

WAIRARAPA MOANA STATUTORY BOARD



INAUGURAL STATUTORY BOARD MEETING

Friday 22 March 2024
10:00am – 3 .00pm

**Office of Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua Settlement Trust and the Ngāti
Kahungunu ki Wairarapa Iwi Development Trust**
Level 4, Departmental Building
35-37 Chapel Street, Masterton

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WAIRARAPA MOANA STATUTORY BOARD

Board Meeting
22 March 2024
Report 2024.1

For Decision

APPOINTMENT OF CHAIRPERSON

Te take mō te pūrongo

Purpose

1. To appoint the chairperson for the Wairarapa Moana Statutory Board and confirm the term of the chairperson.

He tūtohu

Recommendations

That the Wairarapa Moana Statutory Board:

1. **Appoints** _____ as the chairperson of the Wairarapa Moana Statutory Board.
2. **Appoints** the chairperson to a three-year-term.

Te tāhū kōrero

Background

Election of chairperson

2. Under the Te Rohe o Rongokako Joint Redress Act 2022 (Joint Redress Act), the Wairarapa Moana Statutory Board (WMSB) must elect the chairperson at its inaugural meeting.
3. The members must elect the chairperson from the four (4) members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (NKKWTNRT).¹
 - a) Haami Te Whaiti NKKWTNRT Iwi Representative
 - b) Shannon Bentley NKKWTNRT Iwi Representative
 - c) Ani Te Whaiti NKKWTNRT Hapū of Kohunui Marae Representative
 - d) Marama Tuuta NKKWTNRT Hapū of Papawai Marae Representative.

¹ Section 51 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 51 Chairperson – New Zealand Legislation](#)

Te tātaritanga

Analysis

4. To date, the WMSB has held three wānanga on:
 - a) 13 October 2023
 - b) 15 December 2023; and
 - c) 8 March 2024.
5. At the WMSB wānanga on 13 October 2024:
 - a) the four members appointed by the Trustees of the NKKWTNRT were asked to put forward a nomination for the chairperson for the wānanga.
 - b) Marama Tuuta, with support from Piri Te Tau, nominated Haami Te Whaiti as the chairperson for the wānanga. This was supported by all members appointed by the Trustees of the NKKWTNRT.
 - c) the WMSB membership as a whole agreed to Haami Te Whaiti being appointed as the WMSB chairperson for the wānanga.
6. The members appointed by the Trustees of the NKKWTNRT remain in support of Haami Te Whaiti being the chairperson for the WMSB.
7. The Joint Redress Act provides no guidelines on the term of the chairperson.
8. It is proposed that the WMSB considers appointing the chairperson to a three-year term.

Acting Chairperson

9. There is no provision under the Joint Redress Act to appoint a permanent deputy chairperson.
10. Instead, WMSB members present at a WMSB meeting will elect one of the other NKKWTNRT appointees to act in the role if the chairperson is absent.²

Ngā Whakaarohanga

Considerations

Ngā hua ahumoni

Financial implications

11. There are no financial implications arising from this report.
12. The costs of all members on the WMSB including the chairperson are covered by each respective appointer agency.

² Section 53(3) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 53 Quorum of Statutory Board – New Zealand Legislation*](#)

Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

13. There are no risks associated with the recommendations of this report.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

14. There are no climate change implications arising from this report.

Te whakatūtakitaki Engagement

15. External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei Next steps

16. The next steps are to:

- a) provide a media release on the appointment of the chairperson with a picture and profile;
- b) offer all five appointee agencies the same content to place on their websites if they wish.

Ngā kaiwaitohu Signatories

Writers	Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support Tia Tuuta – Pou Whakahaere (General Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust
Peer reviewers	Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust Brett Cockeram – Director Māori Outcomes, Wellington Regional Council
Approvers	Darrin Apanui – Chief Executive Officer Tū Mai Rā Trust Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council

WAIRARAPA MOANA STATUTORY BOARD



Board Meeting
22 March 2024
Report 2024.2

For Decision

CONFIRMATION OF APPOINTEES AS MEMBERS OF WAIRARAPA MOANA STATUTORY BOARD

Te take mō te pūrongo **Purpose**

1. To confirm the appointees for the membership of the Wairarapa Moana Statutory Board.

He tūtohu **Recommendations**

That the Wairarapa Moana Statutory Board:

- a. **Agrees** to confirm the following appointees and alternatives as the Wairarapa Moana Statutory Board members:
 - i Haami Te Whaiti; Marama Tuuta; Shannon Bently; and Ani Te Whaiti as the appointed members for Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust which includes Marama Tuuta representing the hapū of Pāpāwai Marae; and Ani Te Whaiti representing the hapū of Kohunui Marae; and Rawiri Smith as the alternative for all Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust appointed members;
 - ii Sonya Rimene as the appointed member for the Rangitāne Tū Mai Rā Trust and Piri Te Tau as the alternative member;
 - iii Daran Ponter and Adrienne Staples as the appointed members for Wellington Regional Council and Hikitia Ropata and Penny Gaylor as alternative members;
 - iv Jo Breese and Dr Esther Dijkstra as appointees of the Minister of Conservation;
 - v Martin Connelly for South Wairarapa District Council and Melissa Sadler-Futter as the alternative member.

Te tāhū kōrero **Background**

2. The Te Rohe o Rongokako Joint Redress Act 2022 (Joint Redress Act) provides for ten members to be appointed to the Wairarapa Moana Statutory Board (WMSB) —

- a) 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (NKKWTNRT), including—
 - (i) 1 member representing the hapū of Pāpāwai Marae; and
 - (ii) 1 member representing the hapū of Kohunui Marae; and
 - b) 1 member appointed by the trustees of the Rangitāne Tū Mai Rā Trust (RTMR); and
 - c) 2 members appointed by the Minister of Conservation; and
 - d) 2 members appointed by the Wellington Regional Council; and
 - e) 1 member appointed by South Wairarapa District Council.¹
3. In appointing a member, the appointer—
- a) must be satisfied [the appointees] have the skills, knowledge, and experience:
 - (i) to participate effectively in the Statutory Board; and
 - (ii) to contribute to achieving the purpose of the Statutory Board; and
 - b) must have regard to any other members of the Statutory Board to ensure that the membership collectively reflects a balanced mix of skills, knowledge, and experience in relation to Wairarapa Moana.²
4. The Joint Redress Act also enables the appointment of one or more alternative members. An alternative member may attend a meeting and do everything that the member could do at the meeting, if the member is unable to attend.³

Te tātaritanga Analysis

5. The table below lists the following WMSB appointees and alternatives:

Appointer	Appointees	Alternatives
Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust	<ul style="list-style-type: none"> • Haami Te Whaiti • Marama Tuuta representing the hapū of Pāpāwai Marae • Shannon Bently • Ani Te Whaiti representing the hapū of Kohunui Marae 	<ul style="list-style-type: none"> • Rawiri Smith as the alternative for all Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust appointed members
Rangitāne Tū Mai Rā Trust	<ul style="list-style-type: none"> • Sonya Rimene, Chairperson 	<ul style="list-style-type: none"> • Piri Te Tau, Trustee
Wellington Regional Council	<ul style="list-style-type: none"> • Daran Ponter, Chairperson • Adrienne Staples, Deputy Chairperson, Councillor for Wairarapa 	<ul style="list-style-type: none"> • Hikitia Ropata, Chair, Tiriti o Waitangi Komiti • Penny Gaylor, Chair, Environment Committee

¹ Section 47(1) [Te Rohe o Rongokako TRoRJA 2022 No 76, Public Act 47 Membership of Statutory Board – New Zealand Legislation](#)

² Section 47(1) [Te Rohe o Rongokako TRoRJA 2022 No 76, Public Act 48 Qualifications of members – New Zealand Legislation](#)

³ Section 68 [Te Rohe o Rongokako TRoRJA 2022 No 76, Public Act 68 Alternative members of Statutory Board or committee for natural resources – New Zealand Legislation](#)

Minister of Conservation appointees	<ul style="list-style-type: none"> Jo Breese and Dr Esther Dijkstra as appointees of the Minister of Conservation 	DoC has confirmed they are not appointing any alternatives at this stage
South Wairarapa District Council	<ul style="list-style-type: none"> Martin Connelly, Mayor 	Melissa Sadler-Futter

Terms of members

6. The Joint Redress Act provides for three-year terms for members who may be appointed, reappointed, or discharged at the discretion of the appointer.⁴
7. The terms of the four appointees of NKKWTNRT plus the alternative and the two Minister of Conservation appointees expire in 2026. The NKKWTNRT will create a sustainable iwi-based approach with continuity in the initial setup of the WMSB.
8. There may be different terms for the other four appointees who may serve two-year terms initially as RTMR; Wellington Regional Council and South Wairarapa District Council members have elections at their respective agencies in 2025. The terms of these four members expire in 2025, if they are:
 - a) either: not re-elected;
 - b) or: are re-elected but not re-appointed to the WMSB.
9. The different expiry dates enable a staged induction processes for new members as the Statutory Board will:
 - a) welcome around half of the new WMSB members, at any one time; and
 - b) maintain a pool of institutional knowledge and experience of the WMSB at all times.

Ngā Whakaarohanga Considerations

Ngā hua ahumoni Financial implications

10. Each appointer agency is responsible for remunerating their appointees as members of the WMSB.

Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

11. There are no risks associated with this paper.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

12. There are no climate change implications arising from this report.

⁴ Section 47(4) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 47 Membership of Statutory Board – New Zealand Legislation](#)

Te whakatūtakitaki

Engagement

13. External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei

Next steps

14. The next steps are to:

- a) add to the media release on the Chairperson, confirmation of the other nine appointees as members of the Wairarapa Moana Statutory Board with brief profiles on each;
- b) offer all five appointee agencies the same content to place on their websites if they wish.

Ngā kaiwaitohu

Signatories

Writers	Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support Pikitia Tuuta – Pou Whakahaere (General Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust
Peer reviewers	Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust Brett Cockeram – Director Māori Outcomes, Wellington Regional Council
Approvers	Darrin Apanui – Chief Executive Officer, Tū Mai Rā Group Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council

WAIRARAPA MOANA STATUTORY BOARD



Board Meeting
22 March 2024
Report 2024.3

For Decision

APPROVAL OF MEETING FORMAT AND MEETING SCHEDULE FOR 2024/2025

Te take mō te pūrongo

Purpose

1. To approve the Wairarapa Moana Statutory Board meeting format and meeting schedule for 2024/25.

He tūtohu

Recommendations

That the Wairarapa Moana Statutory Board:

- a. **Agrees** that the Wairarapa Moana Statutory Board will have planned meetings on a quarterly basis; and
- b. **Agrees** that the Wairarapa Moana Statutory Board planned meetings may include public excluded parts to these meetings; and
- c. **Agrees** that the schedule of planned Wairarapa Moana Statutory Board meetings from 1 June 2024 – 30 June 2025 are:
 - i Quarter 4: Friday 7 June 2024
 - ii Annual planning meeting: Friday 16 August 2024
 - iii Quarter 1: Friday, 13 September 2024
 - iv Quarter 2: Friday 13 December 2024
 - v Quarter 3: Friday 14 March 2025
 - vi Quarter 4: Friday 13 June 2025.
- d. **Agrees** that each appointer agency will host the planned meetings on a rostered basis; and
- e. **Agrees** that the Wairarapa Moana Statutory Board will have planned workshops on a quarterly basis; and

- f. **Agrees** that the schedule of planned Wairarapa Moana Statutory Board workshops from 1 June 2024 to 30 June 2025 are:
 - i Quarter 4: Friday 24 May 2024
 - ii Quarter 1: Friday, 30 August 2024
 - iii Quarter 2: Friday 29 November 2024
 - iv Quarter 3: Friday 28 February 2025
 - v Quarter 4: Friday 30 May 2025.
- g. **Agrees** that planned workshops will be held online; and
- h. **Agrees** that wānanga will be held when required; and
- i. **Agrees** that wānanga will be marae based; and
- j. **Agrees** that Friday is the preferred day for Wairarapa Moana Statutory Board wānanga, workshops and meetings.

Te tāhū kōrero

Background

- 2. The Te Rohe o Rongokako Joint Redress Act 2022 (Joint Redress Act) provides detail of the procedures and meetings of the WMSB¹ that:
 - a) stipulates at the WMSB's first meeting, it must agree on a schedule of meetings;² and
 - b) requires the WMSB to hold an annual planning meeting each year.³

Te tātaritanga

Analysis

Meeting schedule 2024/2025

- 3. It is proposed that the WMSB has planned meetings on a quarterly basis. This enables adequate time for those supporting the operations of the WMSB to undertake work commissioned by the WMSB in preparation for planned decision-making meetings.
- 4. It is proposed that the WMSB confirms Friday as the set day for all planned meetings, workshops and wānanga. To date this approach has suited the current members of the WMSB. This approach recognises the constraints that impact on members' attendance which includes:

¹ Section 52 [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation*](#)

² Section 52(3)(b) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation*](#)

³ Section 118 [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 118 Annual planning meeting of Statutory Board – New Zealand Legislation*](#)

- a) the general availability of Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust (NKKWTNRT) and Rangitāne Tū Mai Rā (RTMR) representatives and the Minister of Conservation appointees; and
 - b) Greater Wellington Regional Council appointees are generally unavailable on Tuesdays and Thursdays due to council and committee meetings; and
 - c) South Wairarapa District Council appointees are generally unavailable on Tuesday and Wednesdays due to council and committee meetings.
5. It is proposed that the WMSB considers the following dates for planned meetings from 1 June 2024 to 30 June 2025:
- a) Quarter 4: Friday 7 June 2024
 - b) Annual planning meeting: Friday 16 August 2024
 - c) Quarter 1: Friday, 13 September 2024
 - d) Quarter 2: Friday 13 December 2024
 - e) Quarter 3: Friday 14 March 2025
 - f) Quarter 4: Friday 13 June 2025.
6. It is proposed that the WMSB considers the following dates for quarterly workshops two weeks in advance of each planned meetings from 1 June 2024 to 30 June 2025.
- a) Quarter 4: Friday 24 May 2024
 - b) Quarter 1: Friday, 30 August 2024
 - c) Quarter 2: Friday 29 November 2024
 - d) Quarter 3: Friday 28 February 2025
 - e) Quarter 4: Friday 30 May 2025.
7. This will enable draft Board Report issues to be discussed at a workshop in preparation for WMSB meetings. Any amendments required will be made prior to the distribution of the final Board pack to members at least 5 business days before a planned meeting.
8. Under the Local Government Official Information and Meetings Act 1987 (LGOIMA), all WMSB meetings are open public meetings, but wānanga or workshops are not.
9. For all WMSB meetings, there may be some agenda items that are public excluded, either in whole or in part. These items must meet the LGOIMA grounds for public exclusion (eg commercially sensitive information). This process enables Board members to wānanga on such issues.
10. In addition to these planned meetings, a special meeting of the WMSB may at any time be convened by the chairperson, and the chairperson shall call a special meeting whenever requested to do so in writing by two (2) members of the board.

Venues and hosting responsibilities

11. It is proposed that the WMSB considers:
- a) holding all wānanga at a marae.
 - b) Holding all workshops online.

- c) adopting a rostered meeting schedule for each appointer agency to host one WMSB meeting on an annual basis.
- 12. Using agency offices provides flexibility in managing the Local Government Officials Information and Meetings Act (LGOIMA) obligations associated with having the media and members of the public in attendance.
- 13. In the first instance, the NKKWTNRT has confirmed they will host the 22 March 2024 inaugural Board meeting at their offices, Level 4, Departmental Building 35-37 Chapel Street, Masterton.

Ngā Whakaarohanga

Considerations

Ngā hua ahumoni

Financial implications

- 14. There are costs for wānanga that are marae based.
- 15. There are no costs associated with any online workshops.
- 16. The host agency will pay for the costs incurred in holding one planned quarterly meeting on an annual basis.
- 17. The costs of all members fees for attending WMSB meetings, workshops and wānanga are covered by their respective appointer body.

Ngā Mōrea me Ngā Whakangāwaritanga

Risks and Mitigations

- 18. There are no risks associated with this paper.

Te huritao ki te huringa o te āhuarangi

Consideration of climate change

- 19. There are no climate change implications arising from this report.

Te whakatūtakitaki

Engagement

- 20. External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei

Next steps

- 21. The next steps are to develop a roster of appointer agency hosting responsibilities.

Ngā kaiwaitohu

Signatories

Writers	Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Pikitia Tuuta – Pou Whakahaere (General Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust
Peer reviewer	Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust Brett Cockeram – Director Māori Outcomes, Wellington Regional Council
Approvers	Darrin Apanui – Chief Executive Officer Tū Mai Rā Group Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council

WAIRARAPA MOANA STATUTORY BOARD



**Board Meeting
22 March 2024
Report 2024.4**

For Decision

LEGAL ADVICE AND INDEMNITY INSURANCE

Te take mō te pūrongo

Purpose

1. To seek agreement to commission legal advice and indemnity insurance services for the Wairarapa Moana Statutory Board (WMSB).

He tūtohu

Recommendations

That the Wairarapa Moana Statutory Board:

- a. **Agrees** to commission independent legal advice services;
- b. **Agrees** to commission initial independent legal advice on whether:
 - i. any conflict exists between the liability provisions and what if any action should be taken to mitigate the risks;
 - ii. indemnity insurance cover is required for the Wairarapa Moana Statutory Board as a collective; and
- c. **Agrees** to commission indemnity insurance services.

Te tātaritanga

Analysis

2. The WMSB members are individually and collectively liable for all WMSB decisions.

Legal advice

3. It is proposed that the Statutory Board commissions its own independent legal advice to provide expert analysis and speak directly to the legal opportunities, challenges, and risks of the environment that the WMSB operates within.
4. As a first step, the WMSB will need to identify the criteria to select this important service. The next wānanga of the Board provides an opportunity to determine the due diligence needed to ensure the Board makes informed decisions on the preferred approach.

5. As background, potential considerations for the WMSB to discuss at the next wānanga are:
 - a) the potential use of an existing legal service that an appointer agency already commissions. The advantages of this approach include building on the ‘tried and true’ existing knowledge, experience, history and trust of known experts in their field. A particular disadvantage is the perceived or actual conflict of interest if a legal firm is providing advice on a specific issue to one appointer agency and to the collective WMSB on the same issue, at the same time. If this approach is favoured, the WMSB’s due diligence must consider if and how these concerns could be mitigated within the legal advisor’s organisation to protect the integrity of the advice.
 - b) alternatively, the WMSB may consider that all existing legal services associated with appointer agencies should be taken off the table. The main advantage of this approach is it addresses all of the potential conflict of interests concerns of Option One. The main disadvantage is potentially excluding up to five legal firms who are proven experts in their field and are at the top of their game, in favour of others who are unknown.

Indemnity insurance advice

6. At its workshop on 13 October 2023, the WMSB discussed the potential conflict between of the Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR) provisions on the lack of liability of individual members of the Board compared to those of the whole Statutory Board.
7. Specifically, TRoRJR provisions at section 52¹ point to ‘s34 of the Reserves Act 1977 which covers the WMSB and states *‘The members of any board shall not be personally liable for any act done or omitted to be done in good faith in the course of the operations of the board or for any debt or other liability lawfully incurred by the board.’*²
8. However, the TRoRJR provisions at Section 114 describe particular circumstances when liabilities do and do not apply to the WMSB as a whole.

‘The Statutory Board, or a group of joint redress trustees, is liable for—

- a) *any damage or contamination that arises in relation to a Wairarapa Moana reserve from its intentional, reckless, or negligent act or failure to act; and*
- b) *remediating any further damage to, or contamination of, a Wairarapa Moana reserve that arises because its act or failure to act worsens any damage or contamination that existed immediately before the settlement date.*

The Statutory Board is not liable for—

- a) *an existing improvement for which it would, apart from this section, be liable because it is the administering body of a Wairarapa Moana reserve; or*

¹ Section 52 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation](#)

² Section 34 [Reserves Act 1977 No 66 \(as at 23 December 2023\), Public Act 34 Members of boards not personally liable – New Zealand Legislation](#)

b) *the waters or aquatic life of, or the plants attached to the bed of a body of water in, a Wairarapa Moana reserve.*

*In all other respects, the Statutory Board is liable for all Wairarapa Moana reserves as if it were the owner of each reserve.*³

9. It is proposed that the Statutory Board commissions independent legal advice on whether:
 - a) any conflict exists between the liability provisions and what if any action should be taken to mitigate the risks; and
 - b) indemnity insurance cover is required for the Statutory Board as a collective.
10. If the legal advice confirms there is a need for indemnity insurance cover, it is proposed that the Board commissions those services in the short term.
11. In addition, TRoRJR provides for contingencies if the Statutory Board considers that it is unable to meet any liability it has in respect of a Wairarapa Moana reserve, it may request assistance from the Crown.⁴

Ngā Whakaarohanga Considerations

Ngā hua ahumoni Financial implications

12. There are financial considerations regarding indemnity insurance cover and the WMSB will need to make decisions on how that insurance is funded.

Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

13. There are risks if there are undue delays in commissioning indemnity insurance cover for the Board now that the WMSB is in its establishment phase.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

14. There are no climate change implications arising from this report.

Te whakatūtakitaki Engagement

15. External engagement is not considered necessary for this report.

³ Section 114 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 114 Liability of Statutory Board and trustees – New Zealand Legislation](#)

⁴ Section 116(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 116 Assistance towards liability of Statutory Board – New Zealand Legislation](#)

Ngā tūāoma e whai ake nei

Next steps

16. The next steps are to:

- a) discuss the due diligence required in commissioning independent legal services at the next wānanga of the Board;
- b) commission indemnity insurance services.

Ngā kaiwaitohu

Signatories

Writers	Pikitia Tuuta, Pou Whakahaere, Ngāti Kahungunu ki Wairarapa Iwi Development Trust Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support
Peer reviewers	Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust Margot Fry – Kaitohutohu Advisor Engagement, Wellington Regional Council
Approvers	Darrin Apanui – Chief Executive Officer, Rangitāne Tū Mai Rā Trust Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council

WAIRARAPA MOANA STATUTORY BOARD



Board Meeting
22 March 2024
Report 2024.5

For Decision

CONFIRMING SET UP OF BANK ACCOUNT, FINANCIAL YEAR, AND INDEPENDENT AUDITOR

Te take mō te pūrongo

Purpose

1. To approve the setup of a Wairarapa Moana Statutory Board bank account, including confirming the authorising bodies for payments, and confirming the financial year and independent auditor.

He tūtohu

Recommendations

That the Wairarapa Moana Statutory Board:

- a. **Agrees** to open a bank account for the Wairarapa Moana Statutory Board to receive funds to support the development and implementation of the Wairarapa Moana document;
- b. **Agrees** that the Department of Conservation, Rangitāne Tū Mai Rā Trust, and Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Settlement Trust are the authorising bodies for payments;
- c. **Agrees** that the Wairarapa Moana Statutory Board's financial year is 1 July to 30 June;
- d. **Agrees** that an independent auditor be appointed for a term of 3 years, at which time a new auditor will be appointed.

Te tāhū kōrero

Background

2. It is proposed that the Wairarapa Moana Statutory Board (WMSB) opens a bank account as the first step in establishing the basic business systems required to deliver the Statutory Board's services and activities.
3. It is proposed that the WMSB considers which Auditor services it will commission to deliver the WMSB's annual audited account reports as required.
4. It is proposed that the Wairarapa Moana Statutory Board's financial year is 1 July to 30 June.

Te tātaritanga Analysis

5. The Department of Conservation (DOC), Rangitāne Tū Mai Rā Trust (RTMR) and Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Settlement Trust (NKKWTNRT) either own land reserves included in the Wairarapa Moana Statutory Board (WMSB) and the lakebed itself, therefore have a vested interest in the financial management of the WMSB.
6. The RTMRT and NKKWTNRT negotiated funding of \$5,000,000.00 with the Crown under their settlements. This funding still sits with the Crown, with both the NKKWTNRT and RTMRT being required to open a joint bank account for the money to be deposited into, and subsequently deposited into the WMSB bank account.
7. The use of the funding is yet to be determined by the WMSB.
8. In 2022, the Ministry for the Environment provided new Crown funding to the NKKWTNRT, RTMRT and Wellington Regional Council, South Wairarapa District Council, Masterton District Council and Carterton District Council all of whom are members of the Committee for natural resources.
9. Wellington Regional Council and Masterton District Council have confirmed the intent to transfer their funding to the WMSB bank account. Each council has outlined some provisions of its use.
10. WMSB will establish financial management structures and systems and an annual budget that will be an integral part of the annual operational management plan for the board to track financial performance. This will be included in the role of the secretariat to act on behalf of the WMSB once the function has transferred.

Ngā Whakaarohanga Considerations

Ngā hua ahumoni Financial implications

11. The costs associated with the independent auditor are yet to be confirmed.

Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

12. The opening of the bank account will need to be progressed in order to receive the funding from the Crown.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

13. There are no climate change implications arising from this report.

Te whakatūtakitaki Engagement

14. External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei Next steps

The next steps are to:

- a) Open a WMSB Bank Account with the approved authorising bodies;
- b) Confirm an independent auditor.

Ngā kaiwaitohu Signatories

Writers	Pikitia Tuuta, Pou Whakahaere, Ngāti Kahungunu ki Wairarapa Iwi Development Trust Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support
Peer reviewers	Lee Gray – Chief Executive, Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust Margot Fry – Kaitohutohu Advisor Engagement, Wellington Regional Council
Approver	Darrin Apanui – Chief Executive Officer, Rangitāne Tū Mai Rā Trust Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council



WAIRARAPA MOANA STATUTORY BOARD

Board Meeting
22 March 2024

Report 2024.6

For Decision

WAIRARAPA MOANA DOCUMENT

Te take mō te pūrongo

Purpose

1. To approve the development process for the Wairarapa Moana Document.

He tūtohu

Recommendation

That the Wairarapa Moana Statutory Board:

- a) **Agrees** that the preferred approach to prepare and approve the overarching vision, and statement of desired outcomes, for Wairarapa Moana is to:
 - i. commission a project manager to develop and implement a plan to work with Board members and redress hapū in developing the draft overarching vision, and statement of desired outcomes, for Wairarapa Moana;
 - ii. organise a series of wānanga on the overarching vision, and statement of desired outcomes.
- b) **Notes** that kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust are included in the Rules of Procedure and Terms of reference documents;

Te tāhū kōrero

Background

Wairarapa Moana Document

2. The Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR) provides for the development of the Wairarapa Moana Document which has 3 parts:
 - a) an overarching vision, and statement of desired outcomes, for Wairarapa Moana (overarching vision);
 - b) a reserves management plan for the Wairarapa Moana reserves (reserves plan);
 - c) a natural resources document for the Ruamāhanga River catchment (natural resources document).

3. The Wairarapa Moana Statutory Board's (WMSB) functions in relation to the 3 parts of the Wairarapa Moana document are:
 - a) to prepare and approve the overarching vision, for Wairarapa Moana;
 - b) be consulted on the preparation of the reserves plan for the Wairarapa Moana reserves and to submit it to the Minister of Conservation for approval;
 - c) approve the natural resources document for the Ruamāhanga River catchment.¹

Kawa and Tikanga

4. The WMSB recognises the kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust which are included in the Terms of Reference (ToR). The WMSB will include kawa and tikanga as they develop and make decisions over time. Refer to the WMSB Rules of procedure or the Terms of Reference for a copy of the slides.

Te tātaritanga Analysis

5. Its important to note, that where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.
6. The TRoRJR provisions have a significant number of 'must' obligations which have mandatory legislative weight.

Overarching Vision and Desired Outcomes Document

7. The overarching vision must recognise and provide for the cultural, spiritual, and ecological values of Wairarapa Moana.² It is anticipated that this document will provide the high-level strategic direction of the WMSB.
8. Under the TRoRJR, the WMSB must undertake a first review of the overarching vision no later than 10 years after it is approved as the final document. Each subsequent review must start no later than 10 years after the previous review ended. At the end of each review the WMSB must decide whether the document should be amended.³

Planning

9. The TRoRJR established the WMSB as a co-governance model with a 50/50 membership split between the redress iwi of NKKWTNRT and RTMR and the combined DoC and participating councils' memberships.
10. The NKKWTNRT negotiators recognised the importance of the WMSB arrangements and were successful in securing the independent Statutory Board co-governance arrangement which is arms distant from the Crown and Councils.

¹ Section 77 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 77 Document has 3 parts – New Zealand Legislation](#)

² Section 80 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 80 Requirements for overarching vision and desired outcomes document – New Zealand Legislation](#)

³ Section 86 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 86 Review and amendment of overarching vision and desired outcomes document – New Zealand Legislation](#)

11. As signalled above, of the three key documents that make up the Wairarapa Document, the WMSB's primary planning responsibility is to prepare and approve the overarching vision, for Wairarapa Moana.
12. The TRoRJR confirms the strategic importance of the overarching vision document through its delegation provisions. The WMSB may delegate to a committee of the Statutory Board any function, power, or duty it has under sections 81 to 86, except its power to approve the final overarching vision and desired outcomes document.⁴
13. At its workshop on 8 March 2024, Board members shared their desire to be actively involved in developing the draft Overarching Vision for Wairarapa Moana rather than delegate the process to others. This approach enables the WMSB to lead the hard work required to develop a clear vision that represents the aspirations of the redress hapū.
14. It is proposed that the WMSB commissions a project manager to work with the Board in developing and implementing a plan to design the draft overarching vision document which includes:
 - a) organising planned wānanga with Board members;
 - b) identifying key deliverables with milestone dates of the required products and services, the public notified and written submission processes, and determining if a hearing will be required.

Public notification process

15. The Wairarapa Moana Document is to include a public notification process.⁵
16. The hapū of the joint redress iwi will help influence and shape the overarching vision through the settlement trusts, given the importance of the settlement redress.

Written submissions

17. Under the TRoRJR, the WMSB must consider written (including electronic) submissions received on the overarching vision document.⁶
18. Public notification processes encourage written and electronic submissions and enable meaningful whānau, hapū, iwi and the public input into the decision-making processes. This communication can be an early warning system of concerns, a means of disseminating accurate and timely information and contributing to sustainable decision-making. The disadvantages include the potential for added cost and time-delays.⁷
19. Councils and Department of Conservation (DoC) staff have signalled from their collective experience of managing publicly notified documents that this process takes time and requires careful planning. As a conservative estimate, staff suggest it will take 1-2 years to complete the overarching vision document publicly notified processes including written submissions.

⁴ Section 87 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 87 Delegation to committee of Statutory Board – New Zealand Legislation](#)

⁵ Section 85(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 85 Public notice of overarching vision and desired outcomes document – New Zealand Legislation](#)

⁶ Section 83(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 83 Submissions on draft overarching vision and desired outcomes document – New Zealand Legislation](#)

⁷ Department of Conservation [sfc308a.pdf \(doc.govt.nz\)](#)

Hearing

20. Under the TRoRJR, the WMSB has discretion on whether it will have a hearing for the overarching vision document.⁸
21. The WMSB will seek the views of the hapū of the joint redress iwi on whether they want to participate in a hearing in addition to, or instead of participating in the written submission process.
22. If a hearing isn't supported, then written submissions provide a broad picture of what hapū and the public do and do not support in the draft overarching vision.
23. It is proposed that the WMSB considers agreeing to a hearing process if hapū of the joint redress iwi support this approach.

Committee for Natural Resources

24. In performing its functions, the WMSB has a committee for natural resources, (the Committee),⁹ which is not a council organisation or a council-controlled organisation for the purposes of the Local Government Act 2002.¹⁰
25. The members of the Committee do not have to be, nor are they all, members of the WMSB.¹¹ The members comprise:
 - a) 2 members appointed by the trustees of the NKKWTNRT; and
 - b) 2 members appointed by the trustees of the RTMRT; and
 - c) 1 member appointed by Wellington Regional Council; and
 - d) 1 member appointed by South Wairarapa District Council; and
 - e) 1 member appointed by Masterton District Council; and
 - f) 1 member appointed by Carterton District Council.¹²
26. The Masterton District Council and Carterton District Council representatives join the appointer agency members of this committee to help develop the natural resources document.
27. In addition, the appointer of 1 or more members of the Committee, may appoint 1 or more alternative members for those 1 or more members. An alternative member may attend a meeting and do everything that the member could do at the meeting, if the member is unable to attend.¹³

⁸ Section 83(2)(a)(b) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 83 Submissions on draft overarching vision and desired outcomes document – New Zealand Legislation](#)

⁹ Section 61 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 61 Committee for natural resources established – New Zealand Legislation](#)

¹⁰ Section 70 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 70 Statutory Board or committee not organisation or committee of local authority – New Zealand Legislation](#)

¹¹ Section 55(2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 55 Committees of Statutory Board – New Zealand Legislation](#)

¹² Section 62 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 62 Membership of committee for natural resources – New Zealand Legislation](#)

¹³ Section 68(1)&(2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 68 Alternative members of Statutory Board or committee for natural resources – New Zealand Legislation](#)

Purpose of the Committee

28. Under the TRoRJR, the Committee must prepare a draft natural resources document and submit it to the WMSB for approval.¹⁴
29. The Committee must facilitate the same inclusive approach as the WMSB in developing the overarching vision document. Specifically, the process must encourage the participation of—
 - a) the hapū of the joint redress iwi; and
 - b) any other persons and organisations as the committee considers appropriate.¹⁵

Overview of Natural Resources Document

30. The natural resources document must identify the WMSB's issues, values, vision, objectives, and desired outcomes for sustainable management of natural resources in the Ruamāhanga River catchment, to the extent that they relate to the health and well-being of Wairarapa Moana or the Ruamāhanga River catchment.¹⁶
31. The natural resources document must identify matters that provide leadership on the sustainable management of the Ruamāhanga River catchment in a way—
 - a) that promotes the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and well-being of Wairarapa Moana and the Ruamāhanga River catchment; and
 - b) that is consistent with the overarching vision document.¹⁷
32. The TRoRJR refers to the original Ruamāhanga Catchment, not the current Catchment.
33. The natural resources document must not contain rules or regulatory methods.¹⁸

Public notice of draft natural resources document

34. Like the overarching vision document, the WMSB must implement a publicly notified process for the natural resources document. No later than 3 months after the date it approves the draft natural resources document the WMSB—
 - a) must give public notice of the draft document; and
 - b) must ensure that the draft document, and any other document it considers relevant, are available for public inspection.¹⁹

¹⁴ Section 91(1)&(3) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 91 Preparation of draft natural resources document – New Zealand Legislation](#)

¹⁵ Section 91(2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 91 Preparation of draft natural resources document – New Zealand Legislation](#)

¹⁶ Section 90(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 90 Requirements for natural resources document – New Zealand Legislation](#)

¹⁷ Section 90(2a, b) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 90 Requirements for natural resources document – New Zealand Legislation](#)

¹⁸ Section 90(3) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Natural resources document – New Zealand Legislation](#)

¹⁹ Section 92(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 92 Public notice of draft natural resources document – New Zealand Legislation](#)

Written submissions and hearing

35. Under the TRoRJR, both the WMSB and the Committee have shared obligations for the natural resources document.
36. The WMSB must provide the written (including electronic) submissions received on the draft natural resources document to the committee for natural resources.²⁰
37. The committee's obligations are to—
 - a) consider the submissions to the extent that they are consistent with the requirements for the natural resources document; and
 - b) advise the WMSB of the key issues arising from the submissions; and
 - c) advise the WMSB of whether it recommends a hearing.²¹
38. The WMSB must consider the advice and then may, at its discretion arrange a hearing at a place and time specified by the WMSB.²²
39. Refer to paragraph 19 of this report for the concerns about the potential costs and delays of running a public notification process that could last 1-2 years.
40. The WMSB will receive more advice on this process at a later date.

Crown funding for the natural resources document

41. Initially, the Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Deed of Settlement confirmed that the Crown would provide \$500,000 to the Wellington Regional Council as a one-off contribution to the costs of preparing a publicly notified natural resources document. Wellington Regional Council would hold the fund as a separate, identifiable ledger item. The funds would be spent as directed by the Wairarapa Moana Statutory Board for the preparation and public notification of the natural resources document.²³
42. In December 2022, Te Arawhiti considered the appointer agency staff feedback that the existing funding was inadequate. The Crown confirmed a significant increase in the revised contribution toward the costs associated with the establishment of the Wairarapa Moana Statutory Board and the implementation of the Wairarapa Moana Framework.
43. In lieu of the previously agreed \$500,000 to go to Wellington Regional Council, the funding was increased to a one-off contribution of \$3,397,310 in total allocated proportionally to each of the appointer agencies on the committee for establishing and implementing the natural resources redress.²⁴

²⁰ Section 93(1) [Te Rohe o Ronqokako Joint Redress Act 2022 No 76, Public Act 93 Submissions on draft natural resources document – New Zealand Legislation](#)

²¹ Section 93(2) [Te Rohe o Ronqokako Joint Redress Act 2022 No 76, Public Act 93 Submissions on draft natural resources document – New Zealand Legislation](#)

²² Section 93(3) [Te Rohe o Ronqokako Joint Redress Act 2022 No 76, Public Act 93 Submissions on draft natural resources document – New Zealand Legislation](#)

²³ Sections 7.59.5, 7.59.6 [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of Settlement Part 3 \(tearawhiti.govt.nz\)](#)

²⁴ Email 7 December 2022, C Torrance 'Crown contribution to Wairarapa Moana natural resources redress' The Office for Māori Crown Relations – Te Arawhiti to identified agencies.

Overview Reserves Management Plan

44. Under the TRoRJR, the Director-General of DoC and the trustees of the NKKWTNRT must prepare the draft reserves management plan in consultation with the Statutory Board.²⁵
45. The reserves management plan must be consistent with—
 - a) the overarching vision document; and
 - b) the conservation legislation; and
 - c) the TRoRJR.²⁶
46. The reserves management plan must be prepared, approved, and subsequently reviewed in accordance with section 41 of the Reserves Act 1977 which includes:
 - a) Before preparing a management plan for any 1 or more reserves under its control, the WMSB shall—
 - i. give public notice of its intention to do so; and
 - ii. in that notice, invite persons and organisations interested to send to the administering body at its office written suggestions on the proposed plan within a time specified in the notice; and
 - iii. in preparing that management plan, give full consideration to any such comments received.²⁷
47. The WMSB has the discretion to combine the processes related to giving public notice of, and seeking and considering submissions on, the drafts of 2 or more of the 3 parts of the Wairarapa Moana document.²⁸

Statutory Board is the administering body of a Wairarapa Moana reserve

48. The WMSB is the administering body of a Wairarapa Moana reserve for the purposes of the Reserves Act 1977, and is responsible for granting any interest over or authorising any use of the reserve, as provided in subsection (2) and sections 104 to 106.²⁹
49. The TRoRJR points to references for specific authorisation obligations under the Reserves Act 1977.³⁰ This includes the relevant reference for the WMSB obligations associated with the management of fauna around Wairarapa Moana that includes the culling of geese.³¹

²⁵ Section 89(4 a, b) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 89 Preparation, approval, and review of reserves management plan – New Zealand Legislation](#)

²⁶ Section 88 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 88 Requirements for reserves management plan – New Zealand Legislation](#)

²⁷ Section 41 [Reserves Act 1977 No 66 \(as at 23 December 2023\), Public Act 41 Management plans – New Zealand Legislation](#)

²⁸ Section 79 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 79 Combined process for parts of document – New Zealand Legislation](#)

²⁹ Section 103(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Statutory Board's powers as administering body of Wairarapa Moana reserves – New Zealand Legislation](#)

³⁰ Section 105(4) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 105 Administering reserves not vested in the Crown – New Zealand Legislation](#)

³¹ Section 50(1) [Reserves Act 1977 No 66 \(as at 23 December 2023\), Public Act 50 Taking or killing of fauna – New Zealand Legislation](#)

50. The WMSB must consult with the owners of a Wairarapa Moana reserve before granting an interest in land over the reserve.³² The reserves are divided into three categories:
- a) those wholly owned by the trustees of NKKWTNRT; and
 - b) those wholly owned by the Crown; and
 - c) those partly owned by the joint redress trustees and the Crown.

Fishing in Wairarapa Moana reserves

51. Under the TRoRJR, the Minister of Conservation and the Statutory Board have separate powers associated with the taking and killing of any fish.
52. The Minister of Conservation may authorise the taking and killing of any fish within any Wairarapa Moana reserve for commercial purposes.³³
53. The Minister may grant authorisation—
- a) only on the recommendation of the WMSB; and
 - b) subject to any conditions but must consider any recommendations for conditions from the WMSB.³⁴
54. The WMSB may authorise the taking and killing of any fish within any Wairarapa Moana reserve for purposes other than commercial purposes.³⁵
55. The WMSB may grant authorisation subject to any conditions and must impose conditions (if any) that the Wairarapa Moana considers necessary to achieve the purpose of the WMSB.³⁶

Ngā Whakaarohanga Considerations

56. The WMSB including the members of the Natural Resources Committee are required to understand the TRoRJR in relation to the Wairarapa Moana Document in its entirety.
57. The Wairarapa Moana Document gives the opportunity for Wairarapa (as a whole) to create a working framework that is beneficial for all Wairarapa, that upholds the mana of all and ultimately the Wairarapa.

³² Section 103(2) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Statutory Board's powers as administering body of Wairarapa Moana reserves – New Zealand Legislation*](#)

³³ Section 120(1) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 120 Minister or Statutory Board may authorise fishing in Wairarapa Moana reserves – New Zealand Legislation*](#)

³⁴ Section 120(2) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 120 Minister or Statutory Board may authorise fishing in Wairarapa Moana reserves – New Zealand Legislation*](#)

³⁵ Section 120(3) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 120 Minister or Statutory Board may authorise fishing in Wairarapa Moana reserves – New Zealand Legislation*](#)

³⁶ Section 120(4) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 120 Minister or Statutory Board may authorise fishing in Wairarapa Moana reserves – New Zealand Legislation*](#)

Ngā hua ahumoni Financial implications

58. The Crown funding has been allocated to each appointer agency associated with the committee for natural resources redress as a one-off contribution for establishment and implementation.

Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

59. There are no risks associated with the recommendations of this report.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

60. There are no climate change implications arising from this report.

Te whakatūtakitaki Engagement

61. External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei Next steps

62. The next steps are to:

- a) commission a project manager to develop and implement a plan to work with Board members and redress hapū in developing the overarching vision, and statement of desired outcomes, for Wairarapa Moana;
- b) organise a series of wānanga on the overarching vision, and statement of desired outcomes.

**Ngā kaiwaitohu
Signatories**

Writers	<p>Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support</p> <p>Pikitia Tuuta – Pou Whakahaere, Ngāti Kahungunu ki Wairarapa Iwi Development Trust</p>
Peer Reviewers	<p>Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust</p> <p>Brett Cockeram – Director Māori Outcomes, Wellington Regional Council</p>
Approvers	<p>Darrin Apanui – Chief Executive Officer Tū Mai Rā Group</p> <p>Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council</p>



WAIRARAPA MOANA STATUTORY BOARD

Board Meeting
22 March 2024
Report 2024.7

For Decision

ADOPTION OF RULES OF PROCEDURE FOR WAIRARAPA MOANA STATUTORY BOARD

Te take mō te pūrongo

Purpose

- 1) To seek adoption of the Rules of Procedure to guide the conduct of the Wairarapa Moana Statutory Board meetings.

He tūtohu

Recommendations

That the Wairarapa Moana Statutory Board:

- a) **Adopts** the Rules of Procedure (Attachment One);
- b) **Notes** that kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust are included in the Rules of Procedure;
- c) **Recognises** that it is subject to the Local Government Official Information and Meetings Act 1987 (LGOIMA);
- d) **Agrees** that in the event that an appointing body to the Board under section 47 of the Te Rohe o Rongokako Joint Redress Act 2022 receives a request for official information that relates to the Board, and that appointing body is subject to the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, that body shall consult with the other appointing bodies in order to determine which body should respond to the request for information;
- e) **Agrees** that appointer agencies advise their respective LGOIMA functions of the Wairarapa Moana Statutory Board's preference for managing any requests associated with the Wairarapa Moana Statutory Board;
- f) **Agrees** that guidelines be developed that support WMSB members to participate at WMSB meetings where business is conducted in more than one language (e.g., te reo Māori, NZ sign language);
- g) **Authorises** the secretariat to make minor grammatical and formatting changes to the Rules of Procedure if required prior to publication; and
- h) **Agrees** to review the Rules of Procedure every three years to ensure it remains fit for purpose.

Te tāhū kōrero

Background

- 2) On 13 October 2023, the Statutory Board discussed key aspects of the RoP at their workshop. On 15 December 2023, the then version of the RoP was distributed to Board members as background reading.
- 3) Since then, the Local Government Official Information and Meetings Act 1987 (LGOIMA) provisions have been added to the attached version of the RoP that the Statutory Board is asked to adopt. Refer to Attachment One.
- 4) On 8 March 2024, Mihiarangi Piripi, Tumuaki Whakarae, Managing Director Whaia Legal led discussions with Board members on how the Reserves Act work of the Statutory Board is subject to LGOIMA.

Kawa and Tikanga

- 5) The WMSB recognises the kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust which are included in the RoP. The WMSB will include kawa and tikanga as they develop and make decisions over time. Refer to the WMSB Attachment One Rules of Procedure for a copy of the slides.

Rules of Procedure

- 6) Its important to note, that where it is employed the word ‘must’, unless otherwise stated, identifies a mandatory legislative requirement.
- 7) The Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR) provisions have a significant number of ‘must’ obligations which have mandatory legislative weight associated with the legislative obligations cited in the RoP.
- 8) Under the TRoRJR, the Wairarapa Moana Statutory Board (WMSB) must adopt the Rules of Procedure (RoP) at its first meeting.¹
- 9) The RoP sets out detailed information on how the WMSB conducts its meetings, to enable the exercise of decision-making responsibilities in a transparent, inclusive, and lawful way primarily under the:
 - a) Joint Redress Act procedures and meetings of WMSB;²
 - b) The Local Government Official Information and Meetings Act 1987 (LGOIMA).
- 10) The RoP must include rules on how the WMSB and the appointers of the WMSB’s members will agree the **annual operational management programme**.³

¹ Section 52(3) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Procedures and meetings of Statutory Board – New Zealand Legislation](#)

² Section 52(1) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation](#)

³ Section 52(4) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Procedures and meetings of Statutory Board – New Zealand Legislation](#)

Meeting Guidance

- 11) The RoP describes the obligations associated with public participation at WMSB meetings under LGOIMA. The provisions are detailed on how this participation must be managed.
- 12) This includes the requirement for WMSB meetings to be managed within specific parameters and meetings must be:
 - a) open to the public, unless there are grounds under LGOIMA for any particular matter to be dealt with when the public is excluded; and
 - b) advertised through public notices published in newspapers within specific guidelines.
- 13) The RoP highlights the WMSB's obligations associated with public exclusion. Refer to Appendix A: Grounds to exclude public from meetings and Appendix B: Example resolution to exclude the public.
- 14) The RoP summarises information on the steps involved in making WMSB decisions. This guidance enables transparent processes from initiating a motion until the final resolution is either carried or lost. This process is fundamental to effective management of the meetings of the WMSB. Refer to the ready reference flow chart of WMSB decision making processes at Appendix C: Flow chart of motions and amendments.
- 15) The RoP should be read in conjunction with the Terms of Reference (ToR) document which provides the context for the WMSB's meetings.

Te tātaritanga Analysis

LGOIMA

- 16) The WMSB recognises that it is subject to LGOIMA.
- 17) As background, the Board has received two separate, independent sets of legal advice that confirms the WMSB's obligations under the Reserves Act 1977 mean the WMSB is subject to LGOIMA.
- 18) In summary:
 - a) *the WMSB's functions include acting as the administering body for any specified Wairarapa Moana reserve for the purposes of the Reserves Act 1977; and*
 - b) *An administering body is defined in the Redress Act in accordance with the meaning given in section 2(1) of the Reserves Act 1977; and*
 - c) *LGOIMA applies to "local authorities". The entities or categories of entity considered to be "local authorities" are listed in Schedule 1 of LGOIMA. This includes:*
 - d) *Administering bodies of reserves as defined in section 2(1) of the Reserves Act 1977*

e) *On the face of it, therefore, the WMSB is a “local authority” for the purposes of LGOIMA and subject to both the official information and meetings provisions in that Act.*⁴

- 19) Under section 66 of TRoRJR, the WMSB has the power to hold its meetings online. As the WMSB is subject to LGOIMA, one consequence of such action is that these meetings must be made accessible to members of the public. This will require careful planning and resourcing to ensure the WMSB meets its obligations in this area.

Managing LGOIMA requests for information

- 20) It is proposed that the WMSB considers what is the preferred approach to manage LGOIMA requests. In this regard it is proposed that that in the event that an appointing body to the WMSB under section 47 of the TRoRJR receives a request for official information that relates to the WMSB, and that appointing body is subject to the Official Information Act 1982 or the LGOIMA⁵, that body shall consult with the other appointing bodies in order to determine which body should respond to the request for information.
- 21) It is proposed that appointer agencies advise their respective LGOIMA functions of the preferences in managing any requests associated with the WMSB.

Meetings conducted in multiple languages

- 22) In Aotearoa, there are two languages which have special status under the law as official languages:
- a) Te reo Māori – the Māori language (refer Māori Language Act 1987⁶, repealed in 2016 with updated provisions); and
 - b) New Zealand Sign Language (refer New Zealand Sign Language Act 2006).
- 23) English is recognised as a de facto official language of New Zealand.⁷
- 24) The RoP recognises the obligations of the WMSB in recognising the status of official languages.
- 25) It is proposed that guidelines are designed to support WMSB members to participate fully in real time at WMSB meetings where business may be conducted in more than one language (e.g. te reo Māori, NZ sign language).
- 26) Issues to consider include:
- a) A member may conduct meeting business in te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English and provided in advance.
 - b) If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori, when the normal business of the meeting is conducted in English and where an informal summary in English of what is spoken is not provided, they must give prior notice to the Chairperson not less than two (2) working days before the

⁴ Wellington Regional Council advice “Wairarapa Moana Statutory Board – Powers to authorise fishing and potential application of Local Government Official Information and Meetings Act 1987 13 October 2023

⁵ The appointing bodies subject to either the OIA or LGOIMA are the Minister of Conservation (OIA), Wellington Regional Council and South Wairarapa District Council (LGOIMA).

⁶ [Māori Language Act 1987 No 176 \(as at 30 April 2016\), Public Act – New Zealand Legislation](#)

⁷ [Characteristics of New Zealand English – Te Ara Encyclopedia of New Zealand](#)

meeting. This will enable the Chairperson to determine if any additional support should be provided including the use of te reo Māori or New Zealand Sign Language interpreters in real time.

- c) Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

Use and review

- 27) It is proposed that the WMSB reviews the RoP every 3 years to ensure both documents remain fit for purpose.

Ngā Whakaarohanga

Considerations

Ngā hua ahumoni

Financial implications

- 28) There are no financial implications in the proposals associated with this report.

Ngā Mōrea me Ngā Whakangāwaritanga

Risks and Mitigations

- 29) There are risks associated with not getting agreement on the status of LGOIMA within the context of the work of the WMSB.

Te huritao ki te huringa o te āhuarangi

Consideration of climate change

- 30) There are no climate change implications arising from this report.

Te whakatūtakitaki

Engagement

- 31) External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei

Next steps

- 32) The next steps are to:
 - a) Publish the RoP on the appointer agencies websites;
 - b) Advise appointer agencies LGOIMA functions of the preferences in managing any requests associated with the WMSB.

**Ngā kaiwaitohu
Signatories**

Writers	<p>Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support</p> <p>Pikitia Tuuta – Pou Whakahaere, Ngāti Kahungunu ki Wairarapa Iwi Development Trust</p>
Peer Reviewers	<p>Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust</p> <p>Brett Cockeram – Director Māori Outcomes, Wellington Regional Council</p>
Approvers	<p>Darrin Apanui – Chief Executive Officer Tū Mai Rā Group</p> <p>Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council</p>

Attachment: Rules of Procedure

WAIRARAPA MOANA STATUTORY BOARD



RULES OF PROCEDURE

Adopted by the Wairarapa Moana Statutory Board on 22 March 2024

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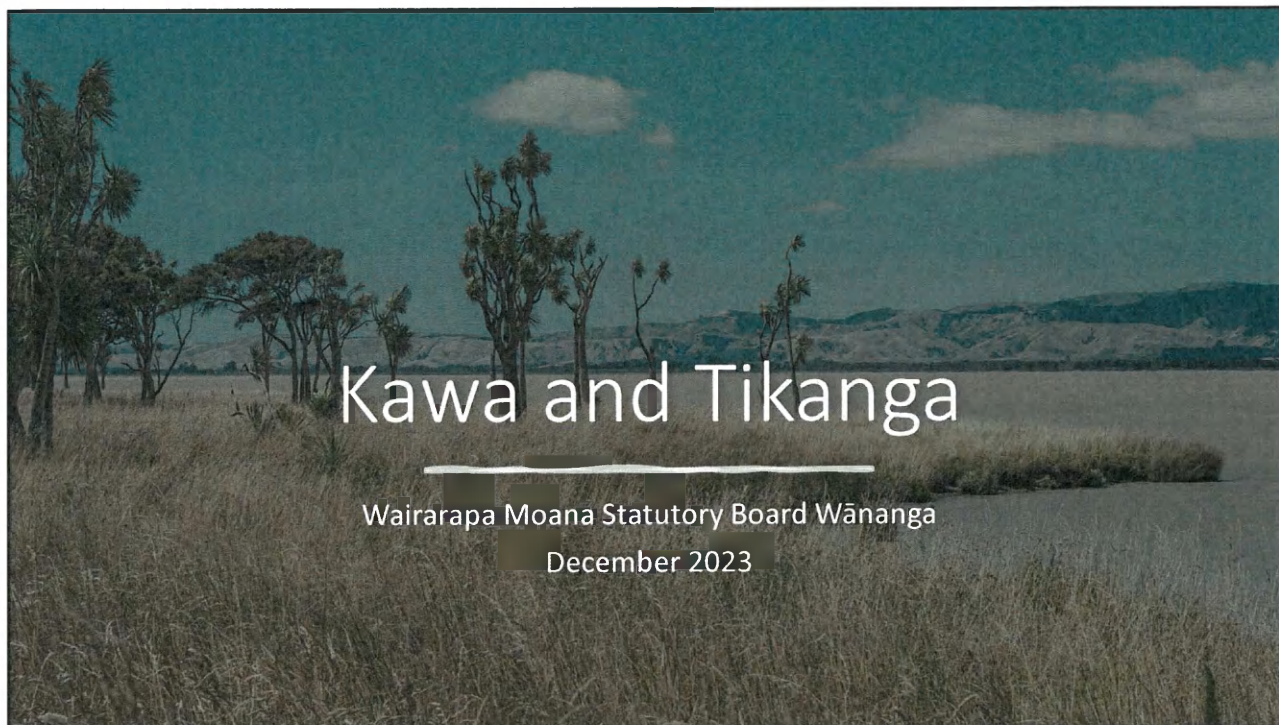
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1 Introduction/ Kupu Whakataki

These Terms of Reference (ToR) should be read as a companion document to the Rules of Procedure of the Wairarapa Moana Statutory Board (WMSB).

Kawa and Tikanga

The WMSB recognises the kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust which are included in this RoP. The WMSB will include kawa and tikanga as they develop and make decisions over time.



1



Ngāti Kahungunu
ki Wairarapa Tāmaki nui-ā-Rua Settlement Trust

Ngā Aho Rua



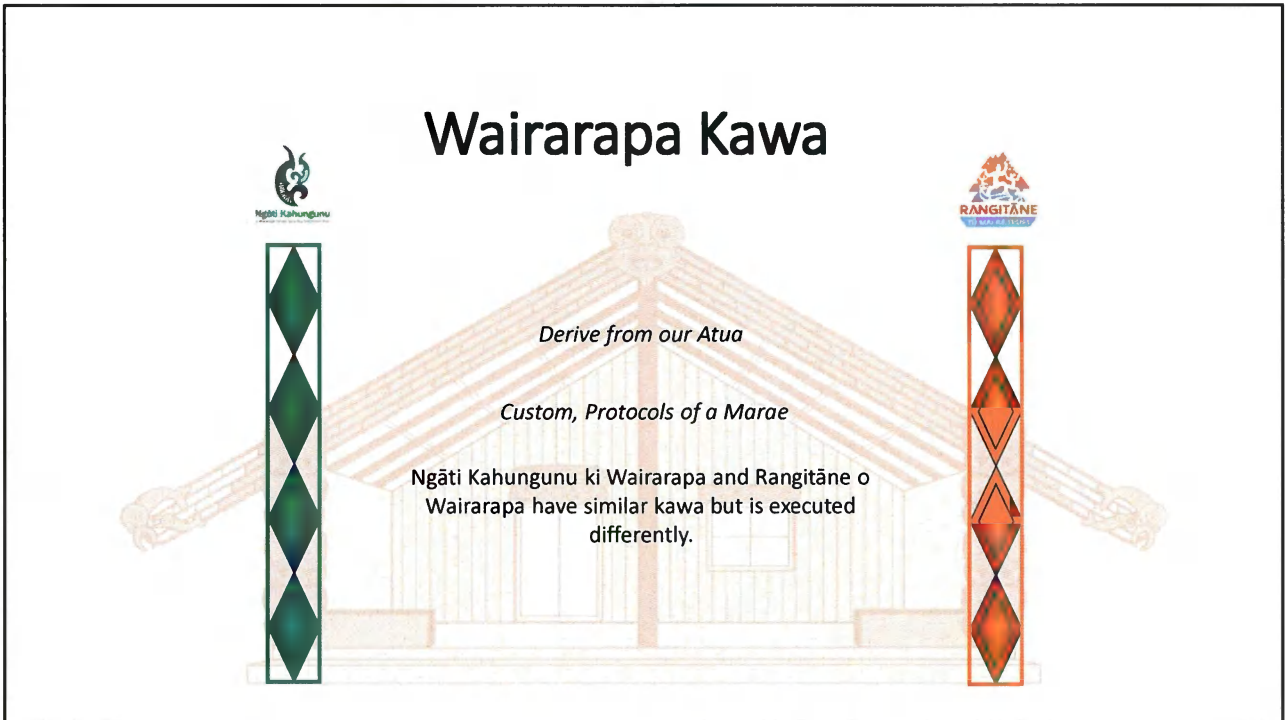
RANGITĀNE
TŪ MAI RĀ TRUST

“Most of the many hapū resident in Wairarapa and Tāmaki nui-ā-Rua traced their descent to the ancestor Rangitāne or Kahungunu, or to both tīpuna or tūpuna. Despite a great deal of intermarriage, Ngāti Kahungunu and Rangitāne retained separate identities.”

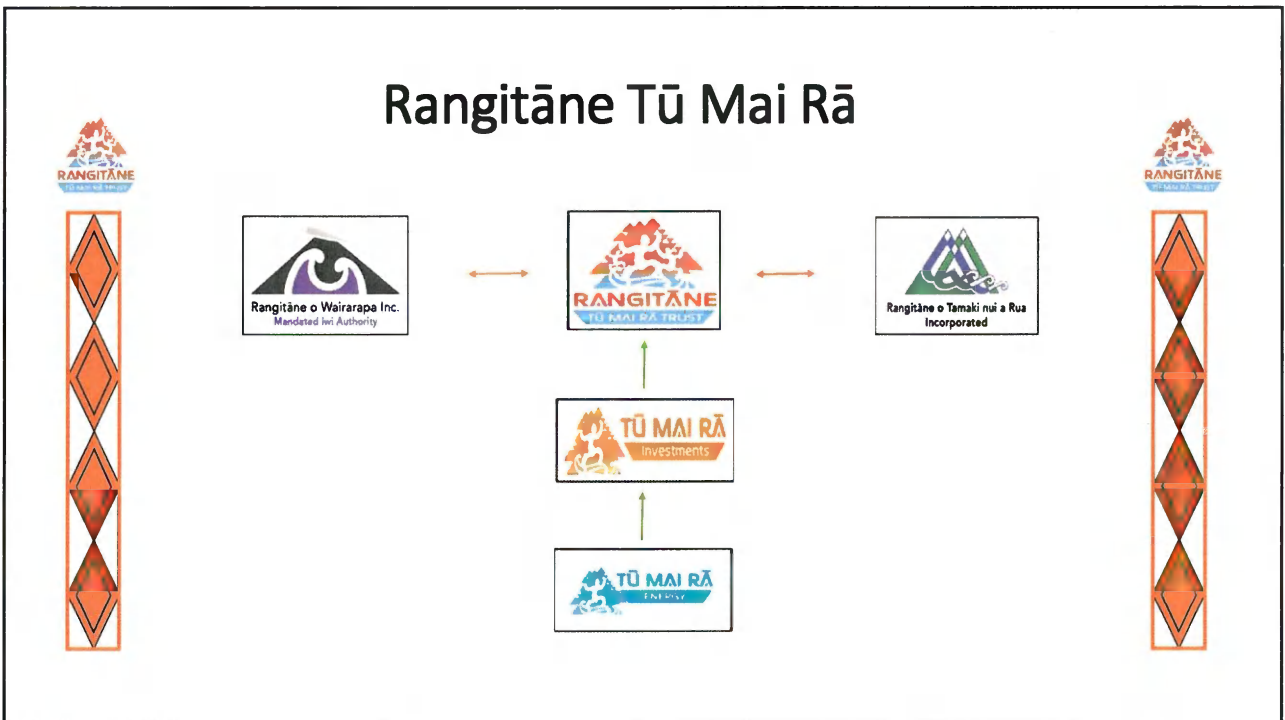
“Hapū generally co-existed peacefully, but there were occasional inter-hapū disputes and clashes”

Wairarapa ki Tararua Report – Vol 1 1.2 *The Hapū of this Rohe and their Interests in Land and Resources*

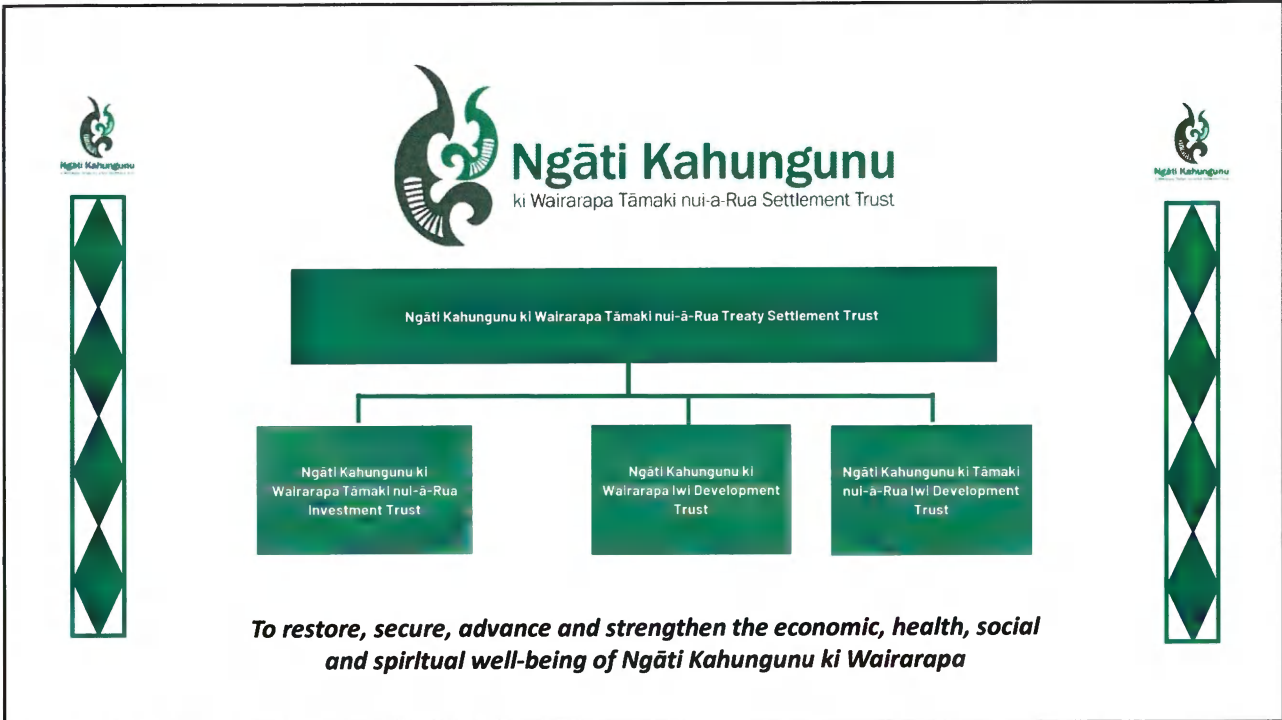
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4



5


Wairarapa Moana Statutory Board KAWA



**Te Mauri o te Moana
(Overarching)**

Restoration, Protection and Enhancement of the Social, Economic, Cultural, Environmental and Spiritual Health and Well-Being of Wairarapa Moana and the Ruamahanga River Catchment



6

Wairarapa Moana Statutory Board KAWA



Te Mauri o te Moana

Rangatiratanga

We exercise mana, having autonomy over ourselves and respecting autonomy

Mana Motuhake

We respect the potential within people

7

Wairarapa Moana Statutory Board TIKANGA



Kaitiakitanga

Responsibility to restore, protect and enhance

Manaakitanga

To express manaakitanga, or mana enhancing behaviour towards each other

Wairuatanga

Understanding the certainty of the spiritual existence to our moana

Whanaungatanga

To provide support, assistance, nurturing, guidance and direction

Kaiwhiriwhiri

To encourage participate from the Hapū and Community

8

2 Background

The Rules of Procedure (RoP) set out detailed information on how the Wairarapa Moana Statutory Board (WMSB) conducts its meetings, to enable the exercise of decision-making responsibilities in a transparent, inclusive, and lawful way primarily under the:

- Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR); and
- Local Government Official Information and Meetings Act 1987 (LGOIMA).

The RoP sections include:

- Summary statements on the nature of obligations; and
- important legislative references in text boxes; and
- either: links to specific provisions of relevant statutes;
- or: unreferenced examples of best practice or practical conventions of behaviour.

It's important to note, that where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

The Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR) provisions have a significant number of 'must' obligations which have mandatory legislative weight.

3 Application of the RoP

The RoP apply to all meetings of the WMSB, including public excluded sessions but do not apply to wānanga, workshops, briefings, or meetings of working parties and advisory groups. The RoP must not contravene any legislative provisions including the TRoRJR. In the event that these Rules are in conflict with legislation, the legislative provisions take precedence.

The Wairarapa Moan Statutory Board, or any committee of the Statutory Board, is not a council organisation or a council-controlled organisation for the purposes of the Local Government Act 2002.

Section 70(1), ([2\) Te Rohe o Rongokako Joint Redress Act 2022 No76, Public Act 52 Statutory Board or committee not organisation or committee of local aucthority](#))

The Statutory Board's functions also include acting as the administering body for any specified Wairarapa Moana reserve for the purposes of the Reserves Act.

Section 103 [Te Rohe o Rongokako Joint Redress Bill 98-2 \(2022\), Government Bill 103 Statutory Board is administering body of Wairarapa Moana reserves – New Zealand Legislation](#)

In the TRoRJR, the definition of an administering body points to the Reserves Act 1977.

[Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 8 Interpretation – New Zealand Legislation](#)

WMSB is subject to LGOIMA.

The Reserves Act definition is:

administering body, in relation to any reserve, means the board, trustees, local authority, society, association, voluntary organisation, or person or body of persons, whether incorporated or not, appointed under this Act or any corresponding former Act to control and manage that reserve or in which or in whom that reserve is vested under this Act or under any other Act or any corresponding former Act; and includes any Minister of the Crown (other than the Minister of Conservation) so appointed.

Part 2 (1) Interpretation [Reserves Act 1977 No 66 \(as at 23 December 2023\), Public Act 2 Interpretation – New Zealand Legislation](#)

LGOIMA applies to “local authorities”. The entities or categories of entity considered to be “local authorities” are listed in Schedule 1 of LGOIMA which includes: Administering bodies of reserves as defined in section 2(1) of the Reserves Act 1977 (other than a Minister of the Crown or a department).

[Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 December 2023\), Public Act Schedule 1 Local authorities to which Parts 1 to 7 apply – New Zealand Legislation](#)

3.2 Members must adopt Rules of Procedure

At its first meeting, the WMSB must adopt the RoP which must include how the WMSB and the appointees of the Statutory Board’s members agree to the **annual operational management programme**.

Section 52(3)(a), (4) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation](#)

3.2.1 Amendment to the RoP

For any procedure not covered, the WMSB may adopt any rule of procedure that is consistent with the TRoRJR and may at any time amend the RoP.

Section 52(5),(6) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation](#)

3.2.2 Voting on Rules of Procedure

Any voting to either adopt or amend the RoP must be made by the WMSB and requires a vote of not less than 75 % of the members who are present or are online and voting.

Section 54 (2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 54 Voting of Statutory Board – New Zealand Legislation](#)

3.2.3 Compliance and flexibility on Rules of Procedure

While WMSB members must comply with the RoP, they are typically only referred to when necessary and often some practical flexibility is applied in particular instances eg speaking rights at meetings. The RoP should be kept in mind and will prevail in any case of uncertainty or dispute. For clarity’s sake whenever a question about the interpretation or application of these Rules is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

3.2.4 Procedures and meetings of Statutory Board

The key procedures and meeting requirements of the WMSB apply to the Statutory Board as if it were a Board under the Reserves Act and with any necessary modifications, but only to the extent that is consistent with this Act:

- 1) An annual meeting of the board must be held within 2 months after the end of the financial year.
- 2) Other meetings shall be held as the board determines from time to time.
- 3) A special meeting of the board may at any time be convened by the chairperson, and the chairperson shall call a special meeting whenever requested to do so in writing by 2 members of the board:
 - a. provided that not less than 7 clear days’ notice of every special meeting and of the business to be transacted thereat shall be given to each member, and
 - b. no business other than that specified in the notice shall be transacted at any such meeting.

Section(32 (2) to (4 inclusive) [Reserves Act 1977 No 66 \(as at 24 August 2023\), Public Act 32 Meetings of boards – New Zealand Legislation](#)

3.2.5 Annual planning meeting of Statutory Board

The RoP must include rules for how the WMSB and the appointers of the Statutory Board's members are to agree to the annual operational management programme.

The Statutory Board must hold a planning meeting each year and at each planning meeting,—

- 1) the Statutory Board must determine its annual and multi-year priorities; and
- 2) the Statutory Board must agree with the appointers of the Statutory Board's members to a programme for the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips for the following year (the annual operational management programme); and
- 3) the Statutory Board, and the appointers of the Statutory Board's members, must report to each other on the implementation of their respective responsibilities under the annual operational management programme for the previous year; and
- 4) the appointers of the Statutory Board's members must agree on the administrative and technical support they will provide to the Statutory Board.

Section 118 [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 118 Annual planning meeting of Statutory Board – New Zealand Legislation*](#)

3.2.6 Review Rules of Procedure

The WMSB will review the RoP every three years to ensure they remain fit for purpose and align with any new statutory obligations that enable new opportunities.

3.3 First meeting of the Board

3.3.1 Business to be conducted

The business to be conducted at the first meeting of the WMSB must include:

- a) Appoint a member to be the chairperson, and
- b) Adopt Rules of Procedure, and
- c) Agree on a schedule of initial meetings.

Section 52(3) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation*](#)

3.3.2 Election of Chairperson

The members must elect the chairperson of the WMSB from among the 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.

Section 51 [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 51 Chairperson – New Zealand Legislation*](#)

3.3.3 Election of Acting Chairperson

If the chairperson is not present at a meeting, the members who are present must elect to act as the chairperson for the meeting one of the members present who was appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.

Section 53(3) [*Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 53 Quorum of Statutory Board – New Zealand Legislation*](#)

3.3.4 Chairperson to preside at meetings

The Chairperson of the WMSB or the person acting as the Chairperson must preside at each meeting of the WMSB at which he or she is present unless the Chairperson vacates the chair for a particular meeting.

3.4 Quorum at meetings

3.4.1 Requirement for a quorum

A meeting of the WMSB is properly constituted if a quorum is present, whether or not all of the members are voting. At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.

A quorum for a meeting of the WMSB is 6 members, comprising—

- a) the chairperson or a member who is acting as the chairperson (who must be a member appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust); and
- b) at least 1 other member appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
- c) the member appointed by the trustees of the Rangitāne Tū Mai Rā Trust; and
- d) at least 3 members each of whom is appointed by an appointer other than joint redress trustees

Section 53(1)(2) &(4) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 53 Quorum of Statutory Board – New Zealand Legislation](#)

3.4.2 Meeting in person or by electronic means

A meeting of the Board, or a committee of the Board, may be held in either, or in a combination, of the following ways:

- a) by members meeting in person at the appointed time and place:
- b) by members using any means of audio, audiovisual, or electronic communication as long as—
 - (i) all of the members who wish to participate in the meeting by those means have access to the technology needed to do so; and
 - (ii) a quorum of members can simultaneously communicate with each other throughout the meeting.

Section 66 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 66 Meeting in person or by electronic means – New Zealand Legislation](#)

3.4.3 Failure of a quorum

If a meeting is short of a quorum at its commencement, or falls short of a quorum during the meeting, business is to be suspended and, if no quorum is present within 30 minutes the meeting shall then lapse.

3.4.4 Lapsed business

Business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next meeting, unless an earlier meeting is fixed and notified.

3.4.5 Minutes to record failure of a quorum

If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

3.5 Voting at meetings

3.5.1 Decisions to be decided by majority

The WMSB must try to unanimously agree to a matter but, if it cannot, the matter must be decided by a majority of 75% or more of the votes cast by members who are present and voting.

Section 54(1), (2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 54 Voting of Statutory Board – New Zealand Legislation](#)

3.5.2 Chairperson has deliberative vote

The chairperson, or the member who is acting as the chairperson, has a deliberative vote but no casting vote if the required majority is not achieved. This means the chair votes as would other appointees, if decisions are not reached then more information and discussion is required.

Section 54(3) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 54 Voting of Statutory Board – New Zealand Legislation](#)

3.5.3 Members may have their votes recorded

Any member's vote or abstention must be recorded in the minutes if requested by that member.

3.5.4 Method of voting

The method of voting shall be as follows. The Chairperson in putting the motion shall call for an expression of opinion on voices or take a show of hands, the result of either of which, as announced by the Chairperson, shall be conclusive.

3.5.5 Appointments and voting system

A meeting of the WMSB must be called and conducted in accordance with these Rules

3.6 General provisions as to meetings

3.6.1 Calling, public notification and conduct of meetings

A meeting of the WMSB must be called and conducted in accordance with the Joint Redress and the part of the Act with LGOIMA provisions.

Agenda to be sent to members

An agenda detailing the business to be brought before that meeting, together with relevant attachments, must be made available to every member not less than two clear working days before the day appointed for the meeting.

In the case of extraordinary meetings, agendas together with relevant attachments will be made available to every member as soon as is reasonable in the circumstances.

3.6.2 Minutes of proceedings

The WMSB must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the WMSB are prima facie evidence of those proceedings.

3.6.3 Right of public to inspect or receive copies of minutes of meetings

Any member of the public may, without payment of fee, at the office of the secretariat and during normal office hours, inspect the minutes of any meeting that are subject to LGOIMA or part of any meeting of the local authority (not being a meeting or part of a meeting from which the public was excluded) that are

subject to LGOIMA and may take notes therefrom. A request must be made in writing to the Chair of the WMSB.

Section 51 [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 51 Right of public to inspect or receive copies of minutes of meeting – New Zealand Legislation](#)

3.7 Qualified privilege (Subject to area that have LGOIMA requirements)

3.7.1 Qualified privilege: relating to agenda and minutes

Where any meeting of the WMSB is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.

Section 53 [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 52 Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting – New Zealand Legislation](#)

3.7.2 Qualified privilege: relating to oral statements

Any oral statement made at any meeting of the WMSB in accordance with the RoP that have been adopted by the WMSB for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.

Section 53 (1), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 53 Oral statements at local authority meetings privileged – New Zealand Legislation](#)

3.7.3 Qualified privilege: additional to any other provisions

The privilege conferred is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any meeting of the Statutory Board.

Section 53 (2), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 53 Oral statements at local authority meetings privileged – New Zealand Legislation](#)

3.8 Notification of meetings to members (Subject to area that have LGOIMA requirements)

3.8.1 Schedule of meetings

At its first meeting, the WMSB is required to agree to a schedule of meetings. If the WMSB adopts a schedule of meetings the schedule may cover any future period that the statutory board considers appropriate; and may be amended; and notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.

3.8.2 Members right to attend meetings

A member of the Statutory Board, has, unless lawfully excluded, the right to attend any meeting of the WMSB or subcommittee.

3.8.3 Cancellation of meetings

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the Secretariat, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with

another event. The Secretariat must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

3.9 Extraordinary meetings(Subject to area that have LGOIMA requirements)

3.9.1 Public notification of extraordinary meetings

Where an extraordinary meeting of the WMSB is called but the notice of the meeting is inconsistent with these Rules , due to the manner in which it was called, the WMSB must cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified as soon as practicable before the meeting is to be held; or

if it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

Section 46 (3) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46 Meetings of local authorities to be publicly notified – New Zealand Legislation](#)

3.9.2 Public notice of resolutions of extraordinary meetings

Where any resolution is passed at an extraordinary meeting of the Statutory Board, the WMSB must, as soon as practicable, publicly notify the resolution unless the resolution was passed at a meeting or part of a meeting from which the public was excluded, or the extraordinary meeting was publicly notified at least five working days before the day on which the meeting was held.

Section 51A [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 51A Public notification of resolution at extraordinary meeting – New Zealand Legislation](#)

3.10 Public attendance at meetings, access to agendas etc. (Subject to area that have LGOIMA requirements)

3.10.1 Meetings to be open to the public

Except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act, every meeting of the WMSB shall be open to the public.

Section 47 [*Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 47 Admission of public to meetings of local authorities – New Zealand Legislation*](#)

3.10.2 .Extraordinary meetings - notice to members (Subject to area that have LGOIMA requirements)

The Secretariat must give notice, in writing, of the time and place of an extraordinary meeting called, as well as the general nature of business to be considered, to each member of the WMSB at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours. This only applies to areas of the Wairarapa Moana Document that are subject to LGOIMA, LGOIMA does not apply to the entire Wairarapa Moana Document.

3.10.3 Chairperson may require members of the public to leave meeting

The Chairperson presiding at any meeting of the WMSB may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

Section 50(1) [*Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 50 Maintenance of order – New Zealand Legislation*](#)

3.10.4 Removal of members of public

If any member of the public who is required to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson, any police officer or officer of the WMSB may, at the request of the Chairperson, remove or exclude that member of the public from the meeting.

3.10.5 News media entitled to attend meetings (Subject to areas that have LGOIMA requirements)

Where a meeting of the WMSB is required to be open to the public during the proceedings or any part of them, the following provisions shall apply for the purposes of this Part and bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media. This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 49(a) [*Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 49 Provisions applying when meeting open to public – New Zealand Legislation*](#)

3.10.6 Information to be available to public

All information provided to members at WMSB meetings must be available to the public and news media unless it is an item included in the agenda that refers to any matter reasonably expected to be discussed with the public excluded. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 49(a) [*Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 49 Provisions applying when meeting open to public – New Zealand Legislation*](#)

3.10.7 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will, or improper advantage has been taken of the publication. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 52 [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 52 Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting – New Zealand Legislation](#)

3.10.8 Public notification about meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than five days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 or less than five working days before the day on which the meeting is to be held. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 46(1) & (2), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46 Meetings of local authorities to be publicly notified – New Zealand Legislation](#)

3.10.9 Meetings not invalid because not publicly notified

The failure to notify a public meeting under these Rules does not of itself make that meeting invalid. However, where the WMSB becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 46(5), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46 Meetings of local authorities to be publicly notified – New Zealand Legislation](#)

3.10.10 Public notice of meetings not notified

Where any meeting of the WMSB has not been publicly notified, public notice shall be given, as soon as practicable, that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 46(6), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46 Meetings of local authorities to be publicly notified – New Zealand Legislation](#)

3.10.11 Availability of agendas and reports

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the WMSB relating to that meeting. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 46A (1), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46A Availability of agendas and reports – New Zealand Legislation](#)

3.10.12 Exclusion from reports to be discussed with public excluded

The WMSB may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 46A (8), [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46A Availability of agendas and reports – New Zealand Legislation](#)

3.10.13 Agenda to be made available to public who are at meetings

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any). . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 49 (b – d) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 49 Provisions applying when meeting open to public – New Zealand Legislation](#)

3.10.14 List of Statutory Board members publicly available

Appointers are to give written notice of the full name, address, and other contact details of the member; and the date on which the appointment takes effect.

Section 47 (2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 47 Membership of Statutory Board – New Zealand Legislation](#)

3.10.15 Public entitled to inspect minutes

Any member of the public may, without payment of fee, at the Masterton office of the Wellington Regional Council as interim secretariat and during normal office hours, inspect the minutes of any meeting or part of any meeting of the WMSB (not being a meeting or part of a meeting from which the public was excluded) and may take notes therefrom. Every member of the public so inspecting any such minutes who requests a copy of any part thereof and tenders the prescribed amount (if any) shall be given such a copy. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 51(1) & (2) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 51 Right of public to inspect or receive copies of minutes of meeting – New Zealand Legislation](#)

3.10.16 Requests for minutes of public excluded sessions

The Statutory Board's secretariat must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act. . This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 51(3) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 51 Right of public to inspect or receive copies of minutes of meeting – New Zealand Legislation](#)

3.11 Reasons to exclude public (Subject to area that have LGOIMA requirements)

3.11.1 Lawful reasons to exclude public

The WMSB may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act. This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 48 [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 48 Right of local authorities to exclude public – New Zealand Legislation](#)

[Appendix A sets out grounds specified in section 48 of the Local Government Official Information and Meetings Act.]

3.11.2 Form of resolutions to exclude public

Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 48(3) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 48 Right of local authorities to exclude public – New Zealand Legislation](#)

[For an example resolution refer to Appendix B.]

3.11.3 Motion to exclude public to be put with the public present

Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of Statutory Board. This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 48(4) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 48 Right of local authorities to exclude public – New Zealand Legislation](#)

3.11.4 Provision for persons to remain after public excluded

A resolution may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the Statutory Board, knowledge that will assist the Statutory Board. Any such resolution is required to state the knowledge possessed by those persons that will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 48(5)&(6) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 48 Right of local authorities to exclude public – New Zealand Legislation](#)

[No such resolution is necessary in respect of the attendance of relevant officers of the Board during a public excluded session.]

3.11.5 Release of public excluded information

The WMSB may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

3.12 Application of Rules of Procedure to public excluded sessions

3.12.1 Public excluded business not to be disclosed

Subject to the provisions of the Local Government Official Information and Meetings Act, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded. This only applies to the Wairarapa Moana Document where LGOIMA applies.

3.13 Meeting procedures

3.13.1 Tikanga

The WMSB recognises that its business will be conducted according to the Kawa and Tikanga of the Wairarapa Moana Document by Rangitāne Tū Mai Rā and NKKWTNR. Where a meeting of the WMSB is

held on a marae, and all members are to abide by such marae protocols the kawa and tikanga presented are inclusive of the Wairarapa Marae kawa and tikanga.

3.13.2 Language

A member may address a meeting in English, Te Reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or Te Reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in Te Reo Māori, when the normal business of the meeting is conducted in English and where an informal summary in English of what is spoken is not provided, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in Te Reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

3.14 Conduct of meetings

3.14.1 Chairperson to decide

The Chairperson is to decide all questions where these Rules of Procedure make no provision or insufficient provision.

3.14.2 Reporting of meetings

When a meeting of the WMSB is open to the public the following provisions shall apply:

- a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings. This only applies to the Wairarapa Moana Document where LGOIMA applies.

Section 49(a) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 49 Provisions applying when meeting open to public – New Zealand Legislation](#)

- b) Any recording of meetings (including the intention to take still or moving photography) must be notified to the Chairperson at the commencement of the meeting.
- c) Any recording of meetings (including still or moving photography) must be carried out in an unobtrusive manner, and must not be distracting to members.

3.14.3 Members not to be disrespectful in speech

All appointees of the WMSB must uphold the mana of every individual. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the WMSB or the secretariat.

3.14.4 Retraction of, or apology for, offensive or malicious language

The Chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression. Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

3.14.5 Declaration of conflicts of interest (Needs to be discussed further)

3.14.6 The conflict of interest for iwi is not the same as Crown organisations. All mana whenua appointees including their officers are related by blood to each other, to the whenua, moana and awa. This will require further discussion and agreement with the Statutory Board.

3.14.7 Granting leave of absence

The WMSB may grant leave of absence to a member from a meeting or meetings of the WMSB upon application by the member.

3.14.8 Apologies at meetings

If a member has not obtained leave of absence an apology may be tendered on behalf of the member (if requested by that member) and the apology may be accepted or declined by the Statutory Board. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

3.14.9 Recording of apologies

The Chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

3.15 Order of business

3.15.1 Adoption of order of business

The order of business is to be determined by the Statutory Board.

3.15.2 Agenda

An agenda listing and attaching information on the items of business to be brought before the meeting so far as is known is to be prepared for each meeting. At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the Chairperson accords precedence to any business set down on the agenda.

3.15.3 Public excluded items

Any matters that the WMSB is likely to wish to exclude the public in terms of the Local Government Official Information and Meetings Act must be placed on a public excluded agenda, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.

3.15.4 Items not on the agenda may be dealt with

Where an item that is subject to LGOIMA, is not on the agenda for a meeting, that item may be dealt with at that meeting if:

- a) the WMSB by resolution so decides; and
- b) the presiding member explains at the meeting at a time when it is open to the public:
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

Section 46(7) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46A Availability of agendas and reports – New Zealand Legislation](#)

3.15.5 Items not on the agenda may be discussed

Where an item that is subject to LGOIMA, is not on the agenda for a meeting: That item may be discussed at that meeting if:

- a) that item is a minor matter relating to the general business of the Statutory Board, and
- b) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting;
- c) but, no resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the WMSB for further discussion.

Section 46A(7A) [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 August 2023\), Public Act 46A Availability of agendas and reports – New Zealand Legislation](#)

3.15.6 Motions and amendments

[A flow chart illustrating the process regarding motions and amendments is included in these Rules of Procedure as Appendix C.]

3.15.7 Requirement for a seconder

All motions and amendments moved in debate must be seconded, and thereupon the Chairperson shall state the matter raised and propose it for discussion.

3.15.8 Withdrawal of motions and amendments

Once motions or amendments have been seconded and put to the meeting by the Chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

3.15.9 Substituted motion by amendment

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

3.15.10 Amendment after motion proposed

When a motion has been moved and seconded, then proposed by the Chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion.

Motions and amendments not seconded

Motions and amendments that are proposed but not seconded are not in order and are not entered in the minutes.

3.15.11 Direct negatives not allowed

No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.

3.15.12 Further amendments

No further amendment may be allowed until the first amendment is disposed of, although members may notify the Chairperson of their intention to move further amendments and the tenor of their content.

3.15.13 Where amendment lost another amendment may be proposed

Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion (whether an original motion or substituted motion). Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.

3.15.14 Where amendment carried

Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.

3.15.15 Minutes of proceedings

3.15.16 Minutes to be evidence of proceedings

3.15.17 Keeping of minutes

The Statutory Board's secretariat must keep the minutes of meetings. The minutes must record:

- a) The date, time and venue of the meeting;
- b) The names of those members present;
- c) Identification of the Chairperson;
- d) Apologies tendered and accepted or declined;
- e) Arrival and departure times of members;
- f) Any failure of a quorum;
- g) A list of speakers in the public forum and the topics they cover;
- h) A list of items considered;
- i) Resolutions and amendments pertaining to those items;
- j) Names of any members requesting the recording of their abstentions or votes;
- k) Declarations of conflicts of interest;
- l) Resolutions to exclude members of the public; and
- m) The time that the meeting concludes or adjourns.

3.15.18 No discussion on minutes

No discussion may arise on the substance of minutes at any succeeding meeting, except as to their correctness.

3.15.19 Public input at meetings

For matters that are subject to LGOIMA, there are three processes, referred to as "public input", by which a member of the public may participate in WMSB meetings. The term "public input" refers to:

- a) Public participation
- b) Presentations
- c) Petitions

The term “public input” does not relate to any right to participate in a hearing process.

[The RoP relating to “public participation”, “presentations” and “petitions” are set out below.]

No public input in certain forums

There is to be no public input at any hearing, including the hearing of submissions where the WMSB sits in a quasi-judicial capacity.

3.15.20 Public input not permitted in relation to certain items on the agenda

For matters that are subject to LGOIMA, Public input is not permitted in relation to the following items listed on the agenda for a meeting:

- a) Minutes being presented to a meeting for authentication
- b) Reports that set out recommendations arising from a hearing process

3.15.21 The use of data show equipment to support public input

No data show presentation shall be allowed unless an electronic copy of that presentation has been received by officers of the WMSB by 12noon on the working day prior to the WMSB meeting.

3.16 Public participation (Subject to areas that have LGOIMA requirements)

3.16.1 Period set aside for public participation

For matters that are subject to LGOIMA, a period will be set aside for public participation at the commencement of meetings of the WMSB that are open to the public. Each speaker during the public participation section of a meeting may speak for three minutes.

3.16.2 Questions of speakers during public participation forum

For matters that are subject to LGOIMA, with the permission of the Chairperson, members may ask questions of speakers during the period reserved for public participation. If permitted by the Chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

3.16.3 Public participation where presented by members

For matters that are subject to LGOIMA, any member who presents on behalf of a person, is to confine himself/herself to reading the statement of the party from which it comes.

3.16.4 Presentations

3.16.5 Requests to make a presentation

A request to make a presentation to a meeting must be lodged with the Secretariat at least two working days before the date of the meeting concerned. The request must set out the general subject of the presentation.

After lodgement, the request must be subsequently approved by the Chairperson. The Chairperson may refuse requests, including for presentations that are repetitious or offensive.

3.16.6 Urgency or major public interest

For matters that are subject to LGOIMA, Where in the opinion of the Chairperson the matter which is the subject of a presentation is one of urgency or major public interest, the Chairperson may determine that the presentation be received.

3.16.7 Presentations in English, Te Reo Māori or New Zealand Sign Language

A presentation to the Statutory Board may be made in English, Te Reo Māori or New Zealand Sign Language. The Chairperson may order that any speech or document presented be translated and/or printed in another language.

3.16.8 Procedures for presentations

Except with the approval of the Chairperson, not more than two persons may address the meeting for a single presentation. After a presentation is received, members may put to the presenters any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the presenters have completed making their submissions and answering questions.

3.16.9 Termination of presentation if disrespectful

The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice.

3.16.10 Petition in English or Te Reo Māori

A petition presented to the Statutory Board may be in English or Māori. The Chairperson may order that any petition be translated and/or printed in another language.

4 Definitions/ Ngā whakamārama

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by the WMSB for the purpose of providing advice or information that is not a committee or subcommittee. These Rules do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as a WMSB pack'.

Amendment means any change of proposed change to the original or substantive motion.

Audiovisual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Statutory Board member means a member appointed to the Wairarapa Moana Statutory Board by the membership identified in the TRoRJR.

Board pack means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered.

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Clear working days means the number of working days (business hours) prescribed in these Rules for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to the Statutory Board:

- a) The Committee for natural resources
- b) A standing committee or special committee appointed by the Statutory Board;
- c) Any subcommittee of a committee described in (a) and (b) of this definition.

Conflict of Interest needs further board discussion.

Contempt means being disobedient to, or disrespectful of, the Chair of a meeting, or disrespectful to any members, officers or the public.

Debate means discussion by members that occurs once a motion has been moved/seconded

Deputation means a request from any person or group to make a presentation to the WMSB which is approved by the Chairperson and which may be made in English, Te Reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audiovisual link.

Extraordinary meeting Is a meeting other than an ordinarily scheduled meeting of the Statutory Board.

Internet site means, in relation to the WMSB or other person or entity, an Internet site that is maintained by, or on behalf of, the Statutory Board, person, or entity and to which the public has free access.

Item means a substantive matter for discussion at a meeting.

Karakia whakawaerea means a prayer to open a hui.

Karakia whakawātea means a prayer to close a hui.

Lawfully excluded means a member of the WMSB who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the WMSB policy should one be in place.

Meeting means any first, inaugural, ordinary, extraordinary, or emergency meeting of the Statutory Board, subordinate decision-making bodies of the WMSB convened under the provisions of LGOIMA.

Member means any person appointed to the Statutory Board.

Mihi whakatau To be confirmed by NKKWTNR and RTMR

Minutes means the record of the proceedings of any meeting of the Statutory Board.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these Rules .

Officer means any person employed by the membership of the Board either full or part time, on a permanent or casual or contract basis.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Ordinary meeting means any meeting subject to LGOIMA requirements, other than the first meeting, of the WMSB publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Pōwhiri To be confirmed by NKKWTNR and RTMR

Present at the meeting to constitute quorum means the member is to be either physically present in the room or online.

Presiding member means the Chairperson.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed.

Public excluded information only refers to areas that are subject to LGOIMA for information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- a) Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the Statutory Board; and
- b) Any other information which has not been released by the WMSB as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the WMSB as provided for in LGOIMA, and are subject to LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input for areas that are subject to LGOIMA.

Public notice if subject to LGOIMA means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's website. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified If subject to LGOIMA means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by section 52 and section 53 of LGOIMA for areas that are subject to LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present or online in order to constitute a valid meeting.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Seconder means the member who seconds a motion or amendment.

Statutory Board means in the context of these Rules, the Wairarapa Moana Statutory Board.

Statutory Board member means a member appointed to the Wairarapa Moana Statutory Board by the membership identified in the TRoRJR.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere when subject to LGOIMA.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by the WMSB that have decision-making authority.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Working day means a day of the week other than:

- a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Wānanga means in the context of these Rules, a gathering of the WMSB and officers of the members, for the purpose of undertaking a thorough understanding in the development of the Wairarapa Moana Document.

Workshop means in the context of these Rules, a gathering of Statutory Board members for the purpose of considering matters of importance to the Statutory Board at which no decisions are made and to which

these Rules will not apply. Workshops may include non-Statutory Board members. Workshops may also be described as briefings.

5 Referenced documents/ Ngā tohutoro tuhinga

- a) Te Rohe o Rongokako Joint Redress Act 2022
- b) Local Government Official Information and Meetings Act 1987 (LGOIMA)

Appendix A: Grounds to exclude public from meetings

The WMSB may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on the following grounds:

A1 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:

- a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial, or
- b) To endanger the safety of any person

A2 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- a) Protect the privacy of natural persons, including that of deceased natural persons, or
- b) Protect information where the making available of the information:
 - i. Would disclose a trade secret, or
 - ii. Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information, or
- c) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Natural and Built Environment Act 2023, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu, or
- d) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
 - i. Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied, or
 - ii. Would be likely otherwise to damage the public interest; or
- e) Avoid prejudice to measures protecting the health or safety of members of the public; or
- f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public, or
- g) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment, or
- h) Maintain legal professional privilege, or
- i) Enable the authority holding the information to carry out, without prejudice or disadvantage, commercial activities, or
- j) enable the authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations), or
- k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded, unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- a) Be contrary to the provisions of a specified enactment, or
- b) Constitute contempt of Court or of the House of Representatives

A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987.

A5 That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the authority to deliberate in private on its decision or recommendation in:

- a) Any proceedings before the WMSB where:
 - i. A right of appeal lies to any Court or Tribunal against the final decision of the authority in those proceedings, or
 - ii. The authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- b) Any proceedings of an authority in relation to any application or objection under the Marine Farming Act 1971.

Appendix B: Example resolution to exclude the public

Exclusion of the Public Report xx.xxx

That the WMSB

Excludes the public from the following part of the proceedings of this meeting namely:

1. *[Report title]*

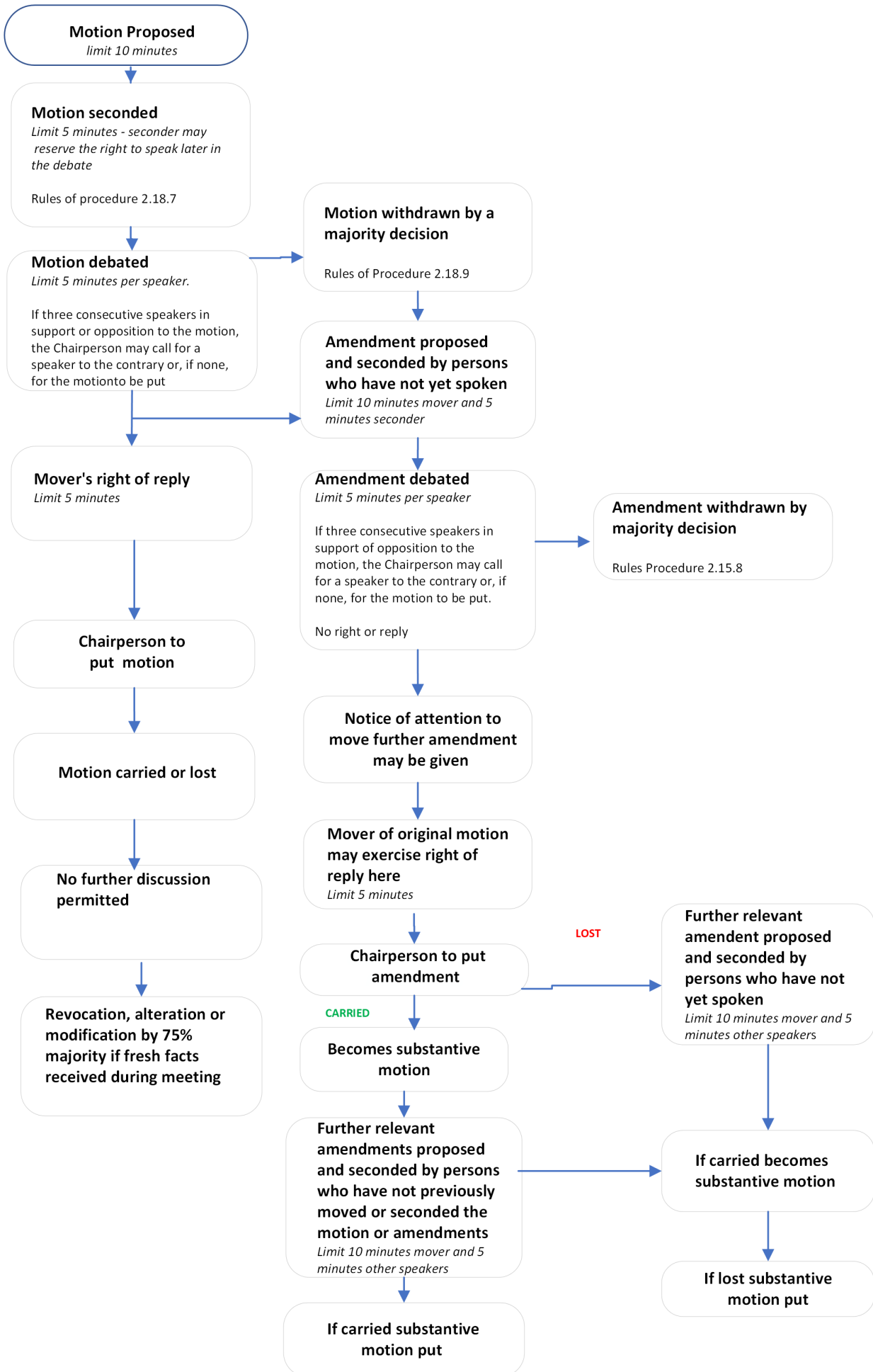
The general subject of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered:</i>	<i>Reason for passing this resolution in relation to each matter considered:</i>	<i>Ground under section 48(1) for the passing of this resolution</i>
--	---	---

- | | | |
|--------------------------|--|---|
| <i>1. [Report title]</i> | <i>The information contained in this report relates to [outline of subject matter]. Release of this information would prejudice the proposed appointees' privacy by disclosing the fact [what is being disclosed?]. Officers have not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the privacy of the individuals concerned.</i> | <i>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 (i.e to protect the privacy of natural persons).</i> |
|--------------------------|--|---|

This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as specified above.

Appendix C: Flow chart of motions and amendments



WAIRARAPA MOANA STATUTORY BOARD



Board Meeting
22 March 2024
Report 2024.8

For Decision

ADOPTION OF TERMS OF REFERENCE

Te take mō te pūrongo

Purpose

1. To adopt the Terms of Reference which supports the decision making of the Wairarapa Moana Statutory Board.

He tūtohu

Recommendation/s

That the Wairarapa Moana Statutory Board:

- a) **Adopts** the Terms of Reference (Attachment);
- b) **Notes** that kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust are included in the Rules of Procedure;
- c) **Agrees** to commission a bespoke logo for the Wairarapa Moana Statutory Board;
- d) **Agrees** that Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust will lead the commissioning of the bespoke logo;
- e) **Agrees** to align the Wairarapa Moana Statutory Board's annual planning processes as much as possible with the appointer agencies planning cycles;
- f) **Authorises** the secretariat to make minor grammatical and formatting changes to the Terms of Reference if required prior to release;
- g) **Agrees** to review the Terms of Reference every three years to ensure it remains fit for purpose.

Te tāhū kōrero

Background

- 2) On 13 October 2023, the WMSB held its first workshop and discussed an overview of key issues identified in the Terms of Reference (ToR): the purpose, functions, members, election of the Chair and quorum; meeting in person or electronic means, voting, meetings, and delegations. The workshop also discussed the potential liabilities of the WMSB and Statutory Board members.

- 3) At the WMSB's 15 December 2023 workshop, the draft ToR was provided as background reading in the WMSB pack. Some amendments have been made to this document. Refer to the Attachment.
- 4) On 8 March 2024, the Statutory Board had a brief discussion on some ToR issues at its workshop.

Kawa and Tikanga

- 5) The WMSB recognises the kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust which are included in the Terms of Reference (ToR). The WMSB will include kawa and tikanga as they develop and make decisions over time. Refer to the ToR Attachment of this Report for a copy of the slides.

Terms of Reference

- 6) The ToR sets out key information about the context in which the Statutory Board will make governance decisions and operate within:
 - a) Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR); and
 - b) Deeds of Settlement for Ngāti Kahungunu ki Wairarapa Tāmaki Nui a Rua and Rangitāne o Wairarapa Tāmaki Nui a Rua.
- 7) The ToR should be considered as a companion document to the WMSB's Rules of Procedure document.

Te tātaritanga

Analysis

- 8) It's important to note, that where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.
- 9) The TRoRJR provisions have a significant number of 'must' obligations which have mandatory legislative weight associated with the legislative obligations cited in the ToR.

Board logo

- 10) It is proposed that the WMSB commissions a logo as a means of establishing its own bespoke brand. Without it, the WMSB will lack a recognisable visual presence for whānau, hapū and iwi and the wider community.
- 11) To date, a Ngāti Kahungunu ki Wairarapa Tāmaki Nui a Rua image has been used for Statutory Board Reports in lieu of the proposed logo. This will continue in the interim.
- 12) It is proposed that Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust lead the commissioning of the bespoke logo for the WMSB.

Annual Planning Processes and Meetings

- 13) Under the TRoRJR, the WMSB must hold a planning meeting each year.
- 14) At each planning meeting,—
 - a) The WMSB must determine its annual and multi-year priorities; and
 - b) the ongoing role of the appointers of the WMSB members in the WMSB’s annual planning processes—
 - (i) The WMSB must agree with the appointers of the WMSB’s members to a programme for the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips for the following year (the annual operational management programme); and
 - (ii) The WMSB, and the appointers of the WMSB’s members, must report to each other on the implementation of their respective responsibilities under the annual operational management programme for the previous year; and
 - (iii) the appointers of the WMSB’s members must agree on the administrative and technical support they will provide to the WMSB.¹
- 15) It is proposed that the WMSB considers aligning its planning processes as much as possible with the appointer agencies planning cycles.
- 16) This will enable the Wairarapa Moana to submit proposals (that include the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips) at key times that align with the appointer agencies planning and budget priorities decision making.

Use and review

- 17) The ToR notes that the WMSB can develop any other function required to achieve the WMSB’s purpose.²
- 18) It is proposed that the WMSB reviews the ToR every 3 years to ensure the context of the WMSB decision making remains relevant, is understood, and continues to lay the foundations for success.

Ngā Whakaarohanga

Considerations

Ngā hua ahumoni

Financial implications

- 19) Once the WMSB’s preferred option is confirmed for developing a logo, more detailed analysis will be provided.

¹ Section 118 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 118 Annual planning meeting of Statutory Board – New Zealand Legislation](#)

² Section. 46 (2)(j) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 46 Functions of Statutory Board – New Zealand Legislation](#)

Ngā Mōrea me Ngā Whakangāwaritanga

Risks and Mitigations

20) Once the WMSB's preferred approach is confirmed, more detailed risk analysis and mitigation actions will be developed for the Board's consideration.

Te huritao ki te huringa o te āhuarangi

Consideration of climate change

21) There are no climate change implications arising from this report.

Te whakatūtakitaki

Engagement

22) External engagement is not considered necessary for this report.

Ngā tūāoma e whai ake nei

Next steps

23) The next steps are to:

- a) publish links to the ToR on appointer agency websites;
- b) support Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust in leading the commissioning of a bespoke logo for the WMSB;
- c) plan to align the WMSB's annual planning processes as much as possible with the appointer agencies planning cycles.

Ngā kaiwaitohu

Signatories

Writers	Pauline Hill – Aporei Māori Principal Advisor, Māori, Wellington Regional Council Interim Secretariat Support Pikitia Tuuta – Pou Whakahaere, Ngāti Kahungunu ki Wairarapa Iwi Development Trust
Peer reviewers	Nerissa Aramakutu – Kaiwhakahaere Tukanga (Business & Operations Manager), Ngāti Kahungunu ki Wairarapa Iwi Development Trust Brett Cockeram – Director Māori Outcomes, Wellington Regional Council
Approvers	Darrin Apanui – Chief Executive Officer Tū Mai Rā Group Monica Fraser – Te Pou Whakarae General Manager, Māori Wellington Regional Council

Attachment: Terms of Reference

WAIRARAPA MOANA STATUTORY BOARD



TERMS OF REFERENCE

Adopted by the Wairarapa Moana Statutory Board on 22 March 2024

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Introduction

- 1) These Terms of Reference (ToR) should be read as a companion document to the Rules of Procedure of the Wairarapa Moana Statutory Board (WMSB).

Kawa and Tikanga

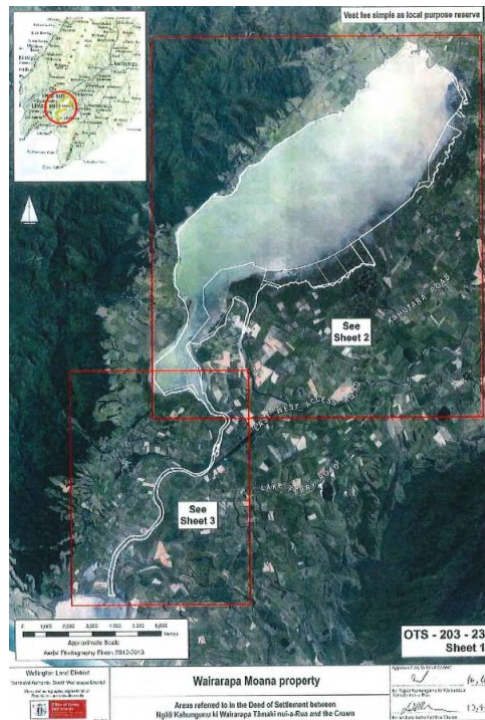
- 2) The WMSB recognises the kawa and tikanga developed by Ngāti Kahungunu ki Wairarapa Tāmaki nui a Rua Settlement Trust and Rangitāne Tū Mai Rā Trust which are included in this ToR. The WMSB will include kawa and tikanga as they develop and make decisions over time.

RENEE PLEASE INSERT THE KAWA AND TIKANGA SLIDES HERE

Background

- 3) It's important to note that where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement. The Te Rohe o Rongokako Joint Redress Act 2022 (TRoRJR) provisions have a significant number of 'must' obligations that have mandatory legislative weight and are referenced in this ToR.
- 4) The ToR provide relevant information on key issues that will influence the environment in which the WMSB operates in exercising its decision-making responsibilities in a transparent, inclusive and lawful way primarily under TRoRJR.
- 5) The sections of the ToR include relevant excerpts from the TRoRJR and maps and images from the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Treaty Settlement Trust (Deed of Settlement and Settlement Act 2022) and the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Deed of Settlement.

Wairarapa Moana property



Refer: Images Wairarapa Moana Property [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Attachments \(www.govt.nz\)](#) Page 24, 25, 26

6) Relevant TRoRJR provisions include:

- a) The fee simple estate in the Wairarapa Moana property vests as undivided shares in the specified groups of trustees as tenants in common as follows:
 - i. a 90% share vests in the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
 - ii. a 10% share vests in the trustees of the Rangitāne Tū Mai Rā Trust.

7) The following map shows the Bed of the Lake Wairarapa Property.

Bed of Lake Wairarapa property



Refer: Images Bed of Lake Wairarapa Property [Rangitane o Wairarapa and Rangitane Tamaki nui-a-Rua - Attachments - Signing version 6 August 2016 \(tearawhiti.govt.nz\)](#) Page 29

- 8) The Wairarapa Moana property and the Crown stratum above the property are declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to [section 23 of the Reserves Act 1977](#).
- 9) The reserve is named Wairarapa Moana Local Purpose Reserve.
- 10) The WMSB is the administering body of the reserve (see [section 103](#) of the Joint Redress Act 2022).¹
- 11) To avoid doubt, the Crown stratum above the Wairarapa Moana property remains owned by the Crown.²

¹ Section 103 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 103 Statutory Board is administering body of Wairarapa Moana reserves – New Zealand Legislation](#)

² Section 27(6-9) and (12) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 27 Wairarapa Moana property – New Zealand Legislation](#)

Requirements for Wairarapa Moana Document

12) The Wairarapa Moana document must—

- a) recognise and give expression to the relationship of the joint redress iwi and their culture and traditions with their ancestral lands, water, wāhi tapu, and other taonga in Wairarapa Moana and the Ruamāhanga River catchment; and
- b) respect the tikanga and values of the joint redress iwi in the management of Wairarapa Moana and the Ruamāhanga River catchment.

13) In subsection (1)(a) (and only there), Wairarapa Moana traditional boundary is the area shown outlined in red on the map.³



Refer to the [deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, page 51](#)

³ Section 78(2) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 78 Requirements for document – New Zealand Legislation](#)

Procedures and meetings of Statutory Board

- 14) The key procedures and meeting requirements of the WMSB are outlined in the TRoRJR:
- 15) Sections 32(2) to (5), 33, and 34 of the Reserves Act 1977 apply to the Statutory Board as if it were a board under that Act and with any necessary modifications, but only to the extent that is consistent with this Act.
- 16) The first meeting of the Statutory Board must be held—
- a) before or when the Statutory Board is first required to make a decision by this or another Act; but
 - b) in any case, no later than 6 months after the settlement date.
- 17) At its first meeting, the Statutory Board must—
- a) adopt rules of procedure; and
 - b) agree on a schedule of meetings.
- 18) The rules of procedure must include rules for how the Statutory Board and the appointers of the Statutory Board’s members are to agree to the annual operational management programme under section 118.⁴
- 19) For any procedure not covered by the rest of this section, the Statutory Board may adopt any rule of procedure that is consistent with this Act.
- 20) The Statutory Board may at any time amend its rules of procedure.⁵
- 21) As long as it is consistent with the TRoRJR then:
- a) An annual meeting of the board must be held within 2 months after the end of the financial year.
 - b) Other meetings shall be held as the board determines from time to time.
- 22) A special meeting of the board may at any time be convened by the chairperson, and the chairperson shall call a special meeting whenever requested to do so in writing by 2 members of the board:
- a) provided that not less than 7 clear days’ notice of every special meeting and of the business to be transacted thereat shall be given to each member, and no business other than that specified in the notice shall be transacted at any such meeting.^[1]

Annual planning meeting of Statutory Board

- 23) The Statutory Board must hold a planning meeting each year.

⁴ Section 118 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 118 Annual planning meeting of Statutory Board – New Zealand Legislation](#)

⁵ Section 52 <https://www.legislation.govt.nz/bill/government/2022/0098/latest/LMS14642.html>

^[1] Section(32 (2) to (5) [Reserves Act 1977 No 66 \(as at 24 August 2023\), Public Act 32 Meetings of boards – New Zealand Legislation](#)

24) At each planning meeting,—

- a) the Statutory Board must determine its annual and multi-year priorities; and
- b) the Statutory Board must agree with the appointers of the Statutory Board’s members to a programme for the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips for the following year (the annual operational management programme); and
- c) the Statutory Board, and the appointers of the Statutory Board’s members, must report to each other on the implementation of their respective responsibilities under the annual operational management programme for the previous year; and
- d) the appointers of the Statutory Board’s members must agree on the administrative and technical support they will provide to the Statutory Board.⁶

25) For any procedure not covered by the rest of this section, the WMSB may adopt any rule of procedure that is consistent with this Act.

26) The WMSB may at any time amend its rules of procedure.⁷

Liability of the Statutory Board and trustees

27) The potential conflict associated with the liabilities of the members of the WMSB and the Board as a whole was discussed at the 13 October 2023 workshop.

28) Specifically, TRoRJR provisions at section 52⁸ point to ‘s34 of the Reserves Act 1977 which covers the WMSB and states ‘*The members of any board shall not be personally liable for any act done or omitted to be done in good faith in the course of the operations of the board or for any debt or other liability lawfully incurred by the board.*’⁹

29) However, the TRoRJR provisions at Section 114 describe particular circumstances when liabilities do and do not apply to the WMSB as a whole.

‘The Statutory Board, or a group of joint redress trustees, is liable for—

- a) *any damage or contamination that arises in relation to a Wairarapa Moana reserve from its intentional, reckless, or negligent act or failure to act; and*
- b) *remediating any further damage to, or contamination of, a Wairarapa Moana reserve that arises because its act or failure to act worsens any damage or contamination that existed immediately before the settlement date.*

⁶ Section 118 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 118 Annual planning meeting of Statutory Board – New Zealand Legislation](#)

⁷ Section 52 (3) to (6) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation](#)

⁸ Section 52 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 52 Procedures and meetings of Statutory Board – New Zealand Legislation](#)

⁹ Section 34 [Reserves Act 1977 No 66 \(as at 23 December 2023\), Public Act 34 Members of boards not personally liable – New Zealand Legislation](#)

The Statutory Board is not liable for—

a) *an existing improvement for which it would, apart from this section, be liable because it is the administering body of a Wairarapa Moana reserve; or*

30) The Statutory Board, or a group of joint redress trustees, is liable for—

a) any damage or contamination that arises in relation to a Wairarapa Moana reserve from its intentional, reckless, or negligent act or failure to act; and

b) remediating any further damage to, or contamination of, a Wairarapa Moana reserve that arises because its act or failure to act worsens any damage or contamination that existed immediately before the settlement date.

31) The Statutory Board is not liable for—

a) an existing improvement for which it would, apart from this section, be liable because it is the administering body of a Wairarapa Moana reserve; or

b) the waters or aquatic life of, or the plants attached to the bed of a body of water in, a Wairarapa Moana reserve.

32) In all other respects, the Statutory Board is liable for all Wairarapa Moana reserves as if it were the owner of each reserve.

33) The joint redress trustees who are owners of any land in a Wairarapa Moana reserve are not liable for—

a) an existing improvement for which they would, apart from this section, be liable because they own the land; or

b) the waters or aquatic life, or the plants attached to the bed of a body of water, in the land.

34) (5) Subsection (1) overrides subsections (2) and (4).¹⁰

¹⁰ Section 114 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 114 Liability of Statutory Board and trustees – New Zealand Legislation](#)

Purpose

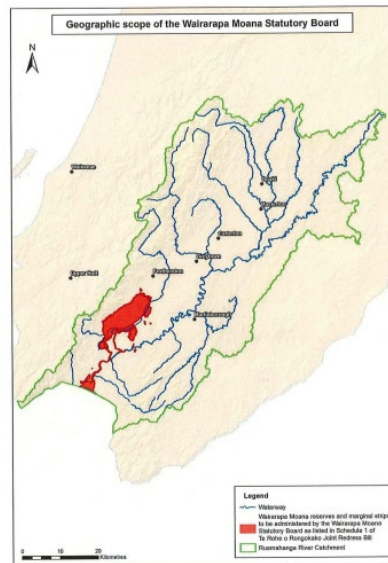
35) The purpose of the WMSB is to act as a guardian of Wairarapa Moana and the Ruamāhanga River catchment, for the benefit of present and future generations, by—

- a) being the administering body of each Wairarapa Moana reserve—
 - i. for the purpose of the reserve’s classification under the Reserves Act 1977 and in accordance with the appropriate provisions of that Act and the TRoRJR Act 2022; and
 - ii. for the purpose of protecting and enhancing its cultural, spiritual, and ecological values; and
- b) being the manager of the Wairarapa Moana marginal strips as if it were appointed under [section 24H\(1\) of the Conservation Act 1987](#) which includes a number of provisions that includes: costs; forestry licenses; temporary closures; protection of sites; fencing; license to mine; and
- c) providing leadership on the sustainable management of Wairarapa Moana and the Ruamāhanga River catchment; and
- d) promoting the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and well-being of Wairarapa Moana and the Ruamāhanga River catchment to the extent that those matters relate to natural resources.¹¹

36) The following map shows the scope of the WMSB and the green line shows the original Ruamāhanga River catchment.

¹¹ [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 45 Purpose of Statutory Board – New Zealand Legislation](#)

Map showing the geographic scope of the Wairarapa Moana Statutory Board.



a)

Refer: [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Attachments \(www.govt.nz\)](http://www.govt.nz) Page 49; [Rangitāne o Wairarapa and Rangitāne Tamaki nui-ā-Rua - Attachments - Signing version 6 August 2016 \(tearawhiti.govt.nz\)](http://tearawhiti.govt.nz)

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Functions

37) The principal function of the WMSB is to achieve its purpose. The other functions are:

- a) to do the following in relation to the 3 parts of the Wairarapa Moana document:
 - i. to prepare and approve the overarching vision and desired outcomes document:
 - ii. be consulted on the preparation of the reserves management plan and to submit it for approval:
 - iii. approve the natural resources document:
- b) to determine its annual and multi-year priorities:
- c) to agree with the appointers of the WMSB's members an annual operational management programme, including projects planned, for the Wairarapa Moana reserves and Wairarapa Moana marginal strips:
- d) to provide advice to the Minister of Conservation and the Director General on conservation matters relating to the Wairarapa Moana reserves:
- e) to provide recommendations to the Minister of Conservation about authorisations (and conditions) for the taking and killing of any fish within any Wairarapa Moana reserve for commercial purposes:
- f) to decide on and grant authorisations for the taking and killing of any fish within any Wairarapa Moana reserve for purposes other than commercial purposes:

- g) to engage with, seek advice from, and provide advice to local authorities and other relevant agencies about the sustainable integrated management of Wairarapa Moana and the Ruamāhanga River catchment:
- h) to monitor and to annually report to the appointers of the WMSB members on:
 - i. the implementation of the Wairarapa Moana document; and
 - ii. the implementation of the annual operational management programme:
- i) to engage with third parties and interest groups, including by producing and disseminating information about, and awareness of, Wairarapa Moana and the Ruamāhanga River catchment:
- j) any other function required to achieve the WMSB's purpose.¹²

Membership

38) The WMSB comprises:

- a) 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust, including 1 member representing the hapū of Papawai Marae; and 1 member representing the hapū of Kohunui Marae; and
- b) 1 member appointed by the trustees of the Rangitāne Tū Mai Rā Trust; and
- c) 2 members appointed by the Minister of Conservation; and
- d) 2 members appointed by Wellington Regional Council; and
- e) 1 member appointed by South Wairarapa District Council.¹³

Alternative members

39) The appointer of 1 or more members of the WMSB, or of the committee for natural resources, may appoint 1 or more alternative members for those 1 or more members.

40) An alternative member may attend a meeting, and do everything that the member could do at the meeting, if the member is unable to attend.¹⁴

¹² Section 46 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 46 Functions of Statutory Board – New Zealand Legislation](#)

¹³ Section 47 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 47 Membership of Statutory Board – New Zealand Legislation](#)

¹⁴ Section 68 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 68 Alternative members of Statutory Board or committee for natural resources – New Zealand Legislation](#)

Chairperson

41) The members must elect the chairperson of the WMSB from among the 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.¹⁵

Acting Chairperson

42) If the chairperson is not present, members must elect to act as the chairperson one member who was appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.¹⁶

Quorum

43) At least a quorum must be present during the whole time business is transacted at the meeting.

44) A quorum for a meeting of the WMSB is 6 members, comprising—

- a) the chairperson or the acting chairperson; and
- b) at least 1 other member appointed by trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
- c) a member appointed by the trustees of the Rangitāne Tū Mai Rā Trust; and
- d) at least 3 members appointed by an appointer other than joint redress trustees.¹⁷

Meeting in person or by electronic means.

45) A meeting of the WMSB, or a committee of the Statutory Board, may be held in either, or in a combination, of the following ways:

- a) by members meeting in person at the appointed time and place:
- b) by members using any means of audio, audiovisual, or electronic communication as long as—
 - i. all of the members who wish to participate in the meeting by those means have access to the technology needed to do so; and
 - ii. a quorum of members can simultaneously communicate with each other throughout the meeting.¹⁸

¹⁵ Section 51 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 51 Chairperson – New Zealand Legislation](#)

¹⁶ Section 53(3) [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 53 Quorum of Statutory Board – New Zealand Legislation](#)

¹⁷ Section 53 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 53 Quorum of Statutory Board – New Zealand Legislation](#)

¹⁸ Section 66 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 66 Meeting in person or by electronic means – New Zealand Legislation](#)

Voting

46) The WMSB must decide matters at a meeting of the Statutory Board.

- a) The WMSB must try to unanimously agree but, if it cannot, the matter must be decided by a majority of 75% or more of the votes cast by members present and voting.
- b) The chairperson, or acting chairperson, has a deliberative vote but no casting vote if the required majority is not achieved.¹⁹

Term of appointment

47) An appointment ends after 3 years or earlier when the member resigns or is discharged.

48) A member may be appointed, reappointed, or discharged at the discretion of the appointer.²⁰

Expenses

49) Each appointer is responsible for paying for the expenses of the members it appoints to the WMSB or the committee for natural resources.²¹

Delegations

50) The WMSB may delegate to a committee of the Statutory Board any function, power, or duty it has under [sections 81; 82; 83; 84; 85; 86](#) of the Joint redress, except its power under section 84(3)(a) of the TRoRJR Act 2022 to approve the final overarching vision and desired outcomes document, including after a subsequent review of the document.²²

Servicing

51) Wellington Regional Council will provide interim secretariat support pending transition to the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.²³

¹⁹ [Section 54 Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 54 Voting of Statutory Board – New Zealand Legislation](#)

²⁰ [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 47 Membership of Statutory Board – New Zealand Legislation](#)

²¹ [Section 69 Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 69 Expenses of Statutory Board and committee for natural resources – New Zealand Legislation](#)

²² [Section 87 Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 87 Delegation to committee of Statutory Board – New Zealand Legislation](#)

²³ [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of Settlement Part 3 \(www.govt.nz\) page 205](#)

Attachment: Links to other Te Rohe o Rongokako Redress Act 2022 provisions

- Qualifications of members Section 48 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 48 Qualifications of members – New Zealand Legislation](#);
- Resignation or discharge of members Section 49 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 49 Resignation or discharge of members – New Zealand Legislation](#);
- Vacancies in membership Section 49 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 50 Vacancies in membership – New Zealand Legislation](#)
- Committees of Statutory Board including committee for natural resources Sections 55 -60 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Committees of Statutory Board \(including committee for natural resources\) – New Zealand Legislation](#)
- Committee for natural resources Sections 61-68 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 61 Committee for natural resources established – New Zealand Legislation](#)
- Expenses of Statutory Board and committee for natural resources Section 69 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 69 Expenses of Statutory Board and committee for natural resources – New Zealand Legislation](#)
- Delegation to committee of Statutory Board Section 87 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 87 Delegation to committee of Statutory Board – New Zealand Legislation](#)
- Statutory Board or committee not organisation or committee of local authority Section 70 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 70 Statutory Board or committee not organisation or committee of local authority – New Zealand Legislation](#)
- Dispute referred to dispute resolution Sections 71 - 75 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 71 Dispute referred to dispute resolution – New Zealand Legislation](#)
- Wairarapa Moana Document: Preparation and approval Sections 76 - 86 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 76 Preparation and approval of document – New Zealand Legislation](#)
- Preparation, approval, and review of reserves management plan Section 89 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 89 Preparation, approval, and review of reserves management plan – New Zealand Legislation](#)
- Requirements of natural resources document Sections 90 - 97 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 90 Requirements for natural resources document – New Zealand Legislation](#)
- Effect on local authorities Section 98 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 98 Effect on local authorities – New Zealand Legislation](#)
- Effect on Director General Section 99 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 99 Effect on Director-General – New Zealand Legislation](#)
- Effect on Minister of Conservation Section 100 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 100 Effect on Minister of Conservation – New Zealand Legislation](#)
- Conservation areas declared local purpose reserves Sections 101-102 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 101 Conservation areas declared local purpose reserves – New Zealand Legislation](#)

- Statutory Board is administering Board of Wairarapa Moana reserves Sections 103 – 108 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 103 Statutory Board is administering body of Wairarapa Moana reserves – New Zealand Legislation](#)
- Existing improvements may remain Section 110 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain – New Zealand Legislation](#)
- Determination and notice of consent applications for existing improvements Section 111 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 111 Determination and notice of consent applications for existing improvements – New Zealand Legislation](#)
- Wellington Regional Council may retain and operate existing Development Scheme Section 112 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 112 Wellington Regional Council may retain and operate existing Development Scheme – New Zealand Legislation](#)
- Liability of Crown Section 113 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 113 Liability of Crown – New Zealand Legislation](#)
- Liability of Statutory Board and trustees Section 114 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 114 Liability of Statutory Board and trustees – New Zealand Legislation](#)
- Assistance towards liability of Statutory Board Section 116 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 116 Assistance towards liability of Statutory Board – New Zealand Legislation](#)
- Liability of Councils Section 114 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 114 Liability of Statutory Board and trustees – New Zealand Legislation](#)
- Operational management Wairarapa Moana reserves and Wairarapa Moana marginal strips Section 117 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 117 Operational management of Wairarapa Moana reserves and Wairarapa Moana marginal strips – New Zealand Legislation](#)
- Annual planning meeting of Statutory Board Section 118 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 118 Annual planning meeting of Statutory Board – New Zealand Legislation](#)
- Minister or Statutory Board may authorize fishing in Wairarapa Moana reserves Section 120 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 120 Minister or Statutory Board may authorise fishing in Wairarapa Moana reserves – New Zealand Legislation](#)
- Council owned reserve may become Wairarapa Moana reserve Section 121 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 121 Council-owned reserve may become Wairarapa Moana reserve – New Zealand Legislation](#)
- Statutory Board is manager of Wairarapa Moana marginal strips Section 122 [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 122 Statutory Board is manager of Wairarapa Moana marginal strips – New Zealand Legislation](#)
- Schedule 1 Wairarapa Moana reserves and marginal strips [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Schedule 1 Wairarapa Moana reserves and marginal strips – New Zealand Legislation](#)

- Schedule 2 Overlay area [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Schedule 2 Overlay area – New Zealand Legislation](#)
- Schedule 3 Cultural redress properties [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Schedule 3 Cultural redress properties – New Zealand Legislation](#)
- Legislative history [Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act Legislative history – New Zealand Legislation](#)