**Te Hiku o te Ika Conservation Board**

**Board Membership**

The membership composition of Te Hiku o te Ika Conservation Board is as follows:

|  |  |
| --- | --- |
| 4 members | appointed through the public notification process and in consultation with the NZCA |
| 1 member | Appointed on the nomination of the trustees |
| 1 member | Appointed on the nomination of the trustees of the Te Manawa O Ngāti Kuri Trust |
| 1 member | Appointed on the nomination of the trustees of Te Rūnanga o NgāiTakoto |
| 1 member | Appointed on the nomination of the trustees of Te Rūnanga o Te Rarawa |

**Establishing legislation**

In accordance with [Te Aupouri Claims Settlement Act 2015](https://www.legislation.govt.nz/act/public/2015/0077/latest/DLM6576311.html), [Te Rarawa Claims Settlement Act 2015](https://www.legislation.govt.nz/act/public/2015/0079/latest/DLM6577203.html?search=sw_096be8ed81a77dae_conservation+board_25_se&p=1&sr=0), [NgāiTakoto Claims Settlement Act 2015](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html) and [Ngati Kuri Claims Settlement Act 2015](https://www.legislation.govt.nz/act/public/2015/0076/latest/DLM6055877.html), Te Hiku o te Ika Conservation Board is established (and is to be treated as established, under [section 6L(1)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104213" \l "DLM104213) of the Conservation Act 1987).

Te Hiku o Te Ika is a Conservation Board under the Conservation Act 1987 with jurisdiction in the korowai area; and is required to carry out, in the korowai area, the functions specified in section 6M of that Act; and has the powers conferred by section 6N of the Conservation Act.

Under the Claims Settlement Acts other boards are referred to, for example, there are provisions for procedural and other matters that apply to Te Oneroa-a-Tohe Board but do not apply to Conservation Boards.

The Conservation Act 1987 applies to Te Hiku o Te Ika Conservation Board unless, and to the extent that, clause 2 of Schedule 3 (Korowai) provides otherwise.

[Part 1](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578967) of NgāiTakoto Claims Settlement Act 2015 sets out particular membership requirements and procedures that prevail over the Conservation Act in the following cases:

(a) to the Conservation Board as a whole established by [section 78](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578656):

(i) [section 6L(2) and (3)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104213#DLM104213) (relating to the name and area of a board):

(ii) [section 6P(1) and (5) to (7D)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104221#DLM104221) (relating to membership):

(iii) [section 6T(3) and (4)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104235#DLM104235) (relating to the rules for a quorum and for voting); or

(b) to the members of the Conservation Board appointed on the nomination of the nominators in accordance with [section 80(1)﻿(a) or (2)﻿(a) and (b)](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578659) (as the case may require):

(i) [section 6P(2) to (4)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104221#DLM104221) (relating to membership):

(ii) [section 6R(2) and (4A)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104229#DLM104229) (relating to the term of office).

(a) [section 6O](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104219" \l "DLM104219)  (which relates to the annual report), except that the Conservation Board must provide the report to the nominators at the same time as it is provided to the Conservation Authority:

(b) [section 6R(3)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104229" \l "DLM104229)  (which relates to giving notice of resignation), except that notice must be given to the Conservation Board at the same time as to the Minister:

(c) [section 6S(1)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104233" \l "DLM104233)  (which relates to the appointment of a chairperson), except that the members of the Conservation Board, rather than the Minister, are to appoint the first chairperson):

(d) [section 6T(5)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104235" \l "DLM104235) (which relates to the voting rights of the chairperson), except that the chairperson does not have a casting vote.

In addition, under the Korowai (Schedule 3) the Minister has different requirements when appointing, removing and replacing members:

**Appointments [to Te Hiku o te Ika Conservation Board] by Minister**

(1) In appointing members of the Board under [section 80(1)﻿(a) or (2)﻿(a) and (b)](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578659) (as the case may require), the Minister may appoint only the persons nominated by each of the nominators.

(2) However, if the Minister is concerned that a person nominated is not able properly to discharge the obligations of a Board member, the Minister must—

(a) advise the relevant nominator of any concern and seek to resolve the concern with that nominator; and

(b) if the concern is not resolved, seek an alternative nomination from the relevant nominator until the Minister is satisfied that the person nominated is able properly to discharge the obligations of a Board member; and

(c) appoint that member.

(3) The Minister must remove a member of the Board appointed under [section 80(1)﻿(a) or (2)﻿(a) and (b)](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578659) (as the case may require) if requested in writing to do so by the relevant nominator.

**Replacement of members**

(1) If the Minister is concerned that a member of the Conservation Board appointed on the nomination of a nominator is no longer able properly to discharge the obligations of a member of the Board, the Minister must—

(a) inform the relevant nominator in writing of the Minister’s concern; and

(b) seek to resolve the concern through discussion with the nominator; and

(c) remove the member if the concern is not resolved; and

(d) if paragraph (c) applies, request a new nomination from the relevant nominator; and

(e) appoint a new member of the Conservation Board in accordance with [clause 3](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578974) when the Minister has received an appropriate nomination.

(2) If Te Hiku o Te Ika iwi are concerned that a member of the Conservation Board appointed by the Minister under [section 80(1)﻿(b) or (2)﻿(c)](https://www.legislation.govt.nz/act/public/2015/0078/latest/whole.html#DLM6578659) (as the case may require) is not able properly to discharge the obligations of a member of the Conservation Board,—

(a) Te Hiku o Te Ika iwi may give written notice to the Minister setting out the nature of the concern; and

(b) the Minister must consider the matters set out in the notice; and

(c) if the Minister is concerned that the member is not able properly to discharge the obligations of a member of the Conservation Board for a reason given in [section 6R(2)](https://www.legislation.govt.nz/act/public/2015/0078/latest/link.aspx?id=DLM104229#DLM104229) of the Conservation Act 1987, the Minister—

(i) may remove that member; and

(ii) must give notice in writing to Te Hiku o Te Ika iwi of the outcome of the process undertaken under this subclause.