

MEMORANDUM OF UNDERSTANDING:

TŪTOHINGA

Between: Rangitikei District Council

And: Te Tangata Whenua o Rangitikei

Kauangaroa / Ngā Wairiki Ki Uta

Ngā Ariki Turakina

Ngāi Te Ohuake

Ngāti Hauiti

Ngāti Hinemanu / Ngāti Paki

Ngāti Kauae / Ngāti Tauira

Ngāti Parewahawaha

Ngāti Tamakōpiri

Ngāti Whitikaupeka

Rangituhia

Rātana Pā Community

Whangaehu / Rangiwahakaturia / Taitapu

Represented on Council by: Te Rōpū Ahi Kā

Version Control

- 1 Agreed to by Te Rōpū Ahi Kā on 10 October 2006
Agreed to by Council on 26 October 2006
- 2 Amended under review by Te Rōpū Ahi Kā on 14 August 2012
(12/IWI/019). Confirmed by Council 30 August 2012 (12/RDC/151)
- 3 Draft v2
- 4 Amended by Te Rōpū Ahi Kā on 17 December 2019. Final Document approved and confirmed 17
December 2019

Making this place home.



RANGITIKEI
DISTRICT COUNCIL

Introduction – Kupu Whakataki

This Memorandum of Understanding has been put together on the basis of:

- Both parties have entered into the Memorandum of Understanding – Tūtohunga in good faith and with a view to making the partnership work.
- Both parties recognise that there may be constraints from time to time in respect of resources.
- Both parties can see mutual benefits being derived from the establishment of the Memorandum of Understanding – Tūtohunga.
- Both parties express the wish that their partnership will develop and become stronger over time.

Tūtohunga

Memorandum of Understanding

1. Introduction

- 1.1 The Rangitikei District Council and Iwi of the District wish to enter into a number of protocols, which are intended to reflect the basis on which they will conduct their affairs of common interest.
- 1.2 For the purposes of this Memorandum, the Iwi of the District are the Tangata Whenua that hold Mana Whenua in relation to a particular area of the District. The Tangata Whenua of the District comprise the hapū and iwi, which are represented on Te Rōpū Ahi Kā, a present standing committee of Council.
- 1.3 Hapū and iwi acknowledge each other's tino rangatiratanga, arising from their Mana Whenua, when speaking for their area.
- 1.4 Hapū and iwi put forward delegates to Te Rōpū Ahi Kā to represent issues and consider Council policy, making resolutions and representations to Council. This clause does not preclude direct Iwi, Hapū or individual interaction with Council on issues that concern them directly.
- 1.5 For hapū and iwi, *Te Tiriti o Waitangi* is the starting point for determining their relationship with the Crown, its agencies and the Rangitikei District Council.
- 1.6 Within the Rangitikei District, the Māori community of Rātana Pā is recognised as being integral to decision-making on Māori issues and therefore, the Rātana Pā Community, through their nominated representative, have membership on Te Rōpū Ahi Kā.
- 1.7 The Council's procedures are governed by statute, and in particular in the context of the protocols set out in Section 2 below, the provisions of the Local Government Act 2002 and Resource Management Act 1991.
- 1.8 Section 10 of the Local Government Act sets out the purposes of Local Government in New Zealand. Those stated purposes are:
 - (a) *to enable democratic decision-making and action by, and on behalf of, communities; and*
 - (b) *to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

One of the emphases of the Local Government Act 2002 is to place greater decision-making abilities in the hands of communities. This is particularly relevant for Māori as all the areas of well-being directly impact upon them.

1.9 Section 8 of the Resource Management Act provides as follows:

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

Section 4 of the Local Government Act further provides that as part of the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi, the local authority is charged with facilitating opportunities for Māori to contribute to decision-making.

1.10 Given the provisions of the Local Government Act and Section 8 of the Resource Management Act, the Rangitikei District Council positively recognises that to carry out its functions appropriately, it must make appropriate provision for the specific interests of Māori in its community with particular emphasis on consultation and capacity building.

1.11 To enable it to make such provision, the Rangitikei District Council must take into account the principles of the Treaty of Waitangi, subject to the provisions of clause 1.14 below.

1.12 The Rangitikei District Council and Iwi of the District acknowledge that the principles of the Treaty of Waitangi are continuing to evolve.

1.13 However, in a document published in 1989 by the then Labour Government, several principles were identified. They were:

- (i) *The Kawanatanga Principle:* The Government has the right to govern and make laws.
- (ii) *The Rangatiratanga Principle:* The Iwi have the right to organise as Iwi, and, under the law, to control their resources as their own.
- (iii) *The Principle of Equality:* All New Zealanders are equal before the law.
- (iv) *The Principle of Reasonable Co-operation:* Both the Government and the Iwi are obliged to accord each other reasonable co-operation on major issues of common concern.
- (v) *The Principle of Redress:* The Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.

1.14 Both the Rangitikei District Council and Iwi of the District acknowledge these principles and accept that they apply to the Crown. However, they further accept that they can only apply to the Rangitikei District Council to the extent that any empowering legislation applicable to the Rangitikei District Council contemplates.

1.15 The Rangitikei District Council and Iwi of the District agree that the extent to which the application of the articles of the Treaty of Waitangi to the Rangitikei District Council is so contemplated by the empowering legislation, is reflected in the protocols that are set out below.

- 1.16 The Rangitikei District Council and Iwi of the District further agree that these protocols will need to be reviewed from time to time as the application of the principles of the Treaty of Waitangi continue to evolve and other principles emerge.
- 1.17 The Rangitikei District Council and Iwi of the District therefore wish to agree the protocols set out in Section 2 below.
- 1.18 These protocols are intended to reflect a partnership between the Rangitikei District Council and Iwi of the District, which is to be exercised in the utmost good faith to ensure that the needs of both Māori and the wider community will be met.

2. Protocols

- 2.1 These protocols constitute policy of the Rangitikei District Council and can be reviewed from time to time.
- 2.2 When these protocols are reviewed they must be reviewed by the Council in consultation with Te Tangata Whenua o Rangitikei.
- 2.3 If at the conclusion of any such consultation, agreement cannot be reached concerning the form of protocols to apply thereafter, to the extent that agreement cannot be reached, the Memorandum of Understanding shall lapse, (i.e., the Memorandum shall only lapse in relation to those matters on which agreement cannot be reached).
- 2.4 Further, if following that consultation, further protocol(s) are agreed, they can be added to the Memorandum of Understanding by way of amendment and without otherwise affecting the protocols earlier entered into unless any earlier protocol(s) also need to be amended due to the further protocols agreed.
- 2.5 Te Rōpū Ahi Kā, as a Standing Committee of the Rangitikei District Council, may recommend to the Rangitikei District Council, any changes to the representation of hapū and/or iwi on Te Rōpū Ahi Kā from time to time.
- 2.6 Te Rōpū Ahi Kā, as a Standing Committee of the Rangitikei District Council, must recommend to the Rangitikei District Council, who will represent each hapū and/or iwi on Te Rōpū Ahi Kā within three months of each triennial election.
- 2.7 The Council's total financial liability pursuant to these protocols shall be determined by the Rangitikei District Council following consultation with Te Rōpū Ahi Kā annually as part of the Council's annual planning process.
 - (i) In undertaking any consultation, both parties will ensure that the timeframes otherwise specified in any relevant legislation are complied with.
 - (ii) Where the Council requires Te Rōpū Ahi Kā to undertake any work, which is not otherwise identified in the Memorandum of Understanding, that work will be specified in a separate consultancy agreement.

2.8 Te Rōpū Ahi Kā will be responsible for the provision, and satisfactory delivery, of the work specified below for, and on behalf of, the Tangata Whenua of the Rangitikei District.

- (i) To review the relevant processes of Council and make recommendations on steps to be taken to assist Council in carrying out its functions and responsibilities in a bicultural manner taking into account the principles of the Treaty of Waitangi.
- (ii) To develop draft proposals which recognise the Tangata Whenua of the Rangitikei District's Kaitiakitanga (the exercise of Guardianship) and Rangatiratanga in a manner consistent with the provisions of the Resource Management Act 1991 and the Local Government Act, 2002.
- (iii) To provide advice and assistance with the Council's Policies, Bylaws, Long Term Plan, Annual Plan and other activity plans (ie, assets, resource management, spatial).
- (iv) To support and assist the Council to discharge its obligations to the Tangata Whenua in relation to procedures and issues that arise under the Resource Management Act 1991 and the Local Government Act 2002.
- (v) To respond on appropriate issues including, but not limited to, notified resource consent applications where the Council is required to determine issues relating to the management, use, development and protection of the District's physical resources.
- (vi) To ensure appropriate persons are consulted or available to provide such information as may be required from time to time on items of interest to Te Rōpū Ahi Kā and/or the Rangitikei District Council.
- (vii) To support and assist the Council in establishing the steps necessary to build Māori capacity to contribute to its decision-making processes.
- (viii) In carrying out (i) to (vi) above, **Te Rōpū Ahi Kā members** will ensure that **their respective** Tangata Whenua groups are consulted, including the arranging of hui when agreed and to keep the Council advised of outcomes or decisions reached.

2.9 The Council will otherwise be responsible as follows:

- (i) To ensure that consultation takes place in instances where Council is the applicant for a resource consent and as otherwise required pursuant to the provisions of the Resource Management Act 1991.
- (ii) To ensure that consultation takes place prior to and during the preparation of Council's Policies, Bylaws, Long Term Plan, Annual Plan and other activity plans. This will normally mean prior to the adoption by the Council of the draft documents and before the documents are put out for initial public consultation. The Council will ensure that sufficient information and time is made available to Te Rōpū Ahi Kā to determine what issues, if any, require further investigation and/or consultation.
- (iii) To define any issues of concern to Iwi of the District, to identify any reports that may be required to address such issues and to otherwise determine the methodology and resources (financial or otherwise) necessary to properly achieve Protocols 2.9 (i) and (ii), and such

consultation will otherwise be conducted in a manner defined by the 'Consultation Process Plan', see Appendix 1.

- (iv) To develop in consultation with Te Rōpū Ahi Kā, steps to build Māori capacity for contributing to its decision-making processes including representation of the komiti on Council – standing committees, working parties and reference groups.
- (v) To ensure that Te Rōpū Ahi Kā is kept informed of all progress in relation to the preparation of the District Plan and any reviews or variation thereto after that plan becomes operative.
- (vi) To provide information and advice to Te Rōpū Ahi Kā to enable the Rangitikei District Council to meet its obligations outlined in Protocols 2.9 (i) and 2.9 (ii) of the Memorandum of Understanding.
- (vii) To ensure, like hapū/iwi, that the following values are considered in all operational undertakings with the operational focuses and outcomes detailed in the 'Māori Responsiveness Framework':
 - a. *Manaakitanga*: Council will at all times endeavour to listen with an open mind, act with fairness and equity, engage in a transparent manner and be accountable to the people of the Rangitikei for its behaviours, choices and outcomes.
 - b. *Rangatiratanga*: As steward of the district, Council takes its responsibilities seriously, understanding that it operates in the best interests of all people, acknowledging the diversity of wants and needs within iwi/hapū throughout the rohe. Council acknowledges its role in building capability and capacity within whānau/hapū/iwi focusing on self-determination, increasing access to economic opportunities and sustainability. Council's behaviours will reflect this rangatiratanga at all times. Everyone who works for the Council will conduct themselves in a manner that enhances the reputation of hapū/iwi. Everyone who works for Council is committed to collaborating, maximising productivity and creating maximum value in this partnership.
 - c. *Ūkaipōtanga*: Council acknowledges this value for hapū/iwi in revitalising their kōrero tuku iho – the transferring of knowledge within whānau and hapū. Council will show recognition and acknowledgement to hapū and iwi to their whenua. Council will support opportunities for hapū and iwi members to live on tupuna lands (ie. Papakainga). It is a value/outcome that will continue to be set within the 'Māori Responsiveness Framework'.
 - d. *Whanaungatanga*: Council will at all times endeavour to support whanau, hapū and iwi in the development of collective approaches for education and wellbeing. Council will act and behave in a manner that reflects tika and pono (in good faith), and demonstrates partnership with iwi/hapū and their kaupapa; creating positive relationships internally and externally.
 - e. *Kaitiakitanga*: Council is not only responsible for the infrastructure vital to our district's economy but is also responsible for the environmental and cultural wealth of the district. Council will work

with other organisations and sectors of our community to work together to create a sustainable environment within which whānau and hapū and communities in general can flourish. Council will demonstrate responsible and sustainable development in its projects.

Me whakatipu i ngā pakihi, ōtira me tiaki i te whenua, ngā awa, ngā maunga me te taiao. (Grow business opportunities but always consider the health and well-being of the land, the rivers, the mountains and the environment)

- f. *Wairuatanga*: Council acknowledges the spiritual connections of Mana Whenua and Tangata Whenua and seeks to appropriately incorporate these traditions into both the governance and operational areas of Council.
- g. *Kotahitanga*: Council as a physical place and as a community structure, aims to be a safe place to have difficult conversations. Council aims to treat everyone with respect and use the connectedness of hapū/iwi to everyone's advantage generating harmony and opportunity from any differences. Council will show a commitment to work together.
- h. *Whakapapa*: Council acknowledges the whakapapa connections of hapū/iwi, and endeavours to support the telling of these stories through traditional and contemporary communication channels.
- i. *Te Reo me ōna Tikanga*: Council acknowledges the fundamental/essential/critical importance of Te Reo Māori to all things Māori. Te Reo Māori will be encouraged through Council practices and behaviours.

3. Indemnity

- 3.1 At no time will the Council bear responsibility or liability in respect of any unlawful action arising out of the conduct of Te Rōpū Ahi Kā or its agents.

4. Dispute

- 4.1 If any disputes arise concerning the interpretation or application of these protocols, the parties will mutually agree the appointment of an independent mediator, with a view to the parties reaching agreement by way of mediation concerning that dispute.
- 4.2 If no such agreement can be reached following mediation, any disaffected party must thereafter be free to pursue any legal remedy that may otherwise be available to it, should it choose to do so.

5. Vires

- 5.1 The application of these protocols must at all times be subject to the provisions of the Local Government Act 2002 (and any amendments or re-enactment thereof), the Resource Management Act 1991 (and any amendments or re-enactments thereof) and/or any other legislation applicable to the process being undertaken pursuant to these protocols from time to time.

5.2 The Rangitikei District Council and Te Rōpū Ahi Kā hereby both acknowledge that the interpretation, application and operation of these protocols is at all times subject to the relevant empowering legislation.

6. Review

6.1 The Memorandum of Understanding: Tūtohunga will be reviewed at the same time as each Representation Review.

Appendix 1: Consultation Process Plan

Consultation Process Plan

1. Iwi / Hapū in our District

Ngāti Apa – Chris Shenton, Pahia Turia, Grant Huwyler
Ngāti Kauae / Ngāti Tauria – Chris Shenton, Grant Huwyler, Walter Rurawhe
Ngā Ariki – Mike Paki, Graham Karatau, Rob Kerei, Coral Raukawa-Manuel
Ngā Wairiki ki uta – James Allen, Katarina Hiroti, Jacqui Johnson
Whangaehu / Rangiwahakaturia / Taitapu – Pahia Turia, Alan Turia, Albert Thompson
Rātana Pā – Soraya Peke-Mason, Rātana Communal Board, Ratana Community Board, Rātana Marae
Ngāti Hauiti – Robert Martin, Neville Lomax
Ngāti Parewahawaha – Cliff Brown, Kim Savage
Ngāti Hinemanu / Ngāti Paki – Jordan Haines-Winiata, Terrence Steedman
Ngāi Te Ohuake – Marj Heeney
Ngāti Tamakōpiri – Hari Benevides
Ngāti Whitikaupeka – Tracey Hiroa
Rangituhia – Bobby Gray

2. If Council propose to do work or make decisions on the following, Council must seek engagement from the appropriate iwi / hapū

Rivers, Streams, Creeks, Lakes, Ponds, 3 waters
Environment, Land, Sub-divisions
Significant Sites, Wāhi Tapu, Marae
Roading, Infrastructure
Community, Well-Being

3. Step by step process to effective iwi / hapū engagement

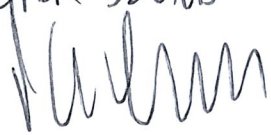
Step 1: Council staff to make contact and organise a meeting with the RDC Strategic Advisor for Mana Whenua to identify the following:

- What work or decisions that Council want to undertake and make
- Which Iwi / Hapū (could be multiple) need to be consulted with


Step 2: Strategic Advisor to organise a meeting with the appropriate iwi / hapū. Expected timeframe to have meeting confirmed is 5 – 10 working days. Note: It's at this step where we will know if consultation or engagement is needed and necessary.

Step 3: Council staff, Strategic Advisor and relevant iwi / hapū to meet for consultation and engagement process. This may involve site visits and 1 – 3 meetings. Expected timeframe to have this step completed is 10 – 15 working days.

Step 4: Council staff to supply Strategic Advisor and iwi / hapū with regular updates. This could either be monthly or on a case by case basis.


Name: PETER BEGG
Signature: 
CEO for Rangitikei District Council

Date: 11/2/20

Name: Pama Turia
Signature: 
Chairman for Te Rōpū Ahi Kā

Date:


Name: Robert Gray
Signature: 
Te Rōpū Ahi Kā Member

Name: HARI BENEVIDES
Signature: 

Te Rōpū Ahi Kā Member

Name: James Allen
Signature: 
Te Rōpū Ahi Kā Member

Name: CORAL RAUKANA - MANUEL.
Signature: 
Te Rōpū Ahi Kā Member

Name: Terence Thia Steedman
Signature: 
Te Rōpū Ahi Kā Member ~~Kim Savage~~

Name: Kim Savage
Signature: 
Te Rōpū Ahi Kā Member

Name: TRACEY HIROA

Signature: 

Te Rōpū Ahi Kā Member

Name: Chris Shenton

Signature: 

Te Rōpū Ahi Kā Member

Name: Mary Dorey

Signature: 

Te Rōpū Ahi Kā Member

Name: Thomas Curtis

Signature: 

Te Rōpū Ahi Kā Member

Name: Soraya Peko-Mason

Signature: 

Te Rōpū Ahi Kā Member

Name: Andy Watson

Signature:

Mayor of Rangitikei District Council

