of Māori Wellbeing (Māori Plan)	To monitor and report on wellbeing indicators from the Māori Plan	Part of an internal resource, supported by data experts to assess indicators and datasets and assist in producing reports.
Support to the	To prepare advice and	Part of Policy team internal

Function	Description	Resourcing
Board in Committees	briefing; and liaise with council officers as required	resource
Plans	To provide input to review and implementation of key plans of the Council including Auckland Plan, Long- term Plan, Annual Budgets CCO SOIs, Unitary Plan, Structure Plans and Development Plans	Policy team for these key documents and strategic plans. It is beneficial to get involved at an early stage of their review and implementation and stay involved to ensure knowledge is retained by the council
Policies	To provide input to key policies of the Council including policies covering infrastructure, services and regulatory and bylaws.	Dedicated policy team internal resources
Submissions	To provide information to Mana Whenua and Mataawaka in respect of submissions made and/or to be made by the Council to central government, proposed legislation, boards of enquiry and reviews	Utilise one of the dedicated resources noted above where area of expertise overlaps, otherwise contract in external expertise as and when required
Relationships and public Relations	To develop and maintain relationships with Mana Whenua and Mataawaka, Governing Body, CCOs, Local Boards, and Central Government including state sector	Part of the internal project management resources including the Senior Communications Manager, the Chief Executive Officer supplemented by advisors for specific areas of expertise
Promotion and Engagement	To promote issues of significance for Māori to the Council and to external agencies	Key part of senior communications manager's role and supplemented by advisors for specific areas of expertise

6.0 Budget 2018/2019:

		2018/2019	2017/2018	Refer Paragraph
Governance*	Board remuneration and expenses (Note 1)	838,760	824,000	
Secretariat	Salaries	1,365,974	1,338,000	
Office	Expenses (including audit fees)	119,000	119,000	
Professional Services	Legal, Planning experts for monitoring Māori Provisions-Unitary Plan	120,000	110,000	
Engagement and Reporting to Māori & Stakeholders	Communications includes website, newsletters, brochures, translations, engagement and reporting to Māori and stakeholders	140,000	140,000	
Engage Māori Expertise for Council Projects/Plans Work Program related to Board's Strategic Priorities	Housing and Marae Development, Relationship Agreements, Rangatahi, Sites of Significance and Cultural Landscapes, Māori Identity, Data Strategy Implementation	300,000	110,000	
Māori Economic Development Strategy Advocacy	Research and promotion of the Auckland Maori Economy	50,000	100,000	
Te Tiriti o Waitangi Audit	Monitoring Te Tiriti o Waitangi Audit Implementation	40,000	160,000	
	Treaty Audit Assessment of RMA Māori Provisions	30,000	55,000	
TOTAL DIRECT OPEX FUNDING		3,003,734	2,956,000	
	Expertise for development of Mana Whakahono a rohe agreements	\$130,000	\$130,000	

Note: 1

Board remuneration and expenses are subject to remuneration review by Strategic Pay and the Remuneration Authority and travel needs of board members appointed to IMSB for the current three year term.