



Kahui Wai Māori meeting minutes, 27-28 February 2019

The Chair has requested that minutes of their closed sessions not be provided to MfE officials (although they are comfortable with approved highlights being conveyed). These minutes have therefore not been reviewed by officials.

27 February 2019 (9:30am – 5:00pm)

Venue: Terrace Conference Centre, 114 The Terrace, Wellington

Attendees:

Kahui Wai Māori: Kingi Smiler (Co-chair), Annette Sykes, Hon. Dover Samuels, Dr Jacinta Ruru, Mahina-a-rangi Baker, Millan Ruka, Paul Morgan, Riki Ellison, Dr Tanira Kingi (via Zoom), Traci Houpapapa

Kahui Wai Māori contractors: Lyn Harrison, Maia Wikaira

Ministry for the Environment (MfE) officials: Bryan Smith (afternoon session only), Dr Lucy Bolton (afternoon session only), Dr Matthew Cunningham, Taimania Clark (afternoon session only)

Regional Sector Water Sub-group: Doug Leeder, Vaughan Payne

Apologies: Dr James Ataria, Tā Wira Gardiner

Karakia i timata

General matters

1. Mr Smiler requested that, when agendas are circulated for future Kāhui meetings, officials include a brief digest of papers being put to the other advisory groups. That way, individual Kāhui members can choose to engage on aspects of this mahi if they wish.
2. The members unanimously agreed to:
 - a. Support the appointment of the nominated consultants to carry out the projects listed in the Kāhui's work programme; and
 - b. Assign an alternative member (Paul Morgan) to review and sign-off on Ms Harrison's contract.
3. Dr Cunningham advised that the minutes of the previous meeting were not ready for review yet. The members asked Ms Wikaira to provide feedback on draft meeting minutes when they are produced, and to review the minutes of their previous meetings as well.

4. Dr Cunningham advised the members that Ministers had agreed to the changes they had proposed to the Terms of Reference at their last meeting. The members agreed to the Terms of Reference and were happy for these to be released publicly on the MfE website.

Work plan – general

5. Ms Wikaira presented an overview of the [Tax Working Group's \(TWG\) final report](#) (published in February 2019) and the [Environmental Defence Society's \(EDS\) synthesis report on reforming the resource management system](#) (published in December 2018).
6. Ms Wikaira suggested that both reports contain useful messaging that resonates with what the Kāhui has been saying. In particular:
 - a. The TWG report utilises whole-of-system thinking, outlines clear proposals for environmental taxation, and states that Māori rights and interests need to be addressed; and
 - b. The EDS report advocates for a fundamental whole-of-system change, and refers to Māori interests in various parts of the report.
7. Ms Wikaira provided the members with a summary of the TWG report. She agreed to produce a similar distillation of the EDS report for the members, and to circulate digital copies of the two reports.
8. The members considered that the reports were generally quite positive. Some of the points that were made included:
 - a. It is encouraging to see that the reports consider Māori rights and interests to be integral to the overall policy formulation for water;
 - b. The reports mirror broader conversations happening around the motu wherein water is 'coming to a head'; and
 - c. Resolving ownership rights to water will provide clarity to any tax regime, given the value accrued to land by water rights.
9. The members held a general discussion about the perceived limitations of the government coalition and Cabinet's mandate for freshwater reform. They agreed that their final proposals to Minister Parker will need to have broad societal and political support and be backed with firm legal precedent, to the point where it becomes untenable for the government not to agree to make systemic changes to freshwater governance and tackle the question of ownership.
10. The members agreed to seek funding from other sources to commission a legal opinion on ownership. Dr Ruru offered to seek a quotation from Dr Royden Somerville QC to carry out this work.

Meeting with Regional Sector Water Sub-group members

11. Messrs Payne and Leeder arrived.
12. Mr Smiler asked Messrs Payne and Leeder to begin their presentation by answering two questions:

- a. What is your perspective on how we can speed up the process of achieving meaningful change in the freshwater space – and why is the pace of change currently slower than desired?
 - b. How have co-governance arrangements in your regions impacted on the progress of change?
13. Mr Leeder noted that he was generally comfortable with the direction of travel in the regional sector. However, he noted that, while the science underpinning freshwater degradation is well understood, the process of consulting with the wider community is fraught with difficulty. He mentioned the prolonged litigation concerning Lake Rotorua as an example. In May 2018 the regional sector proposed nine ways of speeding up the process of change to Minister Parker, which Mr Leeder suggested was well received.
14. Mr Leeder also commented on the 13 policy initiatives being discussed by officials as part of the national direction work stream. He noted that the regional sector believed that Minister Parker should focus on eight of those variables:
- a. Te Mana o Te Wai and Maori values for freshwater health;
 - b. Improving farm practice and managing intensification of rural landuse;
 - c. Managing instream sediment;
 - d. Maintaining or improving overall water quality;
 - e. Safeguarding ecosystem health;
 - f. Providing for renewable electricity under the National Policy Statement for Freshwater Management (NPS-FM);
 - g. Urban policy responses; and
 - h. Sustainable flows in rivers and water levels in aquifers.¹
15. He suggested that Te Mana o te Wai was not well understood across the regional sector.
16. Mr Payne noted that there were two aspects to speeding up the process of change – regulatory and non-regulatory measures. He suggested that regulatory measures provide more certainty at a central level, which can potentially avoid the extensive litigation that is often associated with regional plan changes. While regulatory measures will never be perfect (the 80/20 rule), they are an important first step. Significant non-regulatory change can also be achieved by working directly with communities and farmers outside of formal plan changes.
17. On the subject of co-governance, Mr Payne suggested that having iwi at the table will result in better quality and more long-term focused decisions that are not based solely around the election cycle.
18. The members raised several points with Messrs Payne and Leeder:
- a. The regional sector appears to be avoiding its Treaty obligations by not having considered Māori ownership in their advice to Minister Parker in May 2018;

¹ The other five policy initiatives are heavy metals (copper and zinc), sensitive downstream environments (estuaries), allocation of nitrogen, dissolved oxygen, and wetlands.

- b. Regional councils need to include Māori governance when they discuss Te Mana o te Wai within their communities – if they aren't, they could be putting up barriers to the Kāhui when it begins consulting with the public on this kaupapa;
 - c. There is a huge disparity across Aotearoa when it comes to regional councils providing for Māori involvement in decision-making. Central government needs to provide greater direction on power sharing and co-governance;
 - d. Māori underdevelopment in some regions, including the inability to access a share of freshwater, is growing;
 - e. Regional councils may not have the capacity, the capability, and the will to adopt any of the reforms that are being discussed as part of the Essential Freshwater programme without some form of independent body monitoring and auditing their performance;
 - f. Some form of targeted tax on pollution could generate revenue for co-governance purposes;
 - g. Iwi that have reached Treaty settlements with the Crown are much better resourced than those who have not;
 - h. Regional councils should allocate more funding for Māori monitoring and clean-up initiatives, many of which are currently self-funded;
 - i. Central government need to contribute funding for local government initiatives concerning Māori; and
 - j. Polluters are able to add to their balance sheet by polluting without facing adequate consequences.
19. The members asked Messrs Payne and Leeder if they agreed with the 'first in, first served' default water allocation model. Mr Payne replied that Waikato Regional Council had tried introducing an alternative model several years ago using common expiry dates, but this had been knocked back as a result of the Synlait decision. He offered to provide the members with documents relating to this model.
20. The members asked Messrs Payne and Leeder to provide them with some good examples of Māori rights and interests being recognised at a regional level to assist with the work they are commissioning.
21. The members also stressed that regional councils need to be strong advocates for Te Mana o te Wai throughout the current process of freshwater reform.
22. The session concluded with a general discussion on remuneration provided to Māori for reviewing resource consent applications.

Preparation for meeting with Minister Parker

23. The members discussed the draft talking points prepared by Ms Wikaira for their meeting with Minister Parker. Some of the points discussed included:
- a. The members want the government to agree to a process for recognising Māori rights and interests;
 - b. The members want the government to start working with Māori to build a partnership arrangement for freshwater. This needs to be a holistic and systemic arrangement at all levels of freshwater governance and management (central, regional, local monitoring and enforcement);
 - c. Te Mana o te Wai needs to be the overarching framework within which freshwater governance and management takes place;
 - d. The members agree that some form of central water authority is needed as part of this systemic change. However, the exact form that such an authority would take, and the powers and functions that it would assume, is still a subject for further discussion within the group. Performance, consistency, and accountability were identified as three crucial functions of a centralised body;
 - e. The members are concerned that the technical advice Minister Parker is receiving from the other advisory groups on freshwater ecology does not consider broader aspects of freshwater health such as power, economics, and people's relationship to waters;
 - f. The members stressed that the Essential Freshwater programme needs to progress hand in hand with broader structural reform in order to achieve meaningful systemic change; and
 - g. The members believe that there is an immediate need to start building the capability within MfE to ensure that Te Mana o te Wai is understood and implemented within the freshwater management system. The members are willing to help to provide this support, if they are resourced to do so.
24. The members agreed that Mr Smiler would deliver their key points and leave a copy of the full talking points with Minister Parker.

Communications strategy

25. Ms Harrison updated the members on her discussions with Ms Rodenberg concerning MfE's communications strategy. She noted that officials intend to connect all of the reforms currently underway in other areas (such as climate change) into a single consultation package commencing in July 2019, which they will foreshadow with targeted communications prior to July.
26. Ms Harrison identified a potential risk that MfE communications prior to public consultation might not adequately communicate the position of the Kāhui, or could

be misconstrued as being supported by the group. She expressed her concern that the group's Terms of Reference limit their ability to present their own views publicly. She suggested that the group should seek the right to review any public announcements that purport to portray the Kāhui's position, and to retain the right to make public announcements.

27. The members asked officials to arrange for Vicky Robertson (MfE Secretary for the Environment) to attend the Kāhui's meeting the following day to discuss officials' communications programme. They agreed that the group should either seek to partner with officials in their communications strategy, or else seek resourcing to undertake their own parallel communications and consultation programme.

Session with MfE officials

28. Dr Bolton, Mr Smith and Ms Clark arrived for the Kāhui's session with officials.

Update on the Science and Technical Advisory Group (STAG)

29. Dr Bolton gave a brief update on the STAG meeting that was held on 26 February 2019. She advised the members that the key subject for discussion at the STAG's meeting was nutrients.
30. The members and officials held a general discussion about limit setting, and the extent to which there was sufficient existing scientific research to support setting quantum for discharge. The members expressed some concern that the direction of science policy and funding for science research is not adequately filling the knowledge gaps that exist (such as the attenuation capacity of different soils). They also questioned the accuracy of Overseer.

Update on the Freshwater Leaders Group (FLG)

31. Mr Smith gave a brief update on the FLG meeting that was being held at the same time as the Kāhui meeting. He advised that the FLG support some form of immediate action to prevent further degradation of waterways while longer-term solutions are developed. This could include imposing limits on further intensification.
32. The members supported the idea of the government taking some form of immediate action to 'hold the line' in the short-term until more robust solutions are developed. They suggested that this action should be universally applied (rather than targeted) in order to share the burden equitably. Apart from being simpler to implement, the members considered that this reflected a kaupapa Māori way of thinking in that it would require everyone to 'give a share' to meet their obligation to water. They also stressed that adequate monitoring would be necessary to ensure compliance with any short-term measures.
33. The members and officials had a general discussion about capping nitrogen use, which had been raised by the FLG and shared with the Kāhui. The members stressed two points:

- a. These changes need to be universal – they should not just cap the maximum, particularly in over-allocated catchments; and
- b. In catchments where nitrogen is not the worst contaminant, limits should be put in place on other contaminants.

Wider resource management reform

34. Mr Smith gave an update on Minister Parker's desire to undertake a comprehensive review of the resource management system. He advised that the Minister intends to follow a two-step process:
 - a. Discuss the subject with Cabinet to gauge the appetite for comprehensive reform; and
 - b. Engage with Māori (including the Kāhui Wai Māori) and stakeholders on the scope and process for the reforms.
35. The members stressed that the Essential Freshwater programme needs to progress hand in hand with broader resource management reform in order to achieve meaningful, systemic change. They highlighted that the Crown committed to making broader changes to the resource management system and recognising Māori rights and interests in the High Court in November 2012.² They argued that continued deferral of these reforms would be prejudicial to Māori.

Three Waters Review

36. Mr Smith gave an update on the progress of the Three Waters Review. He advised that Department of Internal Affairs (DIA) officials intend to start consulting in early March 2019 on a series of preliminary proposals for new regulatory arrangements for drinking water and the environmental performance of wastewater and stormwater systems.
37. The members raised a number of concerns:
 - a. *Māori rights and interests in freshwater need to be resolved before consultation on the Three Waters proposals begins.* The members reiterated the Crown's commitment in 2012 to recognise Māori rights and interests. They argued that the implicit assumptions of ownership and governance rights that emerge from the Three Waters work are in breach of this commitment, and could result in wider Māoridom talking court action against the Crown.
 - b. *Māori should have been involved in co-designing the Three Waters proposals and the consultation programme.* The members were concerned that they were being consulted too late in the process, which made it feel like a 'box-ticking exercise'. They stressed that a true partnership would have involved Māori in developing the proposals and the consultation programme.

² Affidavit of Simon William English dated 7 November 2012 (filed in *Pouakani Claims Trust v Attorney-General*, CIV-2012-485-2185)

- c. *The Three Waters proposals should be integrated with the Essential Freshwater programme.* The members highlighted the importance of considering freshwater reform holistically under a Te Mana o te Wai framework, especially given that Three Waters focuses on the urban space and aspects of Essential Freshwater are more focused on the rural space. Without that coordination, the Three Waters proposals could contradict or undermine the reforms that are being developed through the Essential Freshwater programme.
- d. *Consulting with Māori on the Three Waters proposals now could derail the Essential Freshwater programme.* The members stressed that Māori will not draw a distinction between Three Waters and Essential Freshwater, or between DIA and MfE officials. If Māori perceive that the Three Waters proposals do not provide for Māori rights and interests, this could tar their perception of the Essential Freshwater proposals in July.

38. The members suggested that the Three Waters programme be paused until Māori rights and interests are resolved. They requested to speak with Minister Mahuta and DIA officials at their next meeting on the Three Waters Review.

At-risk catchments

39. Mr Smith and Ms Sykes reported on the progress of the at-risk catchments project. Ms Sykes mentioned that the officials working on that project are developing a conceptual framework, and that the last iteration of this was looking good.

Essential Freshwater – roadmap to July 2019

40. Mr Smith spoke to background document A, the Essential Freshwater roadmap of milestones and decisions between now and July 2019.

41. Dr Kingi asked whether officials had considered the links between allocation of water takes and access, and solutions to water degradation. He suggested that there was a risk that Māori rights and interests would not be addressed if the policy proposals did not consider how allocation of water access could contribute to improved water quality. If officials were not making those connections, he asked if the Kāhui would be resourced to do it themselves.

42. Mr Smith agreed that Māori rights and interests needed to be resolved in any discussion about allocation. He reassured the members that it was officials' intention to work with the Kāhui on that.

Karakia whakamutunga

28 February 2019 (9:30am – 4:30pm)

Venue: Terrace Conference Centre, 114 The Terrace, Wellington

Attendees:

Kahui Wai Māori: Kingi Smiler (Co-chair), Annette Sykes, Hon. Dover Samuels, Dr Jacinta Ruru, Mahina-a-rangi Baker, Millan Ruka, Paul Morgan, Riki Ellison, Dr Tanira Kingi

Kahui Wai Māori contractors: Dayle Hunia, Lyn Harrison, Maia Wikaira

MfE officials: Bryan Smith (morning session only), Janice Rodenberg (morning session only), Dr Lucy Bolton (morning session only), Dr Matthew Cunningham, Taimania Clark (morning session only), Vicky Robertson (morning session only)

Apologies: Dr James Ataria, Traci Houpapa, Tā Wira Gardiner

Karakia i timata

Preparation for meeting with Minister Parker (continued)

43. The members continued their discussion on the draft talking points for their meeting with Minister Parker. They agreed to be very direct in their presentation to the Minister about their desire for fundamental system reform and a new freshwater governance framework that provides for the Treaty partnership. They also stressed the importance of Māori being involved as a partner in the design of this partnership model.
44. Mātua Dover proposed a headline to sit atop the talking points – ‘Te Mana o te Wai: the health of our water, the health of our nation’. The members agreed with this.

Session with MfE officials (continued)

Essential Freshwater – roadmap to July 2019

45. Mr Smith continued to discuss the Essential Freshwater roadmap to July 2019 (background document A).
46. The members asked Mr Smith how he saw Māori rights and interests being recognised and provided for throughout the whole reform package. Mr Smith mentioned the work being done with the Kāhui to clarify and strengthen Te Mana o te Wai.
47. The members commented that embedding Te Mana o te Wai in the NPS-FM is not just about expanding ecosystem health. It should involve a much broader set of community values and objectives, such as people’s relationship with water. Regional councils also need to be held accountable for implementing Māori rights and interests under the NPS-FM.

48. The members also reiterated that Te Mana o te Wai is an overarching framework for freshwater governance and management as a whole. They offered to provide officials with a one-page summary of their talking points for their meeting with Minister Parker. They suggested that this might provide a useful overarching guide to assist officials in developing their draft policy options.
49. The members asked where systemic change to the freshwater governance structure fits within the Essential Freshwater programme. Mr Smith noted that the stage two comprehensive resource management system reform may cover some aspects of this, but it is not likely to be as broad as what the Kāhui envisage. He highlighted, however, that this does not limit the scope of the advice that the Kāhui can provide to Minister Parker.

Fair allocation

50. The members and officials discussed MfE's fair allocation work stream. The potential disjunction between officials' work stream and the Kāhui's was highlighted. As officials are at the point of designing potential workable options and the Kāhui are still developing their allocation principles, the members noted the risk that officials' work will not be adequately guided by their principles. Dr Ruru also highlighted the disparity in resourcing between Kāhui members and officials.
51. The members expressed some concern about the extent to which the allocation options being discussed by officials will provide for Māori rights and interests, including governance and a Māori share of water takes and discharges. They stated that there is a risk that Māoridom will take the Crown to court if Māori rights and interests are not provided for.
52. Mr Smith reiterated that Māori rights and interests have to be part of the fair allocation discussion. If any of the models under consideration do not provide for Māori rights and interests, it is unlikely that officials will recommend them to Minister Parker. He also envisaged that the package of proposed allocation reforms which are released in July 2019 will be the start of a very long conversation.
53. The members and officials discussed whether there was sufficient and reliable data upon which to base allocation decisions.
54. The members asked that officials consider the following points when preparing their presentation for the next Kāhui meeting on 19-20 March:
- e. Be clear and simple;
 - f. Outline up-front any assumptions made;
 - g. Demonstrate how Māori rights and interests will be recognised and provided for;
 - h. Include diagrams and pictures where possible;
 - i. Adopt a whole-of-ecosystem approach; and
 - j. Outline what recommendations officials propose to make to Ministers on each model.

Budget package

55. Mr Smith gave an update on progress with the budget package. He advised that the entire package is aimed at improving the wellness of wai and communities and shifting to a more balanced environmental approach.

Communications strategy (continued)

General

56. Mses Robertson and Rodenberg arrived to discuss MfE's communications strategy with the Kāhui.
57. Ms Harrison mentioned that any MfE communications that refer to Te Mana o te Wai may be interpreted by Māoridom and the general public as having been informed and/or sanctioned by the Kāhui. Officials agreed that any such content will be discussed with the Kāhui first before it is released.
58. The members advised Ms Robertson that they intend to put a comprehensive package of reforms to Minister Parker. Ms Robertson recognised that the Kāhui's report will likely extend beyond the government's current mandate for freshwater reform. She welcomed this approach, but requested that the Kāhui raise it with Minister Parker later that day so that he was not taken by surprise later.
59. Ms Rodenberg agreed that, when the members are asked to contribute to MfE communications instruments (such as newsletters), this should be communicated early enough that they have sufficient time to respond.
60. The members noted that they are interested in producing videos as part of the messaging for Te Mana o te Wai.

Public consultation

61. Ms Robertson discussed the proposed public consultation programme for Essential Freshwater. She noted that, when Cabinet decide what options they want to consult on from July 2019, the Kāhui will have a choice about whether they want to be involved in that or not. She added that it is unlikely that Cabinet will accept all of officials' or the Kāhui's advice, but she guaranteed that none of the Kāhui's advice would be vetted before it went to Minister Parker.
62. Ms Sykes stressed that it is crucial that the Kāhui is guaranteed some form of anticipatory resourcing to undertake public consultation, whether it is complementary to or separate from the consultation on the Essential Freshwater programme. Otherwise, the Kāhui may be faced with an unrealistic timeframe if they have to wait until Cabinet's decision before they start planning their consultation.
63. The members also raised their more immediate concern that officials may undertake targeted consultation, or issue early communications, without having consulted with the Kāhui on the messaging. They noted that any content may be perceived by Māoridom as having been endorsed by the Kāhui (especially anything relating to Māori rights and interests). Depending on the nature of this

content, it could impact on the Kāhui's credibility when public consultation commences in July.

64. Ms Robertson stated that she is committed to working with the Kāhui to prevent this from happening. She suggested that one way of preserving the Kāhui's credibility will be by being fully transparent about the nature of the advice given to Ministers. Ms Robinson noted her intention to proactively release both officials and the Kāhui's advice once Cabinet have decided on a consultation package.
65. Ms Robertson also noted that MfE are trying to organise quarterly, cross-agency engagement hui with Māori on all areas of work currently underway (in particular freshwater and climate change). She noted that the first hui should occur in the next six to eight weeks, and that she is committed to working with the Kāhui before this early engagement occurs.
66. Hon. Samuels hoped that the Kāhui and officials could work together when public consultation occurs. However, he worried whether officials could fully comprehend the Kāhui's vision. Ms Robertson agreed that it is vital to step above the technical level to a broader vision – our shared responsibility to the wai. She saw that 'conversation change' as a long term programme.
67. The members expressed a concern that interim decisions will be made on key kaupapa (such as allocation models) prior to the Kāhui developing its overarching framework. This may result in a situation where the Kāhui's framework is rendered redundant by the public consultation package agreed to by Cabinet. Ms Robertson reassured the group that Ministers would not make any decisions prior to the final package of advice being sent to them at the end of April. She also offered the Kāhui the opportunity to comment on officials' final advice before it goes to Cabinet.

Other matters

68. The members raised their concerns about the Three Waters Review programme. Ms Robertson noted that she would convey the group's concerns to DIA officials.
69. Ms Sykes reminded officials that, if Māori rights and interests in freshwater are not resolved through the Essential Freshwater programme, they may be raised in a court setting. She stressed that Three Waters may be the trigger that causes this.

Kāhui project 2: tino rangatiratanga / kāwanatanga framework for freshwater

70. The members began discussing the scope and the intended audience of Ms Hunia's project. They reiterated that it should be a 'position paper' setting out the Kāhui's agreed views, which the members can then draw on when preparing their final report to Minister Parker.
71. The members also agreed that a sub-committee should be appointed to give Ms Hunia the direction needed to capture the group's shared position. Drs Ruru and Kingi, Mses Baker and Sykes, and Mr Ellison agreed to form this sub-committee.

72. The members agreed that it would be better to postpone the substance of this discussion until after they had tested some of the Kāhui's thinking with Minister Parker later that day.

Preparation for meeting with Minister Parker (continued)

73. The members agreed on five key talking points for Mr Smiler to deliver to Minister Parker. These related to the Kāhui's proposed way forward:
- a. Develop an agreed process to resolve, with iwi/hapū, Māori rights and obligations in freshwater with the Crown;
 - b. Immediately establish a partnership model with Māori to provide governance over freshwater management;
 - c. Build capacity within MfE to ensure that Te Mana o te Wai is both understood and implemented within the freshwater management system;
 - d. Actions need to be taken now to prevent further degradation of waterways; and
 - e. The roll-out of the separate Three Waters Review programme must be paused, and the programme must be integrated with the Essential Freshwater programme.
74. The members then departed for their closed session with Minister Parker at Parliament.

Debrief on meeting with Minister Parker

75. The members held a debrief on their meeting with Minister Parker upon their return. They agreed that it had been a productive meeting – the Minister's approach to Te Mana o te Wai had seemed comprehensive, and he had clearly been thinking about a Water Commission (albeit along the lines of the climate commission model). They also noted his comment that a tino rangatiratanga / kāwanatanga model would need to be practical and pragmatic.
76. Ms Wikaira advised the members that she would send them her notes of the meeting.
77. The members discussed Minister Parker's request that they work with the FLG to develop a set of five to ten principles that could be applied to the freshwater work programme and outcomes (including grandparenting). Dr Cunningham agreed to advise the Kāhui where the FLG had gotten to with this.
78. The members noted that Minister Parker had supported them meeting with Minister Mahuta and DIA officials to discuss the Three Waters Review. Dr Cunningham agreed to arrange this with Minister Mahuta's office.
79. The members reflected on the advice that Minister Parker had requested from the Kāhui. Although keen to take up that offer, they expressed some concern about whether they were adequately resourced to take on this additional work. The members also noted that Minister Parker had supported Mr Smiler charging for hourly rates as the group's Chair.

80. Ms Sykes made a motion that the Chair be remunerated at an hourly rate, and that the Kāhui's contractors re-scope their work to more accurately reflect the additional hours they were being expected to work. Mr Morgan seconded the motion, and it passed unanimously.
81. Ms Sykes also raised the need for the Kāhui to secure additional resources for the group's communications strategy. Ms Harrison replied that she needed to have another discussion with Ms Rodenberg first to ascertain how much work the Kāhui needed to do on this kaupapa. She noted that she would arrange weekly meetings with Ms Rodenberg and report back to the next Kāhui meeting.
82. Ms Wikaira agreed to work with Mr Ruka to develop a powerpoint presentation on rangatiratanga for Minister Parker.

Kāhui project 2: tino rangatiratanga / kāwanatanga framework for freshwater (continued)

83. The members continued their discussion of Ms Hunia's project in light of their kōrero with Minister Parker.
84. The members agreed that Ms Hunia's paper (as well as Ms Wikaira's allocation paper) should focus on setting out high-level principles from a Māori point of view. They also reiterated that Te Mana o te Wai needs to be the framework sitting on top of all of the Kāhui's projects.
85. Ms Sykes offered to provide Ms Hunia with two papers from the Waitangi Tribunal's freshwater inquiry (Wai 2358) which could assist her in setting out the current freshwater management regime as a benchmark:
- a. The Crown's closing submissions; and
 - b. A paper which demonstrates how Mana Whakahono-a-Rohe and co-governance regimes fit within the NPS-FM.

Closing matters

86. Ms Wikaira noted that she would follow up with Messrs Ellison and Ruka about her allocation principles project.
87. There was some uncertainty about whether the dates for the next meeting were 18-19 March or 19-20 March. Dr Cunningham said that he would confirm which were the correct dates. He also agreed to arrange an additional meeting on 1-2 April for the Kāhui to review and sign-off on some of their work streams.
88. The members expressed some concern about MfE's turnaround time for signing off on contracts. Ms Wikaira agreed to follow up with officials.

Karakia whakamutunga

Appendix A: Action points

No.	Action	Responsibility	Date
1	When sending out agendas for future meetings, include a digest of subjects being discussed at the other advisory groups' meetings (including links to documents being tabled)	Matthew	Ongoing
2	When sending out agendas for future members meetings, include a link to the MfE portal	Matthew	Ongoing
3	Circulate electronic versions of the final Terms of Reference and Minister Parker's Waitangi talking points	Matthew	Done (27/2/19)
4	Upload electronic versions of the final Terms of Reference and Minister Parker's Waitangi talking points to the MfE portal	Matthew	Done (28/2/19)
5	Upload the final Terms of Reference to the MfE website	Matthew	Done (28/2/19)
6	Confirm that the dates for the next meeting are 19-20 March	Matthew	Done (3/3/19) – confirmed as 19-20 Mar
7	Arrange the logistics for the additional members meeting on 1-2 April	Matthew	Done (6/3/19)
8	Arrange accommodation for all confirmed members meetings between now and the end of May 2019	Matthew	Done (6/3/19)
9	Circulate the list of existing rights and interest papers held by MfE to the members	Matthew	Done (3/3/19)
10	Upload the list of existing rights and interest papers held by MfE to the portal	Matthew	Done (3/3/19)
11	Ensure that all members' taxi chits are loaded with additional fares	Matthew	Done (6/3/19)
12	Follow up with Minister Mahuta's office about her presenting at the next members meeting on 3 waters with DIA officials	Matthew	Done (6/3/19)
13	Follow up with the IAG about presenting at the next members hui on Te Mana o te Wai	Matthew	Letter to ILG Chair drafted (8/3/19)
14	Follow up with the FLG about the high-level principles that Minister Parker asked for	Matthew	Confirmed on 3/3/19 that these haven't been developed yet
15	Send Ms Hunia a copy of the Crown's closing submissions	Matthew	Done (3/3/19)
16	Source and provide members with copies of the papers that informed the TWG	Matthew	Done (7/3/19)
17	Review the minutes of previous members meetings	Maia	

In-confidence

NOT GOVERNMENT POLICY

No.	Action	Responsibility	Date
18	Provide members with a distillation of the EDS report	Maia	Week of 4/3/19
19	Circulate electronic copies of the TWG and EDS reports to the members	Maia	Done
20	Circulate notes of the Kāhui's meeting with Minister Parker to members	Maia	Done
21	Arrange a time to discuss the allocation project with Messrs Ellison and Ruka	Maia	
22	Follow up with MfE about finalising contracts for the members' contractors	Maia	Done
23	Follow up with MfE about remunerating the Chair at an hourly rate	Maia	Done
24	Provide officials with a one-page summary of the members' talking points to Minister Parker	Maia	Redundant – Minister Parker's office sent MfE a copy of the KWM's talking points.
25	Develop a powerpoint presentation on rangatiratanga	Maia and Millan	
26	Arrange weekly meetings with Ms Rodenberg	Lyn	Done
27	Send copies of some of his river reports to Lyn	Millan	
28	Get a quotation from Dr Somerville to provide a legal opinion on freshwater ownership	Jacinta	
29	Provide Ms Hunia with a copy of the diagram filed for the Wai 2358 copy which shows how Mana Whakahono-a-Rohe and co-governance with within the current NPS-FM	Annette	Done
30	Provide members with a copy of the material they prepared concerning alternative allocation models	Vaughan and Doug	Done (circulated on 11/3/19)
31	Direct the members to good examples of Māori rights and interests being recognised at a regional level	Vaughan and Doug	Done (circulated on 11/3/19)
32	Have a conversation with the DIA about the members' concerns with their work programme	Vicky	Done
33	Provide MfE with copies of their conflict of interest forms (if they've yet to do so)	All members	