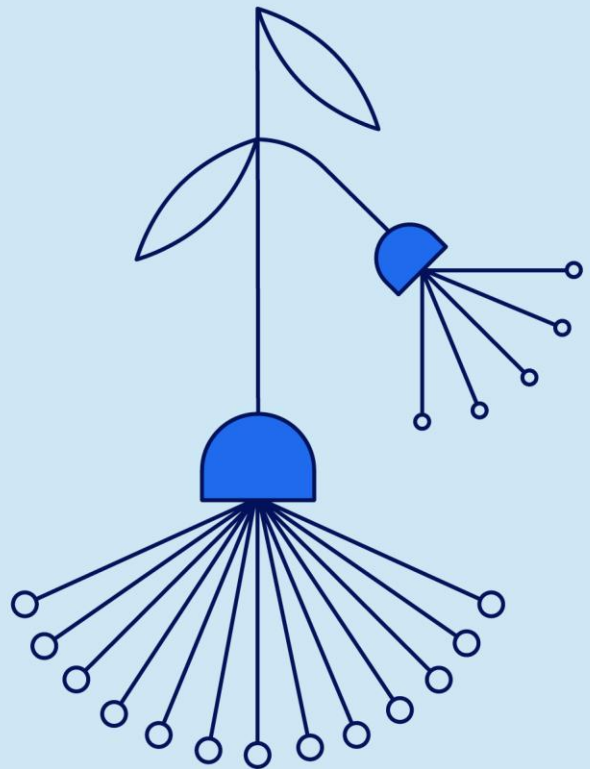


Mā tō tātou takiwā  
**For our District**

Te Kāhui Mana Whenua o Tauranga  
Moana



# Te Kāhui Mana Whenua o Tauranga Moana

## Membership

<b>Chairperson</b>	Reon Tuanau (Te Whānau ā Tauwhao ki Otawhiwhi)
<b>Elected Members</b>	Cr Tracey Coxhead Mayor James Denyer Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites
<b>Members</b>	<b><u>Ngāi te Rangi</u></b> Te Uta Rolleston – Ngāi Tamawhariua (Te Rangihouhiri) Paretaihinu Samuels-Hudson – Ngāi Tamawhariua (Te Rereatukahia) Nessie Kuka – Ngāi Tūwhiwhia <b><u>Ngāti Ranginui</u></b> Nicholas Leef – Ngāti Taka TBC – Ngāi Tamarāwaho Riki Nelson – Ngāti te Wai TBC – Pirirākau Charnaye Walker – Ngāti Ruahine Destiny Leaf – Te Runanga o Ngāti Ranginui iwi <b><u>Ngāti Pukenga</u></b>

	Buddy Mikaere – Ngāti Pukenga  <u><b>Ngā Pōtiki</b></u>  TBC – Ngā Pōtiki
<b>Quorum</b>	At least 4 Elected Members and not less than 60% of iwi and hapū members
<b>Frequency</b>	Quarterly

## Hitori (History)

For a number of years, Western Bay of Plenty District Council (**Council**) has provided for Māori representation through a dedicated committee – the most recent name for this committee being the Tauranga Moana and Te Arawa ki Tai Partnership Forum (**the Partnership Forum**). The Partnership Forum had been established to strengthen the relationships between Council and Tangata Whenua with the intention of working together in equal partnership to achieve better outcomes for Māori. The Partnership Forum included representatives of iwi and hapū across the Western Bay of Plenty district as well as the Mayor and Councillors of Western Bay of Plenty District Council.

The Partnership Forum worked hard to develop a strategic plan that outlined how the partnership would work – this strategic plan was known as Te Ara Mua. It acknowledged the importance of Council's Long Term Plan in setting the budget and work of Council and ensured that it influenced matters within the Long Term Plan by identifying issues of significance for Māori and how they could be resolved with appropriate projects and budgets.

The Partnership Forum no longer operates, in its place Te Arawa ki Tai has established a roopu that reflects the mechanism they want for achieving their aspirations within the work of Council. Tauranga Moana iwi and hapū have done the same and have named their roopu Te Kāhui Mana Whenua o Tauranga Moana and have developed this document known as Te Toka Tū Moana to reflect how they want to achieve their aspirations in working with Council.

## **Kaupapa / Purpose:**

Each of the iwi and hapū outlined in this document have progressed the settlement of their Treaty of Waitangi (Te Tiriti o Waitangi) claims with the Crown and have worked hard to establish meaningful relationships at the Central and Local Government level. To reflect this Te Kāhui Mana Whenua through Toka Tū Moana will enhance and increase the opportunity for Te Kāhui Mana Whenua o Tauranga Moana to contribute to Local Government decision making leading to better outcomes for Māori, a sustainable environment and healthy empowered communities.

## **Moemoea / Vision:**

Te Kāhui Mana Whenua o Tauranga Moana marae, iwi, hapū and whanau are healthy, prosperous and empowered by iwi working collectively and collaboratively with Council.

## **Te Mahi / Mission:**

To establish an equal partnership as envisaged under Te Tiriti o Waitangi and all the Principles of Te Tiriti o Waitangi as formally adopted by the Western Bay of Plenty District Council.

## **Nga Tikanga / Principles:**

### **Mana Tukuiho (Heke iho):**

Tangata Whenua Rights are the foundation upon which all discussions will be initiated. Following Te Tiriti o Waitangi and international best practices, this includes the right to exercise;

- Whenua rights;
- Our own ways of defining mauri, mana, and wairua.

### **Mana Whakahonohono:**

Is founded on the worldview of the iwi and hapū that are impacted. Processes must have integrity and will be achieved with;

- Clear communication;
- Transparent decision making;
- Ongoing monitoring;
- Respect to our timelines;
- Collective endorsement.

**Tino Rangatiratanga:**

The right of Māori to exercise under lore/law, authority and control over their rohe, land, rivers, resources and taonga.

**Mana Motuhake:**

That our rights guaranteed under Te Tiriti o Waitangi and our respective settlements are recognised and provided for.

## 1. Whakaaetanga / Agreement:

The parties to this agreement are:

- Te Kāhui Mana Whenua o Tauranga Moana
- Western Bay of Plenty District Council

## 2. Whakauru / Membership:

- a) Those iwi and hapū that have mana whenua within the Tauranga Moana rohe are entitled to be represented. They will have one primary representative and an alternate representative.
- b) Council membership will comprise of seven (7) Councillors from the Katikati/Waihi Beach and Kaimai wards.
- c) Iwi and hapū will appoint their representatives and shall advise Council of their respective representatives by providing the following;
  - (i) Minutes of an advertised hui-a-hui/hui-a-hapū where a resolution was passed appointing a representative to the Forum; or
  - (ii) A letter of appointment from the Chairperson of an iwi or hapū governance entity that has the authority to appoint iwi/hapū representatives (where such a governance entity exists).
- d) Representatives must be good advocates for their iwi and hapū and able to represent the interests of their respective iwi and hapū impartially. They should have the ability to understand due process and meeting procedures with experience in Local Government, environmental resource management issues and have an awareness of the needs and concerns of the iwi and hapū that they represent. The ability to take a broad strategic view to issues is critical.
- e) If both the primary and alternate representative for an iwi or hapū attends a meeting, only the primary representative will have the right to vote in accordance with Te Toka Tū Moana. The alternate representative shall not be entitled to remuneration for their attendance.

- f) Should there be any dispute over who is the rightful representative for an iwi or hapū, the matter must be referred to the respective iwi/hapū for clarification.
- g) The quorum for meetings under Te Toka Tū Moana will be made up of at least four (4) Elected Members and at no less than 60% of iwi and hapū members.

### **3. Nga Ahuatanga / Functions:**

- a) Ensure that Council complies with its duties and obligations to Māori in terms of the Local Government Act 2002 and the Resource Management Act 1991 and will ensure proper compliance with the Principles of Te Tiriti o Waitangi.
- b) Build Council's understanding about Te Tiriti o Waitangi Settlements (including statutory acknowledgements), identify Mana Whenua iwi partners and identify the implications for Council (including decision making processes).
- c) Determine or make recommendations on any actions to enhance Māori capacity and capability that will contribute to Council's decision making processes for inclusion in the development of Council's planning instruments such as the Long Term Plan, Annual Plan and District Plan.

### **4. Nga Take Kiko / Issues of Substance:**

- a) Te Kāhui Mana Whenua o Tauranga Moana and Council will define what is an "Issue of Significance" by way of a set of developed and approved criteria; and
- b) Once an Issue of Significance has been identified, a schedule of those issues will be established and categorised separately as follows:
  - Organisational issues and
  - Operational strategic issues
- c) A work programme will then be developed to address these issues with timeframes, priorities and budget.

### **5. Hononga Mahi / Working Relationships:**

- a) Formal meetings of Te Kāhui Mana Whenua o Tauranga Moana and Council shall be held every quarter (3 months). Meetings will be held on a nominated Marae of Tauranga Moana in the Western Bay District or at any other venue that the Forum may decide upon. Where agreed, the parties may meet through electronic means such as Zoom.
- b) Two Chairpersons, one from Te Kāhui Mana Whenua o Tauranga Moana representatives and one from the Council representatives, shall be selected at the beginning of the inaugural meeting between Te Kāhui Mana Whenua o Tauranga Moana and Council.
- c) The Group Manager, Strategy and Community shall be responsible for resourcing Te Kāhui Mana Whenua o Tauranga Moana within the work of Te Toka Tū Moana.
- d) Once membership has been confirmed in accordance with clause 2 above, all representatives – both Councillors and iwi/hapū shall be revalidated every three (3) years. For Councillors the same time as local body elections and for iwi/hapū representatives, the year following local body elections.
- e) The operation of Te Toka Tū Moana does not preclude individual Marae, iwi or hapū from working with Council on matters of their own concern, nor does it preclude Marae, iwi and hapū representatives from holding workshops outside of official meetings under Te Toka Tū Moana.
- f) Agenda matters that are specific to the kaupapa of Te Toka Tū Moana can be provided for by either iwi and hapū or Council.
- g) If Council establishes a Tangata Whenua Standing Committee, Te Kāhui Mana Whenua o Tauranga Moana members may nominate their representatives onto that Standing Committee. Te Kāhui Mana Whenua o Tauranga Moana may also appoint representatives to external Tangata Whenua roopu such as the SmartGrowth Combined Tangata Whenua Forum and the SmartGrowth Leadership Group.
- h) Te Kāhui Mana Whenua o Tauranga Moana and Council can agree to engage specialist advice and support to progress the work undertaken under Te Toka Tū Moana.



## 6. Akoranga / Training:

All iwi and hapū representatives will be required to attend a governance induction training workshop which will cover;

- Council Structures
- Roles and responsibilities
- Rules and Procedures
- Effective Meetings
- Disputes and Conflicts

It is suggested that all Elected Members attend a Cultural Induction training workshop covering the kawa and tikanga of Tauranga Moana, designed in discussion with Te Kāhui Mana Whenua o Tauranga Moana.

## 7. Putea Moni / Funding and Remuneration:

a) Pursuant to the obligations outlined in sections 81 and 82 of the Local Government Act (**see Schedule B**) Council in collaboration with Te Kāhui Mana Whenua o Tauranga Moana will develop an annual budget to conduct the business of Te Toka Tū Moana and give effect to the kaupapa that come out of it. This will be an annual amount negotiated and agreed in advance in April of each year.

- The budget allocation shall be used to cover:
- Meetings venue and catering costs;
- Member hui and travel expenses;
- Administration fees;
- Strategic planning;
- Special projects;
- Annual reporting;
- Training for iwi and hapū representatives and Elected Members

b) Council will also provide funding for specific workshops held outside of official meetings within a budget agreed upon.

c) Te Kāhui Mana Whenua o Tauranga Moana representatives will be entitled to a meeting fee and travel expenses for official business, to be paid at the

prescribed rate. (**see Schedule C**). These rates will be at a minimum adjusted annually in line with the cost of living (COLA) and reviewed generally at the same time.

- d) In order to claim a meeting fee, a member must be in attendance at the meeting for at least 90% of that meeting.

## **8. Rauemi / Resources:**

In addition to the budget referred to in clause 9, Council will provide support people whose duties will be to:

- Prepare agreed agenda items;
- Attend and minute all meetings;
- Prepare and distribute minutes from meetings;
- Ensure that meetings do not conflict with other Tangata Whenua forum hui.

## **9. Whakatika Raruraru / Dispute Resolution:**

- a) In the event that a dispute arises in terms of the meaning/operation of these terms of Te Toka Tū Moana, Te Kāhui Mana Whenua o Tauranga Moana and Council will attempt to resolve the matter themselves. If a resolution cannot be reached, the matter will be referred to an independent dispute resolution process;
- b) The relationship between the members of Te Toka Tū Moana must be guided by ngā tikanga with members agreeing to act with integrity, respect and reciprocity. In the event that a dispute arises between iwi and hapū representatives of Te Kāhui Mana Whenua o Tauranga Moana, those members will agree to take those disputes out of a meeting and resolve it among themselves according to tikanga.
- c) Dispute resolution processes shall take account of the tikanga/principles of this document.

## **10. Arotake / Review:**

The representatives of Te Kāhui Mana Whenua o Tauranga will accept responsibility for reviewing Te Toka Tū Moana and associated budgets, at least

every 3 years aligned with Local Government Elections and recommending updates as deemed necessary.

## **SCHEDULE A – IWI/HAPŪ ENTITLED TO REPRESENTATION ON TE KĀHUI MANA WHENUA O TAURANGA MOANA**

### **Iwi**

Ngāti Ranginui

Ngāi te Rangi

Ngāti Pukenga

Ngā Pōtiki

### **Hapū**

Ngāti Kahu

Ngāti Hangarau

Ngāi Tamarāwaho

Ngāti Pango

Ngāti Rangi

Pirirākau

Ngāti Taka

Ngāti te Wai

Ngāi te Ahi

Ngāti Ruahine

Ngāi Tamawhariua (Te Rangihouhiri)

Ngāi Tamawhariua (Te Rereatukahia)

Te Whānau o Tauwhao (Otāwhiwhi, Rangiwaeda)

Ngāi Tuwhiwhia

Ngāti Tauaiti

Te Ngare



## **SCHEDULE B – RELEVANT LEGISLATION**

### **LOCAL GOVERNMENT ACT 2002**

#### **SECTION 4**

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision making processes, Part 2 and Part 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision making processes.

#### **Part 2 – section 14(1)(d)**

A local authority should provide opportunities for Māori to contribute to its decision making processes.

#### **Part 6 – section 81**

1. A local authority must –
  - a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making process of the local authority; and
  - b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
  - c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
2. A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to –
  - a) the role of the local authority, as set out in section 11; and
  - b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

#### **Section 82(2)**

A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1)).



## **Resource Management Act 1991**

### **Part 2 – 6**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga the protection of historic heritage from inappropriate subdivision, use and development the protection of recognised customary activities.

### **Part 2 – 7**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to –

- (a) Kaitiakitanga
- (aa) the ethic of stewardship.

### **Part 2 – 8**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).



## **SCHEDULE C – MEETING FEE RATES**

1. **Marae, Iwi/Hapū representatives:**  
\$300.00 per meeting
2. Chair (When chairing a meeting):  
\$350.00 per meeting
3. Chair (When not chairing a meeting)  
\$300.00 per meeting, engagement or for additional work required to be undertaken by the Chair
4. Member of a project team:  
Rate to be negotiated through project

Mileage shall be paid at \$1.04c per kilometres. All amounts referred to above are inclusive of GST.

## **SCHEDULE D – PRINCIPLES OF THE TREATY OF WAITANGI**

It is understood that Council has adopted a set of understandings of Treaty of Waitangi principles, as outlined in Council's Long Term Plan.

Treaty of Waitangi Principles Understandings adopted by Council and Tangata Whenua.

### **1. Principle of Tino Rangatiratanga – Self Management**

The right of Māori to exercise under the law, authority and control over their Rohe, land, rivers, resources and taonga.

### **2. Principle of Kawanatanga – Governance**

The Government has the right to make laws for the good order and security of the country, subject to the duty imposed (on the Crown) to Māori under the Treaty.

### **3. Principle of Whakawhanautanga – Partnership**

A duty on both iwi/hapū and the Council to interact in the best possible way with reason, respect and in good faith.

### **4. Principle of Oritetanga – Equality**

The right of tangata whenua to fair and equal treatment under the law.

### **5. Principle of Kaitiakitanga – Guardianship**

The right of Māori to exercise guardianship over their ancestral lands, water, sites, waahi tapu and other taonga.

### **6. Principle of “He here kia mohio” – Co-operation and Consultation**

The duty to listen to what others have to say, consider their responses and then decide what will be done.

### **7. Principle of Whakatika I te he – Redress Past Breaches**

The duty of the Crown to work towards settlement of grievances under the Treaty of Waitangi.

