

# **Hawke's Bay Regional Planning Committee Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill implements the Government's decision to establish a statutory body called the Hawke's Bay Regional Planning Committee (the **RPC**). The RPC will be a joint committee of the Hawke's Bay Regional Council (the **Council**) and tāngata whenua members and will provide for 9 iwi or hapū groups to have input into the development and review of the regional policy statement and regional plans for the RPC region prepared in accordance with the Resource Management Act 1991.

The establishment of the RPC gives effect to the commitment made by the Government in the Ngāti Pāhauwera Deed of Settlement and recorded in the Maungaharuru-Tangitū Hapū Deed of Settlement to work with iwi and hapū and the Council to agree the details of the RPC in order to introduce legislation. This form of Treaty settlement redress is consistent with the Government's overarching position on natural resource management in the settlement of historical Treaty of Waitangi claims and is one of the 2 standard arrangements for involving iwi or hapū in natural resource management.

### **Regulatory impact statement**

The Ministry of Justice (Office of Treaty Settlements) produced a regulatory impact statement on 27 September 2011 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://nz01.terabyte.co.nz/ots/LiveArticle.asp?ArtID=637813776>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

### **Departmental disclosure statement**

The Ministry of Justice (Office of Treaty Settlements) is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2014&no=202&>.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

## **Part 1**

### **Preliminary provisions**

*Clause 3* states the purpose of the Bill.

*Clause 4* defines certain terms used in the Bill.

*Clause 5* provides for the legal recognition of certain replacement tāngata whenua appointers if, after the commencement of the Bill, the Crown—

- approves a governance entity to represent Mana Ahuriri hapū, Ngāti Tuwharetoa, Ngāti Hineuru, the hapū of Heretaunga and Tamatea, or Wairoa iwi and hapū (as the case may be):

- recognises a mandated body or approves a governance entity to represent Ngāti Ruapani ki Waikaremoana in historical Treaty of Waitangi claims settlement negotiations.

The provision clarifies that if *clause 5* applies, the governance entity or mandated representative is to be treated as the relevant tāngata whenua appointer for the purposes of the definition of that term in *clause 4*.

*Clause 6* provides that the Bill, when enacted, binds the Crown.

## Part 2

### Hawke's Bay Regional Planning Committee

#### *RPC established*

*Clause 7* establishes the RPC.

*Clause 8* relates to the status of the RPC. It provides that the RPC is a joint committee of the Council and may not be discharged except with the written unanimous agreement of its appointers.

#### *Purpose, functions, and powers of RPC*

*Clause 9* states the purpose of the RPC. The purpose of the RPC is to oversee the development and review of RMA documents prepared in accordance with the Resource Management Act 1991 for the RPC region. *Clause 9(2)* clarifies that nothing in the Bill limits the obligations of the Council under the Resource Management Act 1991 or the Local Government Act 2002 in respect of Māori within the RPC region.

*Clause 10* specifies the functions of the RPC. *Clause 10(1)* provides that the primary function of the RPC is to achieve its purpose as set out in *clause 9(1)*.

In achieving this purpose, *clause 10(2)* provides that the RPC may—

- consider the RMA documents and recommend to the Council for public notification the content of any draft—
  - change to the regional policy statement or regional plan for the RPC region;
  - proposed regional policy statement or proposed regional plan for the RPC region;

- variation to a proposed regional policy statement, proposed regional plan, or a change:
- monitor the efficiency and effectiveness of RMA documents for the RPC region in accordance with section 35 of the Resource Management Act 1991; and
- implement a work programme for the review of the RMA documents for the RPC region; and
- perform any other function specified in the terms of reference.

*Clause 10(3)* provides that for the purposes of enabling the RPC to perform its functions, Council must refer all matters referred to in *clause 10(2)(a)* to the RPC and provide the RPC with all necessary documents or other information.

*Clause 10(4)* provides that the RPC has the powers reasonably necessary to carry out its functions in a manner consistent with the specified legislation (defined in *clause 4* as the Bill, the local government legislation, and the relevant provisions of the Resource Management Act 1991).

#### *Membership of RPC*

*Clause 11* relates to the membership of the RPC. *Clause 11(1)* provides that the membership of the RPC consists of an equal number of tāngata whenua members and Council members as follows:

- 1 member appointed by each of the following:
  - the trustees of the Maungaharuru-Tangitū Trust:
  - the trustees of the Ngāti Pāhauwera Development Trust:
  - the trustees of Tūhoe Te Uru Taumatua:
  - the trustees of Ngati Tuwharetoa Hapu Forum Trust:
  - Mana Ahuriri Incorporated:
  - Ngati Hineuru Iwi Incorporated:
  - Te Tira Whakaemi o Te Wairoa:
- 2 members appointed by He Toa Takitini:
- 1 member appointed by the appointer for Ngāti Ruapani ki Waikaremoana:
- 10 members appointed by the Council.

*Clause 11(2)* requires each appointer to notify all other appointers and the RPC in writing of an appointment under *clause 11(1)*.

*Clause 11(3)* provides that if a tāngata whenua appointer fails to appoint a tāngata whenua member to the RPC as required by the Bill, then the number of Council members that may be appointed to the RPC is reduced proportionately to ensure that there is equal representation of tāngata whenua members and Council members.

*Clause 11(4)* provides that if a tāngata whenua member fails to attend 3 out of 5 consecutive meetings of the RPC without the prior written agreement of all other members, that person's appointment is deemed to be discharged, and the number of Council members on the RPC is reduced proportionately, until a replacement member is appointed.

*Clause 11(5)* clarifies that a tāngata whenua member is not, by virtue of that person's membership of the RPC, a member of the Council.

#### *Other matters*

*Clause 12* provides that certain matters must be included in the RPC's terms of reference. In particular, *clause 12(1)(c)* provides that the terms of reference must include a procedure for the Council to refer back to the RPC for reconsideration any recommendations made by the RPC but not adopted by the Council (whether in whole or in part) and for the RPC to make further recommendations. However, *clause 12(3) and (4)* clarify that such a procedure must be consistent with the specified legislation and in the event of any inconsistency between the obligations of the Council under the terms of reference and its obligation under the specified legislation, the specified legislation prevails. This ensures that the procedures of the RPC under the terms of reference do not interfere with the Council's statutory obligations under the specified legislation (for example, a requirement to meet a statutory timeframe).

*Clause 13* requires the first meeting of the RPC to be held no later than 6 months after the commencement of the Bill.

#### *Application of local government legislation*

*Clause 14* applies the provisions of the local government legislation, with any necessary modifications, to the RPC to the extent they are relevant to the purpose and functions of the RPC as a joint committee of the Council and except as otherwise provided in the Bill.

In particular, *clause 14(2) and (3)* disapply certain provisions of Schedule 7 of the Local Government Act 2002 (**Schedule 7**) in re-

spect of the RPC that apply to joint committee's generally and apply other provisions of Schedule 7 only to Council members.

*Further provisions*

*Clause 15* and the *Schedule* contain further provisions relating to the RPC.

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*Hon Christopher Finlayson*

# **Hawke's Bay Regional Planning Committee Bill**

Government Bill

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## Preamble

- (1) Discussions between the Crown, the Hawke's Bay Regional Council (the **Council**), Tūhoe, and tāngata whenua of Hawke's Bay in the context of Treaty settlement negotiations have identified a need for greater tāngata whenua involvement in the management of natural resources in the RPC region: 5
- (2) In the Deed of Settlement dated 17 December 2010 between the Crown and Ngāti Pāhauwera, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region, and include drafting and recommending to the Council, plan and policy changes affecting natural resources in the region: 10
- (3) The Deed of Settlement dated 25 May 2013 between the Crown and the Maungaharuru-Tangitū Hapū records that the trustees of the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū have agreed interim terms of reference for the committee that were adopted by the Council on 14 December 2011: 20
- (4) The committee is already operating, but legislation is required to ensure that the committee cannot be discharged except by unanimous written agreement of the appointers and to confirm its role and procedures:



**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**  
This Act is the Hawke's Bay Regional Planning Committee Act **2014**.

**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  
(1) The purpose of this Act is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 for the Hawke's Bay region.

(2) To that end, this Act establishes the Hawke's Bay Regional Planning Committee as a joint committee of the Hawke's Bay Regional Council. 15

**4 Interpretation**

(1) In this Act, unless the context otherwise requires,—

**appointer** means— 20

- (a) a tāngata whenua appointer:
- (b) the Council

**appointer for Ngāti Ruapani ki Waikaremoana**,—

(a) if **section 5(3)** applies, means the mandated body or governance entity for Ngāti Ruapani ki Waikaremoana 25  
(as the case may be):

(b) if **section 5(3)** does not apply, means the Council acting on the instruction of Ngāti Ruapani ki Waikaremoana

**Council** means Hawke's Bay Regional Council 30

**Council member** means a member of the RPC appointed by the Council under **section 11(1)(j)**

**governance document**, in relation to a tāngata whenua appointer that is a governance entity, means the trust deed or other document by which the tāngata whenua appointer is constituted and governed

**governance entity** means the post-settlement governance entity established by an iwi or a hapū and approved by the Crown for the purposes of receiving redress in the settlement of the historical Treaty of Waitangi claims of that iwi or hapū 5

**Hawke's Bay Regional Planning Committee or RPC** means the Hawke's Bay Regional Planning Committee established by section 7 10

**He Toa Takitini** means the unincorporated body of persons established by deed of mandate recognised by the Crown on 15 October 2010 to represent the hapū of Heretaunga and Tamatea

**interim committee** means the committee established by the Council on 27 April 2011 under clause 30(1) of Schedule 7 of the Local Government Act 2002 to oversee the development and review of the regional policy statement and regional plans for the RPC region in accordance with the interim terms of reference 15 20

**interim terms of reference** means the terms of reference for the interim committee adopted by the Council on 14 December 2011, including any amendments made to those terms of reference before the commencement of this Act

**local government legislation** means— 25

- (a) the Local Government Act 2002; and
- (b) the Local Government Official Information and Meetings Act 1987; and
- (c) the Local Authorities (Members' Interests) Act 1968

**Mana Ahuriri Incorporated** means the incorporated society known by that name incorporated on 6 April 2009 30

**Maungaharuru-Tangitū Trust** means the trust established by trust deed dated 18 December 2012

**members**, in relation to the RPC, means each tāngata whenua member and each Council member 35

**Ngati Hineuru Iwi Incorporated** means the incorporated society known by that name incorporated on 20 April 1994

**Ngāti Pāhauwera Development Trust** means the trust established by trust deed dated 27 September 2008

**Ngati Tuwharetoa Hapu Forum Trust** means the trust established by trust deed in 2009

**RMA document** means any of the following required under the RMA in relation to the RPC region: 5

- (a) a regional policy statement or proposed regional policy statement:
- (b) a regional plan or a proposed regional plan

**RPC region** has the same meaning as Hawke's Bay Region in clause 3 of the Local Government (Hawke's Bay Region) Reorganisation Order 1989 (13 June 1989) 99 *New Zealand Gazette* at 2334 10

**specified legislation** means—

- (a) this Act; and 15
- (b) the local government legislation; and
- (c) the relevant provisions of the Resource Management Act 1991

**tāngata whenua appointer**, subject to **section 5**,—

- (a) means— 20
  - (i) the trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū:
  - (ii) the trustees of the Ngāti Pāhauwera Development Trust, on behalf of Ngāti Pāhauwera:
  - (iii) the trustees of Tūhoe Te Uru Taumatua, on behalf of Tūhoe: 25
  - (iv) the trustees of Ngati Tuwharetoa Hapu Forum Trust, on behalf of Ngāti Tūwharetoa:
  - (v) Mana Ahuriri Incorporated, on behalf of the Mana Ahuriri hapū: 30
  - (vi) Ngati Hineuru Iwi Incorporated, on behalf of Ngāti Hineuru:
  - (vii) He Toa Takitini, on behalf of the hapū of Here-taunga and Tamatea:
  - (viii) Te Tira Whakaemi o Te Wairoa, on behalf of Wairoa iwi and hapū: 35
  - (ix) the appointer for Ngāti Ruapani ki Waikaremoana, on behalf of Ngāti Ruapani ki Waikaremoana; and

- (b) includes, in relation to a tāngata whenua appointer that is a governance entity, a delegate of, or a successor to, that appointer if the delegation or succession complies with the requirements of the governance document of the appointer 5

**tāngata whenua member** means a member of the RPC appointed under **section 11(1)(a) to (i)**

**Te Tira Whakaemi o Te Wairoa** means the unincorporated body of persons established by deed of mandate recognised by the Crown on 4 February 2011 to represent Wairoa iwi and hapū 10

**terms of reference**—

- (a) means the interim terms of reference; and  
(b) includes any amendments to the terms of reference

**trustees of the Maungaharuru-Tangitū Trust** means the trustees, in their capacity as trustees, of that trust 15

**trustees of the Ngāti Pāhauwera Development Trust** means the trustees, in their capacity as trustees, of that trust

**trustees of the Ngāti Tuwharetoa Hapu Forum Trust** means the trustees, in their capacity as trustees, of that trust 20

**trustees of Tūhoe Te Uru Taumatua** means the trustees, in their capacity as trustees, of that trust

**Tūhoe Te Uru Taumatua** means the Tūhoe Trust established by trust deed dated 5 August 2011.

- (2) In this Act,— 25

(a) **change, proposed policy statement, regional plan, regional policy statement, and variation** have the same meanings as in section 43AA of the Resource Management Act 1991; and

(b) **proposed plan** has the same meaning as in section 43AAC of the Resource Management Act 1991. 30

**5 Definition of tāngata whenua appointer modified if the Crown approves governance entity or recognises mandated body**

- (1) This section applies if, after the commencement of this Act, the Crown— 35

(a) approves a governance entity for—

- (i) Mana Ahuriri hapū; or
  - (ii) Ngāti Tūwharetoa; or
  - (iii) Ngāti Hineuru; or
  - (iv) the hapū of Heretaunga and Tamatea; or
  - (v) Wairoa iwi and hapū: 5
- (b) recognises a mandated body to represent Ngāti Ruapani ki Waikaremoana in historical Treaty of Waitangi claims settlement negotiations:
- (c) approves a governance entity for Ngāti Ruapani ki Waikaremoana. 10
- (2) If any of **subsection (1)(a)(i) to (v)** applies, the tāngata whenua appointer for the relevant iwi or hapū is, despite the definition of tāngata whenua appointer in **section 4**, that governance entity.
- (3) If **subsection (1)(b) or (c)** applies, the appointer for Ngāti Ruapani ki Waikaremoana is, despite the definition of that term in **section 4**, that mandated body or governance entity (as the case may be). 15
- 6 Act binds the Crown** 20  
This Act binds the Crown.

**Part 2**  
**Hawke's Bay Regional Planning**  
**Committee**

*RPC established*

- 7 RPC established** 25  
This section establishes the RPC as a statutory body.
- 8 Status of RPC**
- (1) Despite the membership of the RPC provided by **section 11**, the RPC is a joint committee of the Council deemed to be appointed under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. 30
- (2) Despite Schedule 7 of the Local Government Act 2002, the RPC must not be discharged except with the written unanimous agreement of the appointers.

*Purpose, functions, and powers of RPC***9 Purpose of RPC**

- (1) The purpose of the RPC is to oversee the development and review of the RMA documents prepared in accordance with Resource Management Act 1991 for the RPC region. 5
- (2) To avoid doubt, nothing in this Act limits the obligations of the Council under the Resource Management Act 1991 or the Local Government Act 2002 in respect of Māori within the RPC region.

**10 Functions and powers of RPC** 10

- (1) The primary function of the RPC is to achieve the purpose of the RPC.
- (2) In achieving the purpose of the RPC, the RPC may—
- (a) consider the RMA documents and recommend to the Council for public notification the content of any draft— 15
    - (i) change to the regional policy statement or regional plan:
    - (ii) proposed regional policy statement or proposed regional plan: 20
    - (iii) variation to a proposed regional policy statement, proposed regional plan, or change.
  - (b) monitor the efficiency and effectiveness of the RMA documents in accordance with section 35 of the Resource Management Act 1991; and 25
  - (c) implement a work programme for the review of the RMA documents; and
  - (d) perform any other function specified in the terms of reference.
- (3) For the purposes of enabling the RPC to carry out its functions, the Council must— 30
- (a) refer all matters referred to in **section 10(2)(a)** to the RPC; and
  - (b) provide all necessary documents or other information to the RPC. 35
- (4) The RPC has the powers reasonably necessary to carry out its functions in a manner consistent with the specified legislation.

*Membership of RPC*

**11 Membership of RPC**

(1) The RPC consists of an equal number of tāngata whenua members and Council members as follows:

- Tāngata whenua members* 5
- (a) 1 member appointed by the trustees of the Maungaharuru-Tangitū Trust:
  - (b) 1 member appointed by the trustees of the Ngāti Pāhauwera Development Trust:
  - (c) 1 member appointed by the trustees of Tūhoe Te Uru Taumatua: 10
  - (d) 1 member appointed by the trustees of the Ngati Tuwharetoa Hapu Forum Trust:
  - (e) 1 member appointed by Mana Ahuriri Incorporated:
  - (f) 1 member appointed by Ngati Hineuru Iwi Incorporated: 15
  - (g) 1 member appointed by Te Tira Whakaemi o Te Wairoa:
  - (h) 2 members appointed by He Toa Takitini:
  - (i) 1 member appointed by the appointer for Ngāti Ruapani ki Waikaremoana: 20
- Council members*
- (j) 10 members appointed by the Council (who must be councillors of the Council holding office and, if there is an insufficient number of councillors, such other persons appointed by the Council in accordance with clause 31(3) of Schedule 7 of the Local Government Act 2002). 25

(2) Each appointer must—

- (a) in the case of the initial appointment of members of the RPC— 30
  - (i) make an appointment before the first meeting of the RPC; and
  - (ii) notify all other appointers in writing of the appointment:
- (b) in the case of any subsequent appointment of a member to the RPC, notify the RPC in writing of an appointment and provide a copy of the notice to all other appointers as soon as is reasonably practicable. 35

- (3) If a tāngata whenua appointer fails to appoint a tāngata whenua member in accordance with this Act, then the number of Council members on the RPC is reduced proportionately until an appointment is made to ensure that the RPC consists of an equal number of tāngata whenua members and Council members. 5
- (4) If a tāngata whenua member fails to attend 3 out of any 5 consecutive meetings of the RPC without the prior written agreement of all other members,—
- (a) the tāngata whenua member's appointment is deemed to be discharged; and 10
- (b) the number of Council members on the RPC is reduced proportionately until a replacement member is appointed by the relevant tāngata whenua appointer.
- (5) To avoid doubt, a tāngata whenua member is not, by virtue of the person's membership of the RPC, a member of the Council. 15

*Other matters*

**12 Terms of reference of RPC**

- (1) The terms of reference must provide for—
- (a) the quorum for meetings of the RPC:
- (b) how the RPC will be administered: 20
- (c) the procedures relating to meetings of the RPC, decision making by the RPC, and dispute resolution, including for the purposes of **section 10(2)(a)**, a procedure—
- (i) for the Council to refer back to the RPC for reconsideration any recommendation made by the RPC but not adopted by the Council (whether in whole or in part); and 25
- (ii) for the RPC to provide further recommendations to the Council:
- (d) how the costs of administering and operating the RPC will be met by the Council, including— 30
- (i) the costs of any advice required by the RPC; and
- (ii) a procedure for determining the remuneration to be paid to tāngata whenua members and reimbursement of their expenses. 35
- (2) The terms of reference may be amended by the written unanimous agreement of the appointers.



- (3) The terms of reference must be consistent with the specified legislation.
- (4) In the event of an inconsistency between the obligations of the Council under the terms of reference and its obligations under the specified legislation, the specified legislation prevails. 5

**13 First meeting of RPC**

The first meeting of the RPC must be held no later than 6 months after the commencement of this Act.

*Application of local government legislation*

**14 Application of local government legislation to RPC** 10

- (1) The provisions of the local government legislation apply, with any necessary modifications, to the RPC—
  - (a) to the extent that they are relevant to the purpose and functions of the RPC as a joint committee of the Council; and 15
  - (b) except as otherwise provided for in this Act.

*Schedule 7 of Local Government Act 2002*

- (2) The following provisions of Schedule 7 of the Local Government Act 2002 (**Schedule 7**) apply only to Council members:
  - (a) clause 6(1)(b) (which relates to the remuneration of chairpersons of committees of local authorities): 20
  - (b) clause 12 (which relates to payments):
  - (c) clause 31(1) and (3) (which relate to membership of committees or subcommittees of local authorities).
- (3) The following provisions of Schedule 7 do not apply to the RPC: 25
  - (a) clause 23(3)(b) (which relates to a quorum):
  - (b) clause 24 (which relates to voting):
  - (c) clause 25 (which relates to voting systems for certain appointments): 30
  - (d) clause 26 (which relates to the chairperson of meetings):
  - (e) clause 27 (which relates to standing orders):
  - (f) clause 30(3), (5)(a), (7), and (9) (which relate to committees):
  - (g) clause 31(2), (4), and (6) (which relate to membership of committees and subcommittees): 35

- (h) clause 32A (which relates to the issuing of warrants).
- Section 3 of Local Authorities (Members' Interests) Act 1968*
- (4) Section 3 of the Local Authorities (Members' Interests) Act 1968 applies only to Council members.
- Local Government Official Information and Meetings Act 1987* 5
- (5) The Local Government Official Information and Meetings Act 1987 applies to the RPC and official information held by the RPC with the modifications set out in **subsection (6)**.
- (6) Section 7(2) of the Local Government Official Information and Meetings Act 1987 must be read as if the following paragraphs were added: 10
- “(k) avoid serious offence to tikanga of any iwi or hapū represented by a tāngata whenua appointer as defined in **section 4** of the Hawke's Bay Regional Planning Committee Act **2014**; or 15
- “(l) avoid the disclosure of the location of wāhi tapu of significant interest to any iwi or hapū represented by a tāngata whenua appointer as defined in **section 4** of the Hawke's Bay Regional Planning Committee Act **2014**.” 20

*Further provisions*

- 15 Further provisions relating to RPC**  
The **Schedule** contains further provisions relating to the RPC.
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**Schedule**

**s 15**

**Further provisions relating to RPC**

**1 Term of appointment**

(1) Subject to this Act,—

(a) a tāngata whenua member is appointed to the RPC for the period specified by the relevant tāngata whenua appointer: 5

(b) a Council member is appointed to the RPC for a term commencing with the first meeting of the Council after the triennial general election of members of a local authority under the Local Electoral Act 2001 and ending with the close of the day before the next triennial general election. 10

(2) However, if a Council member is appointed after the date of the first meeting of the Council referred to in **subclause (1)(b)**, the member is appointed from that date until the close of the day before the next triennial general election. 15

(3) To avoid doubt, the appointment of a tāngata whenua member is not affected by the triennial general election of members of a local authority under the Local Electoral Act 2001.

**2 Discharge of membership** 20

(1) A member may be discharged by that member's appointer.

(2) If **subclause (1)** applies, the member's appointer must, within 10 working days after the date on which the member was discharged,—

(a) notify the RPC in writing that the member has been discharged; and 25

(b) provide a copy of the notice to all other appointers.

**3 Resignation of membership**

(1) A tāngata whenua member may resign by giving written notice to that person's appointer. 30

(2) A tangata whenua appointer must, on receiving a notice given under **subsection (1)**, forward a copy of the notice to the RPC and the chief executive of the Council.

**4 Vacancies**

- (1) If a vacancy occurs on the RPC, the relevant appointer must fill the vacancy as soon as is reasonably practicable.
- (2) A vacancy does not prevent the RPC from continuing to perform its functions or exercise its powers. 5

**5 Co-chairpersons**

- (1) The RPC has the following co-chairpersons:
  - (a) 1 member appointed by the tāngata whenua members:
  - (b) 1 member appointed by the Council members.
- (2) Each co-chairperson must be appointed on or before the first meeting of the RPC. 10
- (3) Each co-chairperson is to preside at meetings of the RPC on a pre-arranged basis.
- (4) The co-chairpersons may deputise for each other at meetings of the RPC. 15
- (5) A co-chairperson may be appointed or discharged in accordance with the terms of reference.

**6 Standing orders**

- (1) At its first meeting, the RPC must adopt a set of standing orders for the operation of the RPC regarding any matters not provided for in this Act or in the terms of reference. 20
- (2) The RPC may amend the standing orders at any time.
- (3) The standing orders adopted by the RPC must not contravene—
  - (a) this Act; or 25
  - (b) the terms of reference; or
  - (c) tikanga Māori; or
  - (d) subject to **paragraph (a)**, the local government legislation or any other enactment.
- (4) Every member of the RPC must comply with the standing orders of the RPC. 30

**7 Decision making**

- (1) The decisions of the RPC must be made by vote at meetings in accordance with the terms of reference.

- (2) A co-chairperson of any meeting may vote on any matter but does not have a casting vote.

**8 Procedural matters**

- (1) The RPC may, except as provided in this Act or in the terms of reference, regulate its own procedure. 5
- (2) The RPC must, at its first meeting, confirm the appointments of the co-chairpersons referred to in **clause 5(2)** and state the terms of those appointments.
- (3) Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, a tāngata whenua member— 10
- (a) has the right to attend any meeting of the RPC; but
- (b) does not have the right to attend meetings of the Council by reason merely of the person's membership of the RPC.

**9 Conflict of interest** 15

- (1) Each member of the RPC must disclose any actual or potential interest to the RPC.
- (2) The RPC must maintain an interests register.
- (3) A member of the RPC is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because— 20
- (a) the member is a member of an iwi or hapū; or
- (b) the economic, social, cultural, and spiritual values of an iwi or a hapū and their relationship with the RPC are advanced by or reflected in— 25
- (i) the subject matter under consideration; or
- (ii) any decision by or recommendation of the RPC; or
- (iii) participation in the matter by the member.
- (4) In **subclause (1), interest** does not include an interest that a member may have through an affiliation with an iwi or a hapū that has customary interests in the RPC region. 30

**10 Reporting and review by RPC**

- (1) The Council must include in its annual report prepared under section 98 of the Local Government Act 2002 information about—
- (a) the activities of the RPC during the previous 12 months; 5  
and
  - (b) how those activities are relevant to the purpose and functions of the RPC.
- (2) Appointers—
- (a) must, no later than 3 years after the date of the first meet- 10  
ing of the RPC, undertake a review of the performance of the RPC; and
  - (b) may undertake any subsequent review of the RPC at a time agreed by all appointers.
- (3) Appointers may, following a review, make recommendations 15  
to the RPC on relevant matters arising from the review.

**11 Service of notices**

- (1) A notice sent to a person in accordance with this Act must be treated as having been received by that person, if the notice is sent— 20
- (a) by post, at the time which it would have been delivered in the ordinary course of post:
  - (b) by email or fax, at the time of transmission.
- (2) A notice required to be given by this Act is not invalid because a copy of it has not been given to any or all of the persons 25  
concerned.

**12 Administration of RPC**

The Council must provide technical and administrative support to the RPC in the performance of its functions.