



Kahui Wai Māori meeting minutes, 1-2 April 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.

1 April 2019 (9:00am – 5:30pm)

Venue: Terrace Conference Centre, 114 The Terrace, Wellington

Attendees:

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

Kahui Wai Māori contractors: Lyn Harrison, Maia Wikaira

Ministry for the Environment (MfE) officials: Adrian Young, Janice Rodenburg, Jo Gascoigne, Dr Matthew Cunningham, Shadrach Rolleston, Stephen Walter, Taimania Clark

Department of Internal Affairs (DIA) officials: Allan Prangnell, Jane Fletcher

Ministry of Health (MoH) officials: Dr Helen Robinson

Minister Mahuta's staff: Alison Newbald

Crown lead: Tā Wira Gardiner

Apologies: Paul Morgan, Traci Houpapa

Karakia i timata

General matters

1. Hon. Samuels expressed his thanks for the work that had been done by Te Kāhui members and their contracted researchers. He noted that the work done by Te Kāhui to date was above and beyond what is normally expected of an advisory group to a Minister.
2. Hon. Samuels expressed some concern about the amount of work involved in presenting Te Kāhui's recommendations to tangata whenua when public consultation commences. He stressed that it is crucial that Te Kāhui is appropriately resourced for this. He added that 'communication with our people is very crucial', and needs to be done in a holistic and coordinated fashion.

3. Hon. Samuels also asked whether Te Kāhui's final report would be made public. He suggested that this would be up to Minister Parker, who may wish to discuss its contents with his Ministerial colleagues first. He stressed that Te Kāhui needed some clarity on this, as they could be put in a compromising situation when they are asked by their iwi and hapū about their work.
4. Ms Harrison suggested that Te Kāhui raise these matters with officials at the communications session scheduled for that morning.

Engagement and communications plan

5. Tā Wira Gardiner, Mses Rodenburg and Clark, and Mr Rolleston arrived.
6. Ms Rodenburg gave a powerpoint presentation outlining MfE's developing plans for public consultation after the Essential Freshwater package is released in July, as well as targeted engagement with tangata whenua in April-May. The key components of the package for public consultation will likely include:
 - a. A plain-language consultation document (including short statements from the advisory group Chairs on where they agree / disagree with the package);
 - b. More detailed appendices, such as a draft National Policy Statement for Freshwater Management (NPS-FM), National Environmental Standard (NES), and fair allocation blueprint; and
 - c. A video from Minister Parker and the advisory group Chairs.
7. Ms Rodenburg also mentioned that Minister Parker had agreed that:
 - a. Advisory network members would be free to attend any roadshow meetings to join the discussion; and
 - b. Advisory network members would be free to express their individual views on the policy proposals – at meetings, in the media, and elsewhere – once the package is in the public domain.
8. Mr Smiler asked if Minister Parker was happy with Te Kāhui having control over the release of their final report. Ms Rodenburg replied that officials would need to ask the Minister, but she suspected he would want to know what Te Kāhui's position was.
9. Ms Sykes expressed some concern that officials' plans for public consultation reduced Māori to a stakeholder rather than a partner. She added that:
 - a. There needs to be a separate Māori communications strategy;
 - b. Meeting with Māori in a Town Hall-type setting as part of a general public meeting is not culturally appropriate;
 - c. The consultation package needs to be in te reo Māori as well as te reo Pākēha so that key concepts such as Te Mana o te Wai are not lost in translation; and

- d. Te Kāhui favour a more fundamental step change in freshwater governance and management, not just revisions to regulatory tools such as the NPS-FM.
10. Ms Rodenburg thanked Ms Sykes for her kōrero and advised that she would take it on board. She added that it is officials' intention to partner with Māori on the public consultation.
11. Mr Rolleston provided some more context on how MfE proposes to engage with tangata whenua going forward. Rather than engaging on separate kaupapa in an ad-hoc fashion (such as water, climate change, and resource management reform), MfE is planning to hold quarterly regional hui to engage on multiple matters in a holistic fashion. The first round of hui are scheduled for May, and will focus predominantly on climate change (although officials also intend to signpost the upcoming Essential Freshwater package). He noted that there is commitment from MfE leadership to improve the way that the Ministry engages with tangata whenua to better reflect a Tiriti-compliant partnership approach.
12. Dr Kingi suggested that the assumptions underpinning the engagement process need to be unpacked. Rather than MfE designing an engagement process and inviting Te Kāhui to be a part of it, there should be a collaborative design process. He suggested that the engagement should focus on key messages rather than exposure drafts of regulatory documents (for example, how the various proposals fit together). Otherwise, the engagement process and the associated package may not resonate with Māori.
13. The members and officials discussed MfE's proposed engagement on climate change and how this aligned with the hui being held by the Independent Climate Change Committee. The members and officials also discussed the upcoming Environment Aotearoa 2019 report.
14. Ms Harrison noted that it is important that Te Kāhui have the opportunity to see what officials are putting together for the regional engagement hui, including the proposed structure for those hui and who is likely to attend. Mr Smiler asked the members to send any further feedback they have on the proposed engagement to Ms Harrison. Dr Ruru asked for a word version of officials' powerpoint presentation, which Ms Rodenburg agreed to provide.
15. Officials agreed to revise the draft presentation for the regional hui planned in May to reflect the feedback given by Te Kāhui members. Mr Rolleston also assured the members that he would work with Ms Harrison to ensure that the messaging was right for a Māori audience.
16. The members and officials agreed to hold a further communications and engagement session at the next meeting.
17. Tā Wira Gardiner, Mses Rodenburg and Clark, and Mr Rolleston departed.

Drafting the Kāhui's final report to Minister Parker

18. The members discussed the content and structure of their final report to Minister Parker, and provided guidance to a sub-group that was tasked with preparing a first draft of the report.

Meeting with Minister Mahuta

19. Minister Mahuta arrived with Mses Rodenburg and Gascoigne and Messrs Young and Walter (MfE), Ms Fletcher and Mr Prangnell (DIA), Dr Robinson (MoH), and Ms Newbald (Minister Mahuta's office).
20. Minister Mahuta noted that she had been reflecting on the last meeting. She invited Te Kāhui Wai Māori to provide a starting point for further discussion.
21. The members raised the following points:
 - a. Several of the members have seen the slide deck that is being used by officials to consult with Māori on the emerging Three Waters proposals, and they have some concerns about what they see as a lack of recognition of Māori rights and interests;
 - b. Te Kāhui are proposing that Te Mana o te Wai should be the overarching framework for freshwater governance and management – this needs to apply to the Three Waters Review as well;
 - c. There is an opportunity to ensure that the governance arrangements that are being developed under the Three Waters Review (i.e. a regulator) are compatible with what is being proposed by Te Kāhui; and
 - d. Governance, care and protection of water needs to be integrated across the urban and rural sectors, such as via a water commission. It does not make sense to develop separate proposals for centralised governance.
22. Hon. Samuels stressed the importance of dealing with the Māori rights and interests question now rather than parking it to one side.
23. Mr Smiler added that a Te Mana o te Wai framework will provide a mechanism for resolving competing interests in water, because it demands a higher duty of care for water.
24. Minister Mahuta replied that she saw the Three Waters Review as an opportunity to drive change. She noted that she did not see a conflict with the Review's objectives and Te Mana o te Wai, although she added that the detail would need to be considered as the proposals for a drinking water regulator take shape.
25. Ms Sykes replied that it is not a conflict, but a question of priority. While she understood the urgency of the situation in Havelock North, she argued that Te Mana o te Wai is undermined if the same changes are also made in all other urban centres, as it prioritises human use above all others.

26. Minister Mahuta countered that the problem of aged water infrastructure and a lack of regulation is far more prevalent than just Havelock North. The Three Waters Review provides an opportunity to bring drinking water and environmental outcomes together to achieve a fundamental step change. She added that, while the government could have focused solely on drinking water infrastructure, from a Māori perspective she felt that dealing with stormwater and wastewater at the same time was more sustainable and more likely to achieve a step change.
27. Minister Mahuta handed out a revised slide deck to Te Kāhui members. She commented in particular on a diagram which showed the connections between Essential Freshwater and Three Waters (in particular the proposal for a regulator), and how they fit under Te Mana o te Wai. The members noted that the diagram did not appear to address governance structures, which is one of the key principles of Te Mana o te Wai they had identified. Any proposals which involve governance will inevitably have implications for rangatiratanga and ownership. Te Kāhui stressed that Māori should have a partnership role in a new regulator rather than simply having input into it.
28. Minister Mahuta identified two governance 'touch points':
- a. The new regulator will have a 'statement of expectations' or 'governance statement' that sits above it. The Minister expects that this will include a commitment to recognise mātauranga Māori; and
 - b. The service delivery model.
29. The members responded that:
- a. Having an overarching statement won't necessarily mean that it is properly implemented – this is one of the reasons why Māori need to be involved in the decision-making process;
 - b. The regulator should be expected to enforce Te Mana o te Wai;
 - c. There is a risk that the proposals developed by Te Kāhui won't be compatible with what is being developed through the Three Waters Review;
 - d. A robust monitoring and compliance regime will be needed to ensure that the new regulator is effective; and
 - e. Governance issues cannot be dealt with at one level only (such as via a regulator) – rangatiratanga exists at a number of levels and scales.
30. Minister Mahuta acknowledged that the governance question was an important area to keep discussing with Te Kāhui. This included the form and function of the proposed regulator, what setting standards under Te Mana o te Wai would look like, and the details of the regulator's design. Mr Prangnell noted that there was a window to continue this conversation between now and the end of June when officials are expected to prepare something for Cabinet to consider.

31. Mr Smiler advised that Te Kāhui Wai Māori were willing to form a sub-group to work with Three Waters officials between now and the end of June 2019. This was supported by DIA, MfE, and MoH officials. Mr Smiler asked DIA officials to contact himself and Ms Wikaira after the meeting to formalise this engagement. He added that the sub-group would need to be adequately resourced.

32. The members raised two further points:

- a. Some of the members' iwi have not received any Three Waters' engagement material; and
- b. It is crucial that Three Waters and Essential Freshwater are aligned in their engagement with Māori – if they are not, there is a risk that Māori will view their proposals, as well as those of Te Kāhui, as misaligned.

33. Minister Mahuta and her officials departed.

Debrief on meeting with Minister Mahuta

34. The members commented that the revised slide package handed out by DIA officials was an improvement on what they were using for their consultation. The main component that was missing was how a Tiriti-compliant partnership would be provided through any new governance functions.

35. Mr Smiler asked Dr Cunningham to follow up with DIA officials to confirm the next steps for their engagement with Te Kāhui, and to ask that the key Māori advisors involved in the Three Waters Review are involved in this engagement.

Concluding matters

36. The members agreed that they would aim to finalise their report to Minister Parker by Friday 12 April 2019.

Karakia whakamutunga

2 April 2019 (9:00am – 4:00pm)

Venue: Terrace Conference Centre, 114 The Terrace, Wellington

Attendees:

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

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

MfE officials: Dan Shenton

Apologies: Riki Ellison, Traci Houpapa

Karakia i timata

Drafting the Kāhui's final report to Minister Parker

1. The members spent most of the day refining their draft report to Minister Parker. They agreed to hold video conferences over the next week and a half to further refine their report and agree on the final text. Ms Wikaira agreed to send a printed copy to Hon. Samuels for his review.

Planning for the next Kāhui meeting

2. The members noted that they wish to discuss the following items at their next meeting:
 - a. Communication and engagement plan;
 - b. Hui with with Minister Davis;
 - c. Hui with Melanie Mark-Shadbolt (Chief Māori Advisor to Vicky Robertson);
 - d. Report back from the Three Waters working group;
 - e. The rest of the Essential Freshwater programme and what officials are expecting feedback on at the next meeting;
 - f. A joint meeting with the other advisory groups; and
 - g. Wider resource management reform.

Karakia whakamutunga

Appendix A: Action points

No.	Action	Responsibility	Date
1	Check with Minister Parker whether he is comfortable with Te Kāhui Wai Māori controlling the release of their final report	MfE officials	Superseded – Te Kāhui’s final report and covering letter states that the final report should not be made public without the group’s agreement
2	Initiate the contracting process to produce vignettes on Te Mana o te Wai	Dr Cunningham	Done – Te Amokura productions contracted on 5/4/19
3	Send any further feedback on MfE’s draft presentation for the regional hui planned in May to Ms Harrison	Kāhui members	
4	Send Dr Ruru a copy of the proposed powerpoint presentation for the regional hui with Māori in May	Ms Rodenburg	Done (1/4/19)
5	Revise the draft presentation for the regional hui planned in May to reflect the feedback given by Te Kāhui members	MfE officials	Done (8/4/19)
6	Discuss the possibility of developing a separate Māori communications plan	Mses Harrison and Sykes	
7	Contact Mr Smiler and Ms Wikaira to formalise the arrangements for a Te Kāhui sub-group to work with Three Waters officials	DIA officials	Done (9/4/19)
8	Follow up with DIA officials to confirm the next steps for their engagement with Te Kāhui, and to ask that the key Māori advisors involved in the Three Waters Review are involved in this engagement	Dr Cunningham	Done (2/4/19)
9	Finalise the final report to Minister Parker	Te Kāhui Wai Māori	Done (14/4/19)
10	Send a printed copy of Te Kāhui’s draft report to Hon. Samuels for his review	Ms Wikaira	