
From: Becca Brooke
Sent: Monday, 29 March 2021 13:37
To: [REDACTED]
Cc: official information; Jennifer Parker
Subject: HCC - Maaori Representative Information
Attachments: Hamilton Maangai Maaori Payment; Council Open Late (item 14 Maangai Maaori review of arrangements) Agenda - 4 February 2020.PDF; FW: 21095 - [REDACTED] / Wellington City Council - Maori Representatio on Council Committees

Hi [REDACTED],

Just responding re your questions on our Maangai Maaori structure. Attached is a report that came to Council in Feb 2020 that pretty much answers all of your questions around structure and rem. Have also attached the previous email I sent to Jen about how the original rem rates were determined back in 2018.

Since Feb 2020 we have approved a few more appointments (all current appointments summarised below). Essentially we have one or two Maanagai Maaori sitting on all of our committees of Council. The one or two is dependant on the interests of Iwi and Maata Waka (MW). In total we have 5 Maangai who cover multiple committees between them. From time to time Maangai are also part of working groups relating to their relevant committees.

Finance Committee – 1 x Iwi rep
Community Committee - 1 x Iwi rep and 1 x MW rep
Strategic Growth Committee – 1 x Iwi rep and 1 x MW rep
Infrastructure Operations Committee - 1 x Iwi rep
Environment Committee - 1 x Iwi rep
Economic Development Committee - 1 x Iwi rep and 1 x MW rep
Strategic Risk and Assurance Committee - 1 x Iwi rep
District Plan Amendments Committee – 1 x Iwi rep
Central City River Plan Advisory Group - 1 x Iwi rep
Hearings and Engagement Committee – all Maangai Maaori sit on this committee and attend hearings relevant to their portfolios.

Total budget for rem for Maangai Maaori roughly equates to \$110,000 per annum.

Please feel free to come directly to me in the future if you need any governance related info 😊

Thanks,

Becca Brooke [\(she/her\)](#)
Menetia Mana Whakahaere | Governance Manager
Governance Unit

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Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Tuesday 4 February 2020
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN LATE AGENDA

Item 14: Maangai Maaori: review of arrangements

Membership

Chairperson	Mayor P Southgate
Deputy Chairperson	Deputy Mayor G Taylor
Members	Cr M Bunting
	Cr M Forsyth
	Cr M Gallagher
	Cr R Hamilton
	Cr D Macpherson
	Cr K Naidoo-Rauf
	Cr A O'Leary
	Cr R Pascoe
	Cr S Thomson
	Cr M van Oosten
	Cr E Wilson

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
Governance Manager

31 January 2020

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Council Report

Item 14

Committee: Council
Author: Mothla Majeed
Position: Legal Services Manager
Report Name: Maangai Maaori: review of arrangements

Date: 04 February 2020
Authoriser: David Bryant
Position: General Manager Corporate

Report Status

Open

Purpose

1. To inform the Council of the outcome of the review of Maangai Maaori arrangements.
2. To seek Council's approval to make changes to the Maangai Maaori arrangements, including in relation to remuneration, and in order to provide better support to Maangai Maaori in carrying out their functions.

Staff Recommendation

3. That the Council:
 - a) notes the appointment of Maangai Maaori to Council Committees as part of the 2019-2022 Governance Structure at its meeting of 28 November 2019;
 - b) approves the proposed changes to the Maangai Maaori arrangements outlined in this report (paragraphs 26-51);
 - c) notes the estimated funding implications for the proposed changes, being an extra \$34,400 per annum in total for remuneration, and associated professional development costs will be addressed as part of the 2020/2021 Annual Plan process; and
 - d) delegates the General Manager Corporate to negotiate and execute variations to the individual kawenata with Maangai Maaori to give effect to the proposed changes.

Executive Summary

4. On 2 August 2018, Council resolved to appoint Maaori representatives to the Finance, Growth and Infrastructure, Community and Services and Regulatory and Hearings Committees. Agreements (kawenata) were executed between Council, Maataawaka and Iwi representatives, as well as with the five Maangai Maaori who were appointed by Iwi and Maataawaka. A link to the report concerning this decision can be found [here](#).
5. The kawenata provided that the appointments related to the 2016-2019 triennium, with a decision to be made at the start of the 2019-2022 triennium regarding appointment thereafter.
6. At its meeting of 28 November 2019, Council approved the 2019-2022 Governance Structure, which included the appointment of Maangai Maaori to the Strategic Growth, Infrastructure Operations, Finance, Community, Hearings and Engagement, Strategic Risk and Assurance, Environment and Economic Development Committees, as well as to the CBD/River Plan Advisory Group.

7. In the same period of time, staff have reviewed the structural and practical arrangements in place (i.e. the terms of the individual kawenata and practical support available for Maangai Maaori) in order to assess whether they continue to be fit for purpose.
8. As a result of the review, staff recommend:
 - That no changes are made to the 2019-2022 Governance Structure regarding the appointment of the current Maangai Maaori to the new Committees of Council.
 - The remuneration paid to Maangai Maaori is adjusted to reflect their new appointments, which will result in a **total** increase of \$34,400 per annum for remuneration.
 - That Maangai Maaori may attend public-excluded Council meetings at the discretion of the Chief Executive, where the item is relevant to a Committee a Maangai Maaori is appointed to.
 - That Maangai may request access to public excluded Council reports at the discretion of the Chief Executive, where the item is relevant to a Committee a Maangai Maaori is appointed to.
 - That Maangai Maaori have access to and may discuss with each other public-excluded reports from other Committees, provided this does not give rise to a conflict of interest for the Maangai Maaori receiving the report.
 - That Council considers funding professional development opportunities for Maangai Maaori in the context of their respective roles to be discussed with the Governance Manager on case by case basis, with associated costs to be addressed as part of the 2020/21 Annual Plan process.
9. Practical issues were also discussed as part of the review, however as these are operational matters, they are not addressed in the report and will be addressed directly by staff.
10. Staff consider the matters in this report have medium significance and that the recommendations comply with the Council's legal requirements.

Background

11. Over the years, there have been a range of initiatives for ensuring Maaori representation in Council – from the Ngaa Hui Haumi Committee in place from 1992 to 1995, to the establishment of various partnership agreements with iwi and other representative groups.
12. On 18 October 2017, Council considered a report on establishing Maaori wards as the first stage of the representation review that all councils are required to undertake at least once every six years under the Local Government Act 2002. That report also included options for other forms of Maaori representation. Council chose not to establish Maaori wards and instead requested staff investigate alternative models for Maaori representation.
13. Subsequently, on 2 August 2018, Council resolved to appoint Maaori representatives to the following Council Committees, with full voting and speaking rights under Standing Orders:
 - Finance Committee – one seat for an Iwi representative;
 - Growth and Infrastructure Committee – one seat for an Iwi representative;
 - Community and Services Committee – one seat for an Iwi representative and one seat for a Maataawaka representative (i.e. two seats in total); and
 - Regulatory and Hearings Committee – one seat for an Iwi representative.

14. At the same meeting, Council also delegated to the Chief Executive the function of negotiating and executing the following kawenata:
 - a principal kawenata in relation to Maaori representation between the Council, Te Ruunanga o Kirikiriroa (**TROK**, representing Maataawaka) and Waikato-Tainui (Iwi); and
 - individual kawenata between the Council and the appointees to the Maangai Maaori positions.
15. The principal kawenata was signed on 1 October 2018. Individual kawenata were signed with the five appointees to the Maangai Maaori positions on 19 September 2018.
16. The principal kawenata provided that the appointments would continue until the end of the 2016-2019 triennium. It provided that thereafter, at the commencement of each triennium, the Council will engage with Waikato-Tainui and TROK in relation to arrangements for Maaori representation on Council Committees and decide on the representation to be provided for that triennium (if any).
17. At its meeting of 28 November 2019, Council approved the 2019-2022 Governance Structure, which included the appointment of Maangai Maaori as follows:
 - Finance Committee – one seat for an Iwi representative – Maangai Bella Takiari-Brame;
 - Strategic Growth Committee – one seat for an Iwi representative – Maangai James Whetu;
 - Infrastructure Operations Committee – one seat for an Iwi representative – Maangai Norm Hill;
 - Community Committee – one seat for an Iwi representative and one seat for a Maataawaka representative (i.e. two seats in total) – Maangai Te Pora Thompson-Evans and Maangai Olly Te Ua;
 - Hearings and Engagement Committee – all five Maangai Maaori appointees are members of the Committee, but only in order to attend meetings addressing matters relevant to another Committee they are a member of;
 - Strategic Risk and Assurance Committee – one seat for an Iwi representative – Maangai Bella Takiari-Brame;
 - Environment Committee – one seat for an Iwi representative – Maangai Norm Hill;
 - Economic Development Committee – one seat for an Iwi representative and one seat for a Maataawaka representative (i.e. two seats in total) – Maangai Te Pora Thompson-Evans and Maangai Olly Te Ua; and
 - CBD/River Plan Advisory Group – one seat for an Iwi representative – Maangai Norm Hill.
18. Staff have reviewed the structural and practical arrangements in place (i.e. the terms of the individual kawenata and practical support available for Maangai Maaori) in order to assess whether they continue to be fit for purpose. This report provides the outcome of that review and proposed recommendations.

Discussion

19. The review involved the following steps:
 - a review of the terms of the principal and individual kawenata;
 - seeking feedback from Maangai Maaori;
 - seeking feedback from the Chairs and Deputy Chairs of the 2016-2019 Committees with Maangai Maaori (noting not all members were able to provide feedback);

- assessing the implications of that feedback and testing those implications against the terms of the kawenata, as well as the overarching purpose of the Maangai Maaori arrangements, in order to develop proposals; and
 - seeking feedback on proposals with the Mayor, Maangai Maaori, Waikato-Tainui and TROK.
20. Key issues and comments identified through the feedback process are summarised below. Staff's proposals then follow.
21. **Feedback**
22. Feedback on the operation of the arrangements to date was by and large positive. Maangai Maaori and Chair/Deputy Chair feedback focused largely on constructive suggestions for better supporting Maangai Maaori in their role.
23. In particular, both Maangai Maaori and a number of Elected Members commented on the practical difficulties arising from each Maangai Maaori not being a member of full Council or all Committees. Feedback highlighted the potential for isolation or silos, as well as opportunities to ensure Maangai Maaori had the support to be across developments in Council and other Committees. It was also noted that, given the increased Committee membership of each Maangai Maaori this triennium, each appointee's remuneration should be increased in proportion to their increased membership responsibilities.
24. Those suggestions are either incorporated in the below proposed recommendations, or, where staff do not propose approving them, an explanation is provided below as to why not.
25. As part of the review, feedback on practical issues not requiring further funding was also obtained (for example, relating to parking and the availability of meeting spaces). This report does not touch on those matters, which will instead be addressed separately by staff.
26. **Proposed recommendations**
27. **Structure**
28. Feedback from some of last triennium's Chairs and Deputy Chairs, as well as some current Elected Members, related to the number of Maangai Maaori on Committees. In particular, it has been suggested by two current Elected Members that there should be a Maataawaka representative on the Strategic Growth Committee. Another Elected Member has similarly queried why the Community and Economic Growth Committees have two appointees (i.e. one Iwi and one Maataawaka), but other Committees do not.
29. The rationale for the proportion of seats allocated to Maataawaka and Iwi is linked to the mandate and aspirations of each organisation.
30. TROK is the local urban Maaori authority. It represents and is representative of Maataawaka (Maaori who do not whakapapa to Waikato-Tainui hapuu) and Pasifika people in Hamilton City and surrounding areas. Its aspirations in entering into the principal kawenata (as recorded in that kawenata) include:
- the development of an effective working partnership with local authorities with respect to issues affecting Maaori and Pasifika peoples in Hamilton City;
 - encouraging, promoting, assisting and developing the social, educational, cultural and political advancement of its members; and
 - involvement with Article 3 matters of Te Tiriti o Waitangi / the Treaty of Waitangi, in particular the principles of participation, partnership, protection, advocacy and representation.

31. Waikato-Tainui (more formally Te Whakakitenga O Waikato) is the recognised authority for the five mana whenua hapuu who exercise traditional authority over the lands upon which Hamilton City is built – namely, Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura. Among Waikato-Tainui's aspirations in entering into the principal kawenata (as recorded in that kawenata) are:
 - for the five mana whenua hapuu to participate in, and add value to, Council's decision-making processes through representation on Council's Committees with full voting and speaking rights; and
 - to provide for an enduring relationship between the parties through respect of the mana whakahaere (management) rights and responsibilities of Waikato-Tainui and the five hapuu it represents.
32. The proportion of Iwi and Maataawaka representatives, and the Committees they are appointed on, was agreed with TROK and Waikato-Tainui in the principal kawenata. The approach reflects the difference in roles and aspirations of TROK and Waikato-Tainui.
33. Staff do not recommend any changes to the appointment of Maangai Maaori to Committees in the 2019-2022 Governance Structure. This matter will however be monitored and revisited as appropriate. TROK has provided feedback on this recommendation, and confirms TROK believes there is Maataawaka representation on the right Committees, and that one Maataawaka representative is currently sufficient.
34. **Remuneration**
35. Maangai Maaori identified that the rates of remuneration were set under the 2016-2019 Governance Structure, and noted that remuneration would need to be adjusted to reflect increased responsibilities for all Maangai Maaori under the 2019-2022 Governance Structure.
36. In its 2 August 2018 meeting, Council agreed to proceed with appointing Maangai Maaori to Committees on the basis that they would be paid a set fee calculated in accordance with an \$100/hour rate (as opposed to other options, being \$80/hour or \$90/hour) and estimated number of hours for each required for each Committee. On an annual basis, remuneration totalled \$67,400.
37. Staff propose increasing the fixed fee paid to each Maangai Maaori to reflect their increased membership and responsibilities. Staff propose those increased rates continue to be calculated on the basis of \$100/hour. The fees payable in respect of each Committee, are set out in the Financial Considerations section of this report. By way of summary, fees are expected to total \$102,400 per annum – i.e. an increase of \$35,000 per annum under the new structure.
38. **Attendance at Council meetings**
39. As part of the feedback process, it was suggested that Maangai Maaori should be able to attend public-excluded Council meetings where relevant to their Committee. This would allow the Maangai Maaori to answer any questions or speak to a recommendation if the Chair considered it appropriate. This would also serve to better integrate Maangai Maaori into the full decision-making process, and allow Maangai Maaori to provide more fulsome feedback to stakeholders. Staff recommend approving this practice.
40. The Standing Orders already allow for such attendance. Clause 17.2 provides that Council may resolve to allow specified persons to remain in Chambers, but that "[n]o such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration." A purposive reading of the clause would include Maangai Maaori. Staff therefore propose that Maangai Maaori may attend public excluded sessions at the discretion of the Chief Executive.

41. For completeness, the individual kawenata already require Maangai Maaori to treat confidential information as such. Accordingly no change would be required to the kawenata to give effect to this recommendation.
42. That Maangai may request access to public excluded Council reports at the discretion of the Chief Executive, where the item is relevant to a Committee a Maangai Maaori is appointed to.
43. ***Professional development***
44. The individual kawenata currently make no provision for professional development, and there is no budget allowance for this either. Staff consider it would be beneficial to both Maangai Maaori and Council if governance/council -related professional development was made available to Maangai. Staff accordingly propose that each Maangai Maaori's individual kawenata is amended to provide that Council will fund attendance (and associated accommodation/travel) at one relevant conference per year for each Maangai Maaori (including, for example, combined attendance at both the LGNZ conference and Te Maruata Hui the day before the LGNZ conference), as pre-approved by Council's Governance Manager. Staff propose an adjustment to the budget accordingly. This is further addressed under Financial Considerations.
45. ***Access to other public-excluded Committee items***
46. The individual kawenata contain a confidentiality provision in order to ensure confidential Council information is treated as such by Maangai Maaori. However, the provision doesn't allow for a Maangai Maaori appointed to one committee to discuss or share confidential information from that Committee with another Maangai Maaori who is not a member of that same Committee.
47. Maangai Maaori have noted through their feedback that in practice, this makes it difficult for them to work together and support each other, and risks siloing Maangai Maaori.
48. Having discussed the issue with Maangai Maaori, staff recommend that Maangai Maaori are given access to all Committee (except Chief Executive Review Committee) reports, including public-excluded items, as a matter of course.
49. This would allow Maangai Maaori to be aware of interconnected issues before their Committee, as well as allowing Maangai Maaori to caucus with each other and elected members without any issues arising in terms of confidentiality.
50. Staff however recommend that Maangai Maaori are advised that they should not access public-excluded reports from another Committee that relate to items giving rise to a conflict of interest for that Maangai Maaori. Such conflicts would be a matter to be identified and managed by the individual Maangai Maaori.
51. For completeness, the individual kawenata already require Maangai Maaori to treat confidential information as such. Accordingly no change would be required to the kawenata to give effect to this recommendation.

Financial Considerations

Committee	Time + no. of meetings	Fee per meeting			Draft Annual Fee per Committee
		Scenario 1 (S1) \$80/hour	Scenario 2 (S2) \$90/hour	Scenario 3 (S3) \$100/hour	
Strategic Growth	16 hrs @ 9 mtgs	\$1280	\$1440	\$1600	(S1) \$11,520 (S2) \$12,960 (S3) \$14,400
Infrastructure Operations	16 hrs @ 9 mtgs	\$1280	\$1440	\$1600	(S1) \$11,520 (S2) \$12,960 (S3) \$14,400
Community	16 hrs @ 9 mtgs x 2 Maangai	\$1280	\$1440	\$1600	(S1) \$23,040 (S2) \$25,920 (S3) \$28,800
Finance	16 hrs @ 9 mtgs	\$1280	\$1440	\$1600	(S1) \$11,520 (S2) \$12,960 (S3) \$14,400
Hearings and Engagement	2 hrs @ 3 mtgs x 5 Maangai	\$160	\$180	\$200	(S1) \$800 (S2) \$900 (S3) \$1000
Economic Development	16 hrs @ 4 mtgs x 2 Maangai	\$1280	\$1440	\$1600	(S1) \$10,240 (S2) \$11,520 (S3) \$12,800
Environment	16 hrs @ 4 mtgs	\$1280	\$1440	\$1600	(S1) \$5,120 (S2) \$5,760 (S3) \$6,400
Strategic Risk and Assurance	16 hrs @ 4 meetings	\$1280	\$1440	\$1600	(S1) \$5,120 (S2) \$5,760 (S3) \$6,400
CBD River Plan Working Group	8 hrs @ 4 meetings	\$1280	\$1440	\$1600	(S1) \$2,560 (S2) \$2,880 (S3) \$3,200
Draft Annual Cost - New Triennium (NT) and Last Triennium (LT), with increase indicated		NT \$81,920 LT \$53,920 + \$28,000	NT \$92,160 LT \$60,660 + \$31,500	NT \$101,800 LT \$67,400 + \$34,400	

Item 14

52. As noted above, staff recommend scenario 3, which entails a \$34,400 increase in operating expenditure with regard to remuneration.
53. Staff also recommend funding allowance be considered for professional development as noted in paragraphs 42 – 43 above. Approximate costs to be determined via the annual plan process.
54. These costs are currently not funded in the 2019/2020 Annual Plan or the 2018-2028 Long Term Plan. Staff will propose the necessary budget adjustments as part of the 2020/21 Annual Plan process as well as the forthcoming Long Term Plan process.

Legal and Policy Considerations

55. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements, including Council's obligations in relation to the Treaty of Waitangi in the Local Government Act 2002.

Wellbeing Considerations

56. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
57. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
58. The recommendations set out in this report are consistent with that purpose.

Social

59. The recommendations in this report seek to strengthen and further empower Maangai Maaori, in turn facilitating greater involvement of Maaori (through both the Iwi and Maataawaka seats) and Pasifika (through the Maataawaka seat) communities in Council decision-making. This will in turn lead to greater social outcomes for those communities.

Economic

60. The recommendations in this report seek to strengthen and further empower Maangai Maaori, in turn facilitating greater involvement of Maaori and Pasifika communities in Council decision-making. The 2019-2022 Governance Structure provides for Maangai Maaori seats on the Economic Development Committee, which will serve to improve economic outcomes for all Hamiltonians by ensuring Maaori and Pasifika views are taken into account in decision-making.

Environmental

61. The recommendations in this report seek to strengthen and further empower Maangai Maaori, in turn facilitating greater involvement of Maaori and Pasifika communities in Council decision-making. The 2019-2022 Governance Structure provides for a Maangai Maaori seat on the Environment Committee, which will serve to improve environmental outcomes for all Hamiltonians by ensuring Maaori and Pasifika views are taken into account in decision-making.

Cultural

62. The recommendations in this report seek to strengthen and further empower Maangai Maaori, which in turn allows for Maaori and Pasifika aspirations and worldview to play a greater role in Council decision-making.

Risks

63. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy

Significance

64. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a medium level of significance.

Engagement

65. Community views and preferences are already known to the Council through previous engagement on Maaori representation as well as comments presented to Council's 2 August 2018 meeting by way of public forum.
66. In preparing this report, staff have sought feedback from Maangai Maaori and discussed recommendations with Maangai Maaori, Waikato-Tainui and TROK.
67. Given the medium level of significance determined, the engagement level is medium. No engagement is required.

Attachments

Attachment 1 - Maangai Maaori Kawenata - 2018



**WAIKATO
TAINUI**



KAWENATA

AGREEMENT TO ESTABLISH MAAORI
REPRESENTATION ON COUNCIL COMMITTEES

He Mihi

*He hoonore he kororia ki te Atua
He maungarongo ki te whenua
He whakaaro pai ki ngaa taangata katoa
E mihi ana ki a Kiingi Tuheitia e pupuru ana ki te Mana Motuhake
Ki a koutou katoa ngaa mana me ngaa maunga kōrero
Teenaa koutou, teenaa koutou, teenaa koutou katoa.*

We acknowledge the creator of all things
May his peace cover the land, with goodwill to all
We acknowledge the keeper of Mana Motuhake King Tuheitia
To everyone who hold our rich heritage
We acknowledge you all.
Teenaa koutou, teenaa koutou, teenaa koutou katoa.



Te Winika, gift of Maaori Queen Te Arikunui Dame Te Atairangikaahu, collection of Waikato Museum Te Whare Taonga o Waikato.

*E whakawhiti atu ai i te koopuu maania o Kirikiriroa
Me oona maara kai, te ngaawhaa whakatupu ake o te whenua moomona*

Across the smooth belly of Kirikiriroa
Its gardens bursting with the fullness of good things.

DATE: 1 OCTOBER

2018

PARTIES

1. **Waikato-Tainui**
2. **Te Runanga o Kirikiriroa ('TROK')**
3. **Hamilton City Council ('the Council')**

(together, the 'parties').

PART A: BACKGROUND

1. Te Whakakitenga O Waikato (Waikato-Tainui) is the recognised authority for the five Mana Whenua Hapuu who exercise traditional authority over the lands upon which Hamilton City is built; namely, Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura. For the purposes of this agreement, Waikato-Tainui represents these five Hapuu.
2. Te Runanga o Kirikiriroa (TROK) was formally established in 1988 as the urban Maori authority. Mandated by both the late Maori Queen, Te Atairangikaahu and the Mayor of the time, the late Sir Ross Jansen, TROK represents and is representative of Maaori (Maataa Waka) and Pasifika peoples living in Hamilton City and surrounding areas. As a result of this mandate, TROK has maintained a collegial relationship with the Hamilton City Council and has a history of advocating for Maaori representation at the Council table in keeping with the principles of the Treaty of Waitangi.
3. The Council is a local authority under the Local Government Act 2002 and is based in and responsible for Hamilton City.
4. Waikato-Tainui and TROK are seeking:

'He painga moo ngaa miro katoa I raro I te mana o te kaihanga'

'All peoples are valued, respected and flourish under the authority of the creator'.
5. The Council is seeking to provide opportunities for Maaori to contribute to its decision-making processes in a meaningful and effective manner and based on a partnership approach that reflects the principles of the Treaty of Waitangi.
6. The Council resolved on 18 October 2017 to explore alternative representation arrangements for Maaori that provide an opportunity for meaningful engagement and the parties have worked together to develop a preferred model as reflected in this kawenata.
7. On 2 August 2018 the Council resolved to adopt the model referred to in this kawenata.

8. The parties acknowledge that they have a broader and ongoing relationship across many aspects of the Council's operations, and that this kawenata and the representation model embraces and reflects that broader relationship.
9. The parties have entered into this kawenata to reflect their overarching relationship and to record their specific agreements as to that representation model.

PART B: VISION AND PURPOSE

10. The collective vision of all parties is captured by the proverbial saying of Kingi Pootatau Te Wherowhero (1858) which inspires people to acknowledge their connections and their distinctive identities, with a commitment to working together for the good of all.

'Kotahi anoo te koohao te ngira e kuhuna ai te miro ma, te miro whero me te miro pango. A muri I a au kia mau ki te ture, ki te whakapono, ki te aroha. Hei aha te aha! Hei aha te aha!'

'There is but one eye of the needle through which the white, red and black threads must pass. After me, obey the commandments, keep faith and hold fast to love and charity. Forsake all else.'

11. The purpose of this kawenata is to:
 - (a) identify the partnership values and principles that underpin the relationship between the parties; and
 - (b) identify a representative model through which Maaori will be provided the opportunity to contribute to the Council's decision-making processes.
12. More specifically, the intention of this kawenata is to:
 - (a) provide a framework for the parties to work together towards improving Hamilton;
 - (b) provide mechanisms and resources that assist Maaori to participate in Council decision-making processes; and
 - (c) assist the Council with its decision-making and other processes and exercise of functions and powers in order to:
 - (i) assist Council to meet its Long-Term Plan commitments;
 - (ii) improve the delivery of Council's legal and statutory obligations to Maaori;
 - (iii) identify strategic opportunities to work closely together for improving Hamilton City;
 - (iv) build Maaori capacity and capability to partner with the Council; and
 - (v) support the Council to grow its capacity and capability to effectively and meaningfully engage with Maaori.

PART C: CONTENTS OF KAWENATA

13. This kawenata covers the following matters:

- (a) **Part A:** Background;
- (b) **Part B:** Vision and purpose;
- (c) **Part C:** Contents;
- (d) **Part D:** Waikato-Tainui Aspirations;
- (e) **Part E:** TROK Aspirations;
- (f) **Part F:** Council Aspirations;
- (g) **Part G:** Values and Principles;
- (h) **Part H:** Appointments to Council Committees;
- (i) **Part I:** Expectation of the Parties;
- (j) **Part J:** Indemnity and Insurance;
- (k) **Part K:** Relationship Hui;
- (l) **Part L:** Communication Protocols;
- (m) **Part M:** Resolution of Issues;
- (n) **Part N:** Amendment and Termination;
- (o) **Part O:** Other Matters; and
- (p) **Part P:** Definitions and Interpretation.
- (q) **Part Q:** Glossary

PART D: WAIKATO-TAINUI ASPIRATIONS

14. Waikato-Tainui's aspirations in entering into this kawenata are as follows:

- (a) To work collaboratively with Hamilton City Council to achieve their tribal vision and strategic goals.
- (b) To ensure that the aspirations of Waikato-Tainui influence and inform Council decision-making, and are in the best interests of their tribal members and the wider Waikato community;
- (c) For Mana Whenua, specifically, Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura, the aspirations are to participate in, and add value to, the Council's decision-making processes through representation on Council's committees with full voting and speaking rights in decision-making roles within the committees; and

- (d) To provide for an enduring relationship between the parties through:
 - (i) A commitment to being open, honest and transparent in communication;
 - (ii) A commitment to work together in the spirit of cooperation, compromise and good faith;
 - (iii) Respect of the mana whakahaere rights and responsibilities of Waikato-Tainui and the five Hapuu they represent in this agreement being Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngaati Korokii-Kahukura; and
 - (iv) An ongoing commitment to further exploring potential opportunities for partnership with the Council.

PART E: TROK ASPIRATIONS

- 15. TROK's aspirations in entering into this kawenata are to advance the aspirations encapsulated in its constitution, including:
 - (a) The development of an effective working partnership with local authorities with respect to issues affecting Maaori and Pacific peoples in Hamilton city;
 - (b) Encouraging, promoting, assisting and developing the social, educational, cultural and political advancement of its members; and
 - (c) Involvement with Article III matters of the Treaty of Waitangi; in particular the principles of participation, partnership, protection, advocacy and representation.

PART F: COUNCIL'S ASPIRATIONS

- 16. The Council's aspirations in entering into this kawenata are as follows:
 - (a) To honour its legislative obligations, including under the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA), guided by the principles of Te Tiriti o Waitangi (the Treaty);
 - (b) To incorporate the unique perspective of Maaori in decision-making at the committee level;
 - (c) To provide a meaningful role for Maaori within Council's governance structure; and
 - (d) To better meet the current and future needs of the city's communities, of which Maaori make up a growing proportion.

PART G: VALUES AND PRINCIPLES OF KAWENATA

Values

17. The parties agree to honour the following values when working together under this kawenata:
- (a) **Kiingitanga:** we acknowledge Kiingitanga, its history in unifying Maaori and its rich history as the Maaori monarch established to unify Maaori and bring peace and protection to all people;
 - (b) **Tikanga and Kawa:** we respect and practise Tainui tikanga and kawa;
 - (c) **Mahitahi:** we work together towards a shared vision, we value diversity and promote collaborative solutions;
 - (d) **Tika:** we recognise that each partner has autonomy, different lines of accountability and we enable each party to develop and grow in its own way while recognising and acknowledging each other's independence;
 - (e) **Pono:** we will create an environment of trust, goodwill and respect towards each other, recognising and understanding the capabilities and constraints each party brings to the relationship;
 - (f) **Tauutuutu:** we recognise and value balance and reciprocity; and
 - (g) **Te Tiriti o Waitangi:** we respect the intent, the full text, the principles, and application of Te Tiriti o Waitangi.

Principles

18. The parties agree to honour the following working principles when working together under this kawenata:
- (a) We work together in good faith to safeguard and promote the mutual interests of the parties in order to improve outcomes for the people of Hamilton City;
 - (b) We act in ways that honour the Treaty of Waitangi principles including partnership, participation and active protection;
 - (c) We create and foster a high trust relationship and environment that allows the parties to work together while growing within their own tikanga (customs, obligations and conditions) and pursuing their own interests and priorities;
 - (d) We work towards solutions with rationality and honesty of purpose;
 - (e) We resolve any differences simply, effectively and in a manner that supports a long-term, intergenerational partnership;
 - (f) We seek opportunities to share skills, knowledge and information; and

- (g) We acknowledge the shared interests of the parties in the development and promulgation of strategy, policy and legislation/by-laws that affect the people of Hamilton City.

Guiding principles for good governance

- 19. Both Waikato-Tainui and TROK also acknowledge the Council's guiding principles of good governance for members of Council committees:
 - (a) **Community pride:** decisions made will be in the best interests of Hamilton City, and will assist in ensuring that the Hamilton City continues to be one where people want to live, work and play;
 - (b) **Leadership:** committee members should engage enthusiastically and empathetically with the community to learn and act upon issues of local concern;
 - (c) **Consensus:** committee members are encouraged to strive towards reaching an agreed view/position on decisions and objectives so as to be able to show support of the unified culture of the Council;
 - (d) **Collective responsibility:** committee members should give regard to the agreed view/position of the Council by ensuring they express fairly and in a positive and supportive manner when representing the Council both in written and oral presentations;
 - (e) **Honesty and integrity:** committee members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour;
 - (f) **Respect for others:** committee members should promote equality by not discriminating unlawfully against any person, and shall always treat people with respect; and
 - (g) **Community engagement:** committee members should regularly communicate/engage with citizens, individuals and groups in Hamilton.

PART H: APPOINTMENTS TO COUNCIL COMMITTEES

- 20. In taking any action or making any decision under this Part H, the parties will at all times act in accordance with the values and principles set out in this kawenata.

Membership

- 21. There will be Maaori representatives on the following Council committees:
 - (a) One seat for Iwi on the Growth and Infrastructure Committee;
 - (b) One seat for Iwi on the Finance Committee;

- (c) Two seats on the Community and Services Committee - one seat for Iwi and one seat for Maataa Waka; and
- (d) One seat for Iwi on the Regulatory and Hearings Committee.

Nomination and appointment

22. The parties agree that:
- (a) Waikato-Tainui (for the Iwi seats) and TROK (for the Maataa Waka seat) are responsible for nominating suitable candidates for the positions on committees referred to above; and
 - (b) The Council will make the final decision on those appointments.
23. The process for Waikato-Tainui and TROK to nominate candidates is a matter for those parties in accordance with tikanga. The parties acknowledge the importance of an open and transparent nomination process to achieve the vision and purpose of this kawenata.
24. Waikato-Tainui and TROK must ensure that candidates that are nominated for appointment meet the essential criteria set out in Appendix One.
25. The role for the Maaori external members appointed to committees is as set out in Appendix Two.

Term and reappointment

26. The appointments referred to in clause 22 will continue for the remainder of the 2016 to 2019 triennium, subject to any changes that may be made at the discretion of the Council during that triennium in accordance with clause 29.
27. At the commencement of each triennium the Council will:
- (a) Engage with Waikato-Tainui and TROK in relation to the arrangements for Maaori representation on Council committees under this kawenata;
 - (b) Decide on the Maaori representation to be provided for during that triennium (if any);
 - (c) Communicate that decision to Waikato-Tainui and TROK; and
 - (d) Act in a manner that reflects the values and principles set out in this kawenata throughout that process.
28. The parties acknowledge that Council retains the right and discretion to review the positions of Maaori representatives on the committees at any time during a triennium, and to discharge members if that is considered appropriate in the circumstances.

29. During a triennium:
- (a) Waikato-Tainui and TROK may request that their respective Maaori member(s) be replaced, and in doing so will provide a nomination to the Council in relation to a replacement member; and
 - (b) The Council may request that a Maaori member be replaced, in which case the Council may discharge that member and seek a nomination from Waikato-Tainui and TROK in relation to a replacement member.
30. Waikato-Tainui and TROK will meet all of their own costs associated with the process for nominating Maaori candidates to the Council under this kawenata.
31. The Council will meet all of its own costs for appointing those Maaori members.

PART I: EXPECTATIONS OF THE PARTIES

32. The Council agrees to:
- (a) Comply with this kawenata and act in accordance with the values and principles expressed in it;
 - (b) Comply with its obligations under legislation to support Maaori participation in its decision-making processes; and
 - (c) Provide support to Maaori representatives of Council committees as set out in individual agreements with those representatives.
33. Waikato-Tainui and TROK agree to:
- (a) Comply with this kawenata and act in accordance with the values and principles expressed in it;
 - (b) Ensure nominated candidates have the skills, attributes, or knowledge that will assist the work of the Council committee(s); and
 - (c) Provide appropriate support to appointed Maaori representatives to fulfil their responsibilities as Committee members and enable them to connect back with their communities.

PART J: INDEMNITY AND INSURANCE COVERAGE FOR EXTERNAL APPOINTEES – RESPONSIBILITIES AND COSTS

34. The Council holds professional indemnity insurance which will include protection for claims against the Council arising from the activities of Maaori representatives appointed to Council committees. This provision requires individuals to report potential issues involving legal action (or the threats thereof) against Hamilton City Council immediately. It should be noted that the protections afforded by this cover do not extend to the individuals in their personal capacity.

35. The Council will provide an appropriate indemnity to Maaori representatives undertaking activities in their capacity as Committee members.

PART K: RELATIONSHIP HUI

36. This kawenata reflects and records a commitment to a long-term ongoing relationship. The parties acknowledge that over time the nature and focus of the relationship will evolve to reflect changing circumstances.
37. The parties agree to meet solely for the purpose of reviewing this kawenata at least every three years and within one month after the start of a new Council triennium, or otherwise as mutually agreed.
38. The parties may at any time and by mutual agreement amend this kawenata to reflect:
- (a) Changes to the vision or purposes of the relationship as they reflect changing circumstances; and
 - (b) Any other changes that parties consider and agree are necessary and appropriate.

PART L: COMMUNICATION PROTOCOLS:

39. The parties agree that:
- (a) Neither party may make a statement in relation to this kawenata or the representation arrangements, or on another party's behalf, without the agreement of all parties;
 - (b) This kawenata does not restrict Maaori stakeholders from presenting views or submissions on Council's policies, plans or in other Council processes;
 - (c) Unless required by law, by mutual agreement or if any party requests information relating to this kawenata remains confidential, all information relating to this kawenata will be open to the public; and
 - (d) The Council and its committees are subject to the Local Government Official Information and Meetings Act 1987, and the representation arrangements and work of the committees will be undertaken in compliance with that Act.

PART M: RESOLUTION OF ISSUES

40. The parties will act at all times in good faith, in accordance with the values and principles of this kawenata, and with the goal of preserving and enhancing their relationship.
41. However, in the event of a dispute, the parties agree to the following process:
- (a) In the first instance, the agreed representatives of the parties will meet and attempt to resolve the dispute;

- (b) If that process does not resolve the dispute, the matter will be referred to a group comprising:
 - (i) The Mayor and chief executive of the Council;
 - (ii) The Board Chair and chief executive of Waikato Tainui; and
 - (iii) The Board Chair and chief executive of TROK;
- (c) That group will work together to explore all options and approaches to resolving the dispute; and
- (d) That group may, by agreement, appoint a facilitator or mediator to assist in resolving the dispute.

PART N: AMENDMENT TO AND TERMINATION OF KAWENATA

- 42. The parties may agree from time to time and in writing to amend this kawenata.
- 43. Any party may terminate their participation in this kawenata by giving not less than one months' notice in writing to the other parties.
- 44. Prior to giving any such termination notice, all parties will in good faith and in accordance with the values and principles of this kawenata:
 - (a) Engage with the other parties to identify and work through any issue of concern;
 - (b) Explore constructive solutions that avoid the need for termination; and
 - (c) Provide time for that process to be worked through before resorting to termination.

PART O: OTHER MATTERS

- 45. The parties intend to be legally bound by this kawenata.
- 46. The parties will do all things that are reasonably necessary to implement or support the implementation of this kawenata.
- 47. No amendment to this kawenata will be effective unless it is in writing and signed by all the parties.
- 48. This kawenata may be executed in any number of counterparts (including facsimile or scanned PDF counterpart), each of which will be deemed an original, but all of which together will constitute the same instrument. No counterpart will be effective until each party has executed at least one counterpart.

PART P: DEFINITIONS AND INTERPRETATION

Definitions

- 49. In this kawenata, unless the context requires otherwise:

- (a) **Code of Conduct** means the Council's Code of Conduct (including any amendments or substitutions) as required under the Local Government Act 2002;
- (b) **'kawenata'** means this agreement;
- (c) **Iwi** refers to the 70,000 beneficiaries, 66 marae and 33 Hapuu of Waikato Tainui; and
- (d) **Standing Orders** means the Council's Standing Orders (including any amendments or substitutions) as required under the Local Government Act 2002.

Interpretation

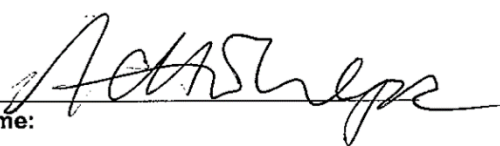
50. In this kawenata, unless the context requires otherwise:

- (a) Anything required by this kawenata to be done on a day which is not a working day may be done effectually on the next working day;
- (b) Headings appear as a matter of convenience and do not affect the construction of this kawenata;
- (c) A reference to a party to this kawenata or any other document includes that party's personal representatives/successors and permitted assigns;
- (d) A reference to a person includes a corporation sole and also a body of persons, whether corporate or unincorporate;
- (e) Where a word or expression is defined in this kawenata, other parts of speech and grammatical forms of that word or expression have corresponding meanings;
- (f) Any appendices form part of this kawenata;
- (g) The singular includes the plural and vice versa, and words importing one gender include the other genders;
- (h) A reference to an enactment or any regulations is a reference to that enactment or those regulations as amended, or to any enactment or regulations substituted for that enactment or those regulations;
- (i) Any reference to time is to New Zealand time; and
- (j) Any reference to 'written' or 'in writing' includes all modes of presenting or reproducing words, figures and symbols in a tangible and permanently visible form.

PART Q: GLOSSARY OF TERMS

Hapuu	<i>Sub-tribe.</i> For the purpose of this agreement, refers to Ngaati Wairere, Ngaati Maahanga, Ngaati Hauaa, Ngaati Tamainupoo and Ngati Korokii Kahukura
Iwi	<i>Tribe.</i> For the purpose of this agreement refers to the 70,000 beneficiaries, 66 marae and 33 Hapuu of Waikato-Tainui
Kawa	<i>Protocol</i> a system of rules that explain the correct conduct and procedures to be followed


SIGNED by and on behalf of
TE RUNANGA O KIRIKIRIROA:

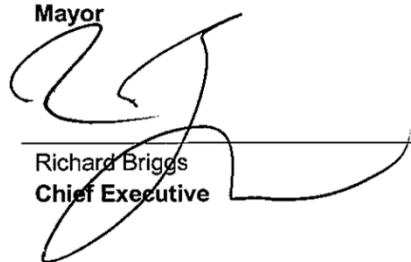

Name:

Position:
Chief Executive

Name: Andrew
Position: Elliott-Hoppe

SIGNED by and on behalf of
HAMILTON CITY COUNCIL:


Andrew King
Mayor


Richard Briggs
Chief Executive

APPENDIX ONE

ESSENTIAL CRITERIA FOR CANDIDATES

1. The essential criteria for candidates to be nominated are set out below.
2. The candidate must:
 - (a) Have relevant experience and acumen for the appointment to the relevant Council committee (e.g. financial, local government planning, transport and infrastructure, community services etc) and the ability to apply this technical capability to the role required by the Council;
 - (b) Have the ability to engage in effective relationships with elected members, the Council staff, and the Council's stakeholders (including members of the public) on an ongoing basis;
 - (c) Have proven experience in participating in governance-level decision making at organisations with public accountability requirements;
 - (d) Not be in a position, or be directly related to someone in a position, whether financially or otherwise, that will create an ongoing conflict with the interests of the Council and/or the relevant Council committee to which the individual is nominated to be appointed. For example, a person who is a member of the senior management team at Tainui Group Holdings would be likely to have ongoing conflicts if appointed to the Growth and Infrastructure Committee or the Finance Committee;
 - (e) Understand good decision-making requirements for a local authority, the relevant Committees' delegations and terms of reference, as well as the roles and responsibilities of the mayor, elected members, chief executive and staff;
 - (f) Recognise that the governance role does not extend to operational matters or to the management of any implementation;
 - (g) Have a good understanding of the Council processes set out in the Standing Orders that determine how council meetings are run;
 - (h) Be willing and able to develop and maintain a working knowledge of Council services, management processes, powers, duties and constraints;
 - (i) Have strong and effective communication skills; and
 - (j) Have competence and understanding of Council's needs relating to committee requirements, and of the issues and risks facing the Council.

APPENDIX TWO

ROLE DESCRIPTION FOR MAAORI APPOINTEES TO COUNCIL COMMITTEES

Representation and Advocacy

1. In terms of representation and advocacy, the role of the Maaori appointees will be:
 - (a) To bring the views of Maaori residing in Hamilton into council decision-making processes;
 - (b) To maintain contact with the Maaori stakeholder groups/appointment bodies on a regular basis; and
 - (c) To participate in any relevant Council consultative processes with the local community and/or other organisations as a member of the relevant committee(s).

Governance

2. In terms of governance, the role of the Maaori appointees will be:
 - (a) To participate constructively and effectively in the good governance of the Council as a whole and, specifically, for the committee(s) to which the appointee is appointed, acting in the best interests of Hamilton city at all time;
 - (b) To understand and respect the differing roles of Mayor, Deputy Mayor, Committee Chairs and Councillors;
 - (c) To recognise that the governance role does not extend to operational matters or to the management of any implementation of Committee decisions;
 - (d) To be familiar and comply with:
 - (i) The Council processes set out in the Standing Orders that determine how the Council meetings are run;
 - (ii) The Council's Code of Conduct; and
 - (iii) The statutory and policy requirements that apply to members of a Council committee (including in relation to pecuniary interests and official information);
 - (e) To be familiar with and maintain awareness of the Council's statutory functions, powers and responsibilities, particularly as they relate to the terms of reference for the committee(s) to which the appointee has been appointed;
 - (f) To develop and maintain a working knowledge of council services, management processes, powers, duties and constraints;
 - (g) To participate in the setting and monitoring of council policies, budgets, strategies and service delivery in accordance with the delegations and terms of reference of the committee(s) to which the appointee has been appointed; and

- (h) To identify, be aware of and declare any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature, in accordance with legislation and the Council's Code of Conduct and Standing Orders. The appointee must complete a declaration of interest on appointment, and update the declaration every six months in accordance with the Council's Code of Conduct.

Committee and other meetings

- 3. In terms of committee and other meetings, the role of the Maaori appointees will be:
 - (a) To attend an induction programme within an agreed timeframe following the appointment of the appointee;
 - (b) To attend all committee meetings (except where absence has been noted with written agreement from the appointee's organisation and the Chair of the committee);
 - (c) To attend all Council briefings where there are items discussed which fall within the terms of reference of the committee(s) to which the appointee has been appointed (except where an apology has been provided in accordance with Standing Orders);
 - (d) To attend meetings of any taskforce to which the appointee has volunteered to be a member of, as a member of the relevant committee(s); and
 - (e) To read, and be familiar with, the agendas and other documentation circulated to Committee members prior to any of the meetings to which the appointee is required to attend under their individual kawenata.

Other

- 4. The appointee will comply with the Council's health and safety and network security policies and processes (copies of which are to be provided to appointees on appointment).

APPENDIX THREE

WHAARANGI TAA MOKO TAUTOKO

MARSHA TUBINUI	Angela O'Leary
P. Matai	MILTON NGARUKE
Debbie Pirece	
Te Runga	
Raika Gray	Ngaati Maabanga
Te Hiri Tauti	Koroki-Kahurangi
ATUTATI Riki	MAAHANGA
Rangia Riki	Ngati Mahanga
Sony Tokoroa	Ngati Tamaraupo
Tame Pokaia	Ngati Mahuta
Mere Pahi	Maata Waka Toki
	THAWIK
	Te Kaunihera o Kirikiriroa
	Te Kaunihera o Kirikiriroa