

Agenda 2022

Regional and Strategic Leadership Committee

Date: Wednesday, 22 June 2022
Time: 1.00 PM
Venue: Council Chamber
Environment Canterbury
200 Tuam Street, Christchurch



Regional and Strategic Leadership Committee

Membership

Committee Co-Chairs:	Chair Jenny Hughey Councillor Peter Scott
Deputy Chair:	Councillor Megan Hands
Committee Members:	Councillor Tane Apanui Councillor Phil Clearwater Tumu Taiao Yvette Couch-Lewis Tumu Taiao laean Cranwell Councillor Grant Edge Councillor Ian Mackenzie Councillor Nicole Marshall Councillor Claire McKay Councillor Elizabeth McKenzie Councillor Craig Pauling Councillor Lan Pham Councillor Vicky Southworth Councillor John Sunckell

REGIONAL AND STRATEGIC LEADERSHIP COMMITTEE

TERMS OF REFERENCE

Adopted by Council 29 April 2021

REPORTING TO:	Council
MEMBERSHIP:	All members of Council Ngā Tumu Taiao
QUORUM:	Eight (8)
MEETING FREQUENCY:	Six weekly
CHAIR:	Two Co-chairs One Deputy Chair

A. PURPOSE

1. To:
 - a. Set Council's strategic direction and policy responses;
 - b. Signal regional issues;
 - c. Respond to external agency statutory planning processes; and
 - d. Provide thought leadership across matters of regional significance;
 - e. Establish strategic priorities for organisational direction and policy setting.
 - f. Develop Council's non-financial performance monitoring framework.
 - g. To work in the spirit of genuine partnership and assist the Council in fulfilling its duties as a partner with Ngāi Tahu and in alignment with the principles contained within the Tuia Agreement. In particular, the committee will support effective partnerships with Papatipu Rūnanga, recognise the relevance of Te Ao Māori and affirm the importance of an enduring and collaborative relationship between Environment Canterbury and Ngāi Tahu Papatipu Rūnanga.

B. SPECIFIC RESPONSIBILITIES

2. To advise Council on matters relating to its regional governance role, which will include:
 - a. Developing Council's strategic direction and recommending policy responses;
 - b. Developing Council's position on regionally significant issues;
 - c. Developing Council's long-term and annual plan and recommending those plans to the Council;

- d. Oversight of the Council's engagement with the community;
 - e. Advocacy with central government and other agencies;
 - f. Legislative reviews, including preparing and making of submissions to Select Committees;
 - g. Monitoring of the impact of Council's policies on the social, economic, environmental and cultural well-being of the region.
 - h. Oversee the Council's coordination with other South Island regional councils.
3. Ensure that the Committee's decision making:
- a. Considers climate-change related risks; and
 - b. Is consistent with Council's plans and initiatives to give effect to Council's declaration of a climate emergency on 16 May 2019.

C. DELEGATIONS

- 4. Subject to sections 5 and 6, Council delegates to the Committee all the powers, functions and duties necessary to perform the Committee's responsibilities, except those that must not be delegated.
- 5. The Committee may make decisions on matters with a financial impact only where the related costs are budgeted for within a current, adopted Long Term Plan or Annual Plan, otherwise the matter must be referred to the Council for decision.
- 6. The Committee may not make a decision that is materially inconsistent with the Council's Long-Term Plan or Annual Plan.

Regional and Strategic Leadership Committee

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1. Mihi / Karakia Timatanga - Opening

The meeting will be opened with a mihi whakatau, followed by a member of the Regional and Strategic Leadership Committee with a karakia.

2. Apologies

At the time the agenda closed there were no apologies received.

3. Conflicts of Interest

Members are reminded to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4. Public Forum, Deputations, and Petitions

There were no requests for public forum, deputations and petitions at the time the agenda was prepared.

5. Extraordinary and Urgent Business

The Chairperson will give notice of items requiring urgent attention not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Regional and Strategic Leadership Committee:

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting. The item may be allowed onto the agenda by resolution of the Regional and Strategic Leadership Committee.

Minor Matters relating to the General Business of the Regional and Strategic Leadership Committee:

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. The meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

6. Notices of Motion

At the time the agenda closed there were no notices of motion received.

7. Minutes

7.1. Unconfirmed Minutes - Regional and Strategic Leadership Committee - 12 May 2022

Regional and Strategic Leadership Committee

Date of meeting	Wednesday, 22 June 2022
Author	Juliet Bruce, Committee Advisor
Endorsed by	Catherine McMillan, General Manager Governance

Purpose

1. The previously circulated minutes from the Regional and Strategic Leadership Committee on 12 May 2022 are to be confirmed.

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Confirms the minutes from the Regional and Strategic Leadership Committee meeting held 12 May 2022.**

Attachments

1. RSLC 2022-05-12 UNCONFIRMED Minutes [7.1.1 - 9 pages]

Minutes of the Regional and Strategic Leadership Committee (under COVID-19 Orange Traffic Light restrictions), held in the Council Chamber, Environment Canterbury, 200 Tuam Street, Christchurch on Thursday, 12 May 2022 at 01:06pm.

Present

Committee Co-Chairs Chair Jenny Hughey and Councillor Peter Scott, Deputy Chair Councillor Megan Hands, Councillors Tane Apanui*, Phil Clearwater, Grant Edge, Ian Mackenzie*, Nicole Marshall, Claire McKay, Elizabeth McKenzie, Craig Pauling*, Lan Pham, Vicky Southworth, and John Sunckell, ngā Tumu Taiao Yvette Couch-Lewis* and laean Cranwell.

*via online

1. Mihi / Karakia Timatanga - Opening

Cr Peter Scott opened the meeting with a mihi whakatau, followed by a karakia.

2. Apologies

An apology for lateness was received from Cr Craig Pauling.

3. Conflicts of Interest

There were no conflicts of interest reported.

4. Public Forum, Deputations, and Petitions

4.1.1 Public Forum - One Voice Te Reo Kotahi (OVTRK)

Katherine Peet and Jessica Halliday from OVTRK Organising Group spoke regarding third sector organisations and relevant strategy and policy and provided a presentation attached.

Cr Craig Pauling and Tumu Taiao Yvette Couch-Lewis joined the meeting at 1.09pm.

Resolved RSLC/2022/10

That the Regional and Strategic Leadership Committee:

1. receives the public forum from Katherine Peet and Jessica Halliday of One Voice Te Reo Kotahi (OVTRK) Organising Group regarding agenda item 4.1.1. Public Forum.

2. provides a reply to OVTRK Organising Group as soon as practicable, regarding how we can work together cooperatively.

Chair Jenny Hughey/Cr Lan Pham

CARRIED

5. Extraordinary and Urgent Business

There was no extraordinary or urgent business.

6. Notices of Motion

There were no notices of motion.

7. Minutes

7.1. Unconfirmed Minutes - Regional and Strategic Leadership Committee - 31 March 2022

Resolved RSLC/2022/11

Staff recommendations adopted without change.

That the Regional and Strategic Leadership Committee:

1. confirms the minutes from the Regional and Strategic Leadership Committee meeting held Thursday, 31 March 2022.

Cr Vicky Southworth/Cr Nicole Marshall

CARRIED

8. Report Items

8.1. Regional and Strategic Leadership Committee Resolutions Status Report - May 2022

Resolved RSLC/2022/12

Staff recommendations adopted without change.

That the Regional and Strategic Leadership Committee:

1. notes the status of previous resolutions provided in the Status of Regional and Strategic Leadership Committee Resolutions report May 2022.

Cr Vicky Southworth/Cr Elizabeth McKenzie

CARRIED

8.2. Portfolio Performance Report Third Quarter 1 July 2021 - 31 March 2022

Resolved RSLC/2022/13

Staff recommendations adopted without change.

That the Regional and Strategic Leadership Committee:

1. notes the information in the Portfolio Performance Report (to end of the third quarter) 1 July 2021 - 31 March 2022 for the five portfolios: Water and Land, Biodiversity and Biosecurity, Climate Change and Community Resilience, Air Quality, Transport and Urban Development, and Regional and Strategic Leadership.
2. notes that minor amendments to the Portfolio Performance Report (to end of the third quarter) 1 July 2021 - 31 March 2022 prior to its publication may be approved by the Chief Executive of Environment Canterbury.

Cr Lan Pham/Cr Phil Clearwater

CARRIED

8.3. Natural Hazards Insurance Bill Submission

Resolved RSLC/2022/14

Staff recommendations adopted without change.

That the Regional and Strategic Leadership Committee:

1. approves the Environment Canterbury draft submission (Attachment 1) on the Natural Hazards Insurance Bill 2022 to be submitted to the Finance and Expenditure Select Committee, subject to the amendment of paragraphs 17 and 18, being:
 17. Similarly, we note the ambiguity in the Bill as to the cover for secondary and cascading natural hazards. These are hazards which occur as a direct result of the initial hazard but at a later time than the primary hazard. Secondary hazards themselves may trigger further hazards resulting in a cascade of different hazard events. Examples of these type of events can be seen regularly in New Zealand and Canterbury and would include examples such as liquefaction following the 2011 Christchurch Earthquake and a series of events related to the 2016 Kaikōura Earthquake. The Kaikōura seismic event triggered a local-source tsunami, slow-slip earthquakes along the Hikurangi subduction zone, more than 18,500 aftershocks and over 10,000 landslides and rockfalls in North Canterbury and Marlborough (secondary hazards). These landslides blocked rivers and generated more than 200 landslide dams which posed significant flooding risk to areas downstream (cascading hazards).
 18. A reading of the Bill could be that damage caused by secondary events and cascading hazards is not covered because they may not be classed

as a “direct result” of the initial hazard. The Bill provides cover against fires caused by a primary hazard and we would strongly recommend amendment to the Bill to clarify the position of damage caused by other types of physical secondary hazards. We are concerned that the present Bill could cause confusion and community stress if the level of cover provided to physical secondary hazards is not made clearer.

2. delegates to the Chief Executive the amendment of any minor or clerical errors in the submission, prior to submitting to the Finance and Expenditure Select Committee.

Chair Jenny Hughey/Cr Phil Clearwater
CARRIED

8.4. Annual Plan Mahere ā Tau 2022/23

Resolved RSLC/2022/15

Staff recommendations adopted without change.

That the Regional and Strategic Leadership Committee:

1. notes the update on activity, and that the development of the Annual Plan Mahere ā Tau 2022/23 is on track for adoption in June 2022 of a final plan for Year 2 of the Long-Term Plan 2021-31.

Tumu Taiao laean Cranwell/Cr John Sunckell
CARRIED

9. Next Meeting

The next meeting will be held on Wednesday, 22 June 2022 at 1:00pm.

10. Mihi / Karakia Whakamutunga - Closing

A mihi was provided by Tumu Taiao laean Cranwell, followed by a karakia whakamutunga.

Meeting concluded at 2:40pm.

CONFIRMED 22 JUNE 2022

Co-Chair, Councillor Peter Scott
Environment Canterbury

Co-Chair, Chair Jenny Hughey
Environment Canterbury



What is the 'Third Sector'?

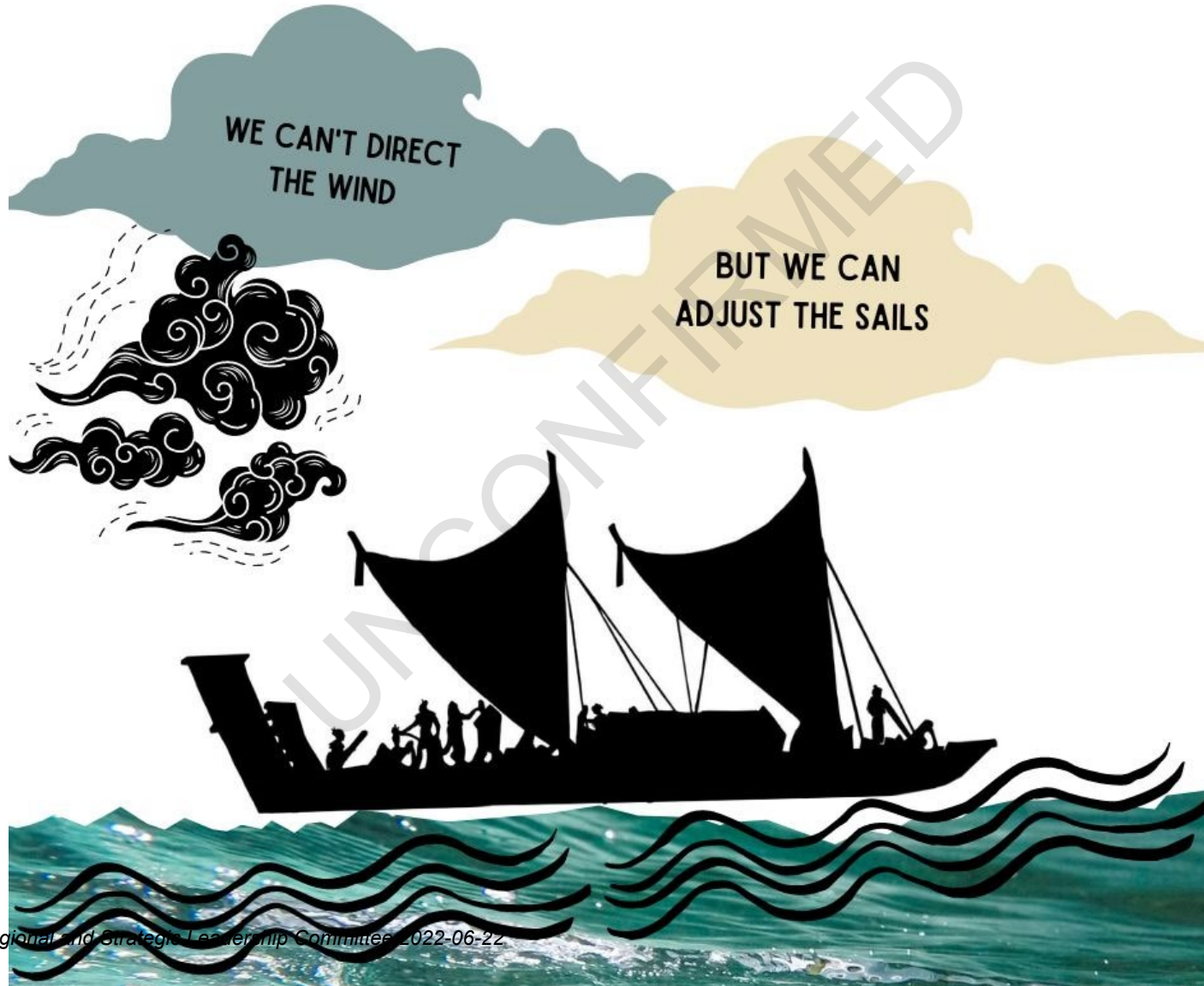
- Organisations that have not been formed by Government or Commerce
- Third Sector organisations (TSOs) organise around common interests, identities, issues or places
- Third Sector organisations (TSOs) are also known as:
 - Community-initiated Groups
 - Non-Government Organisations (NGOs)
 - Non-Profit Institutions (NPIs)



What is One Voice Te Reo Kotahi?

- OVTRK upholds the four wellbeings, where the indigenous status of tangata whenua and the role of tangata Tiriti is understood
- OVTRK promotes an ecological Tiriti o Waitangi-based multicultural future
- OVTRK advocates for the value of and expertise within TSOs
- OVTRK creates meaningful communication conduits for Third Sector voices so that they shall be heard alongside and independently from the statutory sector
- OVTRK speaks from, not for, the Third Sector
- Any TSO can be put itself on the **OVTRK Register** provided it is interested in working with others in greater Christchurch according to the **OVTRK kaupapa**

We are in the same boat for a just transition to a Treaty-based future
Mō tātou, ā, mō kā uri ā muri ake nei – for us and our children after us





Some Examples of TSO expertise with which OVTRK is currently working:

- **Living Wage Movement:** Providing guidance on fair pay
- **Grant Making Ecosystem:** Knowing where money comes from, where it goes and how it gets there
- **Community Languages Information Network Group (CLING):** Providing equitable access to public information and services, and the ability to communicate and participate in society
- **Network Waitangi Ōtautahi:** Understanding the Treaty as a framework for the future for all of us
- **Wise Response:** Positioning sustainability as a scientific and a social issue



So...

- Let's work together to create more fruitful collaborations
- Adopt “Third Sector Organisations” rather than “Community Organisations” – it is more befitting
- The relationship starts with developing strategy and policy together
- The relationship can't start when you want service or project delivery

What communication should OVTRK establish with ECan, so that TSOs can contribute to ECan leadership, strategy and policy?

8. Report Items

8.1. Youth Rōpū Update

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Matt Stanford, Senior Youth Engagement and Education Advisor
Responsible Director	Tafflyn Bradford-James, Director Communications and Engagement

Purpose

1. To provide an update to the Regional and Strategic Leadership Committee on the activities undertaken by the Environment Canterbury Youth Rōpū (EYR).
2. Bringing updates to the Regional and Strategic Leadership Committee ensures the Committee is aware of the work of the EYR, their values, drivers and topics of particular interest. It also allows for face-to-face dialogue with all Councillors and Tumu Taiao, in addition to the monthly EYR/Youth Liaison Councillors' meet-ups.

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Notes the contents of the verbal update from the Environment Canterbury Youth Rōpū on their working structure.**

Key points

3. The Environment Canterbury Youth Rōpū will give a verbal update to the Committee on their working structure.

Background

4. The EYR is a formalised group of people aged 14-24 who have an interest in the environment, developing their leadership skills and being part of an exciting team of young people that make a difference.
5. The group consists of 16 people with two Mana Whenua, and two geographic representatives from each of the following areas - North Canterbury, Mid Canterbury, South Canterbury, Christchurch Northeast, Christchurch West, Christchurch South and Christchurch Central.
6. EYR prioritises giving a youth voice to the following areas:
 - Advice to Councillors and staff – to inform process and decisions

- Attend Environment Canterbury meetings of relevance – to be a youth voice and presence
- Consultations and submissions – to influence decisions being made
- Social media – to engage a wide range of young people in relevant issues
- Organising events – to foster youth engagement with the relevant issues
- Learning and Development opportunities – youth rōpū members will be given relevant opportunities to upskill throughout their time as a member

Environment Canterbury Youth Rōpū Mission Statement

7. The EYR exists to build a two-way relationship between young people and Environment Canterbury to empower each other to be good kaitiaki of our environment.

Environment Canterbury Youth Rōpū Goals

- **Information is attainable for young people:** The EYR helps Environment Canterbury share attainable information to young people to inform them in a meaningful way about what is happening at Environment Canterbury and how they can participate.
- **Young people know how they can make a difference:** The EYR helps young people to understand how they can make a difference, so people of our generation can demand the change they want and/or need.
- **Youth empowerment is recognised and accounted for across regional and national sectors:** The EYR advocates for youth representation and empowerment throughout Waitaha and wider Aotearoa New Zealand by being an active participant in cross-sectoral conversations and events and supporting the creation of youth roles in all networks and sectors.
- **Environment Canterbury incorporates youth voices into decision making:** The EYR provides a pathway for Environment Canterbury to receive the fresh and sustainable perspective that young people bring.
- **Young people can engage with their regional councillors:** The EYR allows young people to engage with elected representatives in a way that moves beyond tokenism.

Cost, compliance and communication

8. The Environment Canterbury Youth Rōpū operates with a budget of \$16,600pa held by the Youth Engagement and Education team within Communications and Engagement. This budget covers events and projects, kai, travel, and personal development opportunities. Youth engagement costs are covered by the wider Communications and Engagement activity or project-specific budgets.

Engagement, Significance and Māori Participation

9. One of the key workstream areas of the Environment Canterbury Youth Rōpū is to engage with the young people of the region and to advise Environment Canterbury on youth engagement. Having the two mana whenua representatives enables that advice to specifically cover reaching Ngāi Tahu youth and to ensure the Ngāi Tahu voice and values are reflected.

Consistency with Council Policy

10. No departure from Council policy is proposed.

Climate Change Impacts

11. Climate change is of particular interest to the members of the EYR and to the wider youth of the region. Engaging on climate change matters and ensuring input from young people into climate change response activity is likely to form a significant part of the work of the EYR over the coming year.

Communication

12. Currently the EYR meets monthly with Youth Liaison Councillors but would like the opportunity to form a relationship with all Councillors and Tumu Taiao, therefore is looking to be active at two Regional and Strategic Leadership Committee meetings in 2022 as well as participating in the Annual Plan 2022/23 process and other issues as appropriate. This is the second meeting of the Regional and Strategic Leadership Committee that EYR representatives have added in 2022.

Next steps

13. Following this meeting, the EYR will be further developing their work programme and will engage with future meetings of the Regional and Strategic Leadership Committee on specific areas of work.

Attachments

Nil

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	[Names of two peer reviewers who have reviewed this paper]

8.2. Regional and Strategic Leadership Committee Resolutions Status Report - June 2022

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Christina Eaglin, Committee Advisor
Responsible Director	Tafflyn Bradford-James, Director of Communications and Engagement

Purpose

1. To provide visibility on the status of resolutions made by Regional and Strategic Leadership Committee.

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Notes the status of previous resolutions provided in the Status of Regional and Strategic Leadership Committee Resolutions report June 2022.**

Status Reporting

2. The status of resolutions will be reported at each ordinary Committee meeting going forward. The report will include all resolutions from the previous meeting plus any incomplete actions from prior meetings. Comments and progress updates on incomplete actions will be provided where applicable.

Cost, compliance, and communication

Financial implications

3. The report will be compiled using existing staff resources, therefore there are no additional financial implications.

Risk assessment and legal compliance

4. This will give visibility to each Committee of matters outstanding to ensure appropriate actions have been taken as resolved.

Engagement, Significance and Māori Participation

5. Not applicable.

Consistency with council policy

6. Under Environment Canterbury Standing Orders 28.3 discussion of minutes is limited to their correctness, this report allows members to be updated on the status of resolutions and monitor progress.

Climate Change Impacts

7. Not applicable.

Communication

8. Not applicable.

Next steps

9. An updated report will be provided to the 11 August 2022 of the Regional and Strategic Leadership Committee.

Attachments

1. RSLC Resolutions Status Report 12 May 2022 [**8.2.1** - 3 pages]

Regional and Strategic Leadership Committee Resolutions Status Report – 12 May 2022

Meeting Name	Report	Resolution Number	Resolution	Complete [Yes/No]
Regional and Strategic Leadership Committee 2022-05-12	4.1 Public Forum, Deputations and Petitions	RSLC/2022/10	That the Regional and Strategic Leadership Committee: 1. receives the public forum from Katherine Peet and Jessica Halliday of OVTRK Organising Group regarding agenda item 4.1.1. Public Forum 2. provides a reply to OVTRK Organising Group as soon as practicable, regarding how we can work together cooperatively.	No
Regional and Strategic Leadership Committee 2022-05-12	7.1 Unconfirmed Minutes - Regional and Strategic Leadership Committee - 31 March 2022	RSLC/2022/11	That the Regional and Strategic Leadership Committee: 1. Confirms the minutes from the Regional and Strategic Leadership Committee meeting held Thursday, 31 March 2022.	Yes
Regional and Strategic Leadership Committee 2022-05-12	8.1 Regional and Strategic Leadership Committee Resolutions Status Report - May 2022	RSLC/2022/12	That the Regional and Strategic Leadership Committee: 1. Notes the status of previous resolutions provided in the Status of Regional and Strategic Leadership Committee Resolutions report May 2022.	Yes
Regional and Strategic Leadership Committee 2022-05-12	8.2 Portfolio Performance Report Third Quarter 1 July 2021 - 31 March 2022	RSLC/2022/13	That the Regional and Strategic Leadership Committee: 1. Notes the information in the Portfolio Performance Report (to end of the third quarter) 1 July 2021 - 31 March 2022 for the five portfolios: Water and Land, Biodiversity and Biosecurity, Climate Change and Community Resilience, Air Quality, Transport and Urban Development, and Regional and Strategic Leadership. 2. Notes that minor amendments to the Portfolio Performance Report (to end of the third quarter) 1 July 2021 - 31 March 2022 prior to its	Yes

Meeting Name	Report	Resolution Number	Resolution	Complete [Yes/No]
			publication may be approved by the Chief Executive of Environment Canterbury.	
Regional and Strategic Leadership Committee 2022-05-12	8.3 Natural Hazards Insurance Bill Submission	RSLC/2022/14	<p>That the Regional and Strategic Leadership Committee:</p> <ol style="list-style-type: none"> 1. approves the Environment Canterbury draft submission (Attachment 1) on the Natural Hazards Insurance Bill 2022 to be submitted to the Finance and Expenditure Select Committee, subject to the amendment of paragraphs 17 and 18, being: <ul style="list-style-type: none"> 17. Similarly, we note the ambiguity in the Bill as to the cover for secondary and cascading natural hazards. These are hazards which occur as a direct result of the initial hazard but at a later time than the primary hazard. Secondary hazards themselves may trigger further hazards resulting in a cascade of different hazard events. Examples of these type of events can be seen regularly in New Zealand and Canterbury and would include examples such as liquefaction following the 2011 Christchurch Earthquake and a series of events related to the 2016 Kaikōura Earthquake. The Kaikōura seismic event triggered a local-source tsunami, slow-slip earthquakes along the Hikurangi subduction zone, more than 18,500 aftershocks and over 10,000 landslides and rockfalls in North Canterbury and Marlborough (secondary hazards). These landslides blocked rivers and generated more than 200 landslide dams which posed significant flooding risk to areas downstream (cascading hazards). 18. A reading of the Bill could be that damage caused by secondary events and cascading hazards is not covered because they may not be classed as a “direct result” of the initial hazard. The Bill provides cover against fires caused by a primary hazard and we would strongly recommend amendment to the Bill to clarify the position of damage caused by other types of physical secondary hazards. We are concerned that the present Bill could cause confusion and community stress if the level of cover provided to physical secondary hazards is not made clearer. 	Yes

Meeting Name	Report	Resolution Number	Resolution	Complete [Yes/No]
			2. delegates to the Chief Executive the amendment of any minor or clerical errors in the submission, prior to submitting to the Finance and Expenditure Select Committee.	
Regional and Strategic Leadership Committee 2022-05-12	8.4 Annual Plan Mahere ā Tau 2022/23	RSLC/2022/15	That the Regional and Strategic Leadership Committee: 1. notes the update on activity, and that the development of the Annual Plan Mahere ā Tau 2022/23 is on track for adoption in June 2022 of a final plan for Year 2 of the Long-Term Plan 2021-31.	Yes

8.3. Invitation to Re-join the Canterbury Joint Waste Committee

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Bridget Lange, Senior Strategy Advisor Graham Aveyard, Principal Science Advisor
Responsible Director	Tafflyn Bradford-James, Director Communications and Engagement

Purpose

1. To seek approval for Environment Canterbury re-joining the Canterbury Waste Joint Committee to support Canterbury's territorial authorities in waste minimisation and management.

Recommendations

That the Regional and Strategic Leadership Committee:

- 1. Approves Environment Canterbury re-joining the Canterbury Waste Joint Committee as per the invitation received on 18 March 2022 (attachment 8.3.1).**
 - 1.1. Delegates to the Chief Executive the amendment of any minor or clerical errors in the acceptance letter (attachment 8.3.2), prior to sending to the Canterbury Waste Joint Committee.**
 - 1.2. Notes staff will engage with the Regional and Strategic Leadership Committee in the 2022/23 financial year to determine Councillor representation on the Canterbury Waste Joint Committee.**

Key points

2. The Canterbury Waste Joint Committee (CWJC) is responsible for advancing regional solid waste and hazardous waste minimisation in Canterbury.
3. In 2000 the CWJC adopted the Canterbury Regional Waste Management Agreement (attachment 3) which committed member Councils to working together regionally on waste management matters.
4. Environment Canterbury was a member of the CWJC before withdrawing in 2010 to focus on key responsibilities. The CWJC has formally invited Environment Canterbury to re-join the Committee.

5. Re-joining the CWJC would contribute to the achievement of Level of Service 25.1 to 'partner with the Canterbury region's city and districts councils to progress waste minimisation'.

Background

6. The Canterbury Waste Joint Committee is a joint committee under the Local Government Act 2002 with delegated authority to deal with all matters relating to the volume of solid waste sent to landfills through the regional waste minimisation initiative.
7. Regional waste minimisation initiatives actioned under the Committee are in addition to members' responsibilities as mandated by the Waste Minimisation Act 2008 and as set out in councils' respective waste minimisation plans.
8. All Canterbury territorial authorities except Waitaki District Council (who elected not to join) are members of the CWJC, which is administered and chaired by Christchurch City Council.
9. Environment Canterbury was a member of the CWJC but withdrew in 2010 to target resourcing towards our key responsibilities as a regional council for managing contaminated land, hazardous substances, and waste.
10. The committee offers a contestable fund for new and innovative projects that progress waste minimisation within the Canterbury region. While not a contributing Council, Environment Canterbury staff provide technical input and advocacy, assist with delivering projects under the Committee's annual contestable fund, and advice relating to minimising hazardous wastes and substances.
11. Environment Canterbury's contribution of technical knowledge and in-kind support to the Committee at the officer level is separate from the Councillor-level governance role that comes with membership of the Committee.
12. Staff have been aware of discussions within the CWJC about inviting Environment Canterbury to re-join the Committee. These discussions lead to CWJC resolving in August 2021 to recommend to its member Councils that Environment Canterbury be formally invited to re-join the Committee. CWJC member Councils' support for this recommendation was confirmed in early 2022.

Invitation to re-join the Canterbury Waste Joint Committee

13. Environment Canterbury staff have considered the options and benefits of increased collaboration with local government partners on waste issues. Options were presented to Council on 25 June 2020, and funding was included in the 2021-31 Long-Term Plan to deliver waste reduction projects in collaboration with district and city councils in the region.

14. On 18 March 2022 Environment Canterbury received a letter from Chair of the CWJC, Christchurch City Councillor Jimmy Chen, formally inviting Environment Canterbury to re-join the CWJC.
15. The CWJC invitation was expected, and staff recommend accepting this invitation. Re-joining the CWJC will contribute to the achievement of Level of Service 25.1 to 'partner with the Canterbury region's city and districts councils to progress waste minimisation'.
16. CWJC membership would enable Environment Canterbury to take a greater waste minimisation leadership role and help ensure funding decisions are made with a strategic view.
17. While the terms and obligations of re-joining need to be discussed and confirmed with the Committee (see attachment 4 for current Committee terms), during previous CWJC membership Environment Canterbury contributed 25% towards the costs associated with the contestable fund. If Environment Canterbury were to re-join under similar obligations, 25% contribution to the current contestable fund of \$192,000 would equate to an annual funding contribution of \$48,000.
18. In advance of this invitation, \$45,000 per annum has been budgeted for regional leadership waste minimisation and management beginning in FY2022/23. Cost savings in other waste initiatives will be applied to meet the full annual cost of CWJC membership.
19. The Committee generally only meet once a year to consider funding of project proposals and review projects from the past year. As such, the time commitment for membership is small. Staff time to support membership is also minimal and can be accommodated within existing budgets.

Cost, compliance and communication

Financial implications

20. There will be an annual cost associated with membership of the CWJC of \$48,000 per annum, this has already been planned for in the 2021-31 LTP starting from the 2022/23 financial year.

Risk assessment and legal compliance

21. No risks have been identified with re-joining the Canterbury Waste Joint Committee.

Consistency with council policy

22. Canterbury Waste Joint Committee membership is consistent with Council policy.

Communication

23. Information and websites referencing Committee member Councils will be updated to include Environment Canterbury.

Next steps

24. If approved, a letter from Chair Hughey on behalf of Environment Canterbury will be sent to the Chair of the Canterbury Waste Joint Committee, Councillor Jimmy Chen, accepting the invitation to re-join the Committee.
25. Staff will engage with the Regional and Strategic Leadership Committee in the new financial year on representation on the CWJC.

Attachments

1. March 2022 Letter by CWJC inviting ECan to join [8.3.1 - 2 pages]
2. Draft Acceptance Letter - Chair Hughey to CWJC [8.3.2 - 2 pages]
3. Canterbury Regional Waste Management Agreement 2000 [8.3.3 - 2 pages]
4. Constituting Agreement of the Canterbury Waste Joint Committee 2011 [8.3.4 - 9 pages]

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	Victoria Clare; Michael Massey

18 March 2022

Jenny Hughey
 Chair, Environment Canterbury
 Environment Canterbury
 PO Box 345
 Christchurch 8140

Councillor.Hughey@ecan.govt.nz

Dear Jenny,

Invitation to Environment Canterbury to join the Canterbury Waste Joint Committee

Firstly, thank you for the support and regional leadership provided by Environment Canterbury, including historic membership on the Canterbury Joint Waste Committee until 2011. Thank you to Environment Canterbury staff for the regular input at a staff level and as an observer over the past 11 years.

The Canterbury Waste Joint Committee, currently representing all territorial authorities in Canterbury, was established to further the coordination of waste and resource recovery activities in Canterbury and has successfully funded over a million dollars of new projects over a period of more than 20 years since its inception. The Committee provides the annual contestable fund and provides a forum to discuss emerging challenges in the sector and opportunities for collaboration. Attached is a copy of the current Constituting Agreement of the Committee.

In 2019, Environment Canterbury commissioned a Regional Stocktake which looked at the opportunities for greater regional collaboration and alignment across the region. This Report provided a number of recommendations but centred on the benefits of greater regional co-ordination and scaling of appropriate infrastructure to manage the waste created.

The waste and resource recovery sector is undergoing a number of significant changes, including adapting for the impacts of climate change, market conditions for export of recovered materials, and onshore processing of materials. The Government have announced an ambitious work programme to support waste and resource recovery in New Zealand, including:

- Revision of the 2008 Waste Minimisation Act;
- Implementation of Product Stewardship for problematic wastes;
- Implementation of restrictions on single use and problematic waste including micro beads and plastic bags;
- An increase to the Waste Disposal Levy and likely changes to funding for waste minimisation; and
- Implementation of a proposed Container Return Scheme for beverage containers.

Civic Offices, 53 Hereford Street, Christchurch, 8011
 PO Box 73016, Christchurch, 8154
 Phone: 03 941 8999
www.ccc.govt.nz

In 2010 the Committee received a letter from Environment Canterbury (as then member of the Committee) requesting their release from the Constituting Agreement and all obligations of the Committee, including the contribution of the 25% of the costs associated for the contestable fund. This was accepted by the Committee with Environment Canterbury participating as an observer only from 2011. Environment Canterbury staff have continued to support the committee through input at an officer level.

In August 2021 the Committee resolved to recommend to its member Councils to invite your organisation to re-join the committee, and that recommendation has now been supported by all member councils.

Should this be of interest to you the Committee welcomes Environment Canterbury's consideration and will be pleased to discuss the nature and terms of involvement, noting that a 25% contribution to the current contestable fund of \$192,000 would equate to an annual funding contribution of \$48,000.

In addition to the role of funding the annual contestable fund the committee would also like the staff group to develop a Regional Waste Infrastructure Strategy, the development of this high level direction would guide future planning for waste across the region and would be expected to support the development of regional approaches and infrastructure as required. Thank you in advance for considering this request.

For any clarification or further information, please contact Ross Trotter (Manager Resource Recovery, phone 03 941 8377, email: Ross.Trotter@ccc.govt.nz).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Jimmy Chen', with a stylized, cursive script.

Jimmy Chen
Councillor – Hornby Ward
Chair of the Canterbury Waste Joint Committee

XX June 2022

Jimmy Chen
Chair of the Canterbury Waste Joint Committee
Councillor – Hornby Ward
PO Box 73016
Christchurch 8154

Tēnā koe Jimmy,

Invitation to Environment Canterbury to join the Canterbury Waste Joint Committee

Thank you for your letter (dated 18 March 2022) and invitation to re-join the Canterbury Waste Joint Committee.

Following the recent approval at the Regional & Strategic Leadership Committee (22 June 2022), I am pleased to accept your invitation on behalf of Environment Canterbury Regional Council to re-join the Canterbury Waste Joint Committee, starting in the 2022/23 financial year.

While Environment Canterbury previously choose to withdraw from the committee in 2011, we have always supported the aims of the Committee and waste minimisation efforts. Over these past 11 years we have also continued to support the Committee at a staff level and have found these staff relationships extremely productive and look forward to strengthening them further as a member of the Committee.

We understand the need for greater regional collaboration and alignment across the region. We support a regional approach to waste management and minimisation and our current Long-Term Plan 2021-31 includes Level of Service 25.1 to 'partner with the Canterbury region's city and district councils to progress waste minimisation', an aim we see as aligning with the intentions of the Canterbury Waste Joint Committee.

Once our acceptance has been confirmed we will elect a representative to the Committee, until this has been confirmed please contact Graham Aveyard (Principal Science Advisor - Contaminated Land, Waste & Hazardous Substances- Contaminated.Land@ecan.govt.nz, +64 27 236 7417) for further information.

I look forward to hearing from you and working with the Committee on regional waste minimisation projects and the possible development of a Regional Waste Infrastructure Strategy.

Our ref:

Your ref:

Contact:

Regional and Strategic Leadership Committee 2022-06-22

Ngā mihi,

Jenny Hughey

Chair, Environment Canterbury

Canterbury Regional Waste Management Agreement

Purpose

To work together towards promoting waste minimisation.

- § To ensure optimum effectiveness of waste management.
- § To pursue maximum efficiency in waste management.
- § For the benefit of Canterbury's environment and people.

Guiding Principles

Working Together

- § We will freely share non-confidential information and resources with Canterbury Councils and others where practicable.
- § We will endeavour to ensure the coordination and compatibility of our waste management operations and services.
- § We will support equitable access to waste management operations, regardless of district boundaries.

What We Will Do

- § We will take responsibility for our actions to the wider environment and community both within and outside the region.
- § We will lead by example, incorporating waste minimisation into our own operations.
- § We will promote reduction as the preferred means of minimising waste.
- § We will ensure that waste diversion is our primary aim in managing waste that is already created.
- § We will recognise that waste disposal is the last resort and must be undertaken in an environmentally responsible manner.
- § We will ensure economic/regulatory policies are consistent with and promote waste minimisation goals.
- § We will consider the environmental, social and economic impacts from waste management.
- § We will actively promote the principles of waste reduction at source, by working with and influencing industrial and commercial interests and central government.

How Will We Do It

- § We will involve and support our community in waste management decision making and operations.
- § We will encourage people to take responsibility for their own waste and meet the associated costs where practicable.
- § We will ensure our community is informed and educated regarding waste management and waste minimisation.
- § We will make decisions regarding waste management based on sound information where it is available, and will actively seek it when it is not.

Signatories (AUGUST 2000)

Ashburton District Council

Hurunui District Council

Mackenzie District Council

Timaru District Council

Waimate District Council

Christchurch City Council

Kaikoura District Council

Selwyn District Council

Waimakariri District Council

**CONSTITUTING AGREEMENT OF THE
CANTERBURY WASTE JOINT COMMITTEE
JUNE 2011**

**ASHBURTON DISTRICT COUNCIL
CHRISTCHURCH CITY COUNCIL
HURUNUI DISTRICT COUNCIL
KAIKOURA DISTRICT COUNCIL
MACKENZIE DISTRICT COUNCIL
SELWYN DISTRICT COUNCIL
TIMARU DISTRICT COUNCIL
WAIMAKARIRI DISTRICT COUNCIL
WAIMATE DISTRICT COUNCIL**

CONSTITUTING AGREEMENT

CANTERBURY WASTE JOINT COMMITTEE

MEMBERS

ASHBURTON DISTRICT COUNCIL, CHRISTCHURCH CITY COUNCIL, HURUNUI DISTRICT COUNCIL, KAIKOURA DISTRICT COUNCIL, MACKENZIE DISTRICT COUNCIL, SELWYN DISTRICT COUNCIL, TIMARU DISTRICT COUNCIL, WAIMAKARIRI DISTRICT COUNCIL, and WAIMATE DISTRICT COUNCIL, and their successors, all local authorities under the Local Government Act 2002 (collectively “the Councils” and individually “a Council”)

BACKGROUND

The Canterbury Waste Joint Committee is a joint committee under the Local Government Act 2002 with delegated authority to deal with all matters relating to the volumes of solid waste sent for disposal through regional waste minimisation initiatives identified by the Committee, including but not limited to allocating the annual funding of the joint committee as set out in the Constituting Agreement.

A.

TERMS OF THIS AGREEMENT:

EFFECTIVE DATE

1. This Agreement shall come into effect on 1 July 2011.

COMMITTEE

2. Pursuant to clause 30(1) and (5) of Schedule 7 to the Local Government Act 2002 the Councils shall appoint and constitute a joint committee which shall be known as the Canterbury Waste Joint Committee (“the Committee”).
3. The Committee shall consist of a maximum of eleven members as follow:
 - (a) three elected members of the Christchurch City Council;
 - (b) eight members made up of one elected member from each of the other Councils.
4. The Committee shall report to the Councils at least annually on the exercise of the Committee’s functions.

SUBCOMMITTEE

5. The Committee may :
 - (a) appoint a subcommittee of the Committee to be known as the Canterbury Hazardous Waste Subcommittee (“the Subcommittee”) pursuant to clause 30(2) of Schedule 7 of the Local Government Act 2002;
 - (b) ensure at least one elected member of each of Christchurch City Council and another Council shall be members of the Subcommittee. The chairperson of the Subcommittee

shall be an elected member of the Committee. In all other respects the composition of the Subcommittee shall be as determined by the Committee from time to time;

- (c) direct the Subcommittee in such manner as it sees fit from time to time as provided for in clause 30(4) of Schedule 7 of the Local Government Act 2002;
- (d) appoint such other subcommittees as it sees fit from time to time.

TERMS AND CONDITIONS OF ENTRY

- 6. The Councils may only allow other councils to join the Committee on such terms and conditions as are agreed unanimously by the Councils.

WITHDRAWAL OF COUNCIL

- 7. A Council may only withdraw from the Committee if that Council has complied with all of its obligations under this Constituting Agreement up to the date of withdrawal and agrees to satisfy its continuing obligations (if any) in a manner which is satisfactory to all of the remaining Councils.

AVOIDANCE OF DISCHARGE

- 8. The Councils declare that they have each resolved that the Committee and the Subcommittee shall continue to function after a triennial election with the same delegated functions, duties, powers and voting rights that existed prior to that election and accordingly the Committee and the Subcommittee shall not be discharged under clause 30(7) of Schedule 7 to the Local Government Act 2002.

QUORUM

- 9. The quorum for a meeting of the Committee is six members at least one of whom is a member appointed by Christchurch City Council.
- 10. The quorum for a meeting of the Subcommittee shall be:
 - (a) half of the members if the number of members (including vacancies) is even, or
 - (b) a majority of members if the number of members (including vacancies) is odd, and;
 in both cases at least one of whom is a member of Christchurch City Council and one of whom is a member of another Council.

APPOINTMENT AND DISCHARGE OF MEMBERS

- 11. The power to discharge a member of the Committee and to appoint another in his or her stead, may only be exercised by the Council that made the appointment.

CHAIRPERSON AND DEPUTY

- 12. The Committee shall appoint a chairperson (who must be an elected member appointed by Christchurch City Council) and a deputy chairperson (who must be an elected member appointed by another Council other than Christchurch City Council).

MEETINGS/STANDING ORDERS

13. Meetings of the Committee shall be held at Christchurch (unless otherwise agreed) at such times as may be appointed and as are necessary for the performance of the functions, duties and powers delegated under this Agreement. The rules regulating the proceedings of the Committee shall be those set out in NZS 9202:2001, "Model Standing Orders for Meetings of Territorial Authorities, Regional Councils and Community Boards" as varied in accordance with this Agreement. For the purposes of clause 25 of the NZS 9202:2001 the "principal administrative officer" means the Chief Executive of the Christchurch City Council or his delegate.
14. Attendance of meetings via telephone or video links from venues outside Christchurch is permitted. Such additional venues will be publicly notified in the same way as the main meeting is notified, and will be open to the public in the same way as the main meeting.
15. Any resolution requiring a decision on a matter of significance to be considered at a meeting of the Committee must be the subject of prior notice which ensures that each member is fully and fairly informed of the background and rationale for any proposal to be considered and the period of notice must be sufficient to enable every member to consult with his or her appointing Council.

VOTING

16. Notwithstanding anything to the contrary in Model Standing Orders NZS 9202:2001 voting at meetings of the Committee shall be:
 - (a) in respect of any matter where the decision relates to the setting of policy and/or a commitment to expenditure:
 - (i) by the members appointed to represent the Christchurch City Council, three votes (which votes may only be cast as a block and may not be split);
 - (ii) by the members appointed to represent the other Councils, one vote each;
 - (b) in respect of any matter delegated by any one or more of the Councils on the basis that a specified voting regime will apply, in accordance with that specified regime;
 - (c) in respect of all other matters, on the basis of one vote per member.
17. To the extent that it may be necessary all of the Councils shall procure an amendment to their standing orders to permit voting on the basis set out in clause 16.

CASTING VOTE

18. In all cases where there is an equality of votes the chairperson shall have a casting vote. Where a casting vote is to be exercised the following principles shall apply:
 - (a) the casting vote is to be used in the best interests of the Canterbury community represented by the Councils considered together;
 - (b) the casting vote is to be used in the best interests of the Councils considered together;
 - (c) the Committee members shall use their best endeavours to avoid use of a casting vote, by obtaining consensus;
 - (d) the casting vote shall not to be used unreasonably in favour of any one Council.

DELEGATIONS

19. All delegations made by the Councils to the Committee shall record the functions, duties and powers that have been delegated in writing and may set out:
- (a) the extent to which the Council may be bound in respect of those delegated functions, duties and powers that are delegated;
 - (b) the limit (if any) to which the Council can be committed to expenditure of funds in pursuance of those delegated functions, duties and powers;
 - (c) the circumstances in which (if any) the Council can withdraw those delegated functions, duties and powers in whole or in part.

FUNDING

20. The annual funding amount for regional waste minimisation will be \$112,000 per year. This amount will be adjusted annually for inflation using the annual percentage change in the Consumers Price Index at June of each subsequent year. Should the annual funding amount need to be increased, the Committee will provide a detailed proposal for consideration by all Councils.
21. All Councils will contribute towards the funding of joint regional waste minimisation initiatives, unless otherwise expressly agreed at the time, shared as follows:

Councils	Estimated Population *	Population and Funding %
Christchurch	376,700	66.80
Waimakariri	47,600	8.43
Hurunui	11,100	1.96
Selwyn	39,600	7.01
Ashburton	29,400	5.21
Kaikoura	3,800	0.67
Waimate	7,550	1.33
Mackenzie	4,010	0.71
Timaru	44,400	7.88
TOTAL	564,160	100

*2010 Statistics New Zealand Subnational Estimates

The funding obligation of the Councils may be redistributed between them from time to time as decided by the Committee to more accurately reflect the then current population figures.

22. Each Council shall ensure that it pays its due proportion of all such expenditure on the due date for payment, without deduction or set off.

ADMINISTRATIVE COSTS

23. Christchurch City Council agrees to provide such management, administrative, secretarial and accounting services as the Committee shall reasonably require at no cost to the other Councils. Nothing in this clause shall prevent any Council agreeing to make a contribution towards those costs. For the avoidance of doubt, where Christchurch City Council is directed to source any such services (ie other than from its own staff) the costs incurred shall be recoverable from the Councils under clause 21.

GOOD FAITH NEGOTIATIONS

24. In the event of any circumstances arising that were unforeseen by the Councils at the time of entering into of this Agreement or in the event of a dispute in any way relating to this Agreement the Councils will negotiate in good faith to resolve that dispute or to add to or vary this Agreement in order to resolve the impact of those unforeseen circumstances in the best interests of:
- (a) the Councils represented on the Committee considered together; and
 - (b) the Canterbury community represented by the Councils considered together.

ARBITRATION

25. Any dispute arising out of the interpretation of this Agreement, including any question regarding its existence, validity or termination, which cannot be resolved by good faith negotiations under clause 24 shall be referred to arbitration.
26. If the Councils are unable to agree upon the appointment of a single arbitrator within 10 working days of the receipt of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within 10 working days of his or her appointment, then any party may request the President for the time being of the Canterbury District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996. For the purposes of this clause "working day" has the meaning attributed to those words in Section 2 of the Resource Management Act 1991.
27. In this clause time shall be of the essence and the Councils agree to be bound by any arbitration decision, determination or award.

SERVICE OF NOTICES

28. Any notice required to be served under this Agreement may be served in the manner provided in Section 152 of the Property Law Act 1952 and in any event shall be deemed to be served if actually received.
29. A notice under clause 28 must be addressed:
- (a) in the case of Christchurch City Council or the Committee for the attention of the Legal Services Manager at the Civic Offices, 53 Hereford Street, Christchurch (PO Box 73013, Christchurch); and

- (b) in the case of every Council other than Christchurch City Council, for the attention of the Principal Administrative Officer of the Council to whom the notice is addressed, to that Council at its principal administrative office.

EXECUTED by the Councils on the dates set out below

THE COMMON SEAL of)
ASHBURTON DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
CHRISTCHURCH CITY COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
HURUNUI DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
KAIKOURA DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
MACKENZIE DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
SELWYN DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
TIMARU DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
WAIMAKARIRI DISTRICT COUNCIL)
was affixed in the presence of)

THE COMMON SEAL of)
WAIMATE DISTRICT COUNCIL)
was affixed in the presence of)

8.4. Memorandum of Understanding with University of Canterbury

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Dr Tim Davie, Director of Science
Responsible Director	Tafflyn Bradford-James, Director of Communications and Engagement

Purpose

1. To seek approval from the Regional and Strategic Leadership Committee for the formal signing of a memorandum of understanding (MOU) between Environment Canterbury and the University of Canterbury. The MOU agrees to work together on a collaborative basis in relation to projects which have the potential to be mutually beneficial.
2. This MOU starts to fulfil a request made by the University of Canterbury during 2021 Long-Term Plan submissions for our two institutions to work closer together.

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Approves the attached memorandum of understanding between the Canterbury Regional Council and the University of Canterbury.**
2. **Approves the delegation of responsibility for signing the memorandum of understanding to the Chair at a time that suits both parties.**

Background

3. During submissions on the Environment Canterbury Long-Term Plan 2021-31 the University of Canterbury spoke of their desire for a closer relationship between our two institutions.
4. Since then, staff at Environment Canterbury and the University of Canterbury have developed a memorandum of understanding (MOU) that outlines the key principles for closer cooperation.
5. Environment Canterbury and the University of Canterbury have a long-established relationship. This has manifested through providing student employment, support for research programmes and funding University positions (e.g., within the Waterways Centre). This MOU builds on that relationship and provides a more formal, and public-facing arrangement.

6. The MOU sets out six areas for our two organisations to work together in relation to projects which have the potential to be mutually beneficial. The six areas of mutual benefit are:
- Support of student work during academic break.
 - Collaborative support of student-led research projects.
 - Collaborative support of UC Masters and Doctoral students.
 - Collaborative support of UC student internships.
 - Co-creation and delivery of academic research projects that are beneficial to both parties.
 - Sharing of data.
7. The MOU is the first step in cooperating more closely. Staff in both organisations will continue to look for opportunities for closer cooperation.

Cost, compliance and communication

Financial implications

8. There are no extra costs involved in signing this MOU. Funding for joint projects will be provided out of existing funding approved through the Long-Term Plan 2021-31 and subsequent Annual Plans.

Risk assessment and legal compliance

9. General Counsel has assessed the risk of signing this MOU as low due to its non-binding nature. The only legally binding section (intellectual property and confidential information sharing) is low risk.

Engagement, Significance and Māori Participation

10. The MOU explicitly references the Ngāi Tahu Research Centre (NTRC) at University of Canterbury as key personnel. Staff from the NTRC have been involved in developing this MOU in order to explicitly promote greater Ngāi Tahu engagement in our collaboration.

Consistency with council policy

11. This MOU is consistent with Council policy in seeking to engage with communities of interest in Canterbury.

Climate Change Impacts

12. There are no climate change impacts from signing this MOU. However, there is likely to be opportunity to collaborate with University of Canterbury on climate change related work.

Next steps

13. Pending approval, and delegation to the Chair of signing authority, a suitable occasion will be worked on for a formal signing of the MOU.

Attachments

1. MOU between Environment Canterbury and UC [8.4.1 - 5 pages]

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	[Names of two peer reviewers who have reviewed this paper]

MEMORANDUM OF UNDERSTANDING

Parties

Between:	University of Canterbury, an educational institution incorporated under the University of Canterbury Act 1961 and the Education Act 1989 with offices situated at Ilam, Christchurch, New Zealand ("UC").
And:	Canterbury Regional Council known as Environment Canterbury with its main offices situated at 200 Tuam Street, Christchurch and 75 Church Street Timaru.

Background:

- A. UC and Environment Canterbury intend to work together on a collaborative basis in relation to projects which have the potential to be mutually beneficial.
- B. This Memorandum of Understanding ("MOU") sets out some guiding principles for the parties to follow in relation to such collaboration and also sets out potential opportunities for collaboration.
- C. The parties intend to enter into a Formal Collaboration Agreement in relation to each specific research project.
- D. This MOU is not exhaustive and is not intended to be legally binding between UC and Environment Canterbury, except where specifically stated.

1. **Formal Collaboration Agreement:** This MOU sets out the terms upon which potential collaboration between the parties may take place. It is not intended to be legally binding except where specified. Where the parties agree to collaborate in relation to a specific research project, the parties will negotiate in good faith to enter into a formal research Collaboration Agreement ("Formal Collaboration Agreement") which will set out binding terms and conditions in relation to the specific research project and which will supersede this MOU.
2. **Potential areas of Collaboration:** Set out below are areas of collaboration which the parties see as having potential mutual benefit. This is not an exhaustive list and the parties acknowledge each specific research project may have additional or alternative areas where the parties can work collaboratively.
 - 2.1. **Support of Student work during academic break:** The parties intend to collaborate so that UC students engage in research work for Environment Canterbury during such students' academic summer break as follows:
 - a. UC will identify suitable UC students to carry out research assistance work (for example to monitor and measure specific exercises) and UC will provide academic support to such students should Environment Canterbury agree to engage the students for work during the students' summer break.

- b. Where Environment Canterbury agrees to engage these students, Environment Canterbury will provide appropriate training, workplace supervision and remuneration for work carried out by each student.

2.2. Collaborative support of student-led research projects: The parties intend to collaborate to support UC student led research projects as follows:

- a. UC will identify suitable student-led projects and will provide academic support and supervision to the relevant student;
- b. Environment Canterbury will provide appropriate training and workplace supervision for each student. Environment Canterbury will also provide access to relevant sites and materials for the student's project. Environment Canterbury may also provide funding for research work carried out by the student, as agreed between the parties at the time.
- c. UC will ensure that the relevant student commits to carrying out their work to a high academic standard and that the student agrees to comply with all relevant codes of conduct and Environment Canterbury policies and procedures as advised by Environment Canterbury.

2.3. Collaborative support of UC Master's and Doctoral students.

- a. UC will seek to identify high quality candidates for the research degree, and UC will provide suitable academic expertise and supervision for the student's project. UC may also provide co-funding for scholarships, where appropriate.
- b. Environment Canterbury will provide additional expertise and supervision, access to materials and data, where appropriate, and co-funding for scholarships, where appropriate.

2.4. Collaborative support of UC student internships

- a. UC will identify high quality candidates for any proposed internships with Environment Canterbury and will provide appropriate academic expertise, supervision, and pastoral care during the internship.
- b. Environment Canterbury will provide training, access to sites and materials, workplace supervision, and, where appropriate, funding for the internship.

2.5. Co-creation and delivery of academic research projects that are beneficial to both parties

- a. UC will identify key projects and will appoint a project lead where appropriate. UC will provide academic support for the duration of the relevant project.
- b. Environment Canterbury will provide relevant expertise, access to sites, materials and data, and, where appropriate, co-funding of the project.

- 3. Student commitment** UC will ensure that the each relevant UC student supported under any collaboration between the parties commits to carrying out their work to a high academic standard and that the student agrees to comply with all relevant codes of conduct and Environment Canterbury policies and procedures as advised by Environment Canterbury.

4. Key Personnel

- 4.1.** Both parties will collaborate in good faith in relation to potential research projects and will ensure that the support of appropriate personnel from each party are involved in such collaborations including, as applicable:

- UC's Head of School for the School of Earth and Environmental Sciences
- The Pro-Vice Chancellor for Sustainability
- Ngāi Tahu Research Centre

- Heads of relevant Research Clusters and Centres, such as the Community and Urban Resilience Cluster, Biodiversity Cluster, Te Pae Hiwarau, Geospatial Research Centre, Waterways centre.
- Directors of: Science; Te Pou Herenga; Strategy & Planning; Operations; Communications and Engagement; Finance and Corporate Services at Environment Canterbury.

4.2. The parties acknowledge that this list is not exhaustive and involvement by specific personnel will be subject to availability and applicability at the relevant party's sole discretion.

5. Sharing of data and confidential information

5.1. This clause is legally binding.

5.2. Subject to the confidentiality obligations set out below, the parties will make data available to each other to support the collaborative intent of this MOU.

5.3. "Confidential Information" means:

- all information and materials relating to or arising from this MOU in any form whatsoever, and
- information which is by its nature confidential or which the Discloser advises the Recipient is confidential, and
- includes anything disclosed before the date of this MOU.

"Discloser" means a party disclosing Confidential Information to the Recipient in accordance with this MOU.

"Recipient" means a party receiving Confidential Information of the Discloser in accordance with this MOU.

Confidential Information does not include:

- information which at the date of this MOU is in the public domain or subsequently enters the public domain without fault on the part of the Recipient,
- information that is received in good faith by the Recipient from a third party,
- information, which is at the date of this MOU, independently developed by, or already properly in the possession of, the Recipient and which the Recipient can demonstrate by written record to be previously known to the Recipient.

5.4. The Recipient of Confidential Information shall:

- keep it in the Recipient's possession and treat it as confidential regardless of when disclosed,
- not use any Confidential Information belonging to the other party for any purpose other than as required in terms of this MOU,
- only disclose Confidential Information to employees, officers or professional advisers on a need-to-know basis and shall be liable to the Discloser for any breach by those persons of these confidentiality obligations.

5.5. This clause does not apply where disclosure is required by law or by a government agency or governmental authority.

5.6. The parties acknowledge that any breach of this confidentiality obligation may result in damages for which monetary compensation would not be an adequate remedy and that the affected party is

entitled to specific performance or injunctive relief in addition to any other remedies at law or in equity.

- 5.7. Subject to the confidentiality obligations set out in this clause, both parties commit to collaborate on ongoing projects that support the use of open and accessible data that advance the work of both parties, whilst maintaining academic rigor, data sovereignty, and our obligations under Te Tiriti o Waitangi.

6. Intellectual Property

- 6.1. This clause is legally binding.
- 6.2. Intellectual Property Rights means all intellectual and industrial property rights of any nature whether conferred by statute, common law or equity, including without limitation, all rights in any patent, copyright, trade mark, design, database, circuit lay-out, know-how, trade secret, Confidential Information, or right of confidence including all such rights or similar rights in any invention, device, material, data, drawing, sample, method, process, text, algorithm, schematic, software, hardware, firmware, get-up, any other original works or materials, or any component of the same, and any application to register the same, whether or not registered or capable of registration.
- 6.3. All Intellectual Property Rights existing in a party prior to this MOU (Background Intellectual Property Rights) will remain with that party and except where expressly agreed otherwise in writing between the parties, neither party grants any rights in its Background Intellectual Property Rights to the other party.
- 6.4. The parties acknowledge that the Formal Collaboration Agreement will set out the terms and conditions of use and ownership of Intellectual Property Rights.
- 6.5. Where any Intellectual Property Rights arise directly from research conducted prior to the execution of a Formal Collaboration Agreement, such Intellectual Property Rights will vest in UC except for ownership of copyright in any academic publication in the form of a journal article, thesis, book or conference paper which will remain with the author(s) and will be subject to the confidentiality obligations set out in this MOU.

7. General

- 7.1. No party gives any representation or warranty with respect to any information other than that it has the right to disclose such information.
- 7.2. Either party may terminate this MOU by giving the other party not less than 30 days' written notice.
- 7.3. This MOU is governed by New Zealand law and the parties submit to the non-exclusive jurisdiction of the courts of New Zealand.
- 7.4. Only clauses 3 and 4 of this MOU are legally binding on the parties and those clauses shall survive termination of this MOU.

Signed by UC

Signed by **Environment Canterbury**

Signature

Signature

Name of authorised signatory

Name of authorised signatory

Position

Position

Date

Date

8.5. BCA Transfer and Dam Safety Regulations

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Aurora Grant, Consents Planning Manager
Responsible Director	Katherine Harbrow, Director Operations

Purpose

1. To provide a progress update to the Regional and Strategic Leadership Committee on the building consent authority (BCA) function for large dams since its transfer from the Otago Regional Council, Environment Southland and West Coast Regional Council to Environment Canterbury on 1 June 2021.
2. To provide an update on the new Dam Safety Regulations, which come into effect in 2024.

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Notes the minimal increased workload arising out of the transfer of the BCA function to this Council from Otago Regional Council, Environment Southland and West Coast Regional Council.**
2. **Notes the timeframes indicated by the Ministry for Business, Innovation and Employment for the proposed Dam Safety Regulations to come into effect in 2024.**
3. **Notes the administrative function that Environment Canterbury must perform under the new Dam Safety Regulations.**

Key points

3. The transfer of the BCA function from Otago Regional Council, Environment Southland and West Coast Regional Council to Environment Canterbury has been operating well since the transfer in June 2021 and has not resulted in a significant increase in workload.
4. The Dam Safety Regulations (Regulations) passed into law on 13 May 2022. The Regulations create an administrative function that Environment Canterbury will have to perform as the regional authority. There is a two-year lead in time for the new regulations to come into effect.

Background

Transfer of building consent authority function

5. Under the Building Act 2004, regional authorities are required to provide a building consent authority (BCA) function in relation to the control of building work on large dams. The BCA function comprises the processing of building consent and code compliance certificate applications, the issuing of building consents and code compliance certificates relating to large dams and the issuing of notices to fix for dams irrespective of their size.
6. This requires each regional authority to either become a building consent authority, or to transfer those BCA functions, duties, and powers under the Building Act 2004 to another regional authority that is an accredited BCA. Environment Canterbury is accredited as a BCA by the Ministry for Business, Innovation and Employment (MBIE).
7. The Building Act 2004 also places responsibility on regional authorities for, among other things, the issue of project information memoranda, the compliance schedule regime, and issuing certificates of acceptance. These responsibilities do not form part of the BCA function.
8. The term “large dam” is defined in the Building Act as meaning a dam that has a height of four or more metres and holds 20,000 or more cubic metres of water (or other liquid) – under that Act it is only “large dams” that require building consent.
9. Regional sector Chief Executives collectively identified that there were benefits to having one regional authority within the lower South Island carrying out the BCA functions for large dams under the Building Act 2004. On 1 June 2021 the BCA function was transferred to Environment Canterbury from Otago Regional Council, West Coast Regional Council and Environment Southland (transferring Councils).
10. The transfer follows a similar arrangement to that in the North Island, where Waikato Regional Council is providing Building Act functions for eight North Island authorities including Auckland Council, which is a unitary authority.
11. The additional workload arising out of the transfer of the BCA function has been easily absorbed by existing Environment Canterbury BCA staff. Below is a breakdown of the BCA applications received by Environment Canterbury since accepting the transfer of the BCA function.

Building Consent Applications	
Canterbury region	5
Otago region	2
Westcoast region	0
Southland region	0
Total	7
Code Compliance Certificate	
Canterbury region	3

Otago region	1
Westcoast region	0
Southland region	0
Total	4

Dam Safety Regulations

12. The Building Act 2004 provides a framework for dam safety management, but regulations are needed to bring this scheme into full effect. In June 2019 central government consulted on a proposed regulatory framework for dam safety. Environment Canterbury wrote to the MBIE in support of the proposed Dam Safety Regulations.
13. Environment Canterbury's obligations under the Regulations are a regional authority function (as opposed to a BCA function) and there will be no obligation for Environment Canterbury to carry out this function on behalf of the transferring Councils.
14. In recent years, Environment Canterbury has been a member of the Technical Working Group for Dam Safety (Technical Working Group) convened by MBIE.
15. The Regulations passed into law on 13 May 2022. The Regulations apply to dams that are above a certain size, depending on both the height and volume of water it holds. As a general guide, the Regulations cover dams that have a height of:
 - four or more metres and stores 20,000 or more cubic metres volume of water or other fluid.
 - one or more metres and stores 40,000 or more cubic metres volume of water or other fluid.
16. Dam owners must assess whether their dam falls within one of these height and volume categories. If it does, they will be required to assess the impact of that dam as low, medium or high. The classification will need to be certified by a recognised engineer and then submitted to Environment Canterbury for approval. Approval will be automatic if the classification has been certified by a recognised engineer. If a dam is classified as having a potential impact classification of medium or high, the dam owner will need to take certain further action to ensure their dam is, and remains, safe.
17. It is noted that the Regulations will capture dams that did not require a building consent under the Building Act 2004. There are estimated to be 800+ dams within the Canterbury region that could be impacted by the Regulations.
18. There will be a two-year lead in period before the Regulations come into effect. MBIE will provide a range of resources during 2022 to help dam owners better assess and understand their dams and how the Regulations might apply to them.
19. It is expected that the regional authorities that are members of the Technical Working Group (Environment Canterbury, Otago Regional Council and Waikato Regional

Council) will provide support to other regional authorities throughout the country in terms of their obligations under the Regulations.

Cost, compliance and communication

Financial implications

20. The costs of performing the BCA functions transferred to Environment Canterbury by the transferring Councils are cost recoverable pursuant to the Building Act 2004.
21. Environment Canterbury has a current budget for one full time Building Consent Authority Co-ordinator to carry out the BCA function. It is expected that the Building Consent Authority Co-ordinator will be able to fulfil the BCA function and the additional administrative obligations set out in the Regulations.
22. Accordingly, there is no additional cost implication for Environment Canterbury.

Risk assessment and legal compliance

23. In relation to insurance, indemnities have been obtained from each of the transferring councils in respect of any public liability risks that may arise from the transfer of the BCA.
24. There are minimal risks for Environment Canterbury arising out of the Regulations as it is purely an administrative function.
25. It will be important that Environment Canterbury has an operational system for receiving and recording classification assessments for dams within the Canterbury region prior to the effective date of the proposed Dam Safety Regulations. It is noted that there is a two-year lead in period from the date the Regulations came into effect, 13 May 2022, which provides ample time to get this system up and running.

Engagement, Significance and Māori Participation

26. The obligations arising out of the Regulations fall on the dam owners. Environment Canterbury can help inform dam owners of their obligations by engaging in a communications programme that is consistent with the communications coming from central government and other regional authorities within New Zealand.

Consistency with council policy

27. Environment Canterbury currently has a Dangerous Dams Policy that will need to be updated so that it is consistent with the Regulations.

Climate Change Impacts

28. There are no climate change impacts arising out of the Regulations.

Communication

29. A communication plan will be developed in partnership with other regional authorities and central government.

Next steps

30. We will liaise with other regional authorities on the Technical Working Group to establish a consistent approach to administration of the Regulations.
31. The Environment Canterbury's Dangerous Dam Policy will be updated.

Attachments

Nil

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	Adrienne Lomax

8.6. Level of Service (LoS) 32

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Katie Roggisch, Personal Assistant
Responsible Director	Tafflyn Bradford-James, Director of Communications and Engagement

Purpose

1. The purpose of the paper is to provide an overview of progress towards achieving Level of Service (LoS) 32: Enrich community participation in regional decision making and action.
2. This overview on the development of a performance measure and target under LoS 32 has been developed by the Corporate and Engagement Team (Communications & Engagement) with input from the General Manager, Governance.

Recommendations

That the Regional and Strategic Leadership Committee:

- 1. Notes the proposed activity to implement Level of Service 32, measure 32.1 to raise community awareness of Council's role and work, and actively promote and enable opportunities for participation.**

Background

3. In our Long-Term Plan 2021-31, there is a performance measure (32.1) to: Raise community awareness of Council's role and work, and actively promote and enable opportunities for participation. This is part of the Regional & Strategic Leadership portfolio's programme 'engagement and influence'.
4. The target for years 1 to 3 is to: Implement a programme of Councillor community engagements across the region, with attendance at one or more community events in each constituency.
5. Currently one of the main mechanisms for us to hear community views is for people to make a deputation or present at a public forum at a Council or committee meeting. The number of such deputations is increasing. Another mechanism is via the Annual Plan hearings, and again we have seen an increase in the number of people and groups who are happy to engage and meet with Council.
6. With these channels that enable the community to come to us becoming more established, the proposed approach below to the specific measure (32.1) is to find mechanisms to enable Councillors to go to the community.
7. The outcomes we are looking for under this measure are noted below.

Note: This complements the people's panel target (part of the same performance measure) and performance measure 32.2: *Increase engagement with young people across Canterbury to lift awareness and understanding of the work of the regional council.*

Outcomes sought

8. From Environment Canterbury's perspective, the outcomes are:
 - That the community:
 - is aware of Council's role
 - knows how to engage with Council
 - knows they can participate in Council decision making.
9. From the community's perspective, the outcomes are to:
 - help the community understand the region they live in, and
 - give the people of Canterbury an opportunity to influence the future of the region.
10. To achieve the above, we need to reach people in their place and talk about what is relevant to their lives.

Who do we mean by community?

11. For the benefit of this LoS measure and the approach noted in this paper, we are talking about reaching the community through fora such as residents' associations; Rotary groups; U3A; Probus, and other similar groups; speaking at 'community' events, e.g., GROW; interacting with the community at A&P shows; interacting with attendees at Environment Canterbury-organised events, e.g., the North Canterbury community speaking series; speaking at tertiary institutions, independent youth groups; participating in community plantings.
 - **Note, it does not include:** Rūnanga engagement; meeting with strategic stakeholders/key relationships; meeting with other elected members, e.g., other councils, community boards, or youth councils; attending existing or future groups formed by Environment Canterbury, such as committees, advisory or working groups; election campaign events; or speaking at 'corporate' conferences.

The proposed concept

12. Specific engagement opportunities for Council to meet with the community will be proactively sought by staff (and Councillors and Tumu Taiao). These could be on generic Council work or, more usefully, targeted to specific geographical areas, areas of work e.g., biodiversity, or based on topical issues.
13. Councillors and Tumu Taiao will be supported as appropriate with materials and background information if needed.
14. Councillors will be representing the Regional Council and will therefore be speaking about the Council's position. This is particularly important when engaging on political hot topics or issues-based engagements.

15. Such engagement opportunities may also form part of specific Local Government Act or Resource Management Act engagement or consultation requirements but are not limited to these.
16. Broadly what is involved:
 - developing a process that will build on work we are already doing
 - understanding what engagement opportunities currently happen (stocktake, by mid-June 2022)
 - identifying regional matters applicable to a constituency (on an ongoing basis)
 - deliberately seeking additional and complementary opportunities for engagement, as well as triaging invitations as they are received from external groups
 - establishing a reporting-back mechanism so Council has visibility of all engagement activity.
17. We already receive a number of invitations for Councillors to speak about and/or represent Environment Canterbury matters. These invitations are received either via the Governance channel or directly by a Councillor. It is proposed that these invitations are also noted under this measure.

Required people resourcing

- Councillors' time to prepare for and attend engagement opportunities
 - Governance team: Managing invitations, recording information regarding which members of Council spoke to which external group
 - Communications and Engagement team: Oversight of the level of service, including reporting; preparing any supporting material required e.g., presentation templates and talking points
 - Other internal teams: Provision of draft talking points/briefings.
18. Stepping up this activity and reporting on it is a new initiative and will take time to incorporate into Councillor and staff schedules so will need to be introduced over time.
 19. It is proposed that this is an opportunity for Council to go into the community and therefore, unless by exception, it isn't proposed that staff attend unless it is part of a statutory engagement process.

Reporting

20. A mechanism will be created to record the activity, including which community group and information on follow-up actions should any be received.
21. Councillors would report back to each other in a timely way regarding any key matters raised.
22. A high-level summary will be included in the quarterly portfolio performance report/annual report.

Current work projects complementing this performance measure in 2022 include

- Campaigns eg winter air campaign, It's Time Canterbury, Can I Swim Here?
- Ongoing communications outputs, news, columns, social media etc
- People's panel launch
- Civics education development
- Annual Plan consultation activity
- Localised engagement or consultation topic-based
- Issues-based communications and engagement.

Next steps

- Finalise stocktake of activity for 2021/22 year – benchmark
- Finalise mechanism for capturing and recording activity
- Action plan of engagement for 2022/23 year – noting a reduction in activity during the election period.

Attachments

Nil

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	[Names of two peer reviewers who have reviewed this paper]

8.7. Draft Canterbury Regional Council (Ngāi Tahu Representation) Bill - Progress Report

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Julian Phillips, Te Koko Tataki
Responsible Director	David Perenara-O'Connell, Te Pou Herenga

Purpose

1. To provide an update on the Canterbury Regional Council (Ngāi Tahu Representation) Bill (the Bill).

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Notes the update on the Canterbury Regional Council (Ngāi Tahu Representation) Bill.**

Key Points

Māori Affairs Committee Report

2. The Māori Affairs Committee reported back on the Canterbury Regional Council (Ngāi Tahu Representation) Bill on 3 June and a copy of the report is attached to these papers.
3. The amended Bill is also attached at the end of the Committee's report, showing the changes that the Committee has requested as well as a number of suggested stylistic changes from the Parliamentary Counsel Office (PCO).
4. The PCO has proposed a large number of changes which are purely stylistic – in their words, for “plain language reasons”. These changes do not change the substance or intent of the Bill.
5. Significantly, our approach to remuneration remains unchanged. That is, that the remuneration for the Ngāi Tahu appointed councillors would be in addition to the remuneration for the fourteen elected councillors.

Minority Report

6. A separate Minority Report from the opposition members of the Committee was also submitted (although the amendments were all passed unanimously).

7. The Minority Report raises issues that we have addressed previously about whether the proposal is democratic.
8. It also goes a little further and quotes selectively from the Attorney General's report on the Bill: the Minority Report states "Crown Law advice to the Government points out that this discriminates against non-Māori". This omits important parts of the Crown Law advice, including "...that Ngāi Tahu have a unique claim to input into the Environment Canterbury context on the basis of their special association with the Canterbury natural environment..." and the conclusions in the advice that the Bill is consistent with the New Zealand Bill of Rights and that no persons would be materially disadvantaged by the passing of the Bill (see attached Attorney General's report).

Second reading

9. The Bill went to a second reading on 8 June where, after robust discussion and debate, it was successful in proceeding through to the next stages with 77 – 42 votes in favour of the Bill.

Next steps

10. The next two steps are Committee of the Whole and then a third reading – these steps are outlined in further detail below. It is possible for these two stages to be combined, which would need to be considered and approved by the business committee. A significant determinant in the committee's decision would be if any delegation from Environment Canterbury and Papatipu Rūnanga were intending to travel to Parliament to watch the passage of the Bill.
11. Staff will work with Council and Papatipu Rūnanga chairs to coordinate a delegation once dates for Committee of the Whole and third reading stages have been determined.

Committee of the Whole

12. A Committee of the Whole is when the members sit in the Chamber but the Speaker does not take the chair. The debate is less formal than other debates but is no less important. Any member of the House can participate when a Committee of the Whole House debates a bill.
13. Members have many chances to make short speeches and debate the provisions of a bill. These debates are a chance to examine the bill in detail. Ministers and members can propose changes. These changes may be published before the debate in a supplementary order paper (SOP).
14. There is no time limit on these debates. Large or controversial bills may be before a Committee of the Whole for several days.
15. Once the final form of a bill is agreed, it is reprinted to show any changes that have been made. The bill is then ready for its third reading.

Third Reading

16. This is a summing-up debate on a bill in its final form.
17. The vote at the end of the debate is the final vote in the House to either pass the bill or reject it. Bills are rarely rejected at this stage. If the bill is passed there is one final step before it becomes law — Royal Assent.
18. The next dates for Local Bills to be considered are 29 June and 1 August. As it currently stands our Canterbury Regional Council (Ngāi Tahu Representation) Bill is well on track to progress to a third reading before the nominations for the Local Elections period closes on 12 August.

Attachments

1. 2021-11-23 Advice Canterbury Regional Council Ngāi Tahu Representation Bill [**8.7.1** - 2 pages]
2. Final report Canterbury Regional Council Ngāi Tahu Representation Bill [**8.7.2** - 22 pages]



23 November 2021

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Canterbury Regional Council (Ngāi Tahu Representation) Bill

Purpose

1. We have considered whether the Canterbury Regional Council (Ngāi Tahu Representation) Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act. In reaching that conclusion, we have considered the consistency of the Bill with s 19 (freedom from discrimination). Our analysis is set out below.

The Bill

3. The main objective of the Bill is to provide for Ngāi Tahu representation on the Canterbury Regional Council (trading as Environment Canterbury). This is to be achieved by empowering Te Rūnanga o Ngāi Tahu to appoint two non-elected members to Environment Canterbury, to serve equally alongside the 14 elected members.
4. The Bill is intended to reinstate Ngāi Tahu representation on Environment Canterbury, which was previously provided for during 2016-2019 under the Environment Canterbury (Transitional Governance Arrangements) Act 2016.

Consistency of the Bill with the Bill of Rights Act

Section 19 - Right or Freedom discrimination

5. Section 19(1) of the Bill of Rights Act affirms the right to freedom from discrimination on the grounds set out in the Human Rights Act 1993 (the Human Rights Act).
6. The key questions in assessing whether there is a limit on the right to freedom from discrimination are:
 - a. does the legislation draw a distinction on one of the prohibited grounds of discrimination under s 21 of the Human Rights Act; and if so,
 - b. does the distinction involve disadvantage to one or more classes of individuals?
7. A distinction will arise if the legislation treats two comparable groups of people differently on one or more of the prohibited grounds of discrimination. Ethnicity is a prohibited

ground of discrimination under s 21 of the Human Rights Act. Whether disadvantage arises is a factual determination.¹

8. The Bill proposes to confer rights on Māori that are not conferred on other people, by providing Ngāi Tahu with non-elected representatives on the Council, in addition to their vote for elected members. The Bill could therefore be seen to draw distinctions on the basis of race or ethnic origins.
9. Notwithstanding this, the extent to which the distinctions reflect the status of Māori as the Crown's Treaty partner, and the Crown's duties under Te Tiriti o Waitangi, we do not consider any other group is in a comparable position.
10. The Treaty of Waitangi settlement agreed between Ngāi Tahu and the Crown in November 1997 acknowledged the rangatiratanga and mana of Ngāi Tahu over their lands ("the Settlement") and affirmed their "special association" with the natural environment in a number of areas². On the basis of this, the Settlement awarded Ngāi Tahu positions of input into environmental management bodies throughout the South Island/Te Wai Pounamu. This included establishing a Ngāi Tahu statutory adviser position to the Department of Conservation and awarding dedicated seats to appointees of Te Rūnanga o Ngāi Tahu on the New Zealand Conservation Authority and on Conservation Boards within the Ngāi Tahu Claim Area.
11. Empowering Te Rūnanga o Ngāi Tahu to appoint two non-elected members to Environment Canterbury adheres to the same principle as the decisions to give Ngāi Tahu input into other environmental governance bodies in the Settlement. Ngāi Tahu have a unique claim to input into the Environment Canterbury context on the basis of their special association with the Canterbury natural environment. No comparator group is currently recognised by the government as having this special association in this region.
12. In the context of the provisions within this Bill, no other persons or groups can be considered to be in comparable circumstances to Ngāi Tahu and no persons or groups will be materially disadvantaged by the passing of the Bill. The result of this assessment is that s 19 of the Bill of Rights Act is not engaged.

Conclusion

13. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

¹ See, for example *McAlister v Air New Zealand* [2009] NZSC 78, [2010] 1 NZLR 153 at [40] per Elias CJ, Blanchard and Wilson JJ.

² Deed of Settlement between Te Rūnanga o Ngāi Tahu and the Crown, 21 November 1997, Section 2, "Crown's Apology, Acknowledgements and Agreements."

Te Pire Kaunihera Taiao ki Waitaha (Whakakanohitanga o Ngāi Tahu)

Pire ā-Rohe

E ai ki tā te Komiti Whiriwhiri Take Māori i pūrongo ai

Ngā kōrero

Tūtohutanga

Kua oti i te Komiti Whiriwhiri Take Māori te Pire Kaunihera Taiao ki Waitaha (Whakakanohitanga o Waitaha) te tiroiro, ā, e tūtohu ana te nuinga kia whakamanatia. Ka tūtohu tahi mātou katoa i ngā menemana.

Kupu whakataki

He pire ā-rohe tēnei e hāpaitia ana e te Kaunihera Taiao ki Waitaha, ā, nā Rino Tirikātene MP i whakauru ki te Whare. Ka whakarite anō kia whakakanohitia rawatia a Ngāi Tahu i te Kaunihera Taiao ki Waitaha. Ka marohi te pire i tētahi whakaritenga whakakanohitanga motuhake, e kopoua ai ētahi uri tokorua o Ngāi Tahu, kīhai i pōtitia, ki te ohu whakahaere o te Kaunihera Taiao ki Waitaha.

Kei roto i te pire ko ēnei āhuatanga:

- Ka whai mana Te Rūnanga o Ngāi Tahu (Te Rūnanga), hei rōpū whai mana ā-iwi mō te mana whenua, ki te kopou i tētahi, i ētahi tokorua rānei ki te Kaunihera Taiao o Waitaha hei tētahi wā o muri i te kōwhiringa pōti e tū nei i ia toru tau. Ka tīmata ki ngā kōwhiringa pōti ā-rohe 2022.
- Ko aua tūranga kopounga ka noho hei āpititanga ki te tatau nui rawa o ngā mema 14 ka pōtitia ki te Kaunihera Taiao ki Waitaha.
- He rite ngā mahi, ngā mana, ngā haepapa, ngā mōtika, ngā oati kapenga haepapa, me ngā herenga (tae atu ki te mana pōti) ki ā ngā mema o te Kaunihera Taiao ki Waitaha i pōtitia.
- Ka rite te moni utu i ngā mema i kopoua ki tā ngā mema i pōtitia, ahakoa ka eke taua utu ki tua o tētahi utu tōpū e whakautua ana ki ngā mema o te Kaunihera i pōtitia, he utu nā te Remuneration Authority i whakatau.

- Ka wātea tonu te Kaunihera Taiao ki Waitaha ki te whakarite rohe pōti Māori mā te hātepe e tū kē ana i raro i te Ture Pōti ā-Rohe 2001.

Ngā kōrero tūāpapa me te horopaki

Te wāhi ki te Kaunihera Taiao ki Waitaha

Ka hora te rohe o Waitaha mai i te raki o Kaikōura ki te awa o Waitaki, ā, mai i Horomaka ki Aoraki. He nui atu te rohe nei i te 44,500 kiromita pūrua, koinei te rohe nui katoa o Aotearoa.

Ko ētahi o ngā haepapa a te Kaunihera Taiao ki Waitaha ko ēnei:

- ko te whakamāmā i ngā pānga o te whakamahinga o te wai māori, te whenua, te hau, me ngā wai o uta
- ko te whakawhanake tauākī kaupapa here ā-rohe, me te tuku whakaaetanga
- ko te tiaki awa, te whakamāmā i te horonga oneone, me te whakamāmā waipuketanga
- ko ngā whakaritenga mō te whakahaerenga mate ohotata ā-rohe, me te whakamarumarutanga tūmatanui
- ko te whakamaheretanga o ngā huarahi ā-rohe me te whakakirimana i ngā ratonga kawē tāngata
- ko te urungitanga whanga, te haumarutanga i te whanga, te maringitanga hinu, me ētahi atu whakaparahanga moana.

Ko Ngāi Tahu hei mana whenua

Kei a Ngāi Tahu te rangatiratanga o runga i te 80 ōrau, nuku atu, o Te Waipounamu.

I te Whiringa-ā-rangi 1997, ka whakaaetia e te Karauna me Ngāi Tahu tētahi whakataunga Tiriti o Waitangi e mānawatia ai te rangatiratanga me te mana o Ngāi Tahu i runga i ōna whenua, ā, ka whakatūturutia tōna hononga motuhake ki te taiao i ētahi wāhi huhua. Ka whakapāha te Karauna ki a Ngāi Tahu mō ngā “hara i whākina”, ā, pērā i te tuhinga iho i roto i tā te Karauna Whakapāha ki a Ngāi Tahu, ka tohua e te whakataunga nei he tīmatanga mō tētahi “ao hou o te mahi tahi”. E ea ai ōna herenga Tiriti, ka mihi te Karauna ki a Ngāi Tahu hei tangata whenua, e pupuri nei i te rangatiratanga hoki, o te takiwā o Ngāi Tahu Whānui.

He mea whakatū Te Rūnanga o Ngāi Tahu, te rūnanga ā-iwi, nā te Ture Te Rūnanga o Ngāi Tahu 1996. E noho haepapa ana Te Rūnanga mō te tiakanga o ngā pānga o ngā uri katoa o Ngāi Tahu.

Ngā māngai o Ngāi Tahu ki te Kaunihera Taiao ki Waitaha

Ka rīwhitia ngā kaikaunihera pōti o te Kaunihera Taiao ki Waitaha ki te Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 ki ētahi Kōmihana tokowhitu i kopoua e te Minita o te Kāwanatanga ā-Rohe me te Minita mō te Taiao. Kei roto i taua Ture tētahi herenga kia mōhio tahi, kia mātanga hoki ngā Kōmihana ki ngā tikanga Māori e pā ana ki te rohe o Waitaha.

I raro i te Environment Canterbury (Transitional Governance Arrangements) Act 2016, kua turakina, ka huri anō te Kaunihera Taiao ki Waitaha hei kaunihera e pōtitia katoatia ana i ngā kōwhiringa pōti ā-rohe 2019. I oti i te Ture te hātepe te whakatako koto kia tūtohutia ētahi māngai tokorua o Ngāi Tahu e Te Rūnanga o Ngāi Tahu, ka kopoua ai hei mema o te Kaunihera Taiao ki Waitaha mō te wā kāwanatanga ā-rohe 2016–19.

Ka whai te Kaunihera Taiao ki Waitaha kia mau tonu ngā whakaritenga kopounga mema i tōna huringa hei kaunihera e pōtitia katoatia ana mā tētahi pire ā-rohe, arā te Canterbury Regional Council (Ngāi Tahu Representation) Bill. Ka hinga te pire i tōna pānuitanga tuatahi i te 3 o Paengawhāwhā 2019.

I te wā kāwanatanga ā-rohe o nāianei, kāore he uri o Ngāi Tahu i kopoua ki te Kaunihera Taiao ki Waitaha. Tokorua ngā māngai o Ngāi Tahu, he mea kopou nā te Ngāi Tahu Papatipu Rūnanga Chairs o te Rohe o Waitaha, kua whai wāhi, kua tautoko hoki i te kaunihera ki te whakatau i āna kaupapa. Heoi anō, kāore rāua e whai mana ki te pōti i ngā huinga o te kaunihera katoa.

Te whakatāretanga ā-ture

Hei wāhanga o tā mātou whakaarohanga o te pire, kua oti i a mātou te tiroiro tōna hāngai ki ngā mātāpono o te whakaturetanga kouniga. Kāore ā mātou take e pā ana ki te hoahoanga o te pire hei whakaara ki mua i te aroaro o te Whare.

Ngā menemana e marohitia ana

Kei te pūrongo nei ngā menemana nunui i whakaarohia e mātou, me ērā e tūtohu ana mātou ki te pire i whakaurua rā. He panonitanga tuhinga te nuinga o ngā menemana kāore e whiriwhiria i raro nei, hei whakapiki i te kouniga me te tōtika o ngā pire, arā mā te āwhina kia māmā ake ai te pānui, kia mārama ake ai me te kore noa e tīni i tāna pānga ā-ture.

Te noho roa ki te Kaunihera Taiao ki Waitaha

Ka whakarite te rārangi 6 kia āhei ai te whakawhānuitanga o te ohu whakahaere o te Kaunihera Taiao ki Waitaha mai i te 14 mema ki te 16 kē. Mā konei e pai ai te noho mai o ngā mema tokorua e kopoua e Te Rūnanga o Ngāi Tahu. Ka rite ngā taumahi, ngā mana, ngā haepapa, ngā tika, ngā oati kapenga haepapa, me ngā herenga (tae atu ki te mana pōti) ki ā ngā mema o te Kaunihera Taiao ki Waitaha i pōtitia.

I whakaaro mātou ki te muku i te rārangi 6(2) kia noho tonu ai te tokorahinga nunui o te Kaunihera Taiao ki Waitaha (me ngā mema i kopoua hoki) ki te 14. I whakatau mātou ki te whakaū tonu i te rārangi 6, engari e marohi ana mātou i ētahi menemana tuhinga e whakaaro ana mātou ka whakamārama i te pūtake o te rārangi. He pānga ā-ture iti tā tētahi o aua menemana. Ko tāna he whakamārama, arā ka taea e te Kaunihera ētahi mema tokorua i kopoua te whakatū i tua atu i ngā mema 14 i pōtitia, aha koa te wāhanga 19E(2) o te Local Electoral Act 2001.

Te whakautu i ngā mema i kopoua

I roto i te pire i whakaurua rā, ka whakahau te rārangi 12 kia rite te utu a ngā mema o te Kaunihera Taiao ki Waitaha i kopoua e Ngāi Tahu (tae atu ki ngā utu haerenga, ngā utu tangata, me ētahi atu utu) ki ā ngā mema o te Kaunihera Taiao ki Waitaha i pōtitia. Ka parea atu ki waho i te tirohanga a te Remuneration Authority te utu ki ngā mema i kopoua, kia mate ai te Authority ki te whakawā i ngā whakautunga ki ngā mema i pōtitia, anō nei he 14 kē te tokorahi o ngā mema o te kaunihera.

I whakaaro mātou ki te muku i te rārangi 12 kia noho tonu ai ngā tūranga kaikaunihera i kopoua i raro i te tirohanga a te Remuneration Authority i te taha o ngā tūranga mema i pōtitia. Mā reira e kapi ai ngā mema 16 katoa o te Kaunihera Taiao ki Waitaha ki roto i te huinga utunga e whakawākia ana e te Remuneration Authority, i raro i tā te Authority kaupapa here o te wā nei.

I whakatau mātou me ū tonu te rārangi 12, ka tapaina anō ko te rārangi 10A. He rite te pānga ā-ture a te rārangi 10A ki tā te rārangi 12 o roto i te pire i whakaurua, kotahi noa iho te wehenga. Ko taua wehenga ko tētahi menemana ki te rārangi 10A(4), e rīwhitia ai te kōrero mō te “governance remuneration pool” ki te kōrero mō “any total amount payable to elected members of the Council”.

Kia oti noa te menemana nei, ka whakarite te rārangi 10A(4) nei kia herea te Kaunihera Taiao ki Waitaha ki te whakautu i ngā utu, ngā utu haerenga, ngā utu tangata me ētahi atu utu ki ngā mema i kopoua, ahakoa ka eke te tatau ki tua o tētahi utu tōpū i whakatauria e te Remuneration Authority ki ngā mema o te Kaunihera Taiao ki Waitaha i pōtitia rā.

Ka marohi mātou i te menemana nei i te mea he kaupapa here te huinga utu kāwanatanga nā te Remuneration Authority, ehara i te ariā ā-ture. Kāore e puta te huinga utu kāwanatanga i ētahi atu whakaturetanga katoa a Aotearoa, kāore hoki e whakamāramatia, e whakatauria i roto i te pire nei.

New Zealand National Party differing view

Under this bill, Canterbury voters would elect 14 councillors. Every elector gets a vote to elect these councillors. However, the bill sees Ngāi Tahu appoint two councillors, in addition to the 14 elected councillors, with no voting or other democratic input from the people of Canterbury.

This is not a Māori ward, allocated proportionately to the population. It is an appointment by an independent entity. Crown Law advice to the Government points out that this discriminates against non-Māori. This is a dramatic change to the way we elect local councils and democracy in New Zealand.

The idea of equal suffrage—equal voting rights, regardless of gender, class, and ethnicity—has been a pillar of our democracy for decades. All New Zealanders should have an equal say in who governs them; an equal say in appointing the people that make the decisions that affect their lives.

Equally fundamental to our system is the ability to remove elected representatives at the next election; that is the bedrock of accountability in our democracy. But it would

not apply under this bill, because the representatives of Ngāi Tahu could not be made accountable for decision-making input in this way.

While less fundamental, we also note for the record that National shares the concerns raised by the Chair of the Remuneration Authority about the funding mechanism, along with concerns raised about increasing the maximum cap for regional councils from 14 to 16. This raises a “floodgates” issue, whereby other councils considering this arrangement may question whether they should continue within the current member cap mechanism.

Returning to those key principles of equal voting rights and accountability at the ballot box, National notes that these are fundamental to our democracy and are precious. This bill’s violation of these fundamental democratic principles is why National opposes the majority report and cannot support the bill.

If fundamental changes to local councils are to occur, such as this bill proposes, then the Government should make the case, and New Zealanders should be consulted on and be given the opportunity to approve or disapprove such fundamental changes.

Tāpiritanga

Hātepe komiti

I tukuna te Pire Kaunihera Taiao ki Waitaha (Whakakanohitanga o Ngāi Tahu) ki te komiti i te 8 o Hakihea 2021. I whiwhi mātou ki tētahi whakamārama tōmua mai i Te Tari Taiwhenua i te 9 o Huitanguru 2022.

Ko te rā katinga mō ngā tāpaetanga kōrero mō te pire ko te 2 o Huitanguru 2022. 1,651 ngā tāpaetanga i whiwhi, i whakaarohia hoki mai i ngā rōpū whai pānga me ngā tāngata takitahi. I rongo kōrero taunaki mātou mai i ngā kaitāpae e 28.

I whiwhi kupu tohutohu mātou mō te pire mai i Te Tari Taiwhenua. Nā Te Tari o te Manahautū i hōmai kupu tohutohu mō te kounga ā-ture o te pire. Nā Te Tari Tohutohu Pāremata i āwhina ki te tuhituhi i te pire.

Ngā mema o te komiti

Tāmami Coffey (Heamana)

Paul Eagle

Shanan Halbert

Harete Hipango

Joseph Mooney

Teanau Tuiono

Rawiri Waititi

Arena Williams

Canterbury Regional Council (Ngāi Tahu Representation) Bill

Local Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Canterbury Regional Council (Ngāi Tahu Representation) Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

Introduction

This is a local bill promoted by the Canterbury Regional Council, and introduced to the House by Rino Tirikatene MP. It would reinstate direct Ngāi Tahu representation on the Canterbury Regional Council (known as Environment Canterbury). The bill proposes a bespoke representation arrangement, with the appointment of two non-elected Ngāi Tahu members to Environment Canterbury's governing body.

The bill has the following features:

- Te Rūnanga o Ngāi Tahu (Te Rūnanga), as the iwi authority for mana whenua, would be able to appoint up to two members to Environment Canterbury at any time after each triennial election, beginning with the 2022 local elections.
- The appointed positions would be in addition to Environment Canterbury's maximum number of elected members, which is 14.
- The appointed members would have the same functions, powers, responsibilities, rights, indemnities, and duties (including voting rights) as elected members of Environment Canterbury.
- The appointed members would be remunerated at the same rate as elected members, even if this exceeded any total amount payable to elected members of the Council set by the Remuneration Authority.

- Environment Canterbury would continue to be able to establish Māori constituencies through the existing process under the Local Electoral Act 2001.

Background and context

Environment Canterbury's role

The Canterbury region extends from north of Kaikōura to the Waitaki River, and from Horomaka—Banks Peninsula to Aoraki—Mount Cook. At over 44,500 square kilometres, the region is New Zealand's largest.

Environment Canterbury's responsibilities include:

- managing the effects of using freshwater, land, air, and coastal waters
- developing regional policy statements and issuing consents
- managing rivers, mitigating soil erosion, and flood control
- regional emergency management and civil defence preparedness
- regional land transport planning and contracting passenger services
- harbour navigation and safety, oil spills, and other marine pollution.

Ngāi Tahu as mana whenua

Ngāi Tahu holds the rangatiratanga (tribal authority) for over 80 percent of Te Wai-pounamu—the South Island.

In November 1997, the Crown and Ngāi Tahu agreed a Treaty of Waitangi settlement which acknowledged the rangatiratanga and mana of Ngāi Tahu over their land, and affirmed their special association with the natural environment in a number of areas. The Crown apologised to Ngāi Tahu for “acknowledged injustices”, and, as recorded in the Crown Apology to Ngāi Tahu, the settlement marked the beginning for a “new age of co-operation”. Fulfilling its Treaty obligations, the Crown recognised Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the takiwā (territory) of Ngāi Tahu Whānui.

Te Rūnanga o Ngāi Tahu, the iwi authority, was established by the Te Runanga o Ngai Tahu Act 1996. Te Rūnanga is responsible for protecting the interests of all Ngāi Tahu members.

Ngāi Tahu representatives on Environment Canterbury

The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 replaced Environment Canterbury's elected councillors with seven commissioners appointed by the Minister of Local Government and the Minister for the Environment. This Act included a requirement for the Commissioners to collectively have knowledge of, and expertise in relation to, tikanga Māori as it applies in the Canterbury region.

Under the Environment Canterbury (Transitional Governance Arrangements) Act 2016, now repealed, Environment Canterbury returned to a fully elected council at the 2019 local elections. The Act had set out a process for two Ngāi Tahu representatives

to be recommended by Te Rūnanga o Ngāi Tahu and appointed as members of Environment Canterbury for the 2016–2019 local government term.

Environment Canterbury sought to continue the appointed member arrangements when it returned to a fully elected council through a local bill, the Canterbury Regional Council (Ngāi Tahu Representation) Bill. The bill was defeated at its first reading on 3 April 2019.

During the current local government term, no Ngāi Tahu appointed members have sat on Environment Canterbury. Two Ngāi Tahu representatives, appointed by the Ngāi Tahu Papatipu Rūnanga Chairs of the Canterbury Region, have been participating and assisting with council decision-making. However, they are not able to vote at full council meetings.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we considered, and those we recommend to the bill as introduced. The amendments not discussed below are largely drafting changes, to improve the quality and accuracy of the legislation by helping it to read more easily and clearly without changing its legal effect.

Extended membership of Environment Canterbury

Clause 6 would enable the membership of Environment Canterbury's governing body to be increased from 14 members to 16 members. This would accommodate the two members appointed by Te Rūnanga o Ngāi Tahu. These members would have the same functions, powers, responsibilities, rights, indemnities, and duties (including voting rights) as elected members of Environment Canterbury.

We considered deleting clause 6(2) so that the maximum membership of Environment Canterbury (including the appointed members) would remain at 14. We chose to retain clause 6, but propose some drafting amendments which we believe clarify the intent of the clause. One of these amendments has a minor legal effect. It clarifies that the Council may include two appointed members in addition to the 14 elected members despite section 19E(2) of the Local Electoral Act 2001.

Remuneration of appointed members

In the bill as introduced, clause 12 would require the appointed Ngāi Tahu members of Environment Canterbury to be paid (including allowances, expenses, and fees) on the same basis as elected members of Environment Canterbury. It would also exclude the remuneration of appointed members from the Remuneration Authority's oversight, so that the Authority would be required to make remuneration determinations,

for the elected members only, as if Environment Canterbury was a 14-member council.

We considered deleting clause 12 so that the appointed councillor positions would be under the Remuneration Authority's oversight, together with the elected member positions. That would mean that under the Remuneration Authority's current policy, the remuneration pool determined by the Authority for Environment Canterbury would cover all 16 members.

We chose to retain clause 12, renumbered as clause 10A. Clause 10A has the same legal effect as clause 12 in the bill as introduced, with one exception. The exception is an amendment to clause 10A(4), which replaces the reference to the "governance remuneration pool" with a reference to "any total amount payable to elected members of the Council".

As amended, clause 10A(4) provides that Environment Canterbury must pay remuneration, allowances, expenses, and fees to appointed members even if doing so exceeds any total amount payable to elected members of Environment Canterbury as determined by the Remuneration Authority.

We have proposed this amendment because the governance remuneration pool is a Remuneration Authority policy, rather than a legal concept. The governance remuneration pool is neither referred to anywhere else in New Zealand legislation, nor defined in this bill.

New Zealand National Party differing view

Under this bill, Canterbury voters would elect 14 councillors. Every elector gets a vote to elect these councillors. However, the bill sees Ngāi Tahu appoint two councillors, in addition to the 14 elected councillors, with no voting or other democratic input from the people of Canterbury.

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Equally fundamental to our system is the ability to remove elected representatives at the next election; that is the bedrock of accountability in our democracy. But it would not apply under this bill, because the representatives of Ngāi Tahu could not be made accountable for decision-making input in this way.

While less fundamental, we also note for the record that National shares the concerns raised by the Chair of the Remuneration Authority about the funding mechanism, along with concerns raised about increasing the maximum cap for regional councils from 14 to 16. This raises a "floodgates" issue, whereby other councils considering

this arrangement may question whether they should continue within the current member cap mechanism.

Returning to those key principles of equal voting rights and accountability at the ballot box, National notes that these are fundamental to our democracy and are precious. This bill's violation of these fundamental democratic principles is why National opposes the majority report and cannot support the bill.

If fundamental changes to local councils are to occur, such as this bill proposes, then the Government should make the case, and New Zealanders should be consulted on and be given the opportunity to approve or disapprove such fundamental changes.

Appendix

Committee process

The Canterbury Regional Council (Ngāi Tahu Representation) Bill was referred to the committee on 8 December 2021. We received an initial briefing from the Department of Internal Affairs on 9 February 2022.

The closing date for submissions on the bill was 2 February 2022. We received and considered 1,651 submissions from interested groups and individuals. We heard oral evidence from 28 submitters.

We received advice on the bill from the Department of Internal Affairs. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Tāmami Coffey (Chairperson)

Paul Eagle

Shanan Halbert

Harete Hipango

Joseph Mooney

Teanau Tuiono

Rawiri Waititi

Arena Williams

**Canterbury Regional Council (Ngāi Tahu
Representation) Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Rino Tirikatene

Canterbury Regional Council (Ngāi Tahu Representation) Bill

Local Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
- This Act is the Canterbury Regional Council (Ngāi Tahu Representation) Act **2021**.
- 2 Commencement** 5
- This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

- 3 Purpose** 10
- The purpose of this Act is to enable TRoNT to appoint up to 2 members of the Council in accordance with this Act, and make related ~~consequential provisions~~ changes.
- 4 Interpretation**
- (1) In this Act, unless the context otherwise requires,— 15
- 2022 election** means the triennial general election of members of local authorities, required by section 10 of the Local Electoral Act 2001, to be held on the second Saturday in October 2022
- appointed member** means a member of the Council who is appointed to office under **section 7** 20
- Council** means the regional council named in Part 1 of Schedule 2 of the Local Government Act 2002 (~~Part 1 of Schedule 2~~) as the Canterbury Regional Council
- elected member** means a member of the Council who is elected to office under the Local Electoral Act 2001 25

Canterbury Regional Council (Ngāi Tahu
Representation) Bill

Part 2 cl-6

member, in relation to the Council, means—

- (a) an elected member; or
- (b) an appointed member

TRoNT means Te Rūnanga o Ngāi Tahu established by section 6 of the ~~Te Rūnanga o Ngāi Tahu Act 1996~~ Te Runanga o Ngai Tahu Act 1996. 5

- (2) A term or an expression that is defined in the Local Government Act 2002 or the Local Electoral Act 2001 and used but not defined in this Act has the same meaning as in the Local Government Act 2002 or the Local Electoral Act 2001, as the case requires.

5 Relationship between this Act and other legislation applicable to local authorities 10

The ~~Local Government Act 2002, the Local Electoral Act 2001, and any other enactment applicable to a local authority following enactments~~ apply to the Council, except to the extent that those enactments are inconsistent with, or modified by, this Act: 15

- (a) the Local Government Act 2002:
- (b) the Local Electoral Act 2001:
- (c) any other enactment applicable to a local authority.

5A Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms. 20

Part 2

TRoNT may appoint 2 members to Council

Subpart 1—Membership and appointment

Membership of Council 25

6 ~~Extended membership~~

- (1) ~~From the 2022 election, in addition to the elected members, the Council may include 2 members appointed under this Act.~~
- (2) ~~Despite sections 19D and 19E(2) of the Local Electoral Act 2001 the maximum number of members of the Council is 16.~~ 30
- (3) ~~A reference in any enactment, other than in sections 19D and 19E of the Local Electoral Act 2001, to a member or an elected member of a local authority or a regional council must, in relation to the Council be read as including a reference to an appointed member (including, for example, treating a reference to an elected member's election as a reference to an appointed member's appointment).~~ 35

Canterbury Regional Council (Ngāi Tahu Representation) Bill	
Part 2 cl 6	
(4) Without limiting subsection (3) , all members of the Council have the same functions, powers, responsibilities, rights, indemnities, and duties irrespective of whether they are elected or appointed.	
6 Extended membership	
<i>Application of this section</i>	5
(1) This section applies from the day after the date on which the official results of the 2022 election of the Council are declared.	
(2) Subsection (4) applies despite section 19E(2) of the Local Electoral Act 2001.	
(3) Subsection (5) applies despite section 19D of the Local Electoral Act 2001.	10
<i>Membership of Council</i>	
(4) The Council may include, in addition to the elected members, 2 members appointed under this Act.	
(5) The maximum number of members of the Council is 16.	
(6) A reference in any enactment, other than in sections 19D and 19E of the Local Electoral Act 2001, to a member or an elected member of a local authority or a regional council must, in relation to the Council, be read as including a reference to an appointed member.	15
Example	
An enactment refers to an elected member's election.	20
In relation to the Council, this reference must be read as including a reference to an appointed member's appointment.	
(7) Without limiting subsection (6) , all members of the Council have the same functions, powers, responsibilities, rights, indemnities, and duties irrespective of whether they are elected or appointed.	25
<i>Appointment of members to Council</i>	
7 Appointment of members by TRoNT	
(1) After the day on which the official result of the 2022 election is declared under section 86 of the Local Electoral Act 2001 in relation to the Council, and after each subsequent triennial general election, TRoNT may appoint up to 2 members of the Council.	30
(1) TRoNT may appoint up to 2 members of the Council—	
(a) from the day after the date on which the official result of the 2022 election is declared under section 86 of the Local Electoral Act 2001 in relation to the Council; and	35
(b) after each subsequent triennial general election.	

**Canterbury Regional Council (Ngāi Tahu
Representation) Bill**

Part 2 cl 9

-
- (2) Despite section 117 of the Local Electoral Act 2001, whenever a vacancy arises in the case of an appointed member, TRoNT may appoint a member to fill that vacancy.
- (3) Every member appointed under this section must be qualified to be elected as an elected member at the date of appointment. 5
- (4) A member who has previously been appointed under this section may be reappointed under this section.
- 8 Notice and commencement of appointment**
- (1) ~~Every appointment under **section 7** must be notified to the chief executive of the Council in writing signed by the appointed member and chief executive of TRoNT, and the appointment takes effect on and from the date that notice is received~~ 10
- (2) ~~The chief executive of the Council must give public notice of every appointment as soon as practicable after the notification under **subsection (1)** is made.~~ 15
- 8 Notice and commencement of appointment**
- (1) The chief executive of TRoNT must notify every appointment made under **section 7** to the chief executive of the Council.
- (2) A notification under **subsection (1)** must be—
- (a) in writing; and 20
- (b) signed by the chief executive of TRoNT and the appointed member.
- (3) An appointment takes effect on the date on which the chief executive of the Council receives notification of the appointment under **subsection (1)**.
- (4) The chief executive of the Council must give public notice of an appointment as soon as practicable after receiving notification under **subsection (1)**. 25
- 9 Vacation of office by appointed members**
- (1) Unless vacating office sooner, appointed members cease to hold office at the same time as elected members vacate office under section 116(1)(a) of the Local Electoral Act 2001; ~~but are eligible for reappointment if qualified.~~
- (2) Appointed members vacate office or are suspended in the same manner as applies to elected members under the Local Government Act 2002 (see clauses 1 to 5 of Part 4 of Schedule 7, but subclause 5(2) does not apply). 30
- (2A) For the purposes of **subsection (2)**, clause 5(2) of Schedule 7 of the Local Government Act 2002 does not apply.
- (3) ~~Section 12 of the Interpretation Act 1999~~ Section 45 of the Legislation Act 2019 does not apply in respect of appointed members. 35

Lack of appointed members**10 Lack of appointed members**Council may operate irrespective of **section 7** appointment

- (1) Meetings of the Council (including the first meeting called under the Local Government Act 2002 (~~in accordance with~~ clause 21 of Schedule 7)) may be called irrespective of whether ~~or not~~ TRoNT has made any appointment under **section 7**. 5
- (2) The Council must perform its functions and duties, and may exercise its powers, irrespective of whether ~~or not~~ TRoNT has made any appointment under **section 7**. 10

Unfilled appointment not vacancy for certain purposes

- (3) An unfilled appointment is not a vacancy for the purposes of the following clauses of Schedule 7 of the Local Government Act 2002:
- (a) clause 22(1)(b)(ii) (which relates to a requisition for an extraordinary meeting of a local authority): 15
- (b) clause 23(3)(a) (which relates to the quorum at a meeting of a local authority).
- (4) For the purposes of **subsection (3)**, an unfilled appointment exists if—
- (a) TRoNT makes—
- (i) only 1 appointment under **section 7**; or 20
- (ii) no appointment under **section 7**; or
- (b) a vacancy arises in the case of an appointed member.

Subpart 2—Remuneration of appointed members**10A Remuneration of appointed members**Remuneration Authority 25

- (1) **Subsection (2)** applies—
- (a) if the Remuneration Authority is determining the remuneration, allowances, expenses, and fees of members of the Council pursuant to the Remuneration Authority Act 1977 and Part 1 of Schedule 7 of the Local Government Act 2002; and 30
- (b) despite **section 6** of this Act.
- (2) The Remuneration Authority must not have regard to whether any members have been appointed under **section 7** of this Act.

Council

- (3) The Council must pay remuneration, allowances, expenses, and fees to any member appointed under **section 7** as other members are remunerated according to their responsibilities. 35

Canterbury Regional Council (Ngāi Tahu
Representation) Bill

Part 2 cl 13

- (4) The Council must make the payments required under **subsection (3)** even if doing so exceeds any total amount payable to elected members of the Council determined by the Remuneration Authority.

Subpart 3—Provisions relating to Local Electoral Act 2001

- 11 Representation reviews** 5
- ~~In making any determination under section 19I of the Local Electoral Act 2001, the Council must disregard the right of TRoNT to appoint members under **section 7**.~~
- 11 Reviews of representation arrangements for elections**
- (1) This section applies if the Council is making a determination under section 19I of the Local Electoral Act 2001 (which requires a regional council to review its representation arrangements). 10
- (2) The Council must disregard the right of TRoNT to appoint members under **section 7** of this Act.
- 12 Remuneration of appointed members** 15
- (1) ~~Despite **section 6**, in determining the remuneration, allowances, expenses, and fees of members of the Council pursuant to the Remuneration Authority Act 1977 and Part 1 of Schedule 7 of the Local Government Act 2002, the Remuneration Authority must not have regard to whether or not any members have been appointed under **section 7**.~~ 20
- (2) ~~The Council must pay remuneration, allowances, expenses, and fees to any member appointed under **section 7** to the same extent as other members are remunerated according to their responsibilities; and must make those payments even if doing so exceeds any governance remuneration pool or other maximum prescribed by the Remuneration Authority.~~ 25
- 13 Council may establish Māori constituencies**
- Nothing in this Act prevents the Council from passing a resolution under section 19Z(2) of the Local Electoral Act 2001 (which relates to a resolution to create one or more Māori constituencies).

Schedule 1Canterbury Regional Council (Ngāi Tahu
Representation) Bill**Schedule 1**
Transitional, savings, and related provisions**s 5A****Part 1**
Provisions relating to this Act as enacted

5

There are no transitional, savings, or related provisions relating to this Act as enacted.

Legislative history10 November 2021
8 December 2021
2 June 2022Introduction (Bill 91–1)
First reading and referral to Māori Affairs Committee
Reported from Māori Affairs Committee (Bill 91–2)

Wellington, New Zealand:

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8.8. Submission on the Maritime Proposals of the Regulatory Systems (Transport) Amendment Bill

Regional and Strategic Leadership Committee report

Date of meeting	Wednesday, 22 June 2022
Author	Sam Bellamy, Team Leader Strategy and Planning Ian Fox, Harbourmaster
Responsible Director	Katherine Harbrow, Director Operations

Purpose

1. This report seeks approval of the draft Canterbury Regional Council submission on the maritime proposals of the Regulatory Systems (Transport) Amendment Bill ('the Bill').
2. The Canterbury Regional Council's ('the Council's') responsibilities related to managing maritime activities that may affect the safe navigation of vessels on Canterbury's waterways may be impacted by some of the regulatory proposals set out in the Bill. The consultation provides the opportunity to feedback on the proposed changes to maritime legislation and regulation in Aotearoa New Zealand.

Recommendations

That the Regional and Strategic Leadership Committee:

1. **Approves the draft Canterbury Regional Council submission on the maritime proposals of the Regulatory Systems (Transport) Amendment Bill (provided as Attachment 8.8.1).**
2. **Delegates to the Chief Executive the amendment of any minor or clerical errors in the submission, prior to it being submitted to the Ministry of Transport.**

Key points

3. The Ministry of Transport is consulting on the Regulatory Systems (Transport) Amendment Bill. This Bill includes a wide range of regulatory proposals that aim to help improve and modernise the transport system in Aotearoa New Zealand, including a number that are related to changes to the maritime legislative system. The consultation on these proposals closes on 24 June 2022.
4. The consultation provides the opportunity to provide views on the maritime regulatory proposals. This is relevant to the Council given its statutory responsibilities related to maritime management on Canterbury's many waterways.

5. The draft Canterbury Regional Council submission focuses on providing comment on those maritime regulatory proposals that are of direct interest to the Council. These proposals relate to two objectives of the Bill: *Maintaining safety through responsive regulatory action* and *Modernising transport legislation to ensure it is fit-for-purpose*.

Background

6. The Ministry of Transport, in collaboration with Maritime NZ, has identified a range of changes to legislation and regulation that aim to help ensure that the maritime legislative system remains effective and fit-for-purpose. This includes possible amendments to the:
 - Maritime Transport Act 1994 (MTA)
 - Maritime (Offences) Regulations 1998
 - Maritime Protection (Offences) Regulations 1998
7. The proposed amendments to the MTA are being made as part of the Bill, with related changes to the Regulations able to be progressed once the Bill has been enacted.
8. The Ministry of Transport is currently seeking views on a range of regulatory proposals outlined in the Bill that aim to improve and modernise the transport system in Aotearoa New Zealand. This includes 22 proposals related to the maritime legislative system. The consultation on these proposals closes on 24 June 2022.
9. Council staff have worked with the Ministry of Transport and Maritime NZ during the development of these proposals in order to support improved maritime safety outcomes.

Maritime regulatory proposals

10. The legislative framework underpinning the transport regulatory system is substantial, with seven pieces of maritime-related primary legislation, 15 regulations, and dozens of maritime and marine protection rules. In making changes to the maritime legislative system, the Ministry of Transport is seeking to achieve the following five core objectives:
 - Improving the effective use of technology
 - Clarifying regulatory roles, responsibilities and requirements in the regulatory system
 - Maintaining safety through responsive regulatory action
 - Addressing inconsistencies, improving system efficiencies and aligning with international requirements
 - Modernising transport legislation to ensure it is fit-for-purpose
11. As noted above, there are 22 maritime regulatory proposals that seek to deliver against these objectives. These proposals are detailed in the [consultation document](#) released by the Ministry of Transport. While not all the proposals are of direct relevance to the Council, some are of interest given the Council's responsibilities for ensuring the safe

and efficient management of vessels on Canterbury's waterways. This key work is undertaken through the Council's Harbourmaster's Office.

Key submission points

12. The draft Canterbury Regional Council submission is provided as Attachment 8.8.1.
13. The draft submission notes general support for all the maritime proposals set out in the Bill, but focuses on providing comment on those proposals that are of direct interest for the Council. These proposals relate to the following two core objectives of the Bill:
 - Maintaining safety through responsive regulatory action (Objective 3)
 - Modernising transport legislation to ensure it is fit-for-purpose (Objective 5)
14. In terms of the objective of *Maintaining safety through responsive regulatory action*, the draft submission provides particular comment on Proposal 3.1. This proposal seeks to extend the functions, duties, responsibilities and powers of a regional council relating to maritime safety to the Minister of Conservation to help manage maritime safety in the Subantarctic Islands and the Kermadec Islands (the Islands).
15. The draft submission is supportive of Proposal 3.1 for a range of reasons, including that it will greatly support the formal arrangement the Council has entered into with the Department of Conservation to improve maritime safety at the Islands. This arrangement involves the Council offering specialist advice and systems management as part of supporting maritime management of the Islands. The proposal will enable the necessary regulatory controls to support the desired safety outcomes at the Islands.
16. In terms of the objective of *Modernising transport legislation to ensure it is fit-for-purpose*, the draft submission is supportive of the range of proposals outlined in the Bill that seek to improve Aotearoa New Zealand's implementation of international conventions, and ensure that penalties for breaches of the MTA and associated regulations are transparent, proportionate and effective (Proposals 5.1, 5.2 and 5.3). These changes will support increased operational efficiencies for enforcement agencies and lead to improved effectiveness of maritime safety initiatives.

Cost, compliance and communication

Risk assessment and legal compliance

17. There are no identified risk or legal implications from the Council providing views on the maritime regulatory proposals of the Bill as part of this consultation.

Climate Change Impacts

18. The maritime regulatory proposals broadly aim to clarify regulatory roles and responsibilities, fix inconsistencies in the transport system, and modernise legislation so it is fit-for-purpose. The proposed changes are likely to deliver a range of positive benefits, such as improving maritime safety and increasing environmental protection.

However, the proposals are likely to have limited or no relationship with climate change.

Communication

19. A copy of the final submission will be added to Environment Canterbury's website after it has been lodged with the Ministry of Transport.

Next steps

20. Subject to the Committee's decision, the submission will be finalised and lodged with the Ministry of Transport before the consultation closes on 24 June 2022.

Attachments

1. Draft Canterbury Regional Council Submission on the Maritime Proposals of the RSTA Bill [8.8.1 - 3 pages]

File reference	[SharePoint link for this paper]
Legal review	
Peer reviewers	Clare Pattison, Principal Strategy Advisor Adrienne Lomax, Senior Strategy Advisor

XX June 2022

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Dear Sir/Madam

Submission on the maritime proposals of Te Whakahounga o Te Pire Tiaki Ture (Tūnuku) | Regulatory Systems (Transport) Amendment Bill

Thank you for the opportunity to provide views on the maritime proposals of Te Whakahounga o Te Pire Tiaki Ture (Tūnuku) | Regulatory Systems (Transport) Amendment Bill (the Bill).

About us

The Canterbury Regional Council (the Council) is statutorily responsible for managing all maritime-related activities that may affect the safe navigation of vessels on Canterbury's many waterways. This includes overseeing all rivers, lakes, harbours and ports in the region, as well as coastal areas up to twelve nautical miles offshore; and includes the operation of cruise ships and commercial ships, as well as a wide range of recreational boating activities (such as kayaking, paddle boarding, jet boating and sailing). This important work is undertaken by the Council's Harbourmaster's Office.

Key submission points

Within the context of seeking to improve and modernise the transport system in Aotearoa New Zealand, the Council is generally supportive of the maritime proposals set out in the Bill. This submission focuses on providing comment on those proposals of direct interest to the Council given our roles and responsibilities for ensuring the safe and efficient management of vessels on Canterbury's waterways. These proposals relate to the following objectives of the Bill:

- Maintaining safety through responsive regulatory action (Objective 3)
- Modernising transport legislation to ensure it is fit-for-purpose (Objective 5)

Maintaining safety through responsive regulatory action (Objective 3)

The Council supports the proposal to extend the functions, duties, responsibilities and powers of a regional council relating to maritime safety provided for under Part 3A of the Maritime Transport Act 1994 (MTA) to the Minister of Conservation to help effectively manage maritime safety in the Subantarctic Islands and the Kermadec Islands (Proposal 3.1).

While the Minister of Conservation currently has powers under the Resource Management Act 1991 (RMA) in respect of the Islands that are akin to a local authority, we recognise that these powers do not reflect relevant powers of regional councils under the MTA that could be used to regulate maritime safety around the Islands. We consider that the proposal to extend the functions, duties, responsibilities and powers of the Minister of Conservation in this regard will support increased consistency of regulatory powers and functions throughout all the waters within the limits of Aotearoa New Zealand's territorial sea.

We note that increasing the consistency of maritime management in Aotearoa New Zealand is currently a key theme in the sector and that the New Zealand Port and Harbour Marine Safety Code has taken a lead in addressing this issue. The Code is a collaborative arrangement between regional councils, port companies and Maritime NZ. There has been support from the Code for some time for a proposal such as this one that confers powers on the Minister of Conservation to effectively manage maritime safety around offshore islands.

We also note that the Council has entered into a formal arrangement with the Department of Conservation to improve maritime safety management at the Subantarctic Islands and the Kermadec Islands. This involves the Council providing specialist advice and systems management as part of supporting maritime management of the Islands. We consider that the proposal outlined above will greatly support this arrangement by allowing the necessary regulatory controls to support the safety outcomes that we collectively desire.

We also wish to acknowledge the endemic nature of the flora and fauna of the Islands, and the threat status of many of their species, meaning a maritime accident could have a catastrophic effect. This further highlights the importance of having the right regulatory settings in place for improved maritime safety management at the Islands.

Modernising transport legislation to ensure it is fit-for-purpose (Objective 5)

The Council supports the range of proposals outlined in the Bill that seek to improve Aotearoa New Zealand's implementation of international conventions, and ensure that the penalties for breaches of the MTA and associated regulations are transparent, proportionate and effective (Proposals 5.1, 5.2 and 5.3).

We consider that the proposals related to updating the maximum level of fines and infringement fees that can be set through regulations in the MTA, modernising the penalties for the safety offences in the MTA, and amending the Maritime (Offences) Regulations 1998 and Maritime Protection (Offences) Regulations 1998, will support greater operational efficiencies for enforcement agencies and lead to improved effectiveness of maritime safety initiatives.

We consider that these proposals will support a more fit-for-purpose approach for prescribing financial penalties for maritime safety breaches, that is better aligned to the severity and risk of harm of offences. It is important that penalty levels do serve as a genuine deterrent of safety offences and suitably aligns with other more modern legislation, such as the Health and Safety at Work Act 2015.

Closing remarks

The Council appreciates the opportunity to comment on the maritime proposals of the Bill. This submission has focused on those proposals that are of particular interest to the Council given our roles and responsibilities for maritime management in Canterbury. We would be happy to further discuss our views on these proposals with you.

For all enquiries please contact:

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Yours sincerely

Jenny Hughey
Chair

9. Next Meeting

The next meeting of the Regional and Strategic Leadership Committee is scheduled to be held on Thursday, 11 August 2022 at 1.00pm. Any changes to this time will be publicly advertised and updated on the Environment Canterbury website.

10. Mihi / Karakia Whakamutunga - Closing

The meeting will conclude with a karakia by a member of the Regional and Strategic Leadership Committee.