

**He Pukapuka
Orotau i Waenga i Te Poari
Me Te Puna**

**Memorandum of Understanding
Between The Board
And Te Puna**



**Te puna kōrero, te puna o te kī
He pūkenga wai, he huinga tāngata
He huinga tāngata, he taumata kōrero.¹**

**Wellspring of wisdom, the source of knowledge
A confluence of waters, an assembling of people
An assembling of people, a summit of enlightened discourse.²**

1 A combining of sayings commonly uttered in different forms by all iwi when expressing the importance of water and the connection to great human enterprise.

2 Translation by S Te Ruki, Mātanga
Mātauranga Māori (Ngāti Maniapoto,
Waikato, Ngāti Porou)



▲ Ko wai? | Who are we?

The Governance Board (**Board**) and the Māori Advisory Group (**Te Puna**) of Taumata Arowai have been established by the Taumata Arowai–the Water Services Regulator Act 2020 (**Act**) to govern and advise Taumata Arowai as the water services regulator of Aotearoa New Zealand.

The Board is responsible for the governance of Taumata Arowai. Te Puna is integral to the success of that governance. This includes leadership, advice, guidance and support.

The Board and Te Puna are jointly referred to in this document as **Partners**.

▲ He aha te kaupapa? | What is the purpose of this Memorandum?

The purpose of this Memorandum of Understanding (**MOU**) is to set out the expectations and intentions of the Partners as they move forward and work together.

▲ E rua nga awa, engari kia whakakotahi rāua, kia kaha ake ai | Two rivers, when joined are stronger

The Partners are jointly committed to providing for an enduring, collaborative relationship between them, founded on our establishing legislation and Te Tiriti o Waitangi.

The Partners will together provide the strategic and thought leadership required to ensure improvements to and protection of drinking water, wastewater and stormwater within our communities, helping to give effect to Te Mana o te Wai for the betterment of current and future generations.

Through this collaboration the Partners will support Taumata Arowai to deliver on its vision, purpose, objectives, functions and duties.

▲ He waka eke noa | Stronger together

The Partners will work together in good faith and with a spirit of empowerment, co-operation and collaboration. In doing so the Partners will benefit from working together and sharing their respective vision, knowledge, resources and expertise.

In practice, the Partners have therefore agreed the following core relationship values:

i. Mana/Autonomy – We will:

- operate with mutual respect for diversity of thought, experience, mātauranga and our respective functions.
- be courageous and innovative when required to overcome any barriers that may otherwise constrain the Partners' relationship and their mahi, whilst acknowledging the statutory frameworks that apply.

ii. Mahi tahi/Collaboration – We will:

- operate with high trust, good faith and open communication, engaging and listening to each other and sharing our knowledge and experience.
- apply the principles of consensus decision making where possible.
- ensure effective co-ordination, and where appropriate, integration of our respective roles and responsibilities.
- maintain early, open and transparent sharing of information.
- recognise that the relationship between the Partners will evolve.

iii. Kotahitanga/Unity – We:

- act in a mana enhancing way, acknowledging each Partner's own voice but seeking to act with one voice.
- engage with other stakeholders and communities standing 'shoulder to shoulder/pakahiwi ki te pakahiwi'.

This MOU is intended to strengthen existing relationships between the Partners and conflicts are not anticipated. However, where there are differences of opinion the intent will always be to be positive, pro-active and respectful.

▲ He aha ta tātau e mahi ai? | What will we do?

The Partners will design, agree and review the strategic direction for Taumata Arowai. Providing joint leadership and advice on any matters reflective of their statutory responsibilities and roles.

The Partners will, seek to improve outcomes for all, which may include providing direction on the following areas of focus:

- the establishment of annual Key Performance Indicators reflecting Te Tiriti o Waitangi, the Minister's Letter of Expectations and legislation guiding Taumata Arowai.
- sharing skills, methods and strategies to develop high quality information and knowledge collection relating to the current state of the water services sector and the needs of communities.
- high quality, relevant and targeted professional development both within Taumata Arowai and within communities to support the water services sector in the long term.
- rigorous quality assurance and collaboration to support improvement of drinking water, wastewater and stormwater services.
- promotion and education for the health and mauri of water and communities.
- partnership and co-ordination to maximise resources and opportunities across the water services and state sectors and with other private organisations, to support and assist the work of Taumata Arowai and communities.

The Partners will develop a joint workplan reflective of need and the above foci, prioritising key activities of importance for the work of Taumata Arowai and/or which the Partners members share skills and focus. That joint workplan and the hierarchy of priorities will be regularly reviewed. Where identified and agreed by the Partners, changes will be made to the joint workplan to ensure that it is reflective of the needs of Taumata Arowai, the public and iwi/Māori.

The Partners will meet regularly to undertake and complete their mahi, support Taumata Arowai in its work and to whakawhanaungatanga. They will prioritise their relationship and its core relationship values. In doing so, the Partners will strengthen their bond, better understand their respective expectations and identify their priorities.

The Partners and or the Chairs jointly may also establish committees or working parties and identify members from the Board and Te Puna to work together on workstreams.

▲ Ina te mahi, he Rangatira | The role of the Chairs

The Partners recognise and acknowledge the significant roles the Chairs of the Board and Te Puna will play in the success of Taumata Arowai and the Partners relationship. The Chairs will meet as and when required to advance the mahi of the Partners including that contemplated in this MOU. Chairs meetings may also provide an opportunity from time to time to formalise approaches.

The Chairs will jointly chair combined meetings, set the direction of the joint workplan, and establish benchmarks from which progress will be measured.

It is incumbent upon the members of the Partners to support the Chairs in their mahi and to engage with them to ensure they are aware of all activities undertaken by members in relation to Taumata Arowai, and any concerns.

▲ Nga wahi takirua | The role of dual members

There are currently two dual members of both the Board and Te Puna (**Dual Members**). The Dual Members are intended to strengthen and support the Partners relationship. They will:

- As needed be conduits between Board and Te Puna. Voicing questions, concerns or requests if required that either Partner may have of the other or of their mahi;
- Identify and communicate any risks to the Partners relationship; raising any concerns they might identify in their roles on both Board and Te Puna with the Chairs as early as possible to avoid escalation; and
- Provide both Chairs with full and frank advice as requested relating to their dual roles.

▲ He korero | Communication

The Partners acknowledge that they:

- have an important role to play in ensuring that Taumata Arowai meets its obligations to all New Zealanders, including Māori; and
- will be most effective where they share their knowledge, are clear about their direction and are speaking with a common view and voice, strengthening their engagement and influence.

Therefore, the Partners agree to share information and members will have the opportunity to engage with each other and opportunities to jointly attend or present at meetings, conferences and hui.

To achieve this, a secure access portal will be established allowing all members of the Board and Te Puna to access their respective meeting/hui agenda, papers and minutes. Members can also request further information (including engagement plans and schedules) to be added to the portal as needed.

The Chairs will advise each other of matters of significance to Taumata Arowai, as required and will notify one another of requests made by the Minister or Minister's officials for meetings or advice.

The Partners and their members will continuously strive to build knowledge, understanding, and capacity.

Arotake | Review

This MOU is a living document. It will be allowed to develop, adapt and be tested by the Partners. It will be reviewed bi-annually. Reviews will contemplate amongst other things:

- The journey and lessons learnt over the period since the last review;
- Whether sufficient resources have been available to complete the agreed joint workplan;
- Any changes to the Partners' priorities or relevant emerging risks;
- The expectations of the Minister as set out in their Letter of Expectations; and
- The performance of Taumata Arowai in light of the operating principles and collective duties set out in sections 18 and 19 of the Taumata Arowai—the Water Services Regulator Act 2020.

Once reviewed, the Partners will determine and agree whether and how the MOU should be amended to reflect the outcomes of the review.

Procedural matters in addition to and in support of this MOU are set out at Appendices One to Three.

This Memorandum of Understanding was ratified by the Partners on 26 January 2022

Signed by

Signed for and on behalf of
The Board of Taumata Arowai by:



Dame Karen Poutasi

Signed for and on behalf of
The Māori Advisory Group by:



Tipa Mahuta

The Board Members of Taumata Arowai:

- Troy Brockbank
- Riki Ellison
- Loretta Lovell
- Dr Virginia Hope
- Anthony Wilson
- Brian Hanna

Te Puna Members:

- Ian Ruru
- Riki Ellison
- Loretta Lovell
- Bonita Bigham
- Matua Pita Paul

Appendix One: Procedural Matters

Ngā Hui | Joint Meetings

1. The Board and Te Puna will meet jointly at least once every quarter:
 - i. The Chairs will agree the times and places for the hui. It is intended that least two hui will be held at locations outside Wellington each year.
 - ii. The agenda for each hui will be agreed by the Chairs in advance of the meeting.
 - iii. The hui will be kano-hi-ki-te-kano-hi where possible.
 - iv. The purpose of these hui will be to undertake the mahi contemplated under this MOU, continue to build whakawhanaungatanga (connecting with each other on our shared values and purpose), tuhonohono (connecting with iwi Māori, key stakeholders and communities) and kōrerorero (communicating insights and planning the direction of their respective and joint work plans).
 - v. The hui agenda will provide an opportunity for the Board and Te Puna to meet separately and jointly.
 - vi. Site visits to water services facilities, guests and speakers on topics will be considered for inclusion into each agenda.

Mahi Whakahaere | Administrative Services

2. Taumata Arowai will provide support services for the matters contemplated under this MOU.
3. Taumata Arowai will ensure that sufficient resources are applied to support the joint workplans contemplated under this MOU.

Tauākī pāpāho | Media statements

4. For the purposes of engaging with the media:
 - a. The Chair of the Board is the spokesperson for all Taumata Arowai governance-related matters.
 - b. The Chair of Te Puna is the spokesperson for all matters relating to the work and advice of Te Puna and matters Māori relating to Taumata Arowai.
 - c. The Chief Executive is the spokesperson for all operational matters.
5. The Chairs will inform each other prior to communicating externally about matters affecting the Partners or Taumata Arowai.
6. Interaction with the media, radio, press, TV, social media, and other media outlets, shall always be designed to present an accurate expression of Taumata Arowai related matters. It shall be consistent with Taumata Arowai policy and board decisions.
7. Members will ensure that anything they communicate via any form of media (including social media) in a personal capacity cannot be construed as representing the view of Taumata Arowai.

Mōhiohio me te matatapu | Information, Data Sharing and Confidentiality

8. The Partners acknowledge that information of a highly confidential and commercially sensitive nature may be exchanged between them for the purposes of their roles.
9. When required, the Partners will agree and record protocols related to such information.
10. The Partners will take all practicable steps to ensure that their respective members do not disclose to any person any information of a confidential or sensitive nature arising through activities carried out in accordance with this MOU, except where that is necessary for compliance with this MOU or as required by law. Such disclosures will require joint Chair approval beforehand.
11. The Partners acknowledge the application of the Official Information Act 1982, the Privacy Act 2020, and the Public Records Act 2005 to information held by members of the Board and Te Puna in their capacity as members.

Appendix Two: Taumira tautohe

Dispute Resolution

1. As noted in this MOU, the Partners will engage openly to discuss issues and endeavour to agree outcomes by consensus, at joint meetings and as required. Conflicts are not anticipated but where they occur the Partners intend to resolve all questions or differences which may arise Partners, through bona fide discussions in good faith and in accordance with the provisions below.

Disputes Process

2. Any member of the Board or Te Puna may raise a dispute relating to the content or mahi contemplated under this MOU. Should a member wish to do so they must notify the Chairs in writing providing detail of the disputed matter(s) and any supporting information.
3. Once notified of a dispute the Chairs will then convene a meeting, at the earliest opportunity, to ensure that the context and rationale of the dispute is well understood and to consider whether resolution can be found between them.
4. The Chairs will jointly determine any other attendees required to assist them including:
 - a. the Chief Executive and or senior management;
 - b. the Dual Members or specific members of the Board or Te Puna; and
 - c. such advisors as may assist based on the matters in dispute.
5. The Chairs also have the joint discretion in that meeting or subsequently to convene a joint hui between the Board and Te Puna. At all times the tenets of fairness and natural justice will be observed.
6. Thereafter, should the dispute remain unresolved in whole or part the Partners will then determine whether it is appropriate to invite an independent third party to mediate.
7. Where the Partners still cannot resolve the dispute:
 - a. The Board may resolve to minute its position and give notice to Te Puna of its decision; and or
 - b. Te Puna may resolve to advise the Board of its position through formal advice.
8. Should Te Puna provide advice in accordance with clause 7(b) then the provisions of Appendix Three apply.
9. Finally, with respect to any dispute:
 - a. all board papers, advice or briefings including detail of the dispute(s) will be shared with the Chairs who will have the opportunity to comment on the content. Those comments will be included prior to release; and
 - b. any statements or comments relating to any dispute will be made jointly by the Chairs and agreed prior.

Appendix Three: He Tohutohu Te Puna Advice

Te Puna Advice Process

1. The Partners recognise that the Act:¹
 - provides for advice to be given by Te Puna and requires the Board to have regard to it;
 - contemplates that there may be situations where the Board does not act on advice from Te Puna; and
 - imposes reporting requirements in relation to advice from Te Puna and the Board's response or action in relation to it.

The provisions below set out how the Partners will respond to the Act's requirements, within the context of the relationship outlined in this MOU.

2. Taumata Arowai will maintain a register of advice Te Puna provides to the Board, comprising:
 - written advice from Te Puna, recorded by way of resolution made at a Te Puna meeting;
 - written advice from Te Puna, recorded by way of resolution made at a hui/joint Board and Te Puna meeting; and
 - advice otherwise agreed by the Chairs of the Board and Te Puna and notified to the Chief Executive as appropriate for recording in the register.
3. Taumata Arowai will ensure that Te Puna has the opportunity to include commentary in the Taumata Arowai annual report, in relation to the role of Te Puna and the advice it provided to Taumata Arowai over the period covered by the annual report.

Board decision to not act on Te Puna advice

4. From time to time, there may be situations where Te Puna advice may not be acted upon by the Board. If the Chair of the Board anticipates that the advice of Te Puna may not be acted upon, they will notify the Chair of Te Puna as early as possible and will seek to find a resolution or a process for resolution.
5. If the Board ultimately resolves not to act on the advice of Te Puna, this will be recorded in the Taumata Arowai annual report, including the reasons why the advice wasn't acted on and the alternative actions that were taken, if any.
6. In the event the views of dual members to the Board and Te Puna are not aligned with the Board, these members may collectively or individually choose to have their views recorded in the minutes of any Board meeting where advice from Te Puna is considered.

¹ Section 17(3)(a) to (c).



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