

# NZ MĀORI COUNCIL MEMBERS' MANUAL

Approved 28 October 2017 with subsequent amendments (blue text)

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Rarangatia te Whitau Tangata  
“ Rarangatia te Whitau Harakeke  
Rarangatia te Whitau Wairua  
Rarangatia te Whitau Tangata  
Rarangatia i runga i te Aroha”

“ Weave a memory of the past  
Weave a thought for today  
Weave a hope for tomorrow  
Weave with love for one another ”  
Rev. Mona Riini (Tuhoe)

Te Maungarongo Marae, Ohope, Whakatane

1993

Kei nga rangatira, kei nga maunga karangaranga, kei nga waha kaka nui a tane, kei nga manu tioriori, whai mai ra, i a koutou korero whakahira, ataahua mo ta koutou kaupapa, “ Te kaunihera Māori o Aotearoa”

Kua pari te tai whakarewa i te waka wairua, e wehe atu ai i te akau kawē I a koutou te hunga kua moe nga kanohi, kua wehe ki te po. Kei roto tonu koutou i nga whakaaro e whakaoho nei I te puna roimata, e whakatuki nei I te manawa.

Haere atu ra koutou, tere atu ai i runga moana roimata aroha. Hoki atu ra ki a ratau ma, ki roto hoki i nga ringaringa o te Atua.

Whakataa.

Koia nei te purongo korero a Te Kaunihera Māori o Aotearoa, mai i nga kaupapa korero o nehe, a , taka mai ki nga kaupapa korero o naianei, tae noa hoki ki nga korero, ki nga Ture hoki a te Kawana kawē i a tatau whakamua ki te ao hou, ki te ao marama.

“Tihei Mauri, tupu Mauri, ki te Whei Ao , ki te Ao Marama,

Tihei Mauri ora”



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## SECTION ONE: HE KŌRERO TIMATANGA | Introduction

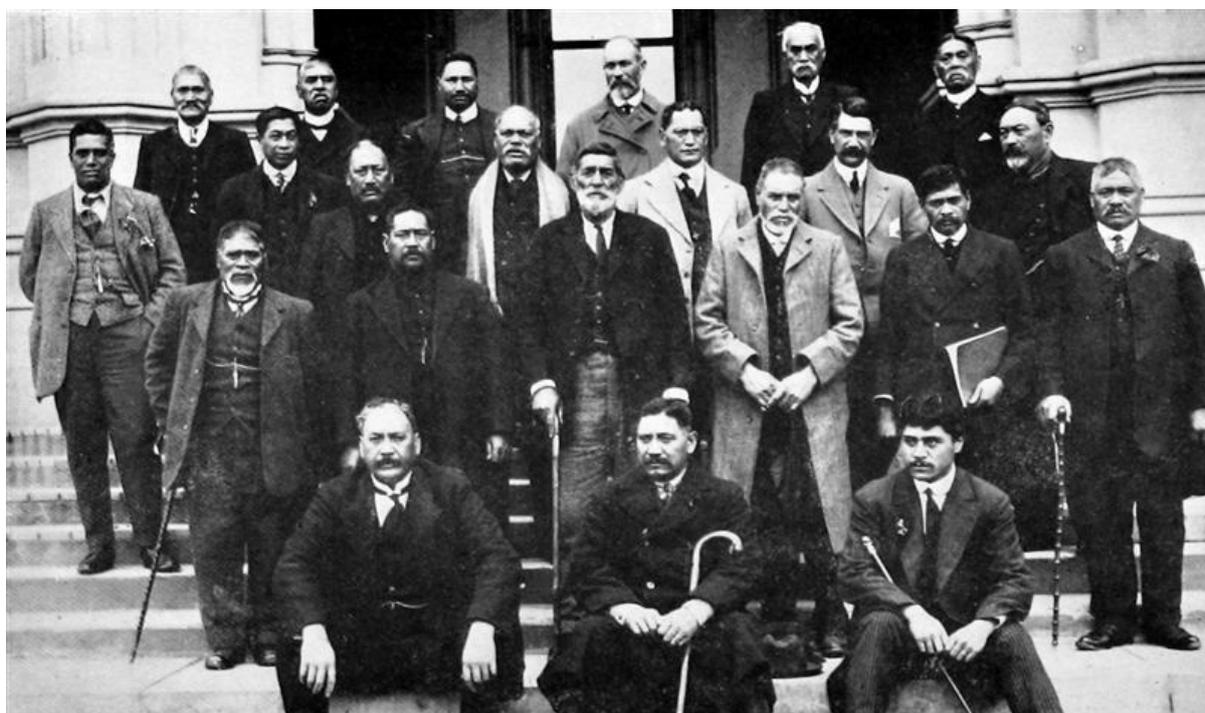
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The purpose of this member's manual is to assist Council members to fulfill their roles and obligations to our Māori communities, the Crown and other stakeholders. The manual provides an introduction with background information, the legislation that established and mandates the Council with our policies, procedures and contact information for the Executive and Council officers.

### History of The NZ Māori Council

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There is a long history behind the formation of the NZ Māori Council as part of the long Māori struggle for self-determination. The Māori Council's system can be traced back to the Kotahitanga movement and the Māori parliaments in the 1800s and early 1900s.



*Te Kaunihera Māori meets in Wellington*

In 1900 Sir James Carroll was able to introduce the Māori Council's Act to establish Councils' at a papakainga level. At that time the Government would not recognise the need for Māori organisation at a national or district level.

This changed in 1945 when the Councils set up for the war effort were reorganised into District Māori Councils. Government again refused to recognise a national Māori body which might lead to "Māori nationalism".

In 1962 the break-through occurred when the NZ Māori Council was established as a national body under the Māori Community Development Act 1962. The Act sets out the Council's role as the national policy making body for Māori to work (collaborate) with and assist government agencies and others with regard to the cultural, economic, social and political wellbeing of the Māori people.

Originally the Act established the Māori Council districts based on the seven Māori Land Court rohe and provided Council with the authority to establish additional districts or amend district boundaries as appropriate.

These seven have now expanded to 16 districts. Each District Māori Council has at least three Māori committees with some registering over twenty at the last triennial election in 2015.

The individual district Māori councils each nominate three members to form the NZ Māori Council with a total 42 members.

The NZ Māori Council elects its Chair and Deputy Chair as part of its triennial elections. An elected Executive Committee of seven members is responsible for the day to day operations of the NZ Māori Council.



## Māori Wardens

Māori Wardens today trace their history back to the Kīngitanga Movement of the 1860s. The Wardens first received their statutory powers under the Māori Social and Economic Advancement Act 1945 and were under the control of the Tribal Executive Committees in whose districts they operated.

In 1966, the NZ Māori Council supported the establishment of a National Māori Wardens Association.

As community volunteers, Māori Wardens are called to respond to whatever the most immediate and pressing needs of their communities may be. They provide a visible presence on the streets to discourage crime, supporting young families with domestic issues, and providing assistance at large gatherings.

For this reason, the types of work that Māori Wardens perform can vary greatly between different areas, and even within a single district. They have also changed significantly over time.

The versatility of Māori Wardens and their capacity to respond to the changing needs of their communities has been seen recently in the response of Māori Wardens to natural and human disasters, including the Christchurch earthquakes of 2010 and 2011 and the clean-up following the grounding of the MV *Rena* off the coast of Tauranga.

The NZ Māori Council is the statutory authority for the Māori Wardens under the Act. The Minister may appoint Māori Wardens in respect of any Māori Council District. A Māori Warden must be nominated for appointment by the relevant District Māori Council. They are appointed by the Minister of Māori Affairs under section 7(1) of the 1962 Act. Each warden is appointed for three years and may be reappointed by the Chief Executive of Te Puni Kōkiri on the recommendation of their District Māori Council.



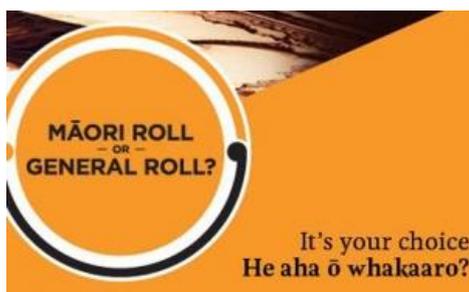
*2017 National Māori Wardens Conference in Rotorua*

## **Council Achievements**

Since its establishment, the Council has consistently engaged with the Crown on behalf of the Māori Treaty Partner achieving significant gains for our people. A chronological snapshot of Council's achievements includes:

- 1962 Māori Community Development Act 1962 comes into legislation
- 1966 NZ Māori Wardens' Association established under the NZ Māori Council
- 1966 The Council forced the government to introduce subsidies of Council expenditure - the amounts were insufficient to meet the Council's needs
- 1969 An annual granting system provided minimal funds for Council operations
- 1975 The Waitangi Tribunal is established, Graham Lattimer one of its first three members.
- 1983 NZ Māori Council revises Māori Affairs bill
- 1985 WAI 11 Reo Māori claim saw 1987 Māori Language Act 1987 enacted. The claim ultimately led to the establishment of Māori Radio and Māori Television.
- 1987 Māori Lands Case ruling by the Courts prevents the transfer of land to State Owned Enterprises without protecting Māori claims interests. State Owned Enterprise Act 1986 enacted.
- 1987 Council allied itself with Te Rūnanga o Muriwhenua and persuaded the High Court to stop Governments from allocating quota until Treaty issues have been dealt with.
- 1988 The Fisheries deal gave Māori assets worth an estimated \$1Billion.
- 1989 Council action saw establishment of CFRT resulting in \$160M to claimants and \$384M held in securities for Māori. Crown Forestry Assets Act 1989.
- 1990 WAI 150 and WAI26 allocation of radio frequencies claim stalls Crown plans to sell off licences.
- 1990 Bill of Rights introduced to the House without reference to the Treaty. Able to be amended or repealed by simple majority in Parliament.
- 1992 Council led action against the Crown to Court of Appeal then the Privy Council to appeal against sale of broadcasting assets. Te Mangai Paho established to fund Māori language programming and 21 Māori radio stations.
- 1992 Sealord's deal results in a considerable allocation of fisheries resources to Māori.
- 1993 Reform of Te Ture Whenua Māori Act 1933 - led by the Council

- 1993 Revised Māori Electoral Option claim saw an increase in Māori seats from four to seven.
- 1994 Council moots the formation of a new political party called the Aotearoa Party.
- 2003 Māori Television Service Act passed resulting in half a billion dollars invest in Māori language broadcasting
- 2011 The government commits to reviewing the Māori Community Development Act 1962 including Māori Wardens
- 2012 Council filed to halt the government's mixed ownership model of state owned enterprises.
- 2012 Waitangi Tribunal support claims of Council and others concerning Māori proprietary rights to water.
- 2013 Māori Community Development Act 1962 Review - NZ Māori Council claim that Māori should lead the review and not the Crown. Upheld by the Tribunal.
- 2017 Council works with Min Te Ururoa Flavell to review and revise Māori Wardens arrangements for warranting and governance.



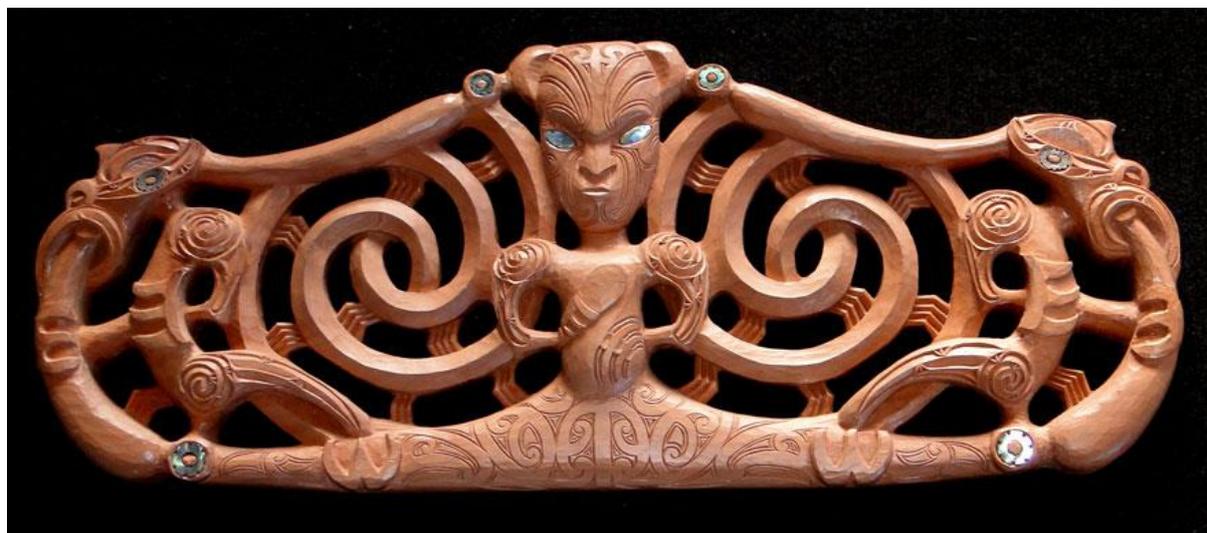
## Kaupapa values and tikanga Māori

In the management of their affairs, Māori draw on a range of mātauranga Māori passed down from tīpuna; amongst them are kaupapa Māori. It is through these uniquely Māori values that Māori as a people remain distinctive in the global community.

In 2016, the Council adopted a small selection of kaupapa values to focus its planning, operations and reporting activities through a variety of tikanga.

- **Wairuatanga** | recognising that our relationship with each other and with our environment (maunga, awa, moana, marae) is more than physical
- **Manaakitanga** | showing respect, generosity, empathy with and care for others in ways that are mana enhancing
- **Rangatiratanga** | promoting Māori management of Māori matters, including through autonomous institutions. A modern term from the Treaty of Waitangi synonymous with Mana Motuhake.
- **Whakakotahitanga** | making decisions and taking actions that lead to unity of purpose and not to division and disharmony
- **Whakawhanaungatanga** | building relationships amongst members and with other Māori organisations on the basis of shared lineage, culture or historic experience
- **Arohatanga** | giving effect to notions of care, love and compassion

It is important to recognise that we are not limited to these six in our endeavours.



## 2017-2020 Strategic Framework

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In 2017, the Executive developed a strategic framework that positions the Māori Council in terms of its roles, functions and aspirations. A 2015 set of strategic priorities outline the broad strategies the Māori Council will implement to fulfill its functions. Finally, five goals give effect to our strategic priorities.

### 1. Position Statement

"The NZ Māori Council advocates Māori policy and develops community initiatives that contribute to te mana motuhake o te iwi Māori"

### 2. Strategic Priorities

- Seek government funding, but before doing so...
- set our house in order: based on unity, democracy and respect
- Rebuild the Māori committees: they represent the people in their natural clusters
- Insist on honest elections in accordance with the statute: every infringement of the electoral provisions undermines the Council's authority
- Reclaim the wardens: bringing Council and the Wardens back together by providing more clearly for effective policy development and wardens operational autonomy
- Build working relationships with Māori societies: to join the Council in developing and advocating Māori policy
- Build working relationships with iwi leadership: to work in partnership to address areas of shared concern in developing and advocating Māori policy
- Plan now to recover the community officers as well: to rebuild the ancestral values within our families
- Goals
- Robust Policy Development focusing on the NZ Māori Council, NZ Government, Waitangi Tribunal and the Māori Community Development Act
- Positive Relationships including our District Māori Councils, government agencies, Hapū and Iwi, the Kingitanga, Māori communities and rōpū Māori as well as international bodies.
- Dynamic Cultural Development with environmental and natural resource management, toi Māori, te reo me ona tīkanga Māori
- Supportive Community Service through the Māori Wardens, education, justice, community development, housing and Whānau Ora
- Strong Governance producing a unified Māori Council; an Executive with effective sub-committees and sound financial management.

## SECTION TWO: NGĀ PŪTAKE ME NGĀ TIKANGA | POLICY AND PROCEDURE

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The NZ Māori Council developed and approved its Policy and Procedure Manual at a full Council meeting held on 16 April 2016. The policies and procedures outlined in the manual are reviewed annually by the Finance, Audit and Risk Committee who make their recommendations to the Council through the Executive. The 2017 review has begun the task of integrating Māoritanga with the policy and to provide clarity through the language used.

The review will continue in 2018 paying particular attention to the completion of policies in Part C Whakahaeretanga; Community Development Policy; Project Development Policy; Health & Safety Obligations and Part D Whakawhitinga policies: Conflicts of Interest and Disputes & Complaints.

### PART A: He Kōrero Tīmatanga | Introduction

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It is important that all members have a clear understanding of the relationship between the legislation and our own organisational arrangements. This knowledge ensures the mana enhancing behaviours of manaakitanga are reflected in subsequent activities.

The policies and procedures which follow are made pursuant to section 23(h) of the Māori Community Development Act 1962. If there is any conflict between these policies and procedures and those of the Act and any associated regulations, the Act and regulations prevail.

In these Policies and Procedures, unless the context otherwise requires:

- a) *Act* means the Māori Community Development Act 1962
- b) *Council* and *NZMC* both mean the NZ Māori Council and include its committees, subcommittees and other sub-entities
- c) *Regulations* means the Māori Community Development Regulations 1963

*Kua Kīngi mai anō au i ōku tūpuna.*

*I am a king already by my lineage. A reminder that our ultimate authority as Māori comes from our whakapapa*

#### 1. Rangatiratanga

The members of the NZ Māori Council walk in the footprints of rangatira whose achievements have been recorded in history. Bishop Manuhua Bennett described the attributes of a rangatira as

*"Te kai a te rangatira, he kōrero  
Te tohu o te rangatira, he manaaki  
Te mahi a te rangatira, he whakatira i te iwi"*

The following policies seek to give expression to these attributes.

#### 2. National principles

2.1 The Council accepts the following principles:

- a) [The principles and terms of the Treaty of Waitangi \(in both its versions\) will be upheld by all policy makers.](#)
- b) [Te mana motuhake o te iwi Māori is a fundamental principle of Māori identity. It is known in Treaty law as the principle of rangatiratanga.](#)
- c) The basis for the unity of the peoples of Aotearoa lies in the duty of the government to govern within the principles and terms of the Treaty;

### 3. Objectives

In giving effect to the Act, the principal objectives are to advocate Māori policy and lead community projects that contribute to te mana motuhake o te iwi Māori.

*He aroaro ka huri ki te wā kāinga e kore e tau ki raro.  
In general, if an objective is compelling, one pursues it without pause.*



*Sir James Carroll, 1914*

## PART B: TE KAUNIHERA MĀORI | The Council

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Underpinning Part B of the manual is the importance of our relationships and how we interact with each other and with others we engage with. Consequently, the two kaupapa kotahitanga and whanaungatanga are fundamental to giving expression to the following policies.

### 1. Membership

#### Accreditation

- 1.1 The members of the Council are those who are
- appointed by the District Māori Councils as members as advised in writing by the District Council chair or secretary to the Council secretary; and
  - accredited as members at a meeting of the New Zealand Māori Council.
- 1.2 Challenges may be made to the accreditation of all or any of the persons purportedly appointed by a District Māori Council on the grounds of a procedural deficiency in the appointment process or because the person proposed for appointment is not qualified to be appointed. A challenge may be made by any member of a Māori Committee or District Māori Council to the secretary or chair of the New Zealand Māori Council, in writing or orally at a meeting of the New Zealand Māori Council.
- Any Council member; or
  - Any person who is a member of the District Māori Council in question or of a Māori Committee of that District.
- 1.3 Where there is a challenge to the accreditation of a person as a member, the Chair may suspend that person's appointment as a member pending advice or propose to the Council that the person be appointed on terms or conditions. The Council may proceed with its business on the basis that those affected are not members until the issue has been resolved.
- 1.4 The Council shall determine the challenge after receiving appropriate legal or other expert advice.
- 1.5 Where there has been undue delay in making a challenge the Council may decline to deal with it.

#### Eligibility and removal

- 1.6 Members must be 18 years or older. A member may be removed from office for inability to perform the functions of the office, neglect of duty, or misconduct proved to the satisfaction of the Council. No member shall be removed without an adequate and timely notice informing of the reason for the proposed removal and without affording the member adequate time to take advice, to reply in writing for distribution to Council members and to appear before the Council.

#### Duties

- 1.7 Members must act in good faith and in a manner that the member believes on reasonable grounds to be in the best interests of the Council and when considering policy, in the best interests of all Māori. While members are appointed by a district, the primary duty is to the Council as a whole working in the best interests of all Māori. The Districts appoint "members", not "delegates" or "representatives", and members exercising the general functions of the Council, do so "in respect of all Māoris".<sup>1</sup>

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<sup>1</sup> See Act s 18(1)

- 1.8 If a member of the Council is unable to attend a meeting of the Council, the District Council by which he was appointed may appoint another of its members as his proxy at that meeting.<sup>2</sup> **The proxy shall be notified in writing** to the Secretary ahead of the meeting.

*He waka kōtuia kāhore e tukutukua ngā mimira*

*A canoe that is interlaced will not become separated at the bow*

## **2. Chair<sup>3</sup>**

- 2.1 At its first meeting following a triennial election the Council shall elect one of its members to be the Chairperson. No person shall be appointed as Chairperson after having served **in that role** (or as a Co-chairperson) at any stage during the previous **three** terms of three years. A former Chairperson who has stood down as Chairperson for at least one term shall be eligible for re-election.
- 2.2 The Chairperson shall preside at all meetings of the Council at which he or she is present but (a) may appoint the Deputy Chairperson or some other member to preside for the whole or any part of a meeting and (b) may appoint a person independent of the Council to preside. The Chairperson shall appoint another member or person where a conflict of interest or a perception of bias could arise.
- 2.3 A person chairing the meeting **shall** demonstrate impartiality and shall be informed of and give effect to the Council's Act, Regulations, and Policies and Procedures (collectively called the Council's constitutional documents).
- 2.4 In the absence of the Chairperson from any meeting the Deputy Chairperson shall chair or if the Deputy Chair is not present members may elect one of their number as acting Chairperson.
- 2.5 The appointment of other officers of the Council, and also committees of the Council, is considered in Part D of the Council's Policies and Procedures.

*Me te kotea mau kupenga*

*Like the post holding the net, the chief must be strong and hold the iwi together by his influence*

## **3. Council Meetings**

- 3.1 The Council shall meet twice per annum in April and October (or May and November in a triennial election year) at times and places fixed by the Chairperson.
- 3.2 Subject to the Chairperson reviewing the Council's finances and the gravity of the matters to be considered, a special meeting may be called by the Chairperson at any time or on the request of not less than **two-thirds** of the members.
- 3.3 The primary purposes of the Council meetings are:
- to discuss policy or matters of interest to Māori in the advancement of the General functions of the Council as provided for in s18 of the Act.**
  - to receive the reports and recommendations of the Executive and other committees
  - to provide direction to the Executive and other committees, and
  - to appoint, remove and replace officers and committee members where required.

<sup>2</sup> See Act s 23(d)

<sup>3</sup> See Act s 23. Note s 23 (h) "subject to the provisions of this Act and of any regulation under this Act ... (the Māori Council) may regulate its procedure in such manner as it thinks fit".

The objective is to focus the Council on policy debate and the Executive on administration, planning and implementation.

- 3.4 The meeting agenda and format of the meeting shall be developed in accordance with the Standing Orders at the end of this Section. The Council is deemed to have delegated to the Executive the responsibility for all administration, as provided for in [Part B:9.2 of the manual](#). All officers of the Council undertaking functions shall be appointed or removed only by the Council as is required by the Regulations.<sup>4</sup>
- 3.5 No business shall be transacted at any meeting of the Council unless a quorum of not less than half its members is present in person or by a proxy<sup>5</sup> appointed for that person by the members' District Māori Council.
- 3.6 All questions coming before the Council shall be decided by a majority of votes of the members present at the meeting. In the event of an equality of votes the chairperson shall have a casting vote as well as a deliberative vote.
- 3.7 Between Council meetings the Chairperson may call for a postal vote on any matter at the request of not less than [two-thirds](#) of the members upon terms settled by the Chairperson or any person or persons appointed by the Chairperson. For a valid decision by postal vote at least half of the members must participate in the vote and the question shall be decided by a majority of those voting.
- 3.8 All proceedings, decisions and resolutions of the Council shall be recorded in a minute book maintained in written [and](#) electronic form.
- 3.9 The Council's standing orders shall apply at Council meetings
- 3.10 [Observers may attend Council meetings with the agreement of the Chair or the Executive obtained in writing, in advance of the meeting. Requests to be sent through the Secretary.](#)

*Whakapūpūtia mai ō mānuka kia kore ai e whati*

*Cluster the branches of the mānuka so they will not break; a message about maintaining unity*

#### **4. Council Management of Districts**

- 4.1 [Before creating or amalgamating districts or amending district boundaries<sup>6</sup> the Council will form a committee, or appoint a person, to set out the considerations for and against change.](#)
- 4.2 Every District shall have at least three Māori Committees in which a majority of the members are not Wardens.
- 4.3 The Council may investigate the strength of the District Māori Councils and, in consultation with the District Māori Councils, may take such steps as are necessary to strengthen the operations of the District including the establishment or re-establishment of Māori committees.<sup>7</sup>

<sup>4</sup> Regulation 7(1)(4) SR 1963/87

<sup>5</sup> S 23(d) and (e) provide for proxies and prescribe the quorum

<sup>6</sup> See Act section 14

<sup>7</sup> See Act section 16(2) "Each District Māori Council shall be subject in all things to the control of the NZ Māori Council and shall act in accordance with all directions, general or special, given to it by the NZ Māori Council".

- 4.4 The Council shall maintain an oversight of the committee elections in districts, the appointments to the District Māori Councils, the appointment of District Council officers and the appointment of Council members and shall give directions on the same to the District Councils.

*Ki ngā whakaeke haumi*

*Join those who can join sections of a canoe, a metaphor that one should seek those leaders who are able to weld diverse groups into a successful combination*

**5. Council officers, standing committees and adhoc committees**

- 5.1 The Council will appoint Council officers as described in [Part B Section 8](#), of the Council's policies and procedures at the first meeting in a triennial election year, or as soon as is practicable thereafter.<sup>8</sup>
- 5.2 A Chairperson shall be elected in accordance with [Part B Section 2](#) of the Council's policies and procedures. In addition, a Deputy Chairperson shall be elected from the Council members. The Chairperson and Deputy Chairperson shall also serve as Executive Officers.<sup>9</sup>
- 5.3 The function of the Chairperson is to impartially chair the Council and Executive Committee meetings, to lead the Council's growth and development and to give effect to the Council's vision of excellence in advocating Māori policy and in promoting community development. The Deputy Chairperson shall assume the functions of the Chairperson when the Chairperson is unavailable to act.
- 5.4 A further five Executive Officers shall be appointed from the Council members who, together with the Chairperson and the Deputy Chairperson, shall constitute the Executive as a Standing Committee of the Council.
- 5.5 At least three persons shall be appointed as officers of a Finance and Risk committee as a Standing Committee of the Council of whom at least one shall be an Executive Officer and at least one shall not be a Council member.<sup>10</sup>
- 5.6 At least three persons shall be appointed as officers of a Legal Committee as a Standing Committee of the Council of whom at least two shall be Council members.
- 5.7 The Council may from time to time appoint persons to constitute ad hoc Committees with prescribed terms of reference.

*E raka te mauī, e raka te katau (he tangata ano mā te mauī, he tangata ano mā te katau).*

*A community can use all of the skills of its people.*

**6. Qualifications, Duties and Dismissal**

- 6.1 No person shall be nominated or elected as a Chairperson, Deputy Chairperson, or other Executive Officer who has served in such position at any stage during the previous three terms of three years. However, where a person has stood down from any such position for at least one term that person shall be eligible for re-election to that position.
- 6.2 A person will not be eligible as a Member of the Council if he or she
- is an undischarged bankrupt
  - is under the age of 18 years

<sup>8</sup>Refer to Section 21(3) of the Act

<sup>9</sup> Refer to s23(b) of the Act.

<sup>10</sup> Regulation 7(2) SR 1963/87 provides that a Council Officer need not be a Council member.

- c) has been convicted of a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961) and has been sentenced for that crime within the last seven years
  - d) is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the [Companies Act 1993](#), the [Financial Markets Conduct Act 2013](#), or the [Takeovers Act 1993](#):
  - e) is disqualified from being an officer of a charitable entity under [section 31\(4\)](#) Charities Act 2005:
  - f) is subject to a property order made under the [Protection of Personal and Property Rights Act 1988](#), or whose property is managed by a trustee corporation under [section 32](#) of that Act.<sup>11</sup>
- 6.3 As required by the Charities Act 2005 every Council Officer (which includes the Secretary and Treasurer) will assist
- a) the request on behalf of the Council for a record of his or her criminal convictions from the Ministry of Justice and
  - b) the completion of a certification as to an officer's disqualifications.
- 6.4 Council Officers must act in good faith and in a manner that the Officer believes on reasonable grounds to be in the best interests of the Council or, when considering Māori policy, in the best interests of all Māori. Council Officers must also comply with the Act, specifically S18 as well as the Regulations and Council's own Policies and Procedures.
- 6.5 The Council may dismiss and replace an officer.<sup>12</sup> However, no officer shall be dismissed without adequate notice and explanation given with sufficient time for the officer to take advice and to reply, including a reply circulated to Council members, and without affording the officer with an opportunity to appear before the Council.
- 6.6 Subject to the same terms as in section 6.5, the Council may dismiss the whole of the Executive and appoint another. It may do so for example if the Executive has become dysfunctional or is failing to act in accordance with the Act and Regulation and the Policies and Procedures.

*Ko mahi, ko ora.*

*Work is sustenance; by work we obtain the means to sustain ourselves and our people.*

## **7. Terms of Appointment**

- 7.1 Unless removed from office, the Officers described in 5.2–5.7 above shall be appointed for a term expiring on 31 May in the next triennial election year.
- 7.2 The Council may fill any vacancy arising amongst the Council Officers.

*E kore te matau e rawe ki te moana takai ai, engari anō a uta.*

*The hook should not be prepared at sea, but on land (before leaving). Don't wait for the last minute to do something; be prepared.*

## **8. Mode of Appointment of Council Officers**

- 8.1 All Officers described in 5.2–5.7 above, shall be appointed by the Council by way of vote according to the voting system in the Standing Orders.

<sup>11</sup> This is required of all charities, which includes the Council – see section 16(2) Charities Act 2005.

<sup>12</sup> Regulation 7(4).

- 8.2 The process for appointing the Council Officers in 5.2–5.7 above, is as follows:
- a) Prior to the Council meeting to conclude the triennial elections process the secretary will call for nominations for all positions. A seconder is not required unless the position may be taken by a person outside Council and a person outside Council is nominated.
  - b) Those accepting nomination shall signify their acceptance by filing a personal statement, not exceeding 700 words, at least two days before the Council meeting at which the elections shall take place and shall include references to the competencies in (d) below. The Secretary will distribute the personal statements with the meeting agenda.
  - c) As Officers' terms of office expire on 31 May, the assembled Council will elect an interim chair to conduct the business of the Council up to the election of a chairperson, who, once elected, will assume the chair. The interim chair shall not be a candidate for the position of chairperson but ideally, shall be a member with a known capacity to treat impartiality and who is informed of and able to give effect to the Council's constitutional documents.
  - d) Prior to the conduct of the elections the interim chair will refer members to the relevant provisions of this policy, the personal statements of the nominees and the desirability of an Executive whose collective membership includes competencies with regard to:
    - Council experience
    - Māori policy and community development
    - The direction of public policy generally
    - The modern application of tikanga
    - Accounting and financial management
    - Law and familiarity with the Council's Act, Regulations, and Policies and Procedures
    - Marketing experience
    - Information technology
    - Public relations
    - Risk management systems
    - Human resource management
    - Senior management
    - Strategy development and implementation
    - Governance experience
  - e) All nominees may address the meeting for up to five minutes in the case of an election as Chairperson and three minutes for all others. Nominees may be questioned by members.

*Ka ora pea i a koe, ka ora koe i au.*

*Perhaps I survive because of you and you survive because of me. In any group enterprise the performance of each member is important to its success.*

## **9. The Executive Committee**

### **9.1 Policy Statement and Purpose**

The Executive Committee shall be responsible for the day to day business and *governance* of the Council. "Governance" means the oversight and conduct of all operational and administrative functions of the Council, ensuring that the Council's obligations and responsibilities are met and all laws and Council policies and procedures are followed. The Executive Committee will develop and maintain operational and administrative efficiency enabling the Council to focus on Māori policy issues while still holding the Executive to account.

### **9.2 Powers**

The Executive Committee shall have all the powers of the Council between meetings of the Council except that:

- a) The Committee shall have no power to appoint officers, the Council alone having that authority. However, the Council may co-opt members to assist in any part of its deliberations.

- b) The Committee's authority is subject to any directions of the Council, generally or with regard to a particular matter, or to any limitations imposed expressly or by necessary implication.
- c) Notwithstanding (b) above, the Committee may depart from any decision of the Council where the Committee considers that necessary in light of any deficiency in the the advice and information before the Council at the time or in the process by which the decision was made.

### 9.3 Functions

The responsibility of the Executive for the day to day administration of the Council's business shall include, but is not limited to:

- 9.3.1 Providing Direction
  - a) formulating, reviewing, communicating and managing the delivery of Council strategy;
  - b) agreeing and recommending the Council's business plan to the Council and managing the delivery of the approved business plan;
- 9.3.2 Resourcing
  - a) defining and allocating overall budgets and resources deliver the objectives of the business plan;
  - b) reviewing and approving the Council's personnel strategy;
- 9.3.3 Organising
  - a) developing an effective management structure and organisation within the Council that effectively delivers the Council's business plan
  - b) developing an effective succession management process for all Council, Executive and management roles;
  - c) reviewing and making recommendations on all management appointments;
  - d) reviewing and making recommendations on the performance of management staff and conducting the annual salary review;
- 9.3.4 Monitoring
 

Monitoring Council performance against approved annual budgets and planning documents and reporting to Council as required;
- 9.3.5 Governing
  - a) determining, subject to approval, Council priorities;
  - b) maintaining an effective, internal control framework that responds appropriately to significant business, operational, financial, compliance and other risks to the achievement of Council objectives;
  - c) overseeing the quality of internal and external reporting;
  - d) ensuring compliance with the Council's Act, Regulations and Policies and Procedures and with all other applicable laws;
  - e) ensuring compliance with the Council's priorities;
- 9.3.6 Executing and accounting
  - a) giving effect to the Council's decisions and proposals;
  - b) initiating new business as required;
  - c) forwarding copies of select committee and similar submissions on behalf of Council to Council members;
  - d) tabling reports to the Council meetings with motions that the actions taken or proposed be approved and decisions ratified;
  - e) seeking feedback on selected proposals from Council members by emails or other electronic means;
  - f) working within a given budget.

### 9.4 Meetings

- 9.4.1 Executive meetings shall be held as set out in the business plan, at the discretion of the Chair or when requested by at least four Executive Officers. At least seven days notice of the meeting shall be sent to all Executive Officers.
- 9.4.2 The meetings shall be chaired by the Chairperson or if absent the Deputy Chairperson, or if both are absent a person elected by the Committee to chair that meeting. A person chairing the meeting should demonstrate impartiality and should be informed of and

give effect to the Council's Act, Regulations, and Policies and Procedures (collectively called the Council's constitutional documents).

- 9.4.3 A quorum shall consist of four Executive Officers.
- 9.4.4 The Executive Committee may meet in person or by teleconference or other electronic means.
- 9.4.5 Except where there is urgency, no meeting of the Executive Committee shall be called without an agenda approved by the Chairperson and sent to all Executive Officers and council members with supporting papers at least four days prior to the meeting.
- 9.4.6 Any Executive Officer may raise a matter for inclusion on the agenda with supporting papers at least four days prior to the meeting.
- 9.4.7 The Chairperson shall not include an item on the agenda for which there is no or no adequate supporting paper unless the item is a minor item.
- 9.4.8 No business shall be discussed that is not on the notified agenda unless
- a) the matter is urgent and there is a reasonable excuse for its omission;
  - b) the matter directly affects a decision made in the course of the meeting;
  - c) it is a minor matter.
- 9.4.9 Draft minutes approved by the Chairperson shall be circulated to Executive Officers and Council members as soon as is practicable after an Executive Council meeting.
- 9.4.10 The Executive Committee or the Chair shall report on the Executive Committee's activities to Council members at each meeting of the Council and will distribute a written report to Council members.

#### **9.5 Sub-committees and working groups of the Executive**

- 9.5.1 The Executive committee may establish sub-committees and working groups with delegated responsibilities and tasks. Those groups must report to the Executive and shall have no power separate from the Executive. Any persons proposed who are not already Executive Officers must be approved by the Council;
- 9.5.2 The Executive will provide terms of reference and a budget for all sub-committees and working groups;

*He matakahi maire.*

*A maire wedge. A small group that accomplishes much.*

## **10. Finance and Risk Committee**

### **10.1 Terms of Reference (TOR)**

The New Zealand Māori Council continuously reviews current and best practice in relation to corporate governance. As part of the Council's plans to fulfil its obligations in this area it constituted the Finance, Audit & Risk Committee to ensure:

- a) Effective monitoring and management of financial risks
- b) Effective monitoring and management of other risks including:
  - i. Compliance with relevant laws and regulations
  - ii. Reliable management and financial reporting
  - iii. Reliable management and reporting on Health & Safety
- c) Maintenance of an effective and efficient audit strategy.

These terms of reference set out the specific responsibilities that it is proposed to be reconfirmed and delegated by the Council to the Finance, Audit & Risk Committee and details the manner in which the Finance, Audit & Risk Committee will operate.

### **10.2 Objectives**

The objective of the Finance, Audit & Risk Committee is to assist the Executive in discharging its responsibilities with respect to audit and risk, financial reporting and legislative compliance.

### 10.3 Responsibilities

#### 10.3.1 Effective Management of Financial Risks

- a) To satisfy itself that effective systems of accounting and internal control are established and maintained to manage financial risk;
- b) To satisfy itself as regards the integrity and prudence of management control systems, including the review of policies and/or practices;
- c) To ensure that the Executive is aware of any matters that might have a significant impact on the financial condition or affairs of the New Zealand Māori Council.

#### 10.3.2 Compliance with Laws and Regulations

- a) To monitor developments and changes in the law relating to the responsibilities and liabilities of Council members and Executive members and to monitor and review the extent to which the Executive is meeting its obligations;
- b) To monitor developments and changes in the various rules, regulations and laws which relate generally to Executive functions and to monitor and review the extent to which the Executive is complying with such laws.

#### 10.3.3 Reliable Management and Reporting on Financial and Health & Safety

- a) To review and assess the adequacy of management reporting to the Executive in terms of the quantity, quality and timing of information necessary to understand and report internally and externally on New Zealand Māori Council operations and financial condition;
- b) To review and monitor compliance with statutory responsibilities relating to financial and other disclosure;
- c) To review the annual financial statements and any other financial information to be released to third parties before submission to the Executive;
- d) To review the annual budget prior to referral to the Executive.

#### 10.3.4 Maintenance of an Efficient Audit

- a) To recommend to the Executive the establishment of an internal audit process and the subsequent appointment of auditors;
- b) To ensure that the scope of the audit is adequate, ensuring emphasis is placed on areas where the Finance, Audit & Risk Committee, management or auditors believe special attention is necessary;
- c) To review and assess the findings and recommendations of the auditors and the action taken and timetable proposed by management in response to the findings and recommendations.

#### 10.3.5 Other Responsibilities

- a) To report any matter identified during the course of carrying out its duties that the Finance, Audit & Risk Committee considers should be brought to the attention of the Executive;
- b) To perform or undertake on behalf of the Executive any such other tasks or actions as the Executive may require from time to time.

### 10.4 Administration Matters

#### 10.4.1 Membership and Attendance at Meetings

- a) The Finance, Audit & Risk Committee members are appointed by the Council who should assure itself of members abilities to fulfill their responsibilities;
- b) A quorum shall comprise a minimum of two (2) of the members appointed by the Executive;
- c) The Committee may have in attendance such members of management and such other persons as it deems necessary to provide appropriate information and explanations;
- d) All Executive members shall be entitled to attend meetings of the Finance, Audit & Risk Committee;
- e) The Chair of the Finance, Audit & Risk Committee shall be appointed by the Council for a term of three years;

- f) The Secretary of the Finance, Audit & Risk Committee shall be appointed by the Executive and subsequently confirmed or altered at the first meeting of the Executive in each financial year;
- g) The Secretary, in conjunction with the Chairperson, shall draw up an agenda to be circulated at least one week prior to each meeting. The agenda together with any papers to be discussed shall be distributed to the members of the Finance, Audit & Risk Committee and where relevant other persons invited to attend;
- h) Meetings shall be held at least three times per year. Meetings are to be held at the planning stage of the budget and audit, prior to the Executive meeting that approves the annual report and financial statements, and the audit to meet with the auditors;
- i) The Chairperson shall also call a meeting of the Finance, Audit & Risk Committee if so requested by the Chair, any member of the Finance, Audit & Risk Committee or the external auditors;
- j) The proceedings of all meetings will be minuted;
- k) The Finance, Auditor & Risk Committee may hold meetings and approve resolutions by other forms of communication without holding a meeting;
- l) All overseas travel involving the Chair, or any member of the Executive shall be approved by the Chair of the Finance, Audit & Risk committee and subsequently ratified by the Executive;
- m) A report on sensitive expenditure shall be provided to the Finance, Audit & Risk Committee at each meeting and reported in an abridged format to every Executive meeting after approval by the Finance, Audit & Risk Committee.

#### 10.4.2 Authority

- a) The Finance, Audit & Risk Committee is authorised by the Executive to investigate any activity covered by the Executive's functions and responsibilities. It is authorised to seek any information it requires from any Council officer and all officers will be directed to co-operate with any request made by the Finance, Audit & Risk Committee;
- b) The Finance, Audit & Risk Committee shall have the authority of the Executive to obtain legal or other independent professional advice, and to secure the attendance at meetings of third parties with relevant experience and expertise if it considers this necessary;
- c) The Finance, Audit & Risk Committee shall have no executive powers with regard to its findings and recommendations.

#### 10.4.3 Executive Reporting

- a) The Chairperson of the Finance, Audit & Risk Committee shall report any material findings and recommendations of the Committee to the next Executive meeting after the Finance, Audit & Risk Committee has met;
- b) The minutes of all Finance, Audit & Risk Committee meetings shall be circulated to members of the Executive, the auditors and to other parties as the Executive directs;

#### 10.4.4 Review of the Audit & Risk Committee

- a) The Finance, Audit & Risk Committee shall undertake a self-review of its objectives and activities every three years;
- b) The objectives and activities of the Committee shall also be reviewed by the Executive, Council Officers and by any other parties the Executive deems appropriate.

*Arā koe he pona tē wetea; he here tētehi, he wewete tētehi.  
A person who is steady and consistent.*

## 11. Legal Committee

- 11.1 The legal committee is established as a standing committee to:
- a) approve the taking and conduct of proceedings in the Courts or Waitangi Tribunal, or the making of submissions or presentations to an entity of central or local government including a select committee or to any non-government academic, business or advocacy gathering, and, subject to any financial approval that may be necessary, the appointment of legal counsel.
  - a) advise on the management of such proceedings, submissions and presentations and on the communication of the issues, arguments and outcomes to any interested Māori groups.
  - b) advise the Executive Committee on the engagement of legal opinions or other professional assistance and to make the necessary arrangements and provide the necessary oversight.
- 11.2 Where the Council is representing or standing in for independent groups in any proceedings or in making submissions or presentations the Council may appoint to the legal committee persons of those groups whether or not they are Council members.

Whakapūpūri mai ō mānuka kia kore ai e whati.

*Cluster the branches of the mānuka so they will not break. A lesson for Māori to unite and to have a basic philosophy about where they are going.*

## **PART C: WHAKAHAERETANGA | PLANNING AND ACCOUNTABILITY**

### **1.0 Annual Planning & Strategy Development**

- 1.1 The Council has a long-term strategy framework that guides all planning and other activity undertaken by the organisation;
- 1.2 The strategic framework will be reviewed every three years by the Executive and will be approved by a meeting of the Council;
- 1.3 The Executive will prepare an annual plan in March of each year. The annual plan supported by an approved budget will be submitted to Te Puni Kōkiri in application for the annual appropriation.
- 1.4 The Executive will monitor the implementation of the annual plan against agreed milestones.

### **2.0 Financial management**

#### **2.1 Purpose**

The purposes of the financial management system are to:

- a) effectively manage the Council's financial resources to achieve the goals set within the annual plan.
- b) maintain accountability for and control of the resources of the Council;
- c) ensure that the legal and contractual obligations of the Council are met;
- d) complete reporting to Council and its network of District Māori Council; the Crown and other stakeholders as agreed;
- e) To be accountable for competent, conscientious and effective accomplishment of the obligations of NZMC as a body
- f) Ensure that all business of the Council is conducted in a transparent, legal and ethical manner.

#### **2.2 Financial management system**

The financial management system comprises three financial processes:

##### **2.2.1 Planning and budgeting**

Stringent budgeting systems and procedures are adopted by NZMC to enable effective management and monitoring of operational performance. The Finance, Audit and Risk Committee prepares an annual budget for approval by a meeting of the full Council in April of each year. Said budget makes up part of the annual funding appropriation from Te Puni Kōkiri.

##### **2.2.2 Accounting**

- a) The Council utilises Sage Line 50 accounting software to track income and expenditures and to produce its financial reports;
- b) Income and expenditure is recorded in the general ledger in the month in which it is incurred, this ensures that monthly financial reports fairly reflect the financial performance and position of NZMC;
- c) Reconciliation's for bank, debtor, creditors, income and key expenditure areas are prepared.

##### **2.2.3 Review and evaluation**

Monthly accounting procedures will be adhered to by NZMC to enable the following financial statements to be produced for review by the Council.

- a) Monthly Reporting includes the preparation and presentation of the following reports to the Executive Committee:
  - Statement of Financial Performance

- Statement of Financial Position
  - Bank Reconciliation - Ensuring reconciliations for bank, debtors, creditors, income and key expenditure are prepared. To ensure that reconciling items are reasonable and accurate and that any discrepancies are picked up and corrected in a timely manner.
  - Transaction Report
  - Monthly variance reports (actual to budget) are scrutinised by the FAR Committee. The Executive and the Council need to be satisfied that it is reasonable for the variances to have occurred.
- b) Annual reporting is completed to:
- Ensure that the annual performance report is presented to the Council, seeking approval subject to any audit adjustments.
  - Ensure that Annual Financial Statements are prepared in a timely manner and forwarded to the Auditor to complete the audit process in accordance with the Financial Reporting Act.
  - Liaise with the auditor and complete the audit process as effectively and efficiently as possible.
  - Ensure that funder reporting requirements are completed on time.
  - Ensure the annual accounts are reviewed and included in the budget preparation for the next year.
    - Preparation of audited accounts
    - Council Annual General Meeting
    - Review for the next year's budget

### 2.3 Cash Handling

- a) Banking - All cash and cheques are NZMC are receipted; deposited intact into the bank account and correctly recorded in the general ledger.
- b) Petty Cash - All spending from petty cash is correctly accounted for in the general ledger
- c) Koha - Koha paid must be a fair and justifiable amount. Expenditure of Koha received must be correctly accounted for. All relevant documentation, such as receipts must be filed correctly.

### 2.4 Payments

All invoices for goods and services are:

- a) Supported by documentary evidence (receipt/invoice/timesheet/contract).
- b) Authorised payments i.e. approved & budgeted
- c) Paid by the due date



### 2.5 Expenditures

#### 2.5.1 Financial delegations

- a) For purchases included in approved annual budgets:
  - Treasurer & Secretary jointly - up to \$5,000
  - FAR Committee - over \$5,000
- b) For purchases outside of annual budgets:
  - FAR Committee - up to \$10,000
  - Executive Committee - over \$10,000
- c) All NZMC legal expenditures must be confirmed by the Legal Committee; the above delegations will apply.

2.5.2 Purchasing - When purchasing goods and/or services, it is essential that:

- a) all goods and/or services purchased meet user requirements; and
- b) the cost of the goods and/or services are budgeted and correctly accounted for.

2.5.3 Policy for Engaging Consultants and Suppliers

This policy seeks to ensure that expenditures are managed within the financial constraints of the organisation and that they contribute to the advancement of the Council's strategic objectives.

- a) In engaging a third party, the expenditure approval process for financial delegations must be followed to determine who is responsible for approval and selection of the tender;
- b) A minimum of three tenders must be received for purchases over \$5,000 before the selection process can continue;
- c) Any third-party applicants on the "unauthorised suppliers" list must not be considered for any tender.

2.5.4 Expense Claims

All expenditure regarding, entertainment, travel and accommodation, and the use of credit cards must be correctly allocated according to its purpose or project related costs to ensure transparency.

It is Council policy to reimburse Executive officers for out of pocket expenses associated with the completion of Council business.

All expense claims are approved and paid at the correct amount or rate. Expense claims may be lodged by Council Officers for the following expenditure:

- Private vehicle usage (mileage claim)
- Travel
- Parking fees (not including fines) while at an agreed meeting
- Meeting Costs

If a private car is used to travel to agreed meetings the officer is entitled to claim mileage at the IRD travel claim rate per km at the time of travel.

## 3.0 Risk management

### 3.1 Strategic Objectives

The New Zealand Māori Council is fully committed to its overall strategic objectives of:

- a) developing Māori communities to their fullest potential
- b) providing quality policy advice to the Crown
- c) developing for Māori, by Māori approaches
- d) ensuring financial stability and generating revenue

We will achieve our strategic objectives by:

- a) providing outstanding leadership

- b) managing all our resources efficiently
- c) using our funds efficiently
- d) communicating effectively with our community and stakeholders
- e) making good decisions.

### 3.2 Risk management outcomes

We are committed to:

- a) developing a 'risk-aware' culture in which our people are encouraged to identify risks and respond to them quickly and effectively
- b) ensuring our key stakeholders recognise that we manage risks responsibly
- c) developing consistent risk management practices.

### 3.3 Risk tolerance

3.3.1 We operate as a community development body representing the interests of Māori in New Zealand.

3.3.2 Our risk profile is risk-averse.

### 3.4 Risk management process

We apply good risk management practices that are consistent with the current AS/NZS ISO 31000:2009

### 3.5 Roles and responsibilities

3.5.1 Executive

- a) Approving our governance policies
- b) Approving our risk management policy statement
- c) Approving our risk tolerance capacity
- d) Ensuring strategic risks are identified, assessed, monitored and reported

3.5.2 Finance, Audit and Risk Committee

Effectively managing our strategic, operational and project risks (accountable to the Executive)

3.5.3 Management team

- a) Identifying operational risks
- b) Managing and monitoring activities within the team's control and reporting to the Chair of the Finance, Audit & Risk Committee
- c) Reporting monthly on the progress of risk management action plans for which team members are responsible

3.5.4 Staff

- a) Participating in the process
- b) Carrying out action plans and reporting
- c) Members following our policies, codes, procedures and rules

### 3.6 Regular reporting and Triennial reporting

The Council recognises the importance of regular reporting and communication with its members, District Māori Councils and stakeholders. In order to give effect to this policy, the Executive:

- a) Produces and presents a written report to the two Council meetings held each year;
- b) Produces and distributes a quarterly newsletter to its membership, District Māori Councils and external relations;

### 3.7 Reviews of policies, procedures and contracts

The FAR Committee is responsible for the completion of reviews as outlined in the Committee's terms of reference.

3.7.1 Policy review - The FAR Committee will review three policies and their accompanying procedures each month with recommendations for amendment presented to the Executive at its monthly meeting. If the recommendation is accepted, the amendments will be presented to the next Council meeting.

3.7.2 Contract monitoring and evaluation - The FAR Committee will monitor all contracts on behalf of the Council against agreed milestones. All personnel with responsibility for contract or programme delivery will provide written reports monthly to the Chair of the FAR Committee.

### 3.8 Regular reviews of committees and of progress

Undertaking evaluation demonstrates the Executive and its sub-committees are committed to best practice and continuous improvement. Increased scrutiny from stakeholders and Council members has brought into focus the activities of the Executive.

The Executive conducts an annual evaluation of its performance against annual objectives and legislative requirements as described in the Act and Regulations. This 360-degree evaluation seeks the views of Council members, Executive Officers, staff, key contractors and external partners.

## 4.0 Community Development Projects (Deferred)

## 5.0 Policy Development (Deferred)

## 6.0 Personnel Policy

### 6.1 Background

- a) Our vision is to advocate Māori policy and develop community initiatives that contribute to te mana motuhake o te iwi Māori. To achieve this vision, we need to attract, retain and motivate high-quality people in our organisation.
- b) The employment relationship involves issues of mutual trust, confidence and fair dealing. To attract and retain high quality people, they must enjoy and feel safe in their workplace, trust the processes and procedures around their development, recognition, promotion and exit; and be enthused about and professionally satisfied by their roles.

### 6.2 Objective

To implement effective controls and frameworks to support the organisational culture, values, practices and systems that assist our ability to attract, retain, motivate and manage our people and, in turn, which support our people to individually and collectively work toward our organisational vision.

### 6.3 Scope

This policy covers the general conditions of employment that affect all of our permanent, temporary and, where appropriate, third-party contract employees. It also covers our expectations of employees' and contractors' behaviour.

### 6.4 Conduct

The NZMC has important responsibilities and obligations to current and future Māori and New Zealanders, we have an important responsibility and a high profile. As such, it is appropriate for us to have high expectations of the people who work for us and to ensure those expectations are taken seriously. To facilitate this, we believe it is best to set out our expectations as clearly and simply as possible in our policies and procedures.

We will maintain and adhere to policies and procedures for employees and contractors that sets out minimum standards of behaviour.

### 6.5 Remuneration

We are committed to providing remuneration packages that enable us to attract, motivate and retain high quality people, in a way that is consistent with the long-term interests of the Fund, and that ensures the principle of equal pay for equal work is achieved.

We aim to be clear about what people are paid for and why and to be consistent, systematic and transparent in applying our remuneration policies. Our intent is to remunerate and reward people for their knowledge, skills, alignment to behavioural expectations and contribution in the roles they are performing.

#### 6.6 Performance reviews and professional development

Outlining performance expectations and developing our people are important ways to ensure that we retain and motivate them. Our people should understand our expectations of them and have the ability to contribute to, and control, their performance relative to those expectations. Having robust processes in place to monitor performance and development is crucial to our aspiration to be a good employer.

We will maintain and adhere to an individual performance review and personal development framework that ensures that each employee is given the opportunity to achieve their potential

#### 6.7 Leave

Our people need clarity on what leave they are entitled to and what their obligations are around managing their absences and the impact of those absences on our organisation.

We will ensure that all employees and their managers are aware of their entitlements and obligations with respect to leave.

#### 6.8 Flexible working practices

Key to attracting and engaging a diverse workforce is our approach to flexible and inclusive work practices. We aim to provide a working environment that supports the fact that many of our employees have caring duties in addition to their work responsibilities and may therefore have a need to effectively balance their work and personal lives. Aside from caring duties, we further recognise that there may be other reasons why our employees value and require flexible work arrangements.

In accordance with Section 6AA of the Employment Relations (Flexible Working Arrangements) Amendment Act 2007, we will adhere to a formal application process for flexible work practices that is fair and equitable for all employees.

#### 6.9 Working environment

We need to ensure that we provide our people with a workplace in which they can be confident that they will be safe and well.

We are committed to providing a safe and healthy working environment for all employees and all visitors to our events.

#### 6.10 Termination of employment

It is important to have a well understood process setting out our own and the affected employee's rights and responsibilities, when an employment relationship is terminated.

We will ensure that all employees are aware of their rights and obligations with respect to termination of their employment.

#### 6.11 Disciplinary action and disputes resolution

If something goes wrong in the employment relationship it is important that there is a clear process for dealing with that situation.

We will maintain and adhere to a framework for disciplinary action and disputes resolution as outlined in the Communications section (Part 4) of the Member's Manual under Conflicts of Interest, Disputes and Complaints, and Internal Communications.

## 6.12 Privacy

We collect personal information in the course of establishing and managing employment relationships

We are committed to safeguarding the privacy of our employees' personal information and to complying with our obligations under the Privacy Act 1993 in relation to that information.

## 7.0 Health & Safety obligations

### 7.1 Health & Safety at Work Act 2015

The 2015 Act has had wide ranging implications for Māori organisations around the nation. This includes the New Zealand Māori Council who has obligations to its small team of personnel (employees, contractors and volunteers) and others who attend our functions. District Māori Councils, Māori Wardens Groups and Māori Committees have their own responsibilities under the Act<sup>13</sup>.

The New Zealand Maori Council is committed to ensuring full compliance with all current versions of the Health and Safety at Work Act 2015 (HSWA), and Safety at Work Regulations, Codes of Practices and any other relevant Standards, Guidelines or Legislation.

To meet this commitment, the Council will provide healthy and safe working conditions for all employees, contractors, visitors and members of the public at sites for which the Council has responsibility.

This will be achieved through commitments to:

- Consultation between all personnel in health and safety management and practices in their workplace;
- Conducting health and safety workplace safety meetings at least quarterly. These meetings will include all personnel to present and review any issues.
- Annual reviews of management performance against health and safety responsibilities
- Providing the appropriate training for senior management and staff in health and safety awareness, understanding, management and responsibilities.
- Taking all practicable steps to eliminate or minimise workplace risks and to provide all personal protective equipment for staff to wear, where applicable.
- Providing a safe working environment for all staff and any others that may come into contact with Council or their activities.
- An annual self-assessment of our Health & Safety System, with management and safety representatives setting objectives, plans and performance measures with targets, so that we can make continuous improvements to our system.
- Ensuring all staff are committed to health and safety and are aware of their responsibility to provide a safe work environment for themselves and each other.
- Accurately reporting and recording of all workplace incidents and near misses, and identifying appropriate follow-up to avoid reoccurrence.
- Supporting and promoting a safe and early return to work of any injured staff, where possible, through prompt treatment and active rehabilitation.
- Appointing a senior manager with specific responsibility to coordinate health and safety in the workplace.
- Provision of resources to accomplish these goals.

This Health & Safety Policy is consistent with the Council's expression of kaupapa values and tikanga Māori.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name:

Position: Chairman

This document will be reviewed and updated annually.

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<sup>13</sup> For more information please visit <https://worksafe.govt.nz>

## 7.2 Kaupapa Values and Tikanga Māori

In 2016, the Council adopted a small selection of Kaupapa values to focus its planning, operations and reporting through a variety of tikanga including wairuatanga, manaakitanga, rangatiratanga, whakakotahitanga, whakawhanaungatanga and arohatanga. These values underpin the code of conduct.

## 7.3 Code of Conduct

Personnel, including all Council members, employees, contractors, volunteers and visitors must not knowingly place themselves, others, or the Council at risk. Personnel:

- must immediately inform the Council if they believe that they cannot safely carry out some aspect of their work and discuss a safer alternative.
- must immediately inform the Executive team if they believe that they cannot safely carry out some aspect of their duties due to a lack of knowledge, experience, skill, training, supervision, correct processes or equipment.
- as representatives of the Council, must carry out their duties with diligence and integrity in any situation and must not do anything that could harm themselves, others, the quality of their work, or the reputation of the Council.
- must ask for further information or instruction if they lack certainty over any matter, and must only proceed when they are confident to do so.
- must comply with all lawful rules and policies of the Council as well as with all relevant legislation and industry good practice.
- must comply with all information-recording requirements by carefully completing the forms that are part of the overall business management systems
- must follow the rules of any venue or site under the control of the Council. If site rules don't exist, are not applied, or are less stringent than our own, we may decide (after discussion) to adhere to our own policies and procedures.
- must follow the more stringent of either site or Council rules for wearing PPE or PPC.
- must not, during work hours, use any noise-cancelling headphones, earplugs, or personal music devices that deliver sound directly in or to the ears (via plugs, buds or headphones).
- may use radios or music-playing devices that do not exceed 85dB within one metre of the source but must follow the rules of any site if the use of any music-playing devices is banned.
- must carry out and record, where applicable, all site, plant, vehicle, or process inspections before beginning their daily activities.
- must keep their work areas tidy and remove any waste, scrap, or off-cuts each day. They must store tools and equipment correctly when it is not in use.
- must be in a fit state to work and must inform their supervisor if they are unwell or otherwise incapacitated.
- must not consume drugs or alcohol during work hours, and anyone considered to be under the influence will be sent home pending investigation.
- must report incidents involving injury or harm, damage to property, or any serious near-miss situation on the appropriate form within 48 hours of occurrence.
- must immediately report any type of conflict with any other to the Council, and not engage in any further discussion or activity that may exacerbate the situation.

## 7.4 Key Concepts

- A PCBU is a 'Person Conducting a Business or Undertaking'. A PCBU may be a person if a sole trader or self-employed, however it usually refers to a business entity such as a company, or an undertaking such as a not-for-profit organisation. The difference between a business and undertaking is: – a business is an enterprise usually conducted with a view to making a profit – an undertaking is usually not profitmaking or commercial in nature. The New Zealand Māori Council fits the criteria of an 'Undertaking'.
- A PCBU has the 'primary duty of care' – the primary responsibility for people's health and safety at work. It must ensure, so far as is reasonably practicable, the health and safety of:
  - its workers – any other workers it influences or directs. The PCBU must also look after other people who could be put at risk by its work, for example, customers, visitors, children and young people, or the public.

- A worker is an individual who carries out work in any capacity for a business or undertaking, including: employees, contractors or sub-contractors, employees of contractors or sub-contractors, employees of labour hire companies, apprentices or trainees, people doing work experience or work trial, outworkers (including home workers), volunteer workers.
- Others in a workplace include: visitors to a workplace, customers, members of the public who come into contact with a business' work activity, casual volunteers

## 7.5 Operational Policies

The following individual policy statements relate to Health and Safety. They are part of the overall strategy to ensure the safe and efficient operation of the Council.

The statements in this section outline personnel responsibilities. Employment or contracting with the Council shows your acceptance of the responsibilities as outlined in the following pages.

Breaches of these statements will lead to disciplinary action that may range from counselling to termination of employment or contract in more extreme situations.

The Council's health and safety policies include the following:

- |                                |                        |
|--------------------------------|------------------------|
| • Management responsibilities  | • Smoking              |
| • Personal Responsibilities    | • Drugs and alcohol    |
| • Hazard and Risk Management   | • Violence or Abuse    |
| • Reasonably Practicable Steps | • Stress               |
| • Hierarchy of Controls        | • Injury Management    |
| • Computer and Tablet Use      | • Environmental Policy |
| • Vehicle Use                  |                        |

## 7.6 Management responsibilities

The Council manages its obligations under the Health & Safety at Work legislation through the Audit & Risk Committee who reports to the Executive. A dedicated Health & Safety Officer is appointed by the Committee and reports to the Audit & Risk Chair.

### 7.6.1 The Executive through its Audit & Risk Committee is ultimately responsible for ensuring the safe and efficient running of the Council. The group must ensure that the arrangements outlined in this document are complied with and that they provide the means to achieve this compliance.

The Executive reporting directly to the Council are responsible for ensuring that all personnel:

- understand and comply with the operational policies
- have the means and the knowledge to carry out their work safely.

### 7.6.2 The Audit & Risk Committee will have an open-door approach to all health and safety-related matters. Personnel are encouraged to raise concerns and the various parties will be expected to work together in good faith to seek resolutions.

### 7.6.3 The Audit & Risk Committee will engage in regular reviews of daily operations to ensure shortcomings are identified and where applicable, remedies are applied. Critical issues will be immediately reported to the Executive team.

### 7.6.4 The Audit & Risk Committee will seek advice from appropriate external agencies when a hazardous situation or procedure is beyond our collective expertise.

### 7.6.5 The Health & Safety Officer will ensure suitable health monitoring is carried out by appropriate external agencies when there is an identified risk to health.

### 7.6.6 The Audit & Risk Committee will perform the functions of a Health and Safety Committee and will meet at least once a year to review the previous year's Health and Safety performance and set goals for the coming year. This information will then be relayed back to all personnel through the Executive.

## 7.7.0 Personal responsibilities

### 7.7.1 The Council has a 'Zero Harm' philosophy and believes that the safety of our people and anyone else who could be harmed by our activities must be the prime consideration under all circumstances. We all have a duty to ensure that no action or inaction on our part causes harm to ourselves or anyone else nearby. This is both a legal and moral obligation we must all abide by.

- 7.7.2 Most workplace incidents are caused through unsafe acts or procedural failures, and we believe that the Audit & Risk Committee has an obligation to ensure safe working procedures and practices are developed, understood, and applied by everyone at every level. This is fundamental to the ongoing protection and wellbeing of personnel and of the Council itself.
- 7.7.3 Personnel must immediately inform the Health & Safety Officer if they believe that they cannot safely carry out some aspect of their duties due to a lack of knowledge, experience, skill, training, supervision, correct processes or equipment. The Council does not want or expect its personnel to put themselves or others in harms' way.
- 7.7.4 The Council and all personnel will comply with all relevant Acts, Regulations, Standards, Codes of Practice and recognised Industry Good Practice at all times. Ignorance of the Law is not an acceptable excuse, and all personnel are expected to be aware of their legal responsibilities.
- 7.7.5 Personnel must keep their work areas tidy and remove any waste each day. They must store tools and equipment correctly when it is not in use.
- 7.7.6 At the recommendation of the Health & Safety Officer, the Executive team may stand down any person (without loss of normal wages) if they believe the person is unwell or otherwise incapacitated to a degree that they could cause harm to themselves, others, or the Council. The person may later be required to attend a meeting to review the situation.
- 7.7.7 Personnel must report all incidents involving injury or harm, damage to property, or any serious near-miss situation on the appropriate form within 48 hours of occurrence. The Health & Safety Officer and the Audit & Risk Committee will then investigate the underlying causes and put controls in place to prevent reoccurrence.
- 7.7.8 The Council is under no obligation to accept or support any previously undocumented claim that occurs after the 48-hour grace period or without prior discussion. The Council may deny knowledge of the injury and not accept it as work-related if an injury is claimed to have occurred, but no documented report of the incident is provided.

## 7.8 Hazard and risk management

One of the key goals of the Council is to continually reduce the likelihood of harm through constant vigilance and by applying good practice. We believe everyone has the right to expect to work in a safe environment and to go home unharmed at the end of the day. To achieve these goals, we expect all personnel to take an active part in looking after the safety and wellbeing of themselves and those around them.

In keeping with the legal requirements to take 'reasonably practicable steps' to ensure the safety of personnel, the Council has put in place risk management tools to help achieve its aim of identifying significant hazards and risks and reducing the likelihood of harm. All personnel are expected to use these tools as part of their recording and reporting processes and to ensure that the Executive is informed of any significant issues.

Where there is a risk to a personnel's health the Council will put in place appropriate measures to monitor the person's health by way of annual monitoring or of a frequency determined by the external occupational health provider.

Any contractor without suitable hazard and risk management tools of their own will be expected to faithfully apply the Council's systems and processes.

Hazard and risk management documents have been designed to ensure that personnel plan their activity; identify problems, hazards, and risks well in advance; and apply effective control techniques before the activity begins.

The following Council tools are available to provide a range of active hazard and risk management opportunities and where each tool is appropriate, its use is mandatory.

- Risk Matrix - All hazards must be assessed for the level of risk they pose. The process requires an initial assessment to be carried out on the hazard, without controls in place. This will give a better picture of what may be done to reduce the problem. Once controls have been determined, a second assessment must be done to determine if the residual risk is within acceptable levels. If not, then more effort is required.
- Hazard and Risk Register - The Hazard Register is a record of all significant hazards that have not been eliminated and may be present in any Council controlled venue. Any hazard

reported to the Executive will be evaluated for degree of risk posed and if appropriate, be entered in the register. The register will be regularly re-evaluated to ensure it remains up to date.

- Emergency Planning - An activity plan must include a planned response to potential emergencies that could arise while the activity is underway.

#### 7.9.0 Reasonably practicable steps

7.9.1 In managing hazards, the Council expects its personnel to adhere to the 'Reasonably Practicable Steps' model set out in the HSWA 2015, and to approach hazard management with logic and care.

7.9.2 When evaluating potential controls for hazardous situations, reasonably practicable steps include determining risk level; considering what is known about the hazard/s and the type and availability of controls; and applying the 'Hierarchy of Controls' model to find the best outcome.

#### 7.10.0 Hierarchy of controls

7.10.1 As part of the *Reasonably Practicable Steps* requirement, there is a requirement to apply the Hierarchy of Controls (Eliminate or Minimise) when dealing with hazards. The Council expects its personnel to meet the Hierarchy of Controls requirement while carrying out its operations. If a significant hazard is identified at any stage, the following actions must be considered.

~ Consideration 1: Eliminate

Can the hazard be removed completely or even temporarily? If not, can parts of the hazard be eliminated? Where possible, to eliminate will always be our preference.

~ Consideration 2: Minimise

Can something be done that will reduce the level of risk to a more acceptable level? In order of decreasing effectiveness and preference, the choices are as follows.

- Substitute – can the hazardous 'thing' be substituted for something less hazardous? Can the current control be substituted for something more effective?
- Isolate (the hazard) – can people be physically separated (isolated) from the hazard by distance or time or the use of barriers, rails, fences, screens, guards, or covers?
- Engineer – can something be fabricated, adapted, modified, or installed that will reduce the hazard and/or risk?

~ Consideration 3: Combine

- Administration - In combination with any of the techniques above, can procedures, policies, rules, instructions, or training be provided to improve the effect of the physical controls? This method is unlikely to provide enough control if used on its own.
- PPE (and PPC) - In combination with any of the techniques above, can protective equipment or clothing be used to reduce the personal risk? This method will never provide enough control on its own.

7.10.2 Any significant hazard that has not been eliminated must be recorded in the Hazard Register so that it can be monitored, and its status reviewed as necessary.

#### 7.11.0 Computer and tablet use

7.11.1 The Council does not maintain offices for its personnel. The Secretary and the Treasurer are contracted part-time and each maintains a home office for their contract work. It is the responsibility of these officers as well as members of the Executive and its committees to ensure their work spaces meet the requirements of the Act.

7.11.2 The Council recognises that intense short-focus work and screen glare from using a computer or other device for long periods may cause neck and back ache, eyestrain, or fatigue. Personnel should routinely rest their eyes by re-focusing on something in the distance, maintain the correct posture while using a computer, and stretch to ease fatigue and muscle tension.

7.11.3 Computer use outside of office spaces needs to be set up as ergonomically as the situation will allow.

7.11.4 Personnel should report any ongoing discomfort associated with using their computer or workstation to the Executive team. Any reports will be investigated and remedied as soon as possible. The Council will consider providing equipment as recommended by an external specialist or as necessary to alleviate the risk of harm.

#### 7.12.0 Vehicle use

The Council does not own any vehicles however, on occasion, vehicles are leased to support travel for Council members and members of the Executive team.

7.12.1 Personnel who use a Council leased vehicle must hold a valid, full driving licence. No one may drive such vehicle without a valid driver licence.

7.12.2 Reports of dangerous driving, poor driving ability, or discourtesy to other road users will be treated seriously and investigated. These actions not only put the driver and other road users at risk, but also bring the Council into disrepute.

7.12.3 The driver is personally responsible for the payment of any fines or penalties for illegal parking, speeding, or similar breaches of statutory regulations.

7.12.4 The Council must provide vehicles that are in a safe condition to use. The driver must ensure each day that the vehicle is in a safe state to operate. The driver must also ensure that the Warrant of Fitness, the Vehicle Registration, and, where applicable, the Road User Charges are current. If the driver has a problem regarding these points, they must immediately bring it to the attention of the Secretary.

7.12.5 When not in use, Council leased vehicles must be locked, and all equipment secured. Where practicable after hours, the vehicle should be stored off the road to reduce the possibility of damage or theft.

#### 7.13.0 Smoking – Auahi kore!

7.13.1 The Council actively discourages smoking, due to the dangers to the health and wellbeing of the smoker and anyone exposed to the smoke.

7.13.2 New Zealand workplaces, including offices, factories, warehouses, work canteens, and lunch rooms became smoke-free indoors from 10 December 2004. Personnel must go outside or to a designated smoking area to smoke.

#### 7.14.0 Drugs and alcohol

7.14.1 Drug and alcohol impairment is a hazard in the workplace that can result in harm to the individual/s involved, others around them, the business, and society in general.

7.14.2 Personnel are required to be drug and alcohol free at all times while on Council business. Personnel must not do so whilst under the influence of alcohol or drugs.

7.14.3 At the recommendation of the Health & Safety Officer, the Executive team may stand down any personnel if they believe said person/s may be impaired by drugs or alcohol and could cause harm to themselves, others, or the Council.

#### 7.15.0 Medications

Any person taking medication, whether prescribed by a medical practitioner or not, known to possibly impair the ability to work safely and productively (for example, impaired coordination, concentration, fatigue, or drowsiness) must advise the Executive before carrying out work duties.

7.15.1 The Executive will decide whether the person can continue to engage in Council business;

7.15.2 If in doubt about the possible side effects of medication, the person must discuss those with a medical practitioner.

#### 7.16.0 Drug and alcohol testing

7.16.1 The Executive may require employees to undergo alcohol and drug testing after a significant work injury, incident or near-miss, or when reasonable cause exists to suspect alcohol or drug use.

7.16.2 If an employee is absent from work in circumstances that give the Executive reasonable cause to suspect that the absence is due to misuse of alcohol or drugs, the Executive may require, as a condition of returning to work, that the employee undergo testing.

7.16.3 The following health and safety-related issues are considered to be serious misconduct and are potentially dismissible offences.

a) Verbal, physical, or sexual abuse, or harassment – where the evidence is clear and undeniable.

- b) Reckless endangerment – of oneself or others and where the evidence is clear and undeniable.
  - c) Illicit drugs – if there is evidence that personnel are holding or storing drugs on, or selling drugs from, Council property or worksites.
  - d) Driving a Council leased vehicle while under the influence of alcohol or illicit drugs – where this is proved by a drug or alcohol test administered by a competent person.
  - e) Harm to business – where personnel’s actions are so extreme that they could bring the Council into disrepute, cause loss of work or contract, or have a harmful influence on future work prospects.
- 7.16.4 While largely for internal use, the disciplinary process will also be applied to any contractor not adhering to the requirements of the contract, irrespective of those requirements being written or verbal.
- 7.16.5 Where the Formal Disciplinary Process is being applied, an employee may bring a support person of their choice to the meetings, but should be aware that this may not influence the outcome of the meeting.  
The support person’s role is to provide moral support or advice to the employee and ensure that due process is applied.
- 7.17.0 Violence or abuse
- 7.17.1 The Council believes that personnel have the right to go about their work without fear of violence, abuse, or harassment of any kind.
- 7.17.2 The Council will not tolerate bullies in Council controlled environments and proven instances of harassment, intimidation, or violence will lead to removal and where appropriate, a complaint to the Police.
- 7.17.3 Should any such situation arise due to the actions of a contractor, the response may include termination of contract.
- 7.17.4 Any person who feels that they are the victim of any kind of abuse must inform the Health & Safety Officer or a member of the Audit & Risk Committee immediately. The issue will be managed in strictest confidence.
- 7.18.0 Stress  
The Council recognises that workplace stress is largely the result of the interaction between a person and their work environment. For the person, it is the awareness of not being able to cope with the demands of their work environment, with an associated negative emotional response.
- 7.18.1 The harmful effects of workplace stress may be manifested in one or more of the following ways.
- a) Psychological – indicators are anger, frustration, apprehension, anxiety, or depression; feelings of incompetence, loss of confidence, and not being able to cope in general.
  - b) Behavioural – including mood swings and irritability; changes to sleeping patterns, increased absenteeism, increased time urgency, and a decline in performance.
  - c) Cognitive – memory or concentration problems, slow reaction times, and an increase in errors.
- 7.18.2 Personnel are encouraged to not work excessive hours; to take regular breaks and holidays; and to notify the Health & Safety Officer of any stress-related problems they are encountering on a personal or professional level that may affect their ability to perform their role.
- 7.18.3 The Health & Safety Officer will work with individuals to help address workplace stress and fatigue, and respond promptly to eliminate the effects of workplace stress. We will work with any persons who report that they have a problem relating to stress, recognising that many factors can contribute to developing workplace stress.
- 7.18.4 The Council will involve staff and key contractors in asking for their ideas, opinions, and continuous improvement suggestions. We will focus on preventing and managing stress, as well as the amount, content, and organisation of work to ensure the workplace remains healthy, safe, and productive.
- 7.19.0 Incident Reporting  
The health, safety and wellbeing of our personnel is very important. Where incidents, injury or illness arises the Council will investigate to ascertain causation to ensure that a similar situation doesn’t occur in the future.

- 7.19.1 The Act requires all personnel to notify the Health & Safety Officer of such a situation and record this in the incident register;
- 7.19.2 The Council will adopt a no blame culture to investigate and communicate findings to personnel to prevent similar.
- 7.19.3 Where this incident, injury or illness falls under the definitions of ‘notifiable to WorkSafe NZ’, the Council will notify in accordance with legislation”

#### 7.20.0 Injury Management

The Council, as a responsible Employer, is committed to the prevention of harm. Where harm has occurred, a managed return to work is our preferred choice depending on the degree of injury and the availability of suitable tasks that will not exacerbate the injury. We believe this outcome to be both desirable and beneficial to all parties involved.

- 7.20.1 If an employee sustains an injury that a medical professional believes will not preclude the employee from some form of work, our policy is (where possible) to provide useful alternative duties to ensure a continued connection with the workplace and a managed recovery.
- 7.20.2 An employee who requires medical services due to a work-related injury must ask the medical professional to indicate the activities the injured employee may still be able to perform.
- 7.20.3 Where an injured employee can return to some form of alternative duties (or modified duration of duties) and depending on the work we can realistically offer at the time the Council will undertake the following.
- a) Start a Return to Work Programme as soon as practicable, providing we have written guidance from a medical professional regarding what the injured employee can or cannot do.
  - b) Consult with the employee, ACC, and appropriate medical professionals to action the programme.
  - c) Where possible, ensure that an appropriate level of monitoring or supervision is provided so that the injury is not exacerbated.
- 7.20.4 If an injured employee cannot return to alternative duties, the Council will remain in contact with the employee to monitor their progress and ability to return to work.
- 7.20.5 If an employee has sustained a long-term injury and is not able to return to the duties they were originally employed to do, the Council will, if possible, provide alternative work that the injured employee can do. All parties involved should be aware that this may not be feasible and that termination of employment, while never desirable, may be necessary. In this situation, the Council will do whatever it reasonably can to ease the transition.
- 7.20.6 The Council recognises that these commitments are for employees and excludes contracted contractors. However, Contractors responsible will be encouraged to undertake positive and effective injury management towards their own employment.

#### 7.21.0 Environmental Policy

We are an environmentally conscious and responsible Council. We are committed to ensuring that our activities, wherever possible, have the least harmful impact on our environment. We achieve this by adopting and implementing environmentally sensitive practices in all our activities.

The responsibility for managing and maintaining this policy lies with the Executive team with general implementation delegated to employees and key contractors as required.

The Council is committed to operating in an ecologically sustainable manner and will:

- identify, implement, and promote good-practice environmental management systems and operations
- reduce waste and the use of energy and resources
- provide an environmentally sound workplace and implement environmentally sound work practices
- work closely with its employees, members, and other stakeholders as needed to develop and implement agreed environmental initiatives
- encourage suppliers to act according to our environmental standards

- maintain awareness of relevant environmental legislation and good practice to ensure that minimum standards are met and, where feasible, exceeded
- monitor the implementation of the policy by carrying out periodic audits and, when appropriate, introduce remedial measures
- communicate its environmental management and performance through annual reports distributed to stakeholders and implement a process of continuous improvement.

Key focus areas within the Council will be to select non-polluting technologies, minimise waste, reuse/recycle and reduce energy consumption.

The Council makes a positive environmental contribution in the local community by encouraging open communication and a broader general awareness of environmental issue.



*28th Māori Battalion*

## PART D: WHAKAWHITINGA | Communications

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### INTERNAL RELATIONS

#### 1. Conflicts of Interest

##### 1.1 NZMC Definition

A conflict of interest exists where any member or their close associates derives or stands to derive personal profit, gain or other benefit from a decision of the Council or, where a member uses undue or unfair influence to secure a decision from which personal profit, gain or other benefit may arise.

##### 1.2 Policy Statement

1.2.1 Council members must not actually or prospectively, directly or indirectly profit, benefit or gain from any decision of the Council or of a Council committee, subcommittee or sub-entity unless

- a) the prospective profit, benefit or gain has been adequately disclosed before the relevant decision is made; and
- b) those making the decision have settled the precautions to be taken before the decision is made; and
- c) the disclosure, decision and precautions taken have been minuted.

1.2.2 By way of example there is an indirect benefit where there is a benefit to a member's domestic partner or children or to an entity with which the member is associated.

##### 1.3 Procedures

1.3.1 It is the duty of members to make transparent and timely disclosures of their interests which may be relevant to the Council's decision making. To assist that end members shall record their primary hapū relationships, professional and business interests and their association with organisations in a Register of Interests.

1.3.2 The Register is not a register of conflicts but a register of interests to indicate to all members when a conflict may arise between a members' interests and some item of the Council's business.

1.3.3 A Register of Interests shall be managed by the Secretary and shall be available at each meeting of the Council and Executive and at each such meeting the Chair will request members and proxies to update their interests in the Register.

1.3.4 Notwithstanding the existence of the Register, it is the duty of members when considering the Council's business to declare whether or not they have or may have a conflict in relation to any item of the Council's business.

1.3.5 In addition, all members have a duty to consider whether or not a member may be conflicted in relation to any business item. Where a conflict is considered to exist, they shall consider the seriousness of the conflict and its detrimental and beneficial aspects, and where intervention is warranted, the appropriate steps to mitigate the conflict. The appropriate steps are considered at 1.4 below under Conflict Recognition and Management.

1.3.6 The duty of members to consider whether a member is conflicted arises whether or not the member has disclosed a conflict.

1.3.7 Complaints about any failure to disclose or the recognition and management of a conflict in any case may be made in accordance with 2. Disputes and Complaints.

1.3.8 [Any conflict of interest will be reported on annual performance report under the heading of Related Party Transactions](#)

#### 1.4 Conflict Recognition and Management

1.4.1 Conflict recognition and management will vary between organisations, a stricter approach being needed for bodies using public funds, like public entities or government ministries, than for private entities which do not rely on public subscription or government funding. The New Zealand Māori Council is at the higher end of the scale as a statutory body operating primarily from government funding. Consequently, the Council maintains a Register of Interests.

- 1.4.2 Where the Council finds a conflict exists there are a range of mitigation options. At one end of the scale the member may be denied access to any associated papers and be excluded from the meeting while the matter is discussed. At the other end, the member may participate in the discussion but not vote.<sup>14</sup> The latter is probably more usual especially where the member has expert knowledge in relation to the matter and there is no need for information to be kept confidential.
- 1.4.3 A potential conflict need not amount to a serious conflict requiring special measures; all that may be needed is some clarification to avoid misunderstanding within and outside of the Council.<sup>15</sup>
- 1.4.4 A legal test for assessing whether a conflict exists and how it is managed is to ask what a reasonable but informed observer might consider necessary to guard against improper conduct or to alleviate suspicion.<sup>16</sup>
- 1.4.5 A person regarded as being in conflict may not see, understand or accept what others see as a conflict of interest and intervention may be required to assist in clarifying perceived markers of conflict.
- 1.4.6 A conflict may be based on the following situations:
- a) A member's relationship with a person, business or organisation with a competing interest with the Council. Alternately where such organisation seeks to contract with the Council, including a financial relationship, membership of the organisation, or a blood/marital connection or friendship with a member of the organisation;
  - b) A blood or marital relationship within the Council
  - c) A potential or actual interest in some aspect of the Council's business from which the member might benefit in some way.
  - d) A private submission or public statement indicating a strong position on a matter of public interest with which the Council is engaged.
- 1.4.7 Members are referred to the several illustrations in Part 5 of the Guide Book of the Controller and Auditor-General *Managing conflicts of interest: Guidance for Public Entities* June 2007.

## 2. Disputes and Complaints

### 2.1 NZMC Definitions

- 2.1.1 A *dispute* is a disagreement between members of the New Zealand Māori Council ("the Council").
- 2.1.2 A *complaint* is an expression of dissatisfaction concerning the operations or performance of the Council or a District Council or the conduct of a member, officer, employee or contractor of the Council or a District Council.
- 2.1.3 *Negotiation* is where the parties seek to reach an agreement.
- 2.1.4 *Mediation* is where the parties are helped to reach an agreement by a mediator.
- 2.1.5 *Facilitation* is where a group is helped to reach an agreed position by a facilitator.
- 2.1.6 *Arbitration* is where the parties agree to abide the decision of an independent arbiter.

### 2.2 Overview

- 2.2.1 The management of disputes and complaints requires a distinction between:
- a) disputes stemming from philosophical or personality differences (which may best be settled by a Council vote or by negotiation, mediation or facilitation);
  - b) complaints of unlawful action or breach of Council policy (which may best be settled by a legal opinion or by arbitration); and
  - c) complaints of inappropriate process or conduct (which may best be settled by an Executive review of the Council's policies and practices).
- 2.2.2 Where there are elements of all three categories the initial task is to determine the predominant issue at stake. Usually, genuine claims of unlawful action cannot be voted on or mediated since

<sup>14</sup> The broad range of options is at para 4.29 of the Guide Book of the Controller and Auditor-General *Managing conflicts of interest: Guidance for Public Entities* June 2007

<sup>15</sup> See the above Guide Book at 2.8, 2.9

<sup>16</sup> See *NZMC v Foulkes* [2014] NZHC 1777 [198] – [217]

the Council, which is a statutory body, is bound to act lawfully and in these claims the action is either lawful or it is not.

### 2.3 Background

This policy results from:

- a) Section 22(a) of the Act which provides for the removal of members for misconduct<sup>17</sup> and which has previously been used by the Council.
- b) Regulation 7(4) providing for Officers of the Council to be dismissed.
- c) Section 16(2) of the Act which enables the Council to direct District Māori Councils, as with the conduct of elections.<sup>18</sup>
- d) The public airing of disputes and complaints by emails, the electronic social media or by recourse to the media.

### 2.4 Who may complain or seek intervention on a dispute?

2.4.1 A member of the Council may do so in respect of:

- a) a dispute affecting the Council's operations;
- b) a complaint about the operations or performance of the Council or the Executive;
- c) a complaint about the conduct of a Council member, officer or employee which affects the Council's operations or standing; or
- d) a complaint about the operations or performance of a District Council or the conduct of its members, officers, employees or contractors.

2.4.2 A member of a District Council may make a complaint in respect of the operations or performance of the District Council of which he or she is a member or the conduct of District Council members, officers or employees where a direction is sought in terms of section 16(2) of the Māori Community Development Act 1962 instructing the District on an appropriate course of action.

2.4.3 A Māori Warden may make a complaint in respect of wardens' administration where a direction is sought to be given to a District Council or to District Council's generally in terms of section 16(2).

2.4.4 Any Māori who is adversely affected by the operations of the Council or a District Māori Council may make a complaint in respect of the matter affecting them.

### 2.5 Disputes and Complaints Process

2.5.1 A dispute referral or complaint shall include full particulars of the matter with supporting documents, a statement of why the matter is considered to be injurious to the Council or any Council or District Council member and a statement of the outcome sought, or, in the case of complaints concerning District Councils, a statement of the direction sought.

2.5.2 The dispute referral or complaint shall be made to the Secretary for reference to the Executive. The Secretary

- a) may require further particulars before forwarding the same and
- b) shall give notice of the matter to persons particularly affected and provide them with an opportunity to respond.

2.5.3 In considering the dispute referral or complaint the Executive will particularly have regard to the requirements of natural justice as to notice to affected persons and the assurance of an opportunity to respond commensurate with the seriousness of the complaint or the

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<sup>17</sup> S22 (a) provides: "any member of a Māori Association may be removed from office by the Association of which he is a member for inability to perform the functions of the office, neglect of duty, or misconduct proved to the satisfaction of the Association ...provided that a person removed from office under this paragraph may appeal to the New Zealand Māori Council which may confirm or reverse the decision". A "Māori Association" means the New Zealand Māori Council, a District Māori Council, a Māori Executive or a Māori Committee.

<sup>18</sup> Section 16(2) provides that "Each District Māori Council shall be subject in all things to the control of the New Zealand Māori Council and shall act in accordance with all directions, general or special, given to it by the New Zealand Māori Council".

- contemplated action. The Executive's process could range from dealing with the matter on the papers to providing a full hearing.
- 2.5.4 The Executive will also have particular regard to the prospect of bias and may limit the engagement of Executive members particularly affected, may use an independent advisor, or may refer the matter for the opinion or recommendation of an independent advisor or advisory committee or other such person or persons constituted by the Executive generally or for the particular case.
- 2.5.5 The Executive will also promote the resolution of disputes and complaints having regard to the principles in the Members' Code of Practice at [Part A Section 4 of the manual](#).
- 2.5.6 Where a dispute is referred to the Executive, the Executive may:
- determine that the whole or part be treated as a complaint to be dealt with in accordance with the provisions of this policy that relate to complaints
  - give such other directions as are considered necessary to fairly dispose of the matter including recommendations to the Council to vote on particular issues, directions for good faith negotiations or discussions or directions referring the dispute to facilitation, mediation, or arbitration.
- 2.5.7 Where a complaint is considered to be well founded the Executive shall determine the action to be taken to remedy the situation or to prevent similar problems arising in future. The Executive may also censure a member but where the Executive considers removal to be appropriate in terms of s 22(a) of the Act, as recited in the footnote below, then the following shall apply:
- where the removal of a member from a District Council is contemplated the decision must be referred to the District Council, as required by the Act. A person so removed may then appeal to NZMC as also provided for in the Act; and
  - where the Executive considers a person should be removed as a member of the Council, then the matter must be referred to the Council (from which a review of the decision may be sought in the High Court).
- 2.5.8 The Executive may:
- decline to deal with a complaint that is frivolous or vexatious or is made by a complainant who the Executive determines as vexatious; or
  - refer a complaint respecting a District Council to that Council to deal with;
- 2.5.9 The Executive may at any time, with or without a complaint, warn or censure any Council member broadcasting complaints or allegations by email or other electronic media, especially where this impugns the mana of members, where the same may be dealt with by the processes in this policy, and may recommend the removal of a Council member who ignores such warning or censure.
- 2.6 Disputes and Complaints Register and Council affirmation**
- 2.6.1 The Secretary shall maintain a Disputes and Complaints Register.
- 2.6.2 The Secretary shall report to the Council on the complaints and the decisions, and any acts of censure, at each meeting of the Council, and at his or her discretion, may report particular complaints as they arise or are disposed of.
- 2.6.3 The Council may confirm or reverse any decision of the Executive relating to complaints or censure.

*He arero taiaha*  
*A tongue like a taiaha*

### **3. Sensitive and Confidential Information**

#### **3.1 Purpose**

The purposes of this policy are to define sensitive or confidential information and to ensure that such information is managed appropriately, respecting the mana and dignity of those affected by it, and is managed in accordance with the Māori Community Development Act 1962 and Regulations and the Privacy Act 1993.

#### **3.2 NZMC Definition**

Sensitive and Confidential Information means information about the Council which is not publicly available and includes but is not limited to:

- a) Information on the Council's processes, financial condition, structure, administration, operations and relationships with third parties
- b) Legal advice provided to the Council
- c) Information provided for the purposes of meetings of the Council, Executive and other committees or subcommittees, including papers and minutes
- d) Reports distributed to Council members
- e) Information provided to the Council by District Councils and Māori Committees
- f) Information concerning contracts and instructions for services or activities between the Council, its officers, members and third parties
- g) Council policy documents
- h) Personal information of members, officers, employees, contractors, or of Wardens including contact details
- i) Internal communications and correspondence sent or received on behalf of the Council
- j) Any other information that the Council or Executive determine is sensitive or confidential

#### **3.3 Key Policy Statements**

- 3.3.1 The Council is not subject to the Official Information Act 1982 or the Ombudsmen Act 1975.
- 3.3.2 The Council is subject to the Privacy Act 1993 and must comply with the Information Privacy Principles in section 6. (This restricts the personal information which may be collected about members of the Council, District Councils, Māori Committees and Wardens, the manner in which information is collected, stored and secured, the purpose for and the manner in which it is used and the persons to whom it may be divulged. Section 6 also provides for those affected to access and correct the information about them).
- 3.3.3 Members and Officers receive sensitive and confidential information subject to a duty of confidentiality.
- 3.3.4 Sensitive and confidential information must be used for the purpose for which it was obtained.
- 3.3.5 Sensitive and confidential information received from a third party should not be further distributed or disseminated without prior approval or consent of the third party.
- 3.3.6 Sensitive and confidential information should not be used for personal benefit or to the detriment of the Council.
- 3.3.7 This policy applies to members, officers, and all employees and contractors of the Council.
- 3.3.8 This policy is subject to the following exceptions:
  - a) Members and officers may transfer information provided for the purposes of meetings of the Council, Executive and other committees or subcommittees, including papers and minutes, to the members of District Māori Councils and Māori Committees, and where it relates to Wardens, then to Wardens, provided it is clear that such information is not to be further distributed, and provided that the material has not been marked to the effect that it is for Council members only.
  - b) Disclosure may be made where disclosure is approved by the chair, a deputy chair or the secretary.
  - c) The policy does not apply to information that is already publicly available or has been presented at a conference of the Council that is open to the public.

- d) Information concerning the Council's business may also be imparted in accordance with the Council's communications policy.

*He peka tītoki (arā he kano rangatira)*  
*A tītoki branch (that is the seed of high birth)*

## **4. Internal Communications and Requests for Information**

### **4.1 Purpose**

The purposes of this policy are:

- a) to manage internal communications to ensure that the Council's work is appropriately represented, respecting the mana and dignity of the Council, its members and other affected organisations and minimising the risks in disclosing internal issues and other sensitive and confidential information;
- b) to manage internal communications;
- c) to encourage debate that is informed and positive, fostering unity and minimising dissension; and
- d) to define a member's right to information.

### **4.2 NZMC Definition**

"Communications" refers to all forms of communication, oral and written, and includes electronic communications and social media.

### **4.3 Key Policy Statements**

- 4.3.1 In their dealings with each other on Council affairs, members and officers shall be respectful, courteous and balanced in criticism and shall strive to acknowledge the positive. Members shall avoid that which may be slanderous, defamatory or injurious to others and shall be guided by the Code of Practice and the tikanga in [Part A Section 4 of the Policies and Procedures](#).
- 4.3.2 Members shall exercise discretion in the dispatch of information and opinions about the Council's business by widely distributed emails or electronic forms of social media and the Executive may consider and rule on any excesses.

### **4.4 Access to Information**

- 4.4.1 The Council is not subject to the Official Information Act 1982 or the Ombudsman Act 1975. The disclosure of information to non-members of the Council is at the discretion of the Chair, the Deputy Chair or the Secretary (see Sensitive and Confidential Information Policy above).
- 4.4.2 Under the Privacy Act 1993 members and Wardens are entitled to access to and to correct the information held about them subject to the provisions of that Act.
- 4.4.3 Members are entitled to request and receive an electronic copy of the Council's information provided that information may be withheld to the extent that this is necessary in order to:
- a) avoid prejudice to the maintenance of law, legal proceedings or inquiries including those of the Waitangi Tribunal, Select Committees and Commissions, or negotiations on policy issues;
  - b) avoid endangering a person's safety;
  - c) avoid prejudice to the Council's commercial interests or those of another person or entity;
  - d) protect the privacy of natural persons;
  - e) protect information supplied in confidence;
  - f) protect the free and frank expression of opinions within the Council and protect staff from improper pressure or harassment;
  - g) maintain legal professional privilege;
  - h) prevent disclosure or use of the information for improper gain or advantage, or

- i) comply with the Council's policy on Sensitive and Confidential Information in 4 above.
- 4.4.4 Wardens are entitled to request and receive an electronic copy of the Council's information relating to Wardens subject to the same proviso as in 4.4.3 above.

*E patu te rau, e patu te arero*  
*Kill the hundreds, strike the tongue*

## **5. Waitangi Tribunal claims and other actions: National and District roles**

- 5.1 No District Māori Council shall make representations to any Minister of the Crown or other person or authority or take proceedings in any Court or in the Waitangi Tribunal, without the approval of the New Zealand Māori Council.<sup>19</sup>
- 5.2 Consent to make representations shall not be unreasonably withheld where there are good reasons for a District Council to engage separately.
- 5.3 The Council shall consider the advice of the Legal Committee before a decision is made.

*Haere mai, haere mai, ki te marae o Hine!*  
*Welcome, welcome to the marae of Hine!*

## **EXTERNAL RELATIONS**

### **6. Media and Other Public Communications**

#### **6.1 Purpose**

The purposes of this policy are:

- a) to ensure the effective dissemination of information to the public including especially, Māori communities
- b) to create greater community awareness of the Council's activities, achievements and ethos
- c) to minimise the risk of media misrepresentation
- d) to minimise the risk of disclosing internal issues and other sensitive and confidential information
- e) to encourage informed and positive debate, and
- f) to establish an effective working relationship with the media.

#### **6.2 NZMC Definition**

"Communications" refers to all forms of communicating, oral and written, and includes electronic communications and social media.

#### **6.3 Key Policy Statements**

- 6.3.1 The Council, directly or by delegation to the Executive, shall endeavour to appoint an experienced and independent Communications Officer. The Communications Officer may be, but need not be, a member of the Council or an Executive Officer.
- 6.3.2 The primary functions of the Communications Officer are to provide advice to the Council and its officers on media issues and to develop and maintain working relationships with the media.
- 6.3.3 The Communications Officer shall also:
- a) maintain a list of key contacts for media outlets,

<sup>19</sup> The power to make representations in s18(3) is exclusive to NZMC. This creates NZMC as the national forum for decision making and prevents districts from compromising that role. The Council's governing role is reinforced by s 16(2) whereby Districts are subject to NZMC control. The Council resolved to restrict District litigation on 5 September 2015 and again on 29 April 2017.

- b) be available for preliminary discussions with the media on issues or speakers,
  - c) seek to ensure that speakers for the Council are adequately briefed, and
  - d) advise on media releases and the maintenance of the Council's website
- 6.3.4 After consulting with each other, to the extent practicable, the Chair, Deputy Chair and the Communications Officer are authorised to speak on behalf of the Council.
- 6.3.5 They may also authorise other members or persons to speak for the Council, on such terms as may be prescribed, on particular matters within their expertise or on which they have been briefed.
- 6.3.6 Those making statements for the Council shall be guided by the principles in [Part A Section 4](#) of these Policies and Procedures and in particular the principle of manaakitanga by which the mana of the Council, its members and other affected persons or organisations, is respected. Accordingly, in their public dealings Council speakers shall be respectful, courteous, balanced, concise and honest. They shall also be clear on whether the views put forward are those of the Council or of an individual or group within or outside of the Council and whether they are speaking for the Council or for a District Council.
- 6.3.7 Members and staff shall observe the Council's policies on Sensitive and Confidential Information and on Internal Communications and Requests for Information in [Part D Section 4](#).
- 6.3.8 Members shall exercise discretion in the dispatch of information and opinions about the Council's business by widely distributed emails or electronic forms of social media and the Executive shall consider and rule on any excesses of which they are aware.
- 6.3.9 Members and staff shall
- a) be responsible for advising the Chair and the Communications Officer of contentious issues that are likely to be made public,
  - b) ensure that Council photos are not released to the public through advertising or media outlets or the internet without checking as to privacy considerations and without the approval of the Chair or Communications Officer, and shall
  - c) notify the Chair and Communications Officer of any media contact in the name of the Council, advising of the name of the reporter or writer and the media outlet represented.
- 6.3.10 The Executive shall consider any breaches of these policies and the action, if any, to be taken.
- 6.3.11 The Executive will endeavour to arrange training for officers on media management.
- 6.3.12 Where a crisis situation arises it may be helpful to:
- a) agree on a single spokesperson on the matter
  - b) ensure that all information is available to that person
  - c) put the community first in responding,
  - d) take responsibility and be honest
  - e) provide a constant flow of advice to stakeholders especially staff
  - f) be accessible and familiar with media needs and deadlines, and
  - g) monitor media coverage and correspondence.

## **7. Consultation Policy**

This policy provides the framework for an appropriate and mandated consultation process consistent with the Māori Community Development Act 1962 S18 Clause 2.

The Council methods include engagement and consultation with the following:

- a) Executive members, Council officers and sub-committee members;
- b) District Māori Councils, Māori Committees, Māori Societies and Executive Committees and/or Māori Wardens (as appropriate);

- c) External experts (Māori and others) with specific sector based knowledge or experience.

The level of engagement, that is, the choice of which groups to engage or consult with, is dependent on the timeframes, resources available and particular expertise required. These will be determined by the Executive.

#### 7.1. Statement of Principles

Engagement and consultation activities will reflect the following principles:

- a) manaakitanga - drawing on reciprocity and mana enhancing behaviours which include the concepts of dignity, respect and fairness
- b) kotahitanga –building unity of purpose
- c) wairuatanga –fostering peace, the spiritual side of the collective and personal safety
- d) whanaungatanga –maintaining sound personal relations based on respect
- e) rangatiratanga –respecting the status of others.

#### 7.2. Procedure

- a) The consultation procedure will facilitate cooperative and collaborative working relationships between the Māori Council and the groups that it engages with on behalf of Maori.
- b) The Council's Executive will be responsible for all consultation; facilitating and streamlining the consultation process to ensure the turnaround fits timeframes determined by all parties. All engagement and consultation undertaken will result in written feedback to the Council.
- c) At an early stage of policy development, Crown agencies, and stakeholders are encouraged to approach the Executive in order to provide an opportunity for the Council to contribute to the planning of the activity in a manner that is beneficial to all parties involved.

*He rau ringa e oti ai*

*With many hands the work will be finished*

1975 Hikoī - The Māori Land March



## **PART E : NGĀ WATENE MĀORI | Māori Wardens (Deferred)**

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## APPENDIX A | Standing Orders

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### Meetings

1. The Standing Orders must be observed at every Council meeting. They also provide guidance for Executive meetings.
2. As recorded in the Policy on Council meetings, the primary purposes of the Council meetings are:
  - a) to discuss policy or political, educational and cultural topics and matters of local public interest;
  - b) to receive the reports and recommendations of the Executive and other committees;
  - c) to provide direction to the Executive and other committees; and
  - d) to appoint, remove and replace officers and committee members where required.<sup>20</sup>

The objective is to focus the Council on policy debate and the Executive on administration, planning and implementation.

### Quorum

3. No meeting shall commence without the necessary quorum of members as provided for in the Council's constitutional documents. In the absence of a quorum a meeting is not properly constituted, and any decisions or proceedings taken are invalid.

### Order of business

4. The meeting agenda and format of the meeting shall be developed as follows:
  - a) the secretary, at least two months prior to a Council meeting, will invite all members to file (a) papers on policy issues or community projects, either for themselves or on behalf of any group of Māori, for debate and reference to the Executive to consider having regard to the discussion (b) particular agenda items or notices of motion with a supporting paper for each;
  - b) the chair, all committees, officers, and special representatives (persons representing the Council on other organisations) shall file reports with the Secretary at least two weeks before the Council meeting;
  - c) the chairperson may give directions as to the management of the particular agenda items or notices of motion filed by members as provided for above
  - d) the secretary, having distributed the papers and reports as they are received, and having consulted with the chairperson on the members' proposed agenda items and notices of motion, shall compile an agenda to be distributed electronically to all members at least four days ahead of the Council meeting;
  - e) the format of the meeting is to discuss and debate the papers and reports and provide directions to the Executive by way of resolution.
5. The Order of Business shall be contained in the Agenda and shall be as follows:
  - a) Opening: The meeting shall be opened according to tikanga and shall be followed by the Chairperson's welcome;
  - b) Consideration of Agenda: Any variation to the agenda must be agreed by way of resolution. Members wishing to have new matters discussed should follow the process in 4)a) above. No discussion shall be had or no motion shall be considered on any matter which is not on the agenda or is not reasonably ancillary to an agenda item or consequential on the outcome of that item;

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<sup>20</sup> See regulation 7 SR 1963/87 the Council appoints the officers needed to carry out the Council's functions and dismisses them.

- c) Absentees, Invitees and Proxies: The secretary shall read the apologies, proxies and invitees each of which must be advised to the Secretary ahead of the meeting. There shall be a motion in respect of the apologies that the apologies be accepted or in relation to any particular instances that the apology be not accepted or be not accepted without a further explanation satisfactory to the chairperson. An apology should not be accepted where a member has regularly failed to attend without reasonable explanation. The chair shall call for any objections to invitees or shall extend a welcome as the case requires. The secretary shall also record the members and other persons present;
- d) Conflicts of Interest: The Chairperson shall request members to upgrade their entry in the conflicts of interest register held by the secretary. Failure to disclose a conflict could lead to the removal of a member.
- e) Minutes of Previous Meeting. Draft minutes shall be circulated as soon as practicable after a Council meeting and their approval by the chair. Members seeking amendments shall notify the secretary before the next meeting of any amendment sought specifying the words to be added or substituted. The first motions shall be, if required, “that the minutes be amended as described” followed by “that the chair sign the minutes (or the minutes as amended) as a true and complete record.”

Note: Correspondence is produced only to members requesting the correspondence relevant to a topic and does not form part of the ordinary Order of Business. The Secretary shall maintain a Register of Inwards and Outwards Correspondence which is to be available at Council meetings.

- f) Financial Report: The motion is “that the report be received” (payment of the accounts having been approved as provided for in the Council’s constitutional documents) or, if the accounts are audited accounts, “that the audited accounts be adopted”.
- g) Other Reports: The reports of committees, officers and special representatives as described in the Policies and Procedures on Council meetings shall end with the proposed action including that the report be received or that the report be adopted. If the report is “received” the meeting is not committed to what is in it. Any action required in respect of a particular item in the report must be by way of a further motion of the meeting. If the report is “adopted” the meeting is committed to what is in it and action follows accordingly.
- h) Notices of Motion: The contents of any Notice of Motion should be stated in the agenda;
- i) New Business: Items brought up for the first time at a meeting as provided for in 4)a) above should be placed on the Agenda under a separate heading;
- j) General Business: Members may raise minor matters under this heading, providing they have not already been discussed. If a matter of major importance is raised it should be dealt with by:
  - i. Placing it on the Agenda for the next meeting;
  - ii. Calling a special meeting to discuss it;
  - iii. Authorising the Executive to deal with it as a matter of urgency. Matters of major importance should not be dealt with in the dying stages of a meeting. Such matters should be raised early as provided for in 3)i and given a place on the Agenda which will ensure they are properly discussed.
- k) Closing of the Meeting: On the completion of the business of the meeting or earlier if the Chairperson finds there is good reason for an earlier closure, the Chairperson should thank the members for attending, notify them of the date and venue of the next meeting, and provide for the closing of the meeting in accordance with tikanga. If the business is unfinished when the meeting is closed a motion should be sought to refer the unfinished business to the Executive for urgent consideration.

## Motions

6. To enable the business of a meeting to be properly conducted, discussion should always proceed on the basis of a motion duly moved and seconded.
7. The member wishing to speak shall claim the attention of the Chairperson by calling in an orderly manner “Mr Chairman” or “Madam Chair” as appropriate.
8. Having been called, the speaker should stand and propose the motion by saying “I move that (whatever the motion is)”. The mover shall then speak to the motion for not more than four minutes and all others not more than two minutes (unless an extension of time is moved and agreed).
9. At the conclusion of the speech a written copy of the motion should be tabled with the Chair if required. This is optional and is at the discretion of the Chairperson.
10. The content of the motion is then repeated by the Chairperson to the meeting to ensure that all present understand what is being proposed.
11. The Chairperson shall then ask if there is a seconder to the motion.
12. A seconder shall stand when formally seconding the motion. The seconder may speak to the motion at that point or may second the motion “pro forma” and reserve the right to speak later in the debate. If the right to speak is reserved the meeting must be notified.
13. In the debate a member, other than the mover of a motion, may speak only once unless
  - a) the meeting grants leave to a member to speak again; or
  - b) the chairperson grants leave to a member who has been criticised to challenge that criticism
14. The motion is then open for debate by the meeting and discussion should continue until new matter either for or against is exhausted.
15. The mover of the motion has a right of reply (4 minutes) but discussion must refer only to what was discussed in the debate. New argument must not be introduced.
16. The Chairperson must then put the motion to the meeting for a vote. A majority vote is sufficient to carry the motion, which when passed, becomes a resolution.
17. Once a motion is moved and seconded it becomes the property of the meeting and cannot be withdrawn without the consent of the meeting, even if the mover and seconder wish to do so.
18. If the motion is not seconded, it lapses, and no further discussion should be allowed on it.

## Amendments to Motions

19. A motion may be altered by an amendment. To be in order an amendment must add to or take away from the substance of the original motion. It cannot substitute something completely different. If a proposed amendment would have this effect the Chairperson should rule it out of order. An amendment which is a direct negative must also be ruled out of order.
20. To avoid confusion, the Chairperson must allow only one motion and one amendment to be discussed at any one time. If other amendments are proposed the Chairperson should accept notice of these amendments but not allow them to be discussed until a vote has been taken on the amendment before the meeting. If there is a majority vote for the amendment the Chairperson says: “I declare the amendment carried. The amendment now becomes the Substantive Motion”. Discussion is allowed on this as the motion and the others as amendments to it.
21. If the amendment is lost the Chairperson continues to deal with the original motion and proposed amendments to that. The Chairperson should then accept an amendment for which notice has been given and allow discussion on it, in conjunction with either the original motion or the substantive motion. This amendment in turn is voted on, and the procedure repeated until all amendments have been disposed of. When a vote is taken, if the meeting has both a motion and an amendment under discussion, the amendment is always voted on first. Before the vote

is taken the Chairperson should have the motion and, where necessary, the amendment read out so that those present may clearly understand what they are voting on.

22. Then another vote is taken on either (a) the original motion, or (b) the substantive motion which has replaced it.

### Question

23. For the purposes of the succeeding paragraphs the Question shall be defined as the question before the meeting, whether it be the Original Motion or the Substantive Motion.

### Delaying Motions

24. Various types of Delaying Motions are available which are used for the purpose of speeding up the business of a meeting and eliminating needless debate. They are:

- a) The Closure Motion: A person who has not already spoken during the debate may move “that the Question be now put”. It may not be moved as a Point of Order. This motion does not require a seconder, but the Chairperson does not have to accept the motion unless she/he feels that the Question has been sufficiently discussed. If the Chairperson accepts the Closure Motion, it must be immediately put to the meeting without discussion. If the motion is carried the debate shall be concluded and the Question put to the meeting with no further debate or amendment. If the Closure Motion is lost, the debate shall proceed;
- b) The Next Business Motion: This Motion may be moved while an amendment is under discussion but is otherwise similar to the Closure Motion. The Motion shall be “that the meeting now considers next business”. If carried it automatically adjourns until the next meeting. If lost, the debate continues;
- c) The Debate Adjournment Motion: The machinery for this motion is the same as for the Closure Motion. The wording shall be “that this debate be adjourned”. If carried, the debate automatically adjourns until the next meeting. If lost, the debate continues;
- d) The Meeting Adjournment Motion: The machinery for this is the same as for the Closure Motion. The motion shall be “that this meeting be now adjourned”. If carried, the meeting adjourns immediately and continues at the next meeting at the same point on the Agenda. If the motion is lost, the meeting continues;
- e) The Refer Back Motion: This motion shall be moved and seconded by a person who has not already spoken in the debate. It may be moved during the course of discussion on a Committee Report. The motion shall be “that the Report be referred back to the Committee for further consideration”. It may be used when new factors arise which alter the Committee’s decision and/or the meeting disagrees with the Committee’s decision. If carried, discussion on the Committee Report immediately terminates and the Report is not accepted by the meeting. However, the Committee may bring down the same Report to the following meeting, or alternatively, they may bring down an amended Report;
- f) The Chair Vacation Question: This motion may be moved at any time and shall be seconded by a person who has not already spoken during the course of the business. The motion shall be “that the Chairperson do leave the Chair”. If carried, the meeting automatically concludes, since there cannot be a meeting without a Chairperson.

### Motions to Suspend Standing Orders

25. If for some reason a matter cannot be considered because Standing Orders will not allow it to be discussed, and if there is good reason for it to be discussed, it may be moved, “that Standing Orders be suspended for the purpose of discussing [the matter].” If the motion is passed, the matter may be dealt with. This practice should be used sparingly because Standing Orders should not be set aside except for very good reasons.

### Meetings in Committee

26. For the purpose of discussing matters about which the meeting desires no publicity, the meeting can decide to hold the discussion “in committee”. For this procedure to operate someone must move a motion to that effect. If this is seconded and approved by the meeting the Chairperson says: “I declare this meeting in committee.” The proceedings then are private to those in committee and need not be publicised. A committee may consist of the whole meeting “in committee” or of a portion of the meeting appointed by its members. A committee may exclude unauthorised people from attendance. Discussions made “in committee” must be reported back to the full meeting in the form of recommendations. These recommendations may be accepted in full, amended, or rejected by the full meeting. When deliberations “in committee” have been completed the Chairperson declares the meeting resumed and the recommendations made “in committee” are put to the meeting after being duly moved and seconded. The recommendations “in committee” are not effective until approved by the meeting.

### Points of Order

27. The procedure for Points of Order shall be as follows:
- a) A Point of Order shall be defined as a breach of the Standing Orders and/or Constitutional Documents. It shall deal only with irregularities in procedure and shall not be used to cover questions on matters before the meeting. However, it may be used to extend a speaker’s time, deal with urgent business if the hour of closure has been passed and deal with any misrepresentation.
  - b) Any member may rise to a Point of Order. The person moving the Point of Order shall rise and address the Chairperson with the words “I rise to a Point of Order”. All business shall cease until the Point of Order is dealt with. The person speaking shall sit down and the person making the Point of Order shall have the floor.
  - c) The person raising the Point of Order shall define the point. Other speakers may address themselves to the point until such time as the Chairperson is prepared to rule on the point. The ruling on a Point of Order shall be deemed as binding and final and no further discussion may take place on the Point of Order. Should the ruling not be satisfactory, it may be challenged.

### Re-committal of Business

28. No decision taken at a previous meeting and duly recorded in the minutes and confirmed may be altered at a subsequent meeting without a Notice of Motion for the recommitment of such a question. At least fourteen (14) days written Notice of Motion must be given.

### Challenging Chairperson's Ruling

29. The procedure for challenging a ruling of the chair shall be as follows:
- a) Respect for the authority of the Chair is basic to orderly procedure and the rulings of the Chair should not be challenged unless these are grossly wrong and unfair. Provided a Chairperson is acting impartially and in good faith there is no liability even for wrong decisions.
  - b) However, if a member thinks a decision of the Chair is wrong and needs to be reversed the member should stand, call the Chairperson, and say “I challenge your ruling”. The Chairperson then vacates the Chair and the Deputy Chair if a Deputy Chair is present, or failing that, somebody elected by the meeting takes the Chair.
  - c) The acting Chairperson then asks the member who has challenged the ruling to state the reasons. The Chairperson is then asked for the reasons giving rise to the ruling being questioned. No further discussion is permitted.
  - d) The question is decided by putting it to the meeting in the form “That the Chairperson's ruling be upheld”.

- e) If the meeting votes affirmatively the Chairperson resumes the Chair and proceeds from the point of the ruling which was challenged. If the meeting votes against the acting Chairman shall continue to chair the meeting until the item of business that led to the ruling has been disposed of.

### Voting

- 30. All motions shall be decided by voting.
  - a) The method of voting shall be as follows:
    - i By the voices, normally;
    - ii By a show of hands, if called for;
    - iii By a secret ballot, if called for;
    - iv By acclamation, in the case of obviously popular, unanimous motions.
  - b) Only accredited members may vote on major motions, provided however, that visitors may join in a Vote of Thanks, which is being carried by acclamation.
  - c) The meeting may, if so desired, appoint a returning officer and scrutineers to conduct a vote. Generally, the vote shall be conducted by the Chairperson.
  - d) All motions shall be determined by a simple majority. A motion which fails to obtain a majority vote shall be deemed to be lost.
  - e) During the election of officers, the preferential system of voting shall be adopted for all single vacancies, but all multiple elections shall be by Single Transferable Vote.



*1925 King Mahuta Tāwhiao I speaking at a Māori Council NZ Legislative Council  
Photo courtesy of Alamy ([www.alamy.com](http://www.alamy.com))*

## APPENDIX B : Treaty of Waitangi

This English text was signed at Waikato Heads in March or April 1840 and at Manukau Harbour on 26 April. A total of thirty-nine chiefs signed.

Transcript of handwritten original in Archives New Zealand/Te Rua Mahara o te Kawanatanga, Wellington Office. (Ref: IA9/9)

### THE TREATY OF WAITANGI

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

#### *Article the first*

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

#### *Article the second*

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs, yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

#### *Article the third*

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

[signed] W. Hobson Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

The Chiefs of the Confederation

## Treaty of Waitangi in Māori

Most chiefs signed the Māori text of the Treaty. This text was signed at Waitangi on 6 February 1840, and thereafter in the north and at Auckland. The Māori is reproduced as it was written.

Transcript of handwritten original in Archives New Zealand/Te Rua Mahara o te Kawanatanga, Wellington Office. (Ref: IA9/9)

### TE TIRITI O WAITANGI

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira - hei kai wakarite ki nga Tangata maori o Nu Tirani - kia wakaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu - na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

#### *Ko te tuatahi*

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uri ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu - te Kawanatanga katoa o o ratou wenua.

#### *Ko te tuarua*

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu - ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

#### *Ko te tuatoru*

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[signed] W. Hobson Consul & Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te Wakaminenga

## English translation of the Māori Treaty

This translation of the Māori Treaty text, when compared with the English version, shows several crucial differences of meaning, especially in the first and second articles.

Translation by Professor I H Kawharu, published in Report of the Royal Commission on Social Policy, Wellington, 1988

### THE TREATY OF WAITANGI

Victoria, The Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness.

So the Queen has appointed me, William Hobson, a captain in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

#### *The First*

The chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

#### *The Second*

The Queen of England agrees to protect the Chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

#### *The Third*

For this agreed arrangement therefore concerning the Government of the Queen, the queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

(signed) William Hobson

Consul and Lieutenant-Governor

So we, the Chiefs of the Confederation and the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and marks thus.

Was done at Waitangi on the sixth of February in the year of our Lord 1840.

The Chiefs of the Confederation

## **APPENDIX C : NGĀ TURE | LEGISLATION**

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1. Māori Community Development Act 1962
2. Māori Community Development Regulations 1963