

1 RELATIONSHIP AGREEMENT WITH THE MINISTRY FOR THE ENVIRONMENT

Relationship Agreement between the Ministry for the Environment (the Ministry) and Ngai Tāmanuhiri

1.1 PURPOSE

The purpose of this Relationship Agreement is to set out how the governance entity or Ngai Tāmanuhiri ("the governance entity") and the Secretary for the Environment ("the Secretary") will establish and maintain a positive, co-operative and enduring relationship.

1.2 SCOPE

This Relationship Agreement will apply to all functions, responsibilities and actions of the Secretary that affect the Ngai Tāmanuhiri Area of Interest (attached), but exclude the Secretary's role in appointing officials and statutory officers, and their roles and responsibilities.

The commitments of the Secretary under this Relationship Agreement are limited to the extent that they are within the capability, resources and mandated work programme of the Ministry and the priorities of the government of the day.

1.3 TE TIRITI O WAITANGI

The Secretary and Ngai Tāmanuhiri are seeking a relationship consistent with Te Tiriti o Waitangi/Treaty of Waitangi and its principles. Ngai Tāmanuhiri consider that this agreement provides a process or opportunity by which the Crown seeks to restore its reputation as a Treaty partner.

1.4 NGAI TĀMANUHIRI TIKANGA AND OBJECTIVES

Ngai Tāmanuhiri tikanga underpins the ongoing relationship between the governance entity and the Ministry. The objectives and expectations of the governance entity in relation to this Relationship Agreement are guided by tikanga and include:

- Mana Tangata - to achieve improved environmental outcomes for the governance entity through actions that include monitoring of effective planning and management systems that protect the environment.
- Mana Whenua - to achieve improved kaitiakitanga outcomes for the governance entity through actions that include the development and monitoring of the implementation of effective strategies and systems that protect wāhi tapu, ancestral lands and other places of cultural significance, natural and historic resources and other taonga.
- Mana Moana - to achieve improved freshwater, estuarine and moana outcomes through active consultation between the governance entity and the Ministry in developing and implementing effective national policies, strategies and programmes.
- Mana Rangatira - to achieve improved environmental outcomes through active consultation between the governance entity and the Ministry in developing and implementing effective national policies, strategies and programmes.

- Mana Tipuna - to achieve improved knowledge outcomes through collaborative research efforts that combine traditional ways of knowing and scientific methodologies on environment matters.
- Mana Atua - to uphold tikanga principles, and to assist the governance entity to attain their vision that includes the achievement of pristine waters and lush natural environments through the protection and sustainability of the domains of Papatuānuku, Ranginui, Ruaumoko, Tane Mahuta, Tangaroa, Tawhirimatea me a ratau uri.

The Secretary acknowledges the importance of Ngai Tāmanuhiri tikanga to the governance entity.

The Secretary and the governance entity agree that the tikanga and objectives set out in the above clauses:

- do not affect how the Secretary and the Ministry will exercise their statutory powers, functions and duties in relation to the matters specified in this Relationship Agreement; and
- do not prevent the Secretary and the Ministry from interacting with other iwi or hapū with interests in the Ngai Tāmanuhiri Area of Interest.

1.5 FUNCTIONS OF THE MINISTRY FOR THE ENVIRONMENT

The Ministry was established by the Environment Act 1986 with these functions:

- to advise the Minister for the Environment (“the Minister”) on all aspects of environmental administration, including:
 - management policies for natural and physical resources and ecosystems;
 - significant environmental impacts of public or private sector proposals; and
 - ensuring effective provision is made for public participation in environmental planning and policy formulation, particularly at the regional and local level;
- to obtain information, and to conduct and supervise research, so it may advise the Government on environmental policies.
- to provide the Government, its agencies, and other public authorities with advice on:
 - the application, operation, and effectiveness of legislation specified in the Environment Act 1986 (e.g. Conservation Act, Forests Act, Local Government Act, Marine Reserves Act, Resource Management Act, etc.);
 - procedures for the assessment and monitoring of environmental impacts;
 - pollution control and the co-ordination of the management of pollutants in the environment;
 - the identification and likelihood of natural hazards and the reduction of the effects of natural hazards; and
 - the control and management of hazardous substances.
- to facilitate and encourage the resolution of conflict in relation to policies and proposals which may affect the environment.
- to provide and disseminate information and services to promote environmental policies.
- generally to provide advice on matters relating to the environment.

- to carry out functions specified under any other legislation, including:
 - Resource Management Act 1991 (“RMA”);
 - Hazardous Substances and New Organisms Act 1996;
 - Ozone Layer Protection Act 1996;
 - Climate Change Response Act 2002; and
 - Waste Minimisation Act 2008.

Much of the responsibility for day to day environmental management is devolved to local government, especially under the RMA. This makes regional and district councils a critical part of environmental management in New Zealand. The Ministry provides guidance for their activities through national policy statements and national environmental standards (which are binding on local authorities), and also through professional development and sharing knowledge about best practice.

Many of the Ministry’s activities involve partnerships with particular councils, iwi, business organisations or community groups to work on matters that are of national importance.

1.6 RELATIONSHIP PRINCIPLES

The governance entity and the Secretary agree to abide by the following relationship principles when implementing this agreement and exercising their various roles and functions:

- working in a spirit of co-operation;
- operating a ‘no surprises’ approach;
- acknowledging that the relationship is evolving, not prescribed;
- respecting the independence of the parties and their individual mandates, roles and responsibilities; and
- recognising and acknowledging that parties benefit from working together by sharing their vision, knowledge and expertise.

1.7 COMMUNICATION BETWEEN THE PARTIES

The Ministry shall establish and maintain effective and efficient communications with the governance entity on a continuing basis through:

- relationship meetings (in accordance with the section below on Relationship Meetings);
- maintaining information on the governance entity’s office holders, and their addresses and contact details;
- appointing a primary Ministry contact for the governance entity who will act as a liaison person with other Ministry staff;
- providing reasonable opportunities for the governance entity to meet with Ministry managers and staff to discuss and (if possible) resolve any issue that may arise;
- informing relevant staff of the contents of this relationship agreement and their responsibilities and roles under it;

- providing reasonable opportunities for the governance entity to participate, if they choose to, in regional forums administered by the Ministry, that are established to interact with the Ministry on environmental issues that affect the Ngai Tāmanuhiri Area of Interest.

1.8 STAFF AWARENESS

From the date of signing this agreement the Secretary will arrange for relevant staff to be educated on any information the governance entity are willing to provide on Ngai Tāmanuhiri values and practices that adds value to work programmes the Ministry is involved in within the Ngai Tāmanuhiri Area of Interest.

1.9 RELATIONSHIP MEETINGS

Representatives of the governance entity and of the Secretary will participate in a bi-ennial relationship meeting, as agreed in the Deed of Settlement dated 5 March 2011 between Ngai Tāmanuhiri and the Crown ("Deed of Settlement"), unless both parties agree in writing to vary or terminate the provisions of clause 5.36 of the Deed of Settlement.

The parties agree that, where possible, the bi-ennial relationship meeting will be held jointly with representatives of the governance entities for Rongowhakaata and Te Whakarau in Tūranganui a Kiwa on common issues in Tūranganui a Kiwa.

The parties agree that when there are specific issues for Ngai Tāmanuhiri representatives of the Secretary will meet separately with the governance entity, and where practicable and in the interests of efficiency and best use of time and resources, joint Tūranganui a Kiwa and specific Ngai Tāmanuhiri issues meetings will occur on the same day.

Before each meeting, representatives of the Secretary and the governance entity will agree administrative arrangements for the meeting(s). The parties agree that the bi-ennial meeting(s) will be held on the margins of meetings of the Central Leadership Group or other relationship forum developed in accordance with the Deed of Settlement.

The Ministry surveys all New Zealand councils (regional, territorial and unitary) every two years about their RMA processes. Before each bi-ennial meeting, the Ministry will provide the governance entity with the most recent published information from this survey, for discussion at the meeting, as it relates to the performance of local authorities in the Ngai Tāmanuhiri Area of Interest.

The agenda for each meeting will be agreed between the Secretary and governance entity no later than 10 working days before the meeting. Standing agenda items may include:

- monitoring of local authority performance in the Ngai Tāmanuhiri Area of Interest in implementing Te Tiriti o Waitangi/the Treaty of Waitangi provisions of the RMA;
- any other opportunities relating to the Minister's statutory functions in relation to the above matters; and
- any other matters of mutual interest.

Each party will meet the costs and expenses of its representatives attending relationship meetings.

The first relationship meeting will happen within 12 months after Settlement Date under the Deed of Settlement unless rescheduled by mutual agreement of the parties.

Outside of the relationship meetings, relevant representatives of the parties may meet on a mutually agreed basis to discuss matters of interest. The agenda for each meeting will be agreed between the parties no later than 10 working days before the meeting.

It is acknowledged that the relationship between the Ministry for the Environment and the governance entity will also be supported through the Central Leadership Group.

1.10 ACTIONS FOLLOWING RELATIONSHIP MEETINGS

The Ministry for the Environment

The Secretary is interested in whatever response the governance entity may have to the information the Ministry holds on the performance of councils within the Ngai Tāmanuhiri Area of Interest, and any insights the governance entity may be able to provide on resource management. The Ministry is committed to acting on any information provided by the governance entity as possible within the Ministry's scope and functions as set out above.

Matters to be considered as part of the possible actions must be of mutual interest to the parties and within the parties' respective capabilities, resources and mandated work programmes.

Possible actions may include:

- developing best practice advice for all councils based on positive interactions between the governance entity and councils that operate within the Ngai Tāmanuhiri Area of Interest;
- considering whether the questions asked of councils in the Ministry's bi-ennial survey of RMA processes are appropriate and whether they need to be amended;
- considering whether national guidance on the RMA or resource management policy under development needs to be amended or developed in light of information provided by the governance entity;
- considering whether any feedback provided by the governance entity highlights an issue of national significance that should be addressed through legislative change; and
- considering whether the Ministry could offer support and advice, but not extending to legal advice, to any councils operating within the Ngai Tāmanuhiri Area of Interest on their implementation of section 6* of the RMA, and, in extreme cases, whether the Minister should be informed of failures to implement section 6.

Representatives of the Secretary will maintain good communication with the governance entity on any actions the Ministry takes in response to information provided by the governance entity.

* RMA Section 6: Matters of national importance

In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- protecting the natural character of the coastal environment, wetlands, lakes and rivers, and protection of them from inappropriate subdivision, use and development;
- protecting natural features and landscapes from inappropriate subdivision, use and development;
- protecting significant indigenous vegetation and habitats of indigenous fauna;
- maintaining and enhancing public access to and along the coastal marine area, lakes and rivers;

- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- protecting historic heritage from inappropriate subdivision, use and development; and
- protecting recognised customary activities.

SIGNED as an agreement on

SIGNED by
THE SECRETARY FOR THE ENVIRONMENT




Dr. Paul Reynolds

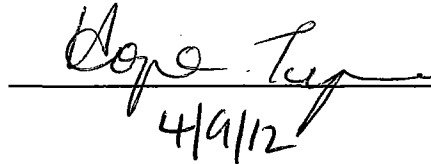
in the presence of:

WITNESS

Name:


Sara Mitchell

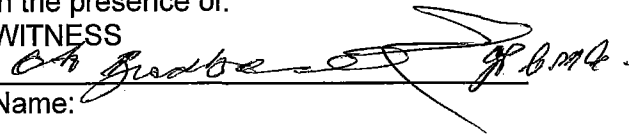
SIGNED for and on behalf
of Tāmanuhiri Tutu Poroporo Trust
by OLIVIA H. BRADBROOK JP LMC.


4/9/12

in the presence of:

WITNESS

Name:

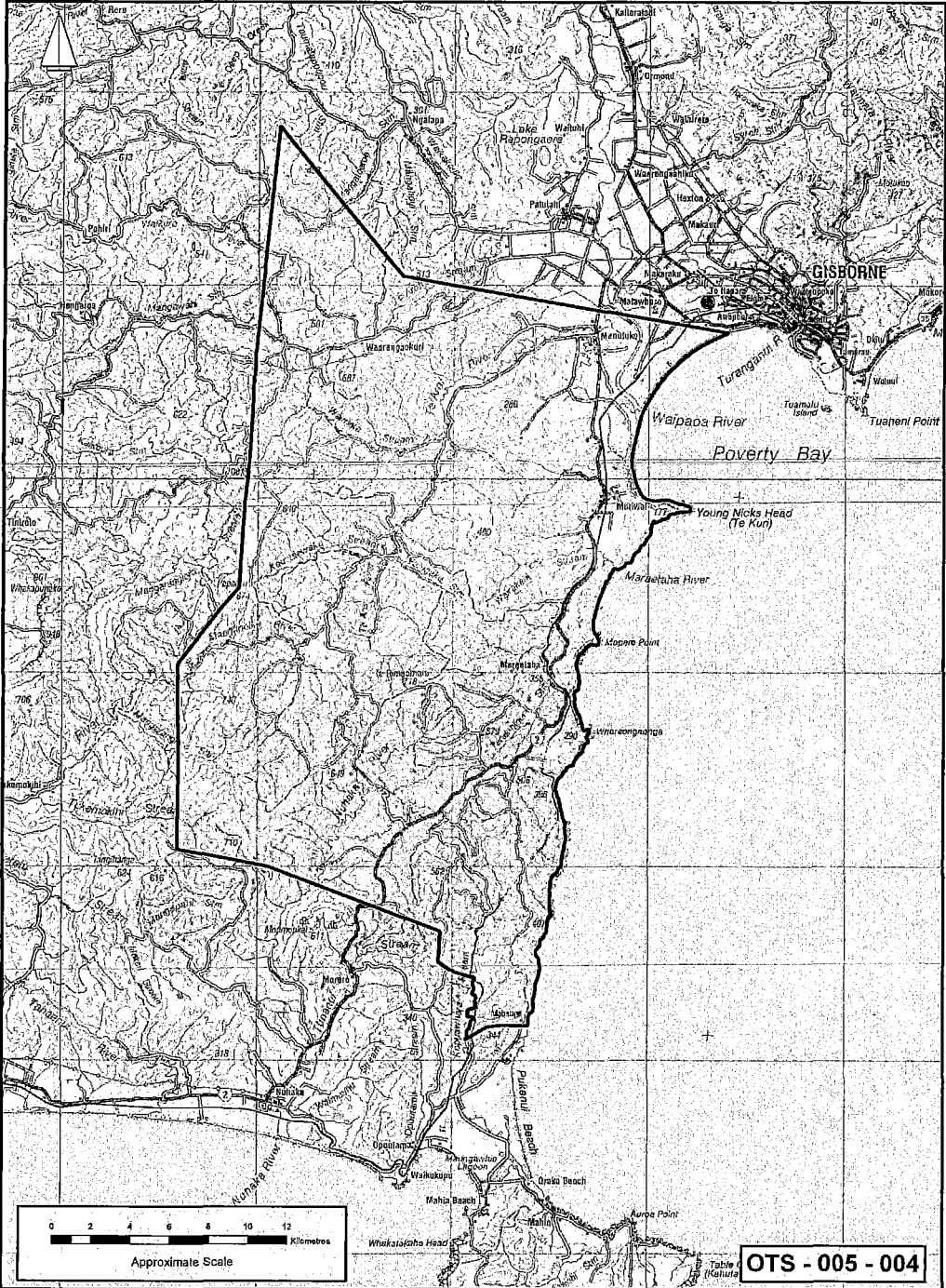



WITNESS

Name:

OLIVIA H. BRADBROOK JP. LMC.
4/9/12

ATTACHMENT: MAP SHOWING THE NGAĪ TĀMANUHIRI AREA OF INTEREST



 <p>Hawke's Bay & Gisborne Land Districts Territorial Authority Gisborne & Waikato Districts Compiled as a graphic representation. Boundaries are indicative only.</p>	<p>Ngāi Tamanuhiri Area of Interest</p> <p>Areas referred to in the deed of settlement between Ngāi Tamanuhiri and the Crown</p>	<p>Approved as to boundaries: for Ngāi Tamanuhiri for and on behalf of the Crown</p>
---	---	--