



KAWA ME NGĀ TIKANGA

PROTOCOL & PROCEDURE

GUIDELINES

TE TAPATORU-A-TOI
JOINT MANAGEMENT COMMITTEE

Approved July 2015

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This Kawa me ngā Tikanga / Protocol & Procedure Guideline was reviewed and amended on the 20th July 2015, updating the previous version developed and approved by *Te Tapatoru-a-Toi* (Joint Management Committee) on 13 February 2008.

The purpose of the document is to provide direction and procedural guidance to assist the committee in fulfilling its roles under the Ngāti Awa Claims Settlement Act 2005.

This document may be reviewed from time to time with the agreement of all members of the committee. In particular, the section regarding strategic direction and priorities (Paragraphs 18-20) should be updated on an annual basis.

part 1 – the committee

Background and Name

1. The Joint Management Committee has been established under Subpart 5 (sections 71-87) of the Ngāti Awa Claims Settlement Act 2005 (“NACSA”). The committee is an integral part of the cultural redress package agreed between the people of Ngāti Awa and the Crown for settlement of historical Treaty of Waitangi claims.
2. The committee is established by and appointments formally made by the Minister of Conservation. The committee is a statutory board which offers a unique and exciting opportunity for the Department of Conservation and Ngāti Awa to give effect to cooperative conservation management and planning for specified reserve areas which are of regional and national ecological and cultural significance.
3. The committee held its inaugural meeting on 1 February 2006. At that meeting, the six appointed members resolved that it was appropriate to recognise the formation of the committee, its uniqueness and special relationship with Ngāti Awa and its rohe / region of influence. It was decided at the September 13th, 2007 meeting to refer to the committee as *Te Tapatoru-a-Toi*
4. The meaning and significance of *Te Tapatoru-a-Toi* is that it describes the committee as a unique triangle that is the kaitiaki of taonga within the bounds of the land and sea associated with the ancestor Toi. The triangle represents the three iconic articles of the Treaty of Waitangi; Governance, Kaitiakitanga/Ngāti Awatanga and community; the three reserves managed by the committee; Moutohorā, Ohope Scenic Reserve and Tauwhare Pā and the three agencies; the Director General of Conservation, Iwi and Community that nominate the committee members.

5. Vision and Objectives

The vision of *Te Tapatoru-a-Toi* is that the communities and agencies represented by *Te Tapatoru-a-Toi* cherish the taonga entrusted to them and are working together for the preservation and protection of the natural and cultural values that make them significant, and promotion of these to all New Zealanders.

6. The objectives of *Te Tapatoru-a-Toi* are as follows:
 - (a) To fulfil the statutory functions and powers assigned under the NACSA in an open and transparent manner;

- (b) To provide sound leadership, vision and strategic direction for the future cooperative conservation management of the jointly managed reserve areas;
- (c) To recognise and respect the various interests and values that each member represents; and
- (d) To support and encourage the development of relationships and appropriate management of the jointly managed reserves areas having regard to the regional and national ecological and cultural significance.

Structure

7. The structure of *Te Tapatoru-a-Toi* is six members appointed by the Minister of Conservation. The membership includes:
 - (a) Two members nominated by the Director-General of Conservation;
 - (b) Three members nominated by Te Rūnanga o Ngāti Awa; and
 - (c) One member nominated by the East Coast / Bay of Plenty Conservation Board.
8. The inaugural members of *Te Tapatoru-a-Toi* were appointed by the Minister on 1 November 2005 (NZ Gazette 2005/5132) for a term of five years. The inaugural members are:
 - (a) David Field and Don Herdman (nominated by the Director-General of Conservation);
 - (b) Te Kei Merito, John Hohapata-Oke and Rapata Kopae (nominated by Te Rūnanga o Ngāti Awa); and
 - (c) Anthony Olsen (nominated by the Bay of Plenty Conservation Board, 2005).
9. Under the NACSA, the Minister may, from time to time, remove members and appoint additional members to *Te Tapatoru-a-Toi*. The Minister is also required to consult with and have regard to the views of *Te Tapatoru-a-Toi* if he / she intends to exercise any discretion under the NACSA to discharge the committee, change the composition of the committee, appoint a new committee or in any way change the nature of the delegated functions and powers of *Te Tapatoru-a-Toi*.

Jointly Managed Reserve Areas

10. *Te Tapatoru-a-Toi* has functions and powers in relation to the following jointly managed reserve areas in the Bay of Plenty region:
 - (a) Moutohorā (Whale) Island Wildlife Management Reserve (143.2586 ha);

- (b) Ohope Scenic Reserve (489.2231 ha); and
- (c) Tauwhare Pa Scenic Reserve (11.3800 ha).

Functions and Delegated Powers

11. *Te Tapatoru-a-Toi* has a diversity of functions under the NACSA, which include express management and decision-making functions as well as advisory functions.
12. The Minister of Conservation has delegated certain functions and powers under the Reserves Act 1977 for the jointly managed reserve areas. The instrument of delegation is set out in Appendix 1 of this document.
13. The Commissioner (who is exercising the powers of the administering body) has also been given a separate delegation of the function and power under section 22(5) of the Reserves Act 1977 in relation to Moutohorā (Whale) Island. The instrument of delegation is set out in Appendix 2 of this document. The effect of this delegation is that *Te Tapatoru-a-Toi* may manage physical access to the island.
14. *Te Tapatoru-a-Toi* has the power to grant or decline permits for members of Ngāti Awa for collecting hāngi stones from Moutohorā (Whale) Island in accordance with environmental requirements under the NACSA.
15. Delegation of functions and powers to *Te Tapatoru-a-Toi* does not prevent the Minister of Conservation or the Commissioner through the Department of Conservation from exercising the functions and powers concerned. For the avoidance of doubt, the delegation of functions and powers to *Te Tapatoru-a-Toi* does not limit the Department of Conservation's day-to-day operational responsibilities under the Reserves Act 1977 in relation to the jointly managed reserve areas.
16. *Te Tapatoru-a-Toi* also has a broader function to advise the Minister of Conservation, the Department, the NZ Conservation Authority, and the East Coast / Bay of Plenty Conservation Board in relation to conservation of the jointly managed reserve areas. These entities have a statutory duty to consult and have regard to the advice of *Te Tapatoru-a-Toi* in relation to the jointly managed reserve areas and following matters:
 - (a) The development of conservation policy;
 - (b) Conservation management; and
 - (c) Annual business planning.

17. *Te Tapatoru-a-Toi* is deemed to have all the powers and functions of a Conservation Board for the purposes of section 40B of the Reserves Act 1977. The effect of this statutory deeming is that *Te Tapatoru-a-Toi* will have the final approval role for any conservation management plan/s for the jointly managed reserve areas.

Strategic Direction and Priorities for 2006/2007 and beyond

18. At the first meeting of *Te Tapatoru-a-Toi* held on 1 February 2006 the members resolved that the priorities for 2006 / 2007 will be as follows:
- (a) Completion of Kawa me ngā Tikanga / Protocol & Procedure Guidelines;
 - (b) Provide strategic direction and advice to the Department of Conservation to commence the conservation management planning process for Ohope and Tauwhare Pa Scenic Reserves;
 - (c) Commence a review of the current conservation management plan for Moutohorā (Whale) Island (1999 - 2009); and intergrate this into one new Conservation Management Plan for the three reserves;
 - (d) To cement the mana and presence of *Te Tapatoru-a-Toi* with people, communities, Marae, conservation stakeholders and other external agencies (for example - the local and regional councils, universities and other tertiary education providers) within the Whakatāne region that have associations with the jointly managed reserve areas.¹
19. *Te Tapatoru-a-Toi* recognises that strategic priorities for the jointly managed reserve areas have also been identified by Te Rūnanga o Ngāti Awa. These priorities are not unlike the objectives and priorities contained within the Department of Conservation's Conservation Management Strategy.
20. Accordingly, it is appropriate for members of *Te Tapatoru-a-Toi* to have an appreciation of the respective priorities from the organisations that they represent and are appointed from when:
- (a) Developing *Te Tapatoru-a-Toi's* strategic directions and prioritise for any given year; and

¹ Note that Environment Ngati Awa has indicated it can assist with Te Tapatoru relationship building - including the possibility of a page or hyperlink between Ngati Awa's website and/or reference within Environment Ngati Awa's quarterly newsletter about te Tapa Toru business and achievements.

- (b) Developing management plans, other relevant documents and/or decision-making concerning the jointly managed reserve areas.

Treaty of Waitangi Partnership

21. *Te Tapatoru-a-Toi* is a contemporary expression of a relationship and structure founded on the Treaty of Waitangi in the following way:
 - (a) The representatives of the Crown – reflects Article One of the Treaty (Kawanatanga / Governance);
 - (b) The representatives of Te Rūnanga o Ngāti Awa – reflects Article Two of the Treaty (Tino RaNgātiratanga / Maori Authority); and
 - (c) The representative of the Bay of Plenty Conservation Board – reflects Article Three of the Treaty (Oritetanga / Citizenship & Community).
22. The collective responsibility of *Te Tapatoru-a-Toi* in exercising its functions and powers is to give expression to the duties and obligations of Kaitiakitanga / Guardianship & Stewardship as a significant and recognised principle of the Treaty of Waitangi established by the Courts and recognised in environmental based legislation in Aotearoa / New Zealand.
23. *Te Tapatoru-a-Toi* also recognises that the jointly managed reserves areas are classified under the Reserves Act 1977. This Act is listed in the first Schedule to the Conservation Act 1987. The exercise of the functions and powers that have been delegated to *Te Tapatoru-a-Toi* will be subject to section 4 of that legislation which relates to the duty to give effect to the principles of the Treaty of Waitangi.
24. It is recognised that there are many principles of the Treaty of Waitangi which have been established by reports of the Waitangi Tribunal, other Courts and incorporated into Ngāti Awa and/or the Department of Conservation's respective policy frameworks. The Treaty principles include (but not limited to) the following:
 - (a) Good governance;
 - (b) Tribal authority, rights to development and self-regulation;
 - (c) Partnership and co-operation;
 - (d) Crown and Maori parties to act reasonably and in good faith;
 - (e) Duty of active protection;
 - (f) Informed decision-making through consultation; and

- (g) Remedy of historical Treaty breaches and the avoidance of contemporary breaches.

Respect for Tikanga Ngāti Awa

25. *Te Tapatoru-a-Toi* recognises that Kaitiakitanga / Guardianship & Stewardship are an integral part of environmental responsibility under Tikanga Maori and Tikanga Ngāti Awa.
26. *Te Tapatoru-a-Toi* will conduct its meetings and business in a manner that is respectful and accommodating of Tikanga Maori, appropriate for the circumstances or issues. *Te Tapatoru-a-Toi* are supporting the use of Te Reo Maori / Maori language along with the benefit of translation for non-Maori speakers of *Te Tapatoru-a-Toi*.
27. *Te Tapatoru-a-Toi* recognises that it will be Tikanga Maori o Te Rūnanga o Ngāti Awa that will be paramount. Any questions or issues of concern in this regard will be directed to the Chairperson of *Te Tapatoru-a-Toi*.
28. The three Ngāti Awa representatives of “*Te Tapatoru-a-Toi*” will be responsible for facilitating the implementation of Ngāti Awa Kaitiakitanga (Guardianship & Stewardship) imperatives regarding;
 - a) Moutohorā (Whale Island) Wildlife Management Reserve
 - b) Ōhope Scenic Reserve, and
 - c) Tauwhare Pā Scenic Reserve

PART 2 – ORGANISATION & OTHER MATTERS

Te Mana of the Committee

1. *Te Tapatoru-a-Toi* held its inaugural meeting on 1 February 2006. At that meeting, the six appointed members resolved that it was always appropriate and preferable for the mana / authority and respect for *Te Tapatoru-a-Toi* that a collective effort is made to appoint one of the Ngāti Awa representatives as Chairperson.

Chairperson

2. The NACSA provides that unless the members cannot otherwise agree, the members of *Te Tapatoru-a-Toi* must appoint their Chairperson.
3. The inaugural Chairperson elected is Te Kei Merito.
4. The Chairperson has the following roles:
 - (a) To preside over, maintain control and order of all meetings;
 - (b) To provide reasonable opportunity for open discussion and for all members to express his / her views on any business before *Te Tapatoru-a-Toi*;
 - (c) To make rulings (if required) on any procedural matters and the conduct of business for any meeting;
 - (d) Exercise the right of casting vote;
 - (e) To be the first point of contact and coordinate any response, decision and/or advice on behalf of *Te Tapatoru-a-Toi* as required for any emergency and/or urgent matters in relation to the jointly managed reserve areas;
 - (f) Spokesperson on behalf of *Te Tapatoru-a-Toi* for all external and/or public communications;
 - (g) Signing authority for any written communications on behalf of *Te Tapatoru-a-Toi*;
 - (h) Liaise with *Te Tapatoru-a-Toi* members and/or support services (as required) for setting the agenda and business to be addressed at meetings;
 - (i) Liaise with representatives of Environment Ngāti Awa and/or the Department of Conservation through the Whakatāne Field Centre for any matters, briefing papers and/or draft responses for all issues associated with the jointly managed reserve areas;

- (j) Liaise with *Te Tapatoru-a-Toi* members and the role of extending invitations to members of the public or interested groups for attendance at a meeting of *Te Tapatoru-a-Toi* for a specified purpose; and
- (k) To maintain and manage a master file of all correspondence, notices of meetings, agendas and minutes of meetings relating to the work of *Te Tapatoru-a-Toi*.¹ This file will be kept by the *Te Tapatoru-a-Toi* support staff at the Whakatāne District Office.

Meetings

5. The NACSA provides that *Te Tapatoru-a-Toi* must meet twice a year. Subject to available resources and nature of business to be conducted further meetings may occur.
6. At the inaugural meeting *Te Tapatoru-a-Toi* resolved that for 2006 / 2007 financial year; the committee would require 4 meetings (on a 3-monthly basis).
7. Meeting venues will be decided as required and will reflect availability and/or alternating venues between *Te Rūnanga o Ngāti Awa* and Department of Conservation facilities. It is recognised that there may be appropriate times that a meeting of *Te Tapatoru-a-Toi* is convened at one of *Ngāti Awa's* Marae.
8. For the purpose of *Te Tapatoru-a-Toi* providing advice to the Department of Conservation in relation to annual business planning for the jointly managed reserve areas, meeting dates of *Te Tapatoru-a-Toi* will need to be scheduled to align with the annual business planning and/or budget timetables. Accordingly, agenda items for *Te Tapatoru-a-Toi's* February and/or November meetings may include briefings and for *Te Tapatoru-a-Toi* to provide its advice for the annual business planning process concerning the jointly managed reserve areas.
9. Meetings of *Te Tapatoru-a-Toi* will not generally be open to the public. However, it is recognised that there may be times when it is appropriate for *Te Tapatoru-a-Toi* to extend an invitation to an individual or group to attend a meeting for the purposes of information sharing, briefing, relationship building or case-by-case basis for a specific purpose. Members should liaise with the Chairperson if they want any member of the public and/or

¹ Note that in relation to keeping records and information relevant to *Te Tapatoru-a-Toi*, *Environment Ngāti Awa* and/or *Department of Conservation* may also maintain other files and records associated with the committee and the jointly managed reserve areas.

interested group to attend a meeting of *Te Tapatoru-a-Toi* and such an invitation will be extended to those concerned through the Chairperson of *Te Tapatoru-a-Toi*.

10. It is further recognised that there may be times when it is appropriate for *Te Tapatoru-a-Toi* to act “in committee” when dealing with confidential, privileged, cultural, and commercial or other sensitive information which is subject to obligations of confidentiality. The Chairperson, in consultation with the members, has the authority to declare any part of a meeting of *Te Tapatoru-a-Toi* to be “in committee” and thereby require the departure for a specified time of any technical advisors and/or support staff of Te Rūnanga o Ngāti Awa, the Department of Conservation, any other person or member of the public.

Conduct and Rules of Debate

11. For guidance in relation to the conduct, debate and other procedural rules of meetings, *Te Tapatoru-a-Toi* is a statutory board (see section 2) and has adopted the New Zealand Standard “*Model Standing Orders for Meetings of Public Bodies*” (NZMP 9204:1993).
12. *Te Tapatoru-a-Toi* will conduct meetings in a frank, open and professional manner. As noted above, the Chairperson will preside over meetings and will have the final authority in relation to meeting conduct and rules of debate.
13. Meetings will be respectful of each member’s view and contribution to the item of business before *Te Tapatoru-a-Toi*.

Quorum, Voting and Casting Vote

14. The quorum for a meeting of *Te Tapatoru ā Toi* which requires any decision and/or voting shall be as described in Section 39 above; The New Zealand Standard “*Model Standing Orders for Meetings of public Bodies*” (MNZMP 9204:1993)

Section 2.8.2 “The quorum at any meeting of the board shall consist of half the members (including vacancies) if the number is even, and a majority if the number is odd”.

In addition to the above requirements, a quorum shall include a minimum of two (2) Ngāti Awa representatives i.e. a minimum of three (3) members are required for a quorum, with at least two (2) Ngāti Awa representatives required.

15. *Te Tapatoru-ā-Toi* will use its best endeavours to ensure a consensual approach to any decision and/or voting to be made.

16. However, in the absence of a consensual decision and/or vote, then a majority decision and/or vote will be given effect to by *Te Tapatoru-a-Toi* in accordance with the relevant provisions of the New Zealand Standard “*Model Standing Orders for Meetings of Public Bodies*” (NZMP 9204:1993).
17. In the case of an even split of members for a decision and/or vote, then as provided under the NACSA the Chairperson will have the casting vote. To avoid doubt, the Chairperson is not obliged to exercise the casting vote.

Agenda and Minutes

18. For each proposed meeting of *Te Tapatoru-a-Toi* an agenda will be circulated to all six members at least seven days prior to the meeting date.
19. The meeting agenda will be developed and managed by the Chairperson in consultation with the other members of *Te Tapatoru-a-Toi*. The meeting agenda will also be developed having regard to any business items that will need to be addressed at the respective meeting after consulting with Environment Ngāti Awa and the Department of Conservation’s support personnel and any other interested public group (if necessary and appropriate for consideration by *Te Tapatoru-a-Toi*).
20. *Te Tapatoru-ā-Toi* will have the following as standard agenda items at each meeting;
 - Reports from the Department of Conservation on progress of matters pertaining to Tauwhare Pā, Ohope Scenic Reserve and Moutohorā.
21. *Te Tapatoru-ā-Toi* will ensure that an accurate record and minute of each meeting is maintained. The first order of business at every meeting of *Te Tapatoru-a-Toi* will be to endorse the minutes of the previous meeting as a true and correct record.
22. A master file of all correspondence, notices of meetings, agendas and minutes of meetings will be held by the Chairperson and will be held by the Department of Conservation at the Whakatane District office and will be available for inspection by any member of *Te Tapatoru-ā-Toi* upon request. It is also recognised that independent records of this documentation will be maintained and held by Environment

Special Procedure for Emergency and/or Urgent Matters

23. It is acknowledged that there may be situations arising or events which are emergency and/or urgent matters that need to be considered by *Te Tapatoru-ā-Toi* in relation to the

jointly managed reserve areas which do not coincide with the next scheduled meeting of *Te Tapatoru-ā-Toi*.

24. An example (but not limited to) of an emergency matter may be a situation that poses imminent danger, risks, or compromise to the conservation values of the jointly managed reserve areas which require immediate action or rectification by the Department of Conservation prior to the next scheduled meeting of *Te Tapatoru-a-Toi*.
25. An example (but not limited to) of an urgent matter may be a decision and/or advice that are required to be made by *Te Tapatoru-a-Toi* and there is an express statutory process or timeframe required to be met by law by the Department of Conservation or Environment Ngāti Awa prior to the next scheduled meeting of *Te Tapatoru-a-Toi*.
26. In the case of an emergency and/or urgent matter, Te Rūnanga o Ngāti Awa and the Department of Conservation's representative (as the case may be) will make immediate direct contact with the Chairperson of *Te Tapatoru-a-Toi* to brief him / her of the matter and advise the timeframe required for a response, decision, or advice on behalf of *Te Tapatoru-a-Toi*.
27. The Chairperson will then use his / her discretion to make immediate direct contact with two other members of *Te Tapatoru-a-Toi*. One member must be a representative of Te Rūnanga o Ngāti Awa and the other member must be a representative of the Director-General of Conservation or the Bay of Plenty Conservation Board.
28. The Chairperson and two members outlined above will consult and the Chairperson will provide the appropriate response, decision and/or advice in relation to the emergency or urgent matter on behalf of *Te Tapatoru-a-Toi*.
29. Under the general rules of delegation, it is not possible to sub-delegate a statutorily delegated function or power to a sub-committee. Therefore, any final decision must be referred to and made by *Te Tapatoru-a-Toi* committee (which may be informed by the task assigned and work produced by the sub-committee).
30. Therefore, at the next scheduled meeting of *Te Tapatoru-a-Toi*, the Chairperson, on behalf of the sub-committee will report the emergency and/or urgent matter and outcome to the full committee meeting and for the full committee to approve.

Sub-Committees

31. The members of *Te Tapatoru-a-Toi* may decide that it is appropriate to set up a sub-committee of no more than three of its members to undertake a task or project associated with *Te Tapatoru-a-Toi*'s functions and powers.
32. A sub-committee must be established with clear terms of reference, support services and timeframes associated with the task it is to perform, including when the sub-committee will report back to a full meeting of *Te Tapatoru-a-Toi*.
33. Under the general rules of delegation, it is not possible to sub-delegate a statutorily delegated function or power to a sub-committee. Therefore, any final decision must be referred to and made by *Te Tapatoru-a-Toi* committee (which may be informed by the task assigned and work produced by the sub-committee).

Resources, Funding and Support Services

34. Under the NACSA, resources, funding, and support services for the operation of *Te Tapatoru-a-Toi* are the responsibility of the Crown through the Department of Conservation from funding to be appropriated on an annual basis. There are no joint funding obligations between Te Rūnanga o Ngāti Awa and the Department of Conservation.
35. Administrative and secretarial support to *Te Tapatoru-a-Toi* will be provided and coordinated from the Department of Conservation's Whakatāne Area Office.
36. However, that does not preclude Te Rūnanga o Ngāti Awa deciding to make any form of contribution towards a specific project or operation of *Te Tapatoru-a-Toi*. Neither does the funding arrangement preclude *Te Tapatoru-a-Toi* promoting or obtaining funding for any conservation related initiative or other project for the jointly managed reserve areas from other sources external to the Crown.
37. Under the NACSA, *Te Tapatoru-a-Toi* is a "statutory board" for the purposes of payment of members' remuneration by way of salary, fees and travelling expenses in accordance with the Fees & Travelling Allowances Act 1951. Each member of *Te Tapatoru-a-Toi* will be required to complete and sign the requisite claim form for processing by the Department of Conservation after every meeting.
38. It is recognised that from time to time, support services might also include technical briefings to *Te Tapatoru-a-Toi* from representatives of Te Rūnanga o Ngāti Awa and the Department of Conservation aimed at providing all relevant information for *Te Tapatoru-a-*

Toi to make fully informed decisions on a subject matter relevant to the jointly managed reserve areas.

Professionalism

39. Members of *Te Tapatoru-a-Toi* recognise that they are performing a public function under the NACSA and the committee structure for the jointly managed reserve areas. *Te Tapatoru-a-Toi* is a statutory board which will work closely with a variety of stakeholders, central and local government, external groups, Māori, and other local communities.
40. At all times, members of *Te Tapatoru-a-Toi* will act and communicate in relation to their roles in a professional, courteous, and respectful manner. Members should always be an ambassador for the vision and objectives of *Te Tapatoru-a-Toi*. A member must also strive to exercise sound judgment which is impartial, objective, and appropriate for the issue or business before *Te Tapatoru-a-Toi*.
41. Standards of professionalism, conduct and dress standards may need to be adapted for situations and/or to accommodate customary or tikanga expectations. If any member is unsure what is expected of them in relation to professional issues in any given context, they are encouraged to immediately discuss their concerns with the Chairperson of *Te Tapatoru-a-Toi*.

Conflict of Interest

42. A conflict of interest may arise when a member of *Te Tapatoru-a-Toi* has in relation to his / her position, some other business, private and/or family interest, benefit or outcome that may influence the exercise of their role as member of *Te Tapatoru-a-Toi*. Conflict of interest may also arise where a business, private and/or family interest may affect a member's capacity to perform impartially or objectively in relation to the vision, objectives or functions and powers of *Te Tapatoru-a-Toi*.
43. A member must immediately consult with the Chairperson in relation to any perceived or actual conflict of interest. The Chairperson, in consultation with the nominating party of the member concerned (if required), has the discretion to require the affected member to abstain from any discussion, decision, voting or advice (as the case may be) where a conflict of interest arises.
44. The abstinence of a member because of a conflict of interest will have the effect of decreasing the required quorum (referred to in paragraph 42) for a decision and/or voting of the *Te Tapatoru-a-Toi* on that matter.

Public Information Obligations

45. It is recorded that all information provided to and generated by *Te Tapatoru-a-Toi* will be subject to the Official Information Act 1982 - to the effect that information will be publicly available to a requester, unless there is good reason to withhold that information.
46. Section 2 of the Official Information Act 1982 provides that where information is held by an unincorporated body (being a board, council, committee, subcommittee, or other body) which is established for the purpose of assisting or advising, or performing functions connected with, any Minister or Department of the Crown; and which is so established in accordance with any enactment or by any Department or Minister of the Crown - that information is deemed for the purposes of the Official Information Act 1982, to be information held by that Department or by the Minister (as the case may be).
47. If required, the Chairperson may liaise with technical support and/or the legal personnel of Te Rūnanga o Ngāti Awa and/or the Department of Conservation in relation to requests for public information and compliance with the requirements of the Official Information Act 1982.

Confidentiality

48. There may be circumstances during a members' involvement with *Te Tapatoru-a-Toi*, where a member receives confidential, privileged, cultural, and commercial or other sensitive information which is subject to obligations of confidentiality. Except as required by the Official Information Act 1982, a member must not disclose any confidential, privileged, and commercial or other sensitive information to any third party.
49. If a member is not sure of the status of any information, he / she should seek clarification through the Chairperson of *Te Tapatoru-a-Toi* who may need to revert to the source of the information concerned.
50. There may be circumstances where other interests (i.e. public interest, enhancing working relationships, information sharing, education etc.) where it would be beneficial to disclose confidential, privileged, cultural, and commercial or other sensitive information. Only the Chairperson of *Te Tapatoru-a-Toi* has the discretion and authority to decide concerning disclosure and to allow waiver of any confidentiality or privilege associated with information in these circumstances.

Annual Evaluation and Performance Report

51. Before *Te Tapatoru-a-Toi* undertakes the setting of its strategic directions and prioritise for a new business year (including the update of paragraph 18 of this document for that new year), *Te Tapatoru-a-Toi* will conduct an annual evaluation of the performance of its functions, powers, and achievements with reference to existing strategic directions and prioritise as at 30 June in each calendar year.
52. The annual evaluation and performance report will be produced in writing and endorsed and signed by all members of *Te Tapatoru-a-Toi*. The annual evaluation will address the statutory responsibilities and delegations it has and may address the strengths, weaknesses, threats, and opportunities faced by *Te Tapatoru-a-Toi* in fulfilling its role.
53. The annual evaluation and performance report will be produced annually in a style and format which is appropriate to be used to periodically report to the Minister of Conservation as the appointing authority of *Te Tapatoru-a-Toi*.
54. *Te Tapatoru-a-Toi* will also copy the annual evaluation and performance report to Te Rūnanga o Ngāti Awa, the Department of Conservation, and the Bay of Plenty Conservation Board as the nominating authorities for the respective members of *Te Tapatoru-a-Toi*.

Miscellaneous

55. To the extent that this document does not cover any *kawa me ngā tikanga* / protocol and procedure for the guidance of *Te Tapatoru-a-Toi*, the NACSA provides that *Te Tapatoru-a-Toi* may regulate its own procedure.
56. In this case, *Te Tapatoru-a-Toi* will consider incorporating any further *kawa me ngā tikanga* / protocol and procedure matters into this document when it is next reviewed.
57. It is recognised that the NACSA refers to the Ngāti Awa Charter which contains many provisions in relation to the roles, responsibilities and conduct of mandated representatives of Ngāti Awa. Therefore, the protocols, procedure and conduct outline in this document will not be inconsistent with the NACSA and/or the Ngāti Awa Charter.

APPENDIX 1 – DELEGATIONS FROM MINISTER

ATTACHEMENT 3

INSTRUMENT OF DELEGATION OF POWERS TO A JOINT MANAGEMENT COMMITTEE

1. PURSUANT to section 74 (1) of the Ngāti Awa Claims Settlement Act 2005, I CHRIS CARTER, Minister of Conservation, DELEGATE to the JOINT MANAGEMENT COMMITTEE established under the Ngāti Awa Claims Settlement Act 2005, such of my powers, functions, and duties under the Reserves Act 1977 as are set out in the following schedule.
2. The exercise of those powers, functions, and duties is subject to the “Limitation of Powers” specified in the schedule, subject to section 74(5) of the Ngāti Awa Claims Settlement Act 2005 and to the following conditions and provisions.
3. Any matter which, in a Joint Management Committee’s opinion, calls for the exercise of any of the powers, functions or duties referred to in the schedule at a higher level because of the nature of the issues involved, including:
 - a. Sensitive conservation values;
 - b. Political implications;
 - c. Social implications;
 - d. Economic implications;Shall be referred to the Minister of Conservation for consideration and/or decision.
4. The Joint Management Committee may consider the appropriateness of obtaining legal advice before exercising a power where in the committee’s opinion the power to be exercised involves:
 - a. Sensitive conservation values;
 - b. Political implications;
 - c. Social implications;
 - d. Economic implications;
 - e. The proposed revocation, suspension or amendment of a permit, licence, concession, consent, authorisation or other similar document, which action has not been requested or agreed to by an affected party.

SCHEDULE

(Attachment 5.3 of Ngāti Awa Deed of Settlement dated 27 March 2004)

A Powers and functions delegated in respect of the Ohope Scenic Reserve and Tauwhare Pā Scenic Reserve.

Sections of the Reserves Act 1977	Summary of Powers	Limitation of Powers
S42(1)	Give or decline to give express written consent to the cutting or destruction of trees and bush on the Reserve. Determine terms and conditions subject to which consent is given.	The delegation applies only to exotic trees and bush.
S45	Give or decline to give prior approval to the Commissioner to erect, or authorise any voluntary organisation or educational institution to erect shelters, huts, cabins, lodges, and similar resting or sleeping accommodation on the Reserve.	The delegation applies only where the use is provided for or contemplated in an approved management plan for the Reserve.
S46(2)	Grant or decline to grant, by notice in the Gazette, the right to bury or inter the remains of deceased Maori in a place in the Reserve to be specified.	
S50(1)	Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in the Reserve. Impose conditions on giving the authorisation. Authorise or decline to authorise the use of firearms, traps, nets, or other like objects within the reserve for the foregoing purposes.	The delegation is for non-protected exotic fauna only.
S51(1)	Authorise or decline to authorise in writing the Commissioner to introduce indigenous flora or fauna into the Reserve. Impose conditions on giving the authorisation.	Authorisations can only be given if provided for or contemplated in an approved management plan for the Reserve.
S55(1)(a)	Grant or decline to grant prior approval to the Commissioner to any planting of trees or shrubs on the Reserve.	Only exercisable where the planting is provided for or contemplated in an approved management plan for the Reserve.
S55(2)	Give or decline to give prior consent to the Commissioner to carry out any of the matters specified in sections 55(2)(a), (d), (e), (f) and (g) of the Reserves Act 1977.	Only exercisable where the matter is provided for or contemplated in an approved management plan for the Reserve.
S74(1)(b)(ii)	Consent or decline to consent to the Commissioner granting a licence in respect of the Reserve.	Only exercisable where the activity is provided for or contemplated in an approved management plan for the Reserve or the activity is an existing use and will be the same or similar in character, intensity and scale.


B Powers and functions delegated in respect of the Moutohorā (Whale Island) Wildlife Management Reserve, Ohope Scenic Reserve, and Tauwhare Pā Scenic Reserve

Sections of the Reserves Act 1977	Summary of Powers	Limitation of Powers
S49	Grant or decline to grant in writing the right to any qualified person to take specified specimens of flora or fauna or rock mineral or soil from the Reserves. Form an opinion as to whether a qualified person has the necessary credentials. Impose conditions on the grant in writing.	
S59A (1)	In accordance with Part IIIB of the Conservation Act 1987, grant or refuse a concession in respect of the Reserves.	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity, and scale.

C General Power

Sections of the Reserves Act 1977	Summary of Powers	Limitation of Powers
S121	Where, under any delegation provided for in Parts A and B of this <i>Attachment 5.3</i> , the consent or approval of the Joint Management Committee is required, the Joint Management Committee may give its consent or approval subject to such conditions as it thinks fit.	

SIGNED at Wellington this)
first day of *November* 2005)
 by **HON CHRIS CARTER,**)
 Minister of Conservation)



HON CHRIS CARTER

APPENDIX 2 – DELEGATION FROM COMMISSIONER

INSTURMENT OF DELEGATION OF RESERVE ACT 1977 POWER TO THE JOINT MANAGEMENT COMMITTEE.

1. PURSUANT to section 74 (2) of the Ngāti Awa Claims Settlement Act 2005, I JOHN CHARLES SUTTON, Commissioner, and officer designated for the purposes of the Reserves Act 1977, DELEGATE to the JOINT MANAGEMENT COMMITTEE established under the Ngāti Awa Claims Settlement Act 2005, my powers, functions, and duties under section 22(5) of the Reserves Act 1977 in respect of Moutohorā (Whale Island) Wildlife Management Reserve.
2. PURSUANT to section 74 (3) of the Ngāti Awa Claims Settlement Act 2005, the powers, functions, and duties delegated under this instrument includes the power to grant a permit to members of Ngāti Awa to enter the Moutohorā (Whale Island) Wildlife Management Reserve for the purpose of collecting hangi stones in accordance with section 86 of the Ngāti Awa Claims Settlement Act 2005.
3. Any matter which, in the Joint Management Committee's opinion, calls for the exercise of these powers, functions or duties at a higher level because of the nature of the issues involved, including:
 - a. Sensitive conservation values;
 - b. Political implications;
 - c. Social implications
 - d. Economic implications;
 - e. Treaty of Waitangi implications;

May be referred to the Commissioner for consideration and/or decision

SIGNED at Murupara this)
day of *1st November* 2005)
by JOHN CHARLES SUTTON,)
Commissioner, an officer designated)
for the purposes of the Reserves)
Act 1977)



