

# Ngā Tikanga Whakahaere o Te Puna

## Terms of Reference of Te Puna – the Māori Advisory Group



**Ko te manu kai i te miro nōna te ngāhere.  
Ko te manu kai i te mātauranga nōna te ao.<sup>1</sup>**

**The bird that eats of the miro berry inherits the forest.  
The bird that feds on knowledge inherits the universe.<sup>2</sup>**

1 A proverb used by Māoridom when discussing the benefits of knowledge and education.

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



## ▲ Ko wai?

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

Te Puna is integral to the success of Taumata Arowai. Te Puna provides leadership, advice, guidance and support for the Board and Taumata Arowai.

Te Puna and the Board have agreed to work closely together and defined that relationship in *He Pukapuka Orotau i Waenga i Te Poari Me Te Puna*, a joint Memorandum of Understanding (MOU). This Terms of Reference (**ToR**) is a companion document to the MOU and, as such, reference to “Partners” within this document shall mean the Board and Te Puna jointly.

## ▲ He aha te kaupapa?

The purpose of this ToR is to set out the scope and role of Te Puna. In doing so this ToR will:

- reflect the values of Te Ao Māori and a kaupapa of manaaki
- be founded on Te Tiriti o Waitangi
- set out how Te Puna will contribute to the success of Taumata Arowai in meeting its objectives, including in giving effect to Te Mana o Te Wai, with respect to its functions in relation to drinking, stormwater and wastewater in Aotearoa.

## ▲ Whakapapa

In 2021, the Chair (**Te Puna Chair**) and members of Te Puna were appointed by the Minister of Local Government <sup>3</sup>. The Minister appointed seven members who had the appropriate knowledge, skills, relationships and experience to assist Te Puna to perform its role.

Further, the Minister appointed two dual members of both the Board and Te Puna (**Dual Members**). The Dual Members are intended to strengthen and support the relationship of the Partners. The detail of the Dual Member role is set out in the MOU.

Since its establishment Te Puna has participated in the building of the structure and whakapapa of Taumata Arowai. Sharing Māori perspective and whakaaro as a respected voice, the Board, Te Puna and Taumata Arowai are learning from each other and integrating Māori perspectives and worldview in Taumata Arowai strategies, plans and actions from inception.

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<sup>3</sup> The Chair and the members were appointed by the Acting Minister of Local Government upon delegation.

## Ina te mahi, he Rangatira

The Te Puna Chair plays a key role in the success of Taumata Arowai and the Partners' relationship. The Te Puna Chair is responsible for the overall leadership of Te Puna and will:

- i. undertake all Te Puna Chair responsibilities identified in the MOU, including engaging with the Board Chair, the Board and Taumata Arowai on a regular basis;
- ii. on behalf of Te Puna, represent and act as the primary conduit for communication and engagement, including with the Minister, Iwi/Māori and other key stakeholders;
- iii. guide Te Puna, ensuring the MOU and ToR are respected;
- iv. set the strategic direction for the focus of Te Puna; and
- v. lead, implement and review the Te Puna workplans.

In respect to Te Puna hui, the Te Puna Chair will:

- vi. chair the hui or delegate that role when unable to attend;
- vii. set meeting agendas and liaise with the Taumata Arowai support services on meeting arrangements;
- viii. determine in accordance with the agenda, additional meeting attendees (including Taumata Arowai staff) and invitees (including any representatives of Iwi Māori, relevant government and non-government organisations);
- ix. ensure all actual or perceived conflicts of interest are declared and appropriately managed in accordance with Appendix One (Conflicts of Interest);
- x. ensure every member is provided the opportunity to contribute to a hui and participate in the mahi of Te Puna; and
- xi. support Te Puna to develop a consensus position, where possible, in terms the advice, input and feedback Te Puna provide to the Board and Taumata Arowai.

Te Puna members will assist the Te Puna Chair to carry out the responsibilities and tasks of Te Puna and will be available to meet as scheduled if possible. Where they are unable to attend a duly called hui, a Te Puna member will give advance notice and reasons for their absence to the Te Puna Chair.

## Memetanga

Appointments are for a term of up to three years. Members can resign before the term expires, can be removed from office by the Minister or be reappointed by the Minister for an extended term <sup>4</sup>. Each member will:

- i. receive remuneration, in accordance with the Cabinet fees framework;
- ii. be paid for their attendance at monthly meetings;
- iii. be paid such additional fees for services approved by the Board following consultation by the Board Chair with the Te Puna Chair. Services relate to the provision and delivery of the joint workplan contemplated under the MOU and the Te Puna Workplan; and
- iv. be reimbursed for actual and reasonable travelling expenses incurred in carrying out their roles as members.

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<sup>4</sup> As per the provisions of the Crown Entities Act 2004.

## ▲ Whakahaere

Te Puna has established a code of conduct: “*Tikanga Matatika*” reflective of their role and responsibilities. The Tikanga Matatika is set out at Appendix One and will guide the actions of Te Puna members.

It is not anticipated that the members of Te Puna will be in conflict. However, should this occur members will notify the Te Puna Chair and will in good faith, based on the concepts of whakawhanaungatanga and manaakitanga, attempt to resolve any disagreement. Where resolution does not occur the Te Puna Chair and Board Chair will meet and determine any further actions required to resolve the dispute.

## ▲ He aha ta tātau e mahi ai?

Both the Act and the MOU contemplate the role of Te Puna and its actions. For Te Puna as they implement their role and mahi they will strive to:

- a. Build strong and enduring relationships with the Board and Taumata Arowai, as well as between Te Puna, Iwi Māori and the water services sector more broadly. In a manner that builds trust and mutual capacity, fosters learning, and allows for discussions to be carried out and decisions to be made differently.
- b. Provide feedback and advice reflecting and acknowledging Te Ao Māori, the protection and needs of Māori and rural communities, in addition to giving effect to Te Mana o te Wai.
- c. Ensure that Te Puna advice has a meaningful, timely and measurable impact on the Board and Taumata Arowai strategies and work. Te Puna will operate at a strategic level, but with a clear line of sight between Te Puna advice and engagement, the services and activities of Taumata Arowai and tangible impacts on the ground and within communities.
- d. Provide advice and engagement with government and the water sector which will support meaningful change and engagement for communities, supporting the way the Board exercises its mandate, including oversight, expectations and requirements for a sector experiencing a new approach to regulation.

Te Puna will therefore develop:

- a. A joint workplan with the Board to support the mahi contemplated under the MOU; and
- b. A Te Puna workplan for mahi contemplated under the Act and such other activities or matters agreed by Te Puna, following consultation by the Te Puna Chair with the Board Chair.

The Te Puna Chair or Te Puna may establish committees or working parties to work together on workstreams. The Te Puna Chair may seek the assistance of Taumata Arowai staff or specialists as needed to assist Te Puna to complete their work.

As is contemplated in the MOU, Taumata Arowai will ensure that sufficient resources are applied to support the workplans contemplated under this ToR.

## ▲ Kawa

Te Puna will meet regularly. Hui shall be called either by the Te Puna Chair or by Te Puna. Not less than 5 days’ notice of a hui shall be given to Te Puna members.

The quorum for a Te Puna hui will be 4 members. Hui will be chaired by the Te Puna Chair, or in their absence the Deputy Chair. If both Te Puna Chair and Deputy Chair are absent then the meeting chair will be determined by Te Puna members in attendance.

Hui can occur by means of audio, audio and visual, or electronic communication provided that:

- a. all members who wish to participate in the meeting have access to the technology needed to participate in the meeting; and
- b. a quorum of members can simultaneously communicate with each other throughout the meeting.

For each Te Puna meeting, the Taumata Arowai support service will provide:

- Agenda;
- Previous hui minutes; and
- Supporting papers for the agenda, as required.

Meeting packs will be made available to Te Puna members not less than three days prior to scheduled hui.

## He Tohutohu

Te Puna will provide its advice to the Board and Taumata Arowai collaboratively and in a number of different ways and with varying degrees of formality. However, advice may also be provided in writing should Te Puna consider it appropriate (**Te Puna Advice**).

In formulating its advice, Te Puna will strive for Mahi tahi (collaboration) and Kotahitanga (unity) by finding common ground and consensus<sup>5</sup> where possible; it is understood that a single voice reflecting areas of common ground and consensus will speak the most persuasively. Notwithstanding this, while a consensus view will be sought, Te Puna acknowledges that the diversity of Te Puna members may result in multiple points of advice being provided on some issues.

A “consensus” approach for advice to be given by Te Puna will be based on the following:

- All members have an equal voice and an opportunity to be heard;
- It is understood that members have diverse and unique perspectives, may have divergent views, and consensus on all matters is not required;
- If consensus is not practicable, required or where diversity of views may assist in the circumstances, Te Puna may formulate member’s advice, highlighting areas of concurrence and divergence; and,
- If consensus is required a simple majority vote will be used. In the event of tie, the Te Puna Chair’s vote will be relied on to break the tie.

The process for the Board’s consideration of Te Puna Advice is set out in the MOU, in Appendix 3: He Tohutohu.

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<sup>5</sup> “Consensus” means accepting or consenting to a proposal that has achieved popular support from members, even if the proposal is not a personal first or preferred choice out of the available options. Consensus does not require agreement on everything, but rather broad agreement on the general approach and a willingness to accept an overall course of action.

## **Tuhonohono**

Te Puna members are encouraged to speak and share non-confidential, non-sensitive or non-personal information about the roles, outcomes, and activities of Te Puna and Taumata Arowai in the course of their other roles, business and activities. In doing so, however, Te Puna members do not represent Taumata Arowai or speak on its behalf, unless by previous arrangement with the Te Puna Chair and the Board Chair.

The Te Puna Chair or Taumata Arowai may invite Te Puna members to contribute to or participate in engagement or communication material or events, learning opportunities or conferences.

Te Puna members are requested to direct media inquiries about Taumata Arowai to the Te Puna Chair, the Board Chair and the Chief Executive.

Te Puna members shall not respond to any media inquiries or requests in their capacity as a Te Puna member without the approval of the Te Puna Chair and Board Chair prior. Once approved the support services can assist Te Puna members in responding to the approved media inquiries.

Finally, Te Puna members will comply with matters relating to media statements, information and confidentiality as set out in Appendix One (Procedural Matters) of the MOU.


## **Arotake**

This ToR is a living document. It will be allowed to develop, adapt and be tested by Te Puna and the Board. It will be reviewed bi-annually with the MOU. As part of reviewing the ToR the review criteria contemplated for the MOU will be considered. In addition, the Te Puna Chair or Te Puna may agree further ToR review criteria reflective of a Te Ao Māori perspective or such other relevant matters.

**This Terms of Reference was agreed by  
Te Puna on 22 April 2022 and approved by  
the Board on 26 April 2022**

**Signed by**

**Signed** for and on behalf of **Te Puna (The Maori Advisory Group)** by:



**Tipa Mahuta**

**26 April 2022**

**Date**

**Te Puna Members:**

**Ian Ruru**

**Riki Ellison**

**Loretta Lovell**

**Bonita Bigham**

**Matua Pita Paul**



# Appendix One: Avoiding Conflicts of Interest

A conflict of interest arises when a member's private interests impair, or could reasonably be perceived to impair, their ability to provide advice to Taumata Arowai collaboratively, constructively and maintaining an open mind.

It is recognised that Te Puna Members have existing relationships with and experiences involving Iwi Māori communities, companies or projects, or with other people or organisations who could be impacted by projects and facilities regulated by Taumata Arowai. These relationships and experiences are expected and valued, and without them Te Puna would be less effective in the fulfilment of its role.

In the event that a member identifies a real or perceived conflict of interest, the member must:

- Notify the Te Puna Chair ahead of any meetings where topics relevant to the real or perceived conflict of interest will be discussed;
- Declare the real or perceived conflict of interest to Te Puna at that hui; and
- If considered appropriate (after discussing the real or perceived conflict of interest with Te Puna, or otherwise), recuse themselves from relevant discussions or comply with any other actions agreed as the appropriate way to manage the conflict.

The Taumata Arowai support service will record any declared conflicts of interest and resulting recusals or other actions in the hui minutes.

At any time, Te Puna members may seek advice from the Taumata Arowai support services, who may engage the Taumata Arowai legal counsel, regarding whether a real or perceived conflict of interest exists. Te Puna members may also raise questions or concerns regarding real or perceived conflicts of interest to the Te Puna Chair for discussion with Te Puna or the Board Chair, as may be appropriate in the circumstances.

If there remains any question or concern on the part of the Te Puna Chair, a Te Puna member, or Taumata Arowai about whether a real or perceived conflict of interest exists, the Taumata Arowai support services will bring the matter forward for consideration by the Board Chair, who, jointly with the Te Puna Chair, will determine the matter and may, if a conflict of interest is determined to exist, require a Te Puna member to recuse themselves from relevant discussions.

# Appendix Two: Te Puna Tikanga Matatika

## He aha te kaupapa?

Te Puna, (with the Board) provides 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.

In doing so Te Puna must meet a high standard of behaviour as it exercises its role: adhering to Te Tiriti o Waitangi, the tikanga and values reflected in this code and its further responsibilities under the Taumata Arowai—the Water Services Regulator Act 2020.

The Tikanga Matatika therefore sets out and guides Te Puna expectations of its members.

## Mo wai hoki?

The Tikanga Matatika is for Te Puna and its members solely.

## Nga tikanga me ngā uara

Te Puna has resolved that the following tikanga and values will guide it in its mahi:

### Manaaki Tangata

**Whakawhanaungatanga:** Act in a manner which fosters and maintains relationships within Te Puna, with the Board and Taumata Arowai, within iwi Māori and within communities nationally.

**Mana:** Support, protect and empower the mana of the people you engage and work with as a Te Puna member.

**Manaakitanga:** Act respectfully and collaboratively. Acknowledge and respect the values and beliefs with which each member identifies and the experiences and skills they bring to Te Puna.

**Kaitiakitanga:** Support Iwi Māori as kaitiaki to define and Taumata Arowai to give effect to Te Mana o te Wai, protecting the wai for current and future generations.

### Rangatiratanga

**Pononga:** Act with honesty and integrity. Be open and transparent in dealings with all, use your voice and position responsibly, avoiding any perception of bias.

**Pikaunga:** Act in good faith. Be accountable individually and collectively, always be mindful of the reputation of Te Puna, the Board and Taumata Arowai and act accordingly. As Te Puna speak with a common voice.

**Puatatanga:** Act fairly and impartially. Avoid bias, discrimination and self-interest or the perception therein. Act in a respectful, professional, courteous and mana enhancing manner; seek consensus while valuing differences. You may disagree but do not be disagreeable.

**Whakaaro tōkeke:** Use your position appropriately. Always apply prudent, independence in judgement and decision making. Be politically impartial do not engage in political activity as a Te Puna member.

**Whakawhitinga:** Act appropriately and in good faith if a Te Puna member fails to meet the expectations of this code. Speak to the Te Puna Chair and assist them to resolve issues. Support any members or staff who raise concerns. Engage with all with manaaki tangata and whakawhanaungatanga in mind.

## Pūkenga ahurea

**Kawenga:** Be prepared to contribute; allocate appropriate time and resources to undertake the mahi of Te Puna including its workplans.

**Ōritetanga:** Comply with relevant legislation , the Board and Te Puna Joint Memorandum of Understanding and Te Puna Terms of Reference (including Conflicts of Interest Processes). Act within both the letter and spirit of compliance requirements.

**Mōhiōhio:** Use information appropriately. Apply the information received as a Te Puna member only in the manner for which it was intended.

**Whakatutukitanga:** Strive to build your kete of knowledge. Be innovative, dynamic and strive for excellence and continual improvement as a Te Puna member.


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<sup>6</sup> The Taumata Arowai–the Water Services Regulator Act 2020 and the Crown Entities Act 2004

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A decorative geometric pattern in the bottom right corner of the page. It consists of a series of triangles of varying shades of teal and light blue, arranged in a way that creates a sense of depth and movement, resembling a stylized mountain range or a modern architectural design.