



Kawenata

Heads of Agreement

**Ngā Mana Whenua o
Matamata-Piako**

**Te Mana Whenua Forum
Mo Matamata-Piako**

rāua ko

and

**Te Kaunihera ā-Rohe o
Matamata-Piako**

**Matamata-Piako District
Council**



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Kupu Whakataki | Introduction

He whakatū tēnei Kawenata i tētehi rōpū e kiia nei ko Ngā Mana Whenua Mō Matamata-Piako e taea ai e Te Kaunihera ā-Rohe o Matamata-Piako te mahi ngātahi me ngā mana whenua, i tēnei wā ahu ake, ki ngā rohenga ā-ture o Matamata-Piako.

This Heads of Agreement provides for a forum called the Te Manawhenua Forum Mo Matamata-Piako (“Forum”) where the Matamata-Piako District Council (“Council”) and Māori who have mana whenua in respect of the jurisdictional boundaries within Matamata-Piako district can forge an ongoing effective and meaningful partnership.

He hiahia nō Te Kaunihera rātou ko ngā māngai o ngā mana whenua ki te whakahaere i tēnei Kawenata hei whakaatu i ngā take pū o tā rātou mahi ngātahi i ngā kaupapa te here nei i a rātou.

The Council and mana whenua representatives of the district wish to enter into this Heads of Agreement which is intended to reflect the basis upon which they will conduct their affairs of common interest.

Ko Ngā Mana Whenua he komiti tūturu o Te Kaunihera.

The Forum is formalised as a standing committee of the Council.

Hītori | History

The following section sets out the history of the development of the Te Mana Whenua Forum Mo Matamata-Piako.

Following the introduction of the Local Government Act 2002 Council was committed to establish and maintain appropriate links with mana whenua to foster effective relationships with them as representatives of the district’s iwi authorities. Discussions with Iwi led to Council establishing Te Mana Whenua Forum Mo Matamata-Piako (“Forum”) in 2004 as a mechanism for Council to meet its obligations.

The Forum was originally formalised as a standing committee of Council at its meeting on 8 July 2004 where Forum members were invited to the official signing. At that meeting Council resolved that:

- *The following be the constitution of Te Manawhenua Forum Mo Matamata-Piako as a standing committee of Council.*
- *The Council hereby constitutes a standing committee of the Council to be known as Te Manawhenua Forum Mo Matamata-Piako.*
- *The initial composition of Te Manawhenua Forum Mo Matamata-Piako shall be as follows:*

Names of Members:

○ *Mayor G W H Vercoe*

Council (Initial Chairman)

○ Cr R J McGrail	Council
○ Te Ao Marama Maaka	Ngāti Haua
○ Butch Tuhakaraina	Ngāti Haua
○ David Taipari	Ngāti Maru
○ Waati Ngamane	Ngāti Maru
○ Pahai Tupuhi	Ngāti Paoa
○ Esdelle Kahu	Ngāti Paoa
○ Henry Smith	Raukawa
○ Waaka Gage	Raukawa
○ Peter Te Wharau	Ngāti Tumutumu
○ Suzy Te Wharau	Ngāti Tumutumu

- *Te Manawhenua Forum Mo Matamata-Piako may at any time appoint a new Chairman by resolution.*
- *The quorum required for any meeting of Te Manawhenua Forum Mo Matamata-Piako shall be six members, and must include at least one member of the Council.*
- *Notwithstanding clause 30(7) of the 7th Schedule of the Local Government Act 2002, Te Manawhenua Forum Mo Matamata-Piako shall not be discharged before the 13th day of October 2007.*
- *All proceedings and actions of Te Manawhenua Forum Mo Matamata-Piako shall be in accordance with the Heads of Agreement between Te Manawhenua Forum Mo Matamata-Piako and the Council.*

The Forum held its first formal meeting on 24 September 2004.

The Heads of Agreement provides for a review of the protocols and performance of the parties based on the purpose and principles of the agreement. During 2011 and 2012 Forum members worked on a review of the original Heads of Agreement. Council approved a revised Heads of Agreement on 26 September 2012. The revised agreement was subsequently approved by the Forum at its meeting on 4 December 2012.

During 2017/18 Forum members again worked on a review of the Heads of Agreement. Council and the Forum agreed to a revised Heads of Agreement on 5 December 2017.

Ngā Tautuhinga, Whakamārama hoki | Definitions and Interpretation

To aid in the interpretation of this Heads of Agreement the following terms apply unless the context requires otherwise:

- “Council” means the Matamata-Piako District Council;
- “Forum” means the Te Manawhenua Forum Mo Matamata-Piako which is a standing committee of Council;

- “Heads of Agreement” means this signed copy of the Heads of Agreement between Council and the Forum members
- “mana whenua” means the territorial rights, power and authority from the land – associated with the current and historical possession/occupation of tribal lands within the Matamata-Piako district.
- “Taurahere” means binding strands into one as threads - individuals or groups who join together to fulfil a common purpose or goal, that share kinship ties, similar aspirations and who either, live outside their tribal territories or are urban based. Taurahere is about acknowledging other Iwi.

Ngā Mema | Membership

Membership of the collective Forum shall comprise of:

- Matamata-Piako District Council (the Mayor and Deputy Mayor are appointed members)
- Ngāti Hauaa
- Ngāti Raahiri-Tumutumu
- Raukawa
- Ngāti Maru
- Ngāti Tamatera – who have decided not to appoint a member but may so at any time
- Ngāti Whanaunga
- Ngāti Paoa;
- Ngāti Hinerangi and
- Any other members that the Forum may agree to in the future, upon formal application.

Te rehitā ā-hapu; ā-iwi | Iwi/hapu registration

There is a due process for any group to request participation in the Forum. Upon application the Forum shall consider the request, and may consider issues such as what membership the Forum should hold, what constitutes an iwi/hapu, and what membership size is suitable to ensure the Forum is effective and efficient. The Forum will provide a recommendation to Council who in turn will make a decision on Forum member Iwi/hapu representation.

Whaiwāhi ki Ngā Mana Whenua | Appointment to the Forum

Under Clause 31 Schedule 7 of the Local Government Act 2002 Council may delegate to any Committee the appointment of any non-elected members to any committee. Council has delegated to Te Manawhenua Forum mo Matamata-Piako the appointment of non-elected members to Te Manawhenua Forum mo Matamata-Piako.

It is considered that Forum members must be representative of mana whenua within the Matamata-Piako District and individual Iwi representation is a matter for respective Iwi to determine. Each of the identified member groups of the Forum shall nominate two representatives, one of which is the principal spokesperson. Both representatives may attend the meetings. The second representative will act at meetings in the absence of the principal representative. The Mayor is the principal for the Council, the Deputy Mayor is the alternate.

Following each Council election, the Forum, its membership and delegations shall be re-constituted by Council.

Ngā Mātāpono o Ngā Mana Whenua | Principles of the Forum

The Forum recognises the following principles for maintaining a strong and meaningful relationship between Council and mana whenua:

- Mutual respect and adherence to atuaanga (spirituality)
- Respect of taha Māori (wellbeing) and tikanga Māori (customs, protocols)
- Respect for the raNgātiratanga (self-determination, autonomy) of Iwi – the right to organise as Iwi
- Protection of mana whenua
- Protection of wahi tapu (sacred places), natural resources, cultural materials and taonga (treasures) Māori
- Meaningful and mutually beneficial participation of Māori in the Council
- Regard for the principles of the Te Tiriti o Waitangi (Treaty of Waitangi) as contemplated by the empowering legislation

Kaupapa o Ngā Mana Whenua | Purpose of the Forum

The purpose of the Forum is to facilitate mana whenua contribution to Council's decision making and strengthen partnership and engagement between Council and iwi/hapu.

The purpose of the Forum does not substitute individual consultation and engagement of Iwi by the Council.

Ngā kawenga a Ngā Mana Whenua | General functions of the Forum

The Forum will consider any matter to promote the social, economic, environmental and cultural well-being of the Māori communities for today and for the future, taking a sustainable development approach. This may include but is not limited to contributing to policy development, input into special projects, reserve management processes and receiving presentations from external organisations or individuals (e.g. regional

council, government departments, and community groups). The Forum will agree on an annual work programme to prioritise efforts and resources. This work programme will be considered by Council as part of its budgeting process.

Ngā kawenga motuhake a Ngā Mana Whenua | Specific functions of the Forum

In order to give effect to the principals and purpose set out above Council delegates the following to the Forum:

- Appoint any non-elected members to the Forum in accordance with this agreement.
- Appoint up to two representatives to sit as members on any Council working party as requested by Council. Council establishes working parties on an issue-by-issue basis and will invite the nominated Forum representatives to join as a member of any relevant working parties. These working parties usually report back to Council or its committees with recommendations.
- Consider any request by the Council to accept a delegation of a function of Council. The Forum must act in accordance with a delegation it has accepted.
- Appoint a minimum of two representatives to form the Waitangi Day Celebration organising committee each year, to work with staff on the district wide celebrations.
- Develop an annual work programme each year.
- Develop and adopt goals, strategies and policies and programmes for consideration by Council, if outlined in the Annual work programme (see below).
- Council will pay for a maximum of one representative nominated by the Forum in each three yearly election period to undertake training as a Resource Management Act 1991 hearing commissioner to establish a suitable pool of qualified commissioners. Council may ask the Forum to nominate further representatives if the need arises.
- Monitor the Long Term Plan/Annual Plan implementation for matters relating to mana whenua interests.
- Recommend to Council actions to enhance mana whenua capacity to contribute to decision-making including providing advice and recommendations
- Assist in the collation and monitoring of performance data for the Māori specific community outcomes/indicators
- Receive Iwi/hapu management plans on behalf of Council.
- In December each year, the Forum will recommend to Council a budget for the following financial year to be included within the Annual Plan or Long Term Plan to undertake a suggested work programme. If Council agrees to the proposed work programme, the Forum shall oversee the implementation of that work programme
- Support a joint Council and Forum meeting each year (refer to review section below).
- Support the Mayor through the Tuia Rangitahi programme (note: this is funded separately from the Forum)

- Represent the District iwi in engagements with Waikato Regional Council and government agencies.
- Engage with external agencies (such as government departments) on work they wish to undertake within the district.

Ngā kawenga me ngā whakaritenga a te Tiamana, a tōna tuarua rānei | Functions and duties of the Chair person or his/her delegate

- Act as the Forum representative at events hosted by Council e.g. ANZAC Day;
- Provide regular updates to Council following each Forum meeting.

Ngā kawenga a Te Kaunihera hāngai pū ki Ngā Mana Whenua | Council's duties to Forum

The Council must provide the Forum with the information that it needs to identify business of the Council that relates to the Forums purpose. Council has an obligation to consult the Forum on matters affecting mana whenua and give consideration to the Forum's advice.

It is to be acknowledged the limitations on resources Council can and are willing to provide may result in the purpose of the Forum not being fully realised within the Forum's timeframes.

Council is committed to fulfil its obligations to consult with individual iwi/hapu as required by legislation – for example under the Resource Management Act 1991 and Treaty of Waitangi settlement legislation relating to individual Iwi.

Consultation with the Forum does not substitute for such engagement, and shall be in addition to individual Iwi engagement.

Ngā hui | Meetings

Following each Council election, the Forum shall appoint a Chairperson.

The Forum shall meet regularly for either formal meetings or workshops as required, provided that meeting costs do not exceed the budget allocated to the performance of the Forum's functions each financial year. The Forum meeting schedule will be confirmed at the December meeting of the Forum each year.

Ngā Whakaritenga me Ngā Mēneti | Agendas and Minutes

Council is responsible for the production and distribution of agendas and minutes.

Council will advise respective members of the Forum of proposed agenda items by email, at least 15 working days prior to the meeting (five days prior to the meeting

agenda closing). Forum members are invited to respond with any additional items to be included on the agenda within the set timeframe (one day prior to the meeting agenda closing) to allow Council staff time to add the item to the meeting agenda.

It is recognised that there may be times when a meeting of the Forum is not required, if so, all members must agree that a meeting is not required. All parties are to convey and be advised of this in writing.

Forum meetings will be held in the Council Chambers, Te Aroha unless otherwise agreed by all Forum members.

Te Ture me Ngā Ōta Pū | Legislation and Standing Orders

Formal meetings of the Forum will be called in accordance with the requirements of the Local Government Official Information and Meetings Act 1987.

Following each Council election, the Forum shall adopt standing orders for the duration of the triennium.

Quorum - The quorum required for any meeting of the Forum shall be four Iwi members who are entitled to vote plus a member of Council.

Voting Rights - Where the principal and alternate representatives attend meetings only the principal representative shall be entitled to vote. Where both the principal and alternate representative attend any meeting both will have full speaking rights but only one single Iwi member vote.

Te Pūtea | Expenses

In fulfilling its statutory duties, Council may require assistance and advice from the Forum. In such cases, the Forum will be adequately resourced by Council both financially and non-financially. The Council will make provision for such resourcing through its budgetary processes. This would include meeting fees and expenses for the two representatives and resourcing to undertake the work programme (refer to specific functions of the Forum).

Te Utu | Remuneration

It is agreed that remuneration will be paid in the form of a meeting allowance and mileage reimbursement for attendance by appointed members at formal meetings of the Forum called in accordance with the Local Government Official Information and Meetings Act 1987. The meeting allowance and mileage shall be that set by Council from time to time.

Remuneration for workshop attendance will be determined on a case by case basis for each workshop, and will be dependent on funding available. If Council invites

Forum member/s on any working party then the meeting allowance and mileage will be payable.

Te Aha Noa | General

The Forum is recognised as a standing committee of Council; however, this does not affect or undermine the Tino RaNgātiratanga (self-determination) of the members of the Forum.

The Forum acknowledges that the interpretation, application and operation of these protocols are subject to the relevant empowering legislation, accountability frameworks and financial constraints.

The operation of the Forum does not restrict the ability of the Council to form specific relationships or agreements with individual Iwi or Iwi groups.

The operation of Forum will be supported by Council staff in the preparation of agendas, minutes as required by legislation and technical advice as resources allow.

Te Tirohanga Anō | Review

The protocols and performance of the parties shall be reviewed each year by way of a joint Forum and Council meeting to discuss issues relating to the Forum based on the purpose and principles of this Heads of agreement.

All parties acknowledge that the relationship and partnership between Iwi and Council is an evolving process. As such, Iwi may seek to progress discussions regarding the independence of the Forum and its functions as part of future reviews.

Ngā Whakarerekētanga Iti Noa | Minor Amendments

The Heads of Agreement can be amended at any time, without being re-signed by Forum members, to allow for changes in membership and re-appointments. Council staff are authorised to update this Heads of Agreement for minor and necessary amendments such as the ability to add alternates without further member agreement. Signed at Te Aroha thisday of 2019.

Mayor A Tanner
Matamata-Piako District Council

Deputy Mayor N Goodger
Matamata-Piako District Council

Te Ao Marama Maaka (Principal)
Ngāti Haua

Rangitonga Kaukau (Alternate)
Ngāti Haua

Jill Taylor (Principal)
Ngāti Rahiri-Tumutumu

Ngāti Rahiri-Tumutumu

Raukawa

Raukawa

Glenice Wigg (Principal)
Ngāti Paoa

Gary Thompson (Alternate)
Ngāti Paoa

Kathy Ngamane (Principal)
Ngāti Maru

Waati Ngamane (Alternate)
Ngāti Maru

Michael Baker (Principal)
Ngāti Whanaunga

Gavin Anderson (Alternate)
Ngāti Whanaunga

Ngāti Tamatera

Ngāti Tamatera

Dianna Vaimoso (Principal)
Ngāti Hinerangi

Tony Harrison (Alternate)
Ngāti Hinerangi