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| <i>Maori Policy 2012</i> | Department | ADMINISTRATION |
| | Adopted | 13 November 2012 |
| | Last Review | |
| | Next Review | 13 November 2014 |

Hutia te rito o te harakeke

Kei hea te komako e ko?

Ki mai ki ahau

'He aha te mea nui o te Ao?'

'Maku e ki atu

He Tangata, He Tangata, He Tangata, E!'

1. STATEMENT OF INTENT

1.1 Context

The Wairoa District has the highest proportion of Maori of any local authority area in the country – over 61%¹ of the district's 8,500 people. Maori are well involved at most levels of the community.

Section 81 of the Local Government Act 2002² requires Council to:

- (a) *establish and maintain processes that provide an opportunity for Maori to contribute to the decision-making processes of Council; and*
- (b) *consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of Council, and*
- (c) *provide relevant information to Maori for the purposes of (a) and (b).*

This gives the Wairoa District Council the ability to facilitate opportunities for Maori to be a part of local government decision-making processes.

The development of this Maori policy defines a collaborative relationship that is within the spirit of the Tiriti o Waitangi/Treaty of Waitangi, while recognising limitations imposed by statutory responsibilities.

1.2 Scope

The Council engages with *ahi kaa* throughout all of its operations and recognises the limitations of Council to address circumstances which impact on *tangata whenua* outside the scope as is defined by statute [see **Appendix 2**]. However, this policy provides a foundation for establishing processes that provide for *tangata whenua* to contribute to Council's decision-making responsibilities.

This policy does not prevent any individual, *whanau*, *hapu* or *iwi* from dealing directly with the Council concerning any issue that may affect them.

¹ Statistics New Zealand – Estimated Population 2006-2009

² Page 38 of Council's Long Term Council Community Plan 2009-2019

1.3 Definitions

- **Council** refers to Wairoa District Council – elected representatives and staff.
- **District** refers to the territorial authority area of the Wairoa District Council.
- **Tangata whenua** refers to *whanau*, *hapu*, and *iwi* who *whakapapa* to *whenua* in the Wairoa district and is inclusive of Maori organisations [see **Appendix 1**] and *taurahere* who have chosen to live in the district and be a part of the wider Maori community.

1.4 Purpose

The purpose of this policy is to:

- establish a relationship between Wairoa District Council and *tangata whenua* to achieve mutually beneficial outcomes for the community of Wairoa
- set up processes and procedures that facilitate effective communication between Wairoa District Council and *Tangata Whenua o te Wairoa*
- enable a Maori world view to be incorporated into local government decision making, policies and procedures
- improve the degree to which Maori participate in Council/community consultation.

2. WORKING TOGETHER

The following principles underpin **how** council and *tangata whenua* interact and work together:

- Tika*
A shared commitment to “do the right thing” – morally and ethically – by making certain that everyone is treated with equal respect and fairness.
- Pono*
A shared commitment to ensure all decisions are underpinned by, and made with honesty, integrity and in good faith.
- Manaakitanga*
The mutual elevation of *mana* in encounters and when engaged in discourse as a means of seeking shared understanding based on the spirit of respect and dignity.
- Rangatiratanga*
The duty of Council to accept and support *tangata whenua* in fulfilling their role as *manawhenua* over lands, resources and other *taonga tuku iho* within the local authority boundaries.

- v. *Kaitiakitanga*
The duty of council to recognise and support *tangata whenua* in fulfilling their duty as *kaitiaki* of air, land, water and all other *taonga tuku iho*.
- vi. *Whakapapa*
Mutual acknowledgement that council and *tangata whenua* share a common history in their duty of care for the area that is defined as the Wairoa district.
- vii. *Tohungatanga*
Council recognises that *tangata whenua* have an embodied set of expertise and skills in providing a Maori world view.
- viii. *Whakawhanaungatanga*
Council accepts that *tangata whenua* share a strong sense of responsibility and reciprocal obligation toward *taonga* as all *taonga* are inter-related, inter-connected and inter-dependent.
- ix. *Te Tiriti/Treaty* [see **Appendix 3**]
The Tiriti o Waitangi/Treaty of Waitangi is the founding document of New Zealand. Council accepts the great importance of this living, dynamic document, and is committed to upholding the spirit of the Tiriti o Waitangi/Treaty of Waitangi principles [see **Appendix 4**].
- x. *Kotahitanga*
Mutual acceptance and recognition of the unity of all things in the world and the multi-dimensional nature of existence – physical and metaphysical, tangible and intangible.
- xi. Principle of *Kaumatuatanga* – Elder Knowledge
Mutual acceptance by Council of the importance of *Kaumatu*/*Kuia* within the *rohe* in offering guidance and advice (and there may also be young people with knowledge.)
- xii. *Ko te Reo Maori*
Council acknowledges that Maori concepts are best expressed in *te reo Maori*; and the discourse on Maori issues is best understood by communicating in *te reo Maori*. Wairoa District Council is responsible for promoting the use of *te reo Maori* by:
- Facilitating the ability to communicate in *te reo Maori* in appropriate situations.

2.1 Working with Council

Elected Representatives

Elected representatives represent the interests of residents and ratepayers by providing community leadership and guidance. Culturally aware elected representatives have the ability to achieve mutually beneficial outcomes for Council, *tangata whenua* and the community as a whole.

Outcomes Sought:

2.1.1 Elected representative participation in bicultural awareness training.

Such training would allow elected representatives to develop a thorough understanding of:

- *Tiriti o Waitangi/Treaty of Waitangi*
- *Maori Resource Management*
- *LTCCP and Annual Plan objectives for Maori in the district.*

2.1.2 Active engagement with tangata whenua by elected representatives.

Executive Management

The Chief Executive Officer and the divisional managers (Administration, Finance, Engineering and Regulatory) are responsible for ensuring that the day-to-day operations of Council are carried out in an efficient and effective manner.

Outcomes Sought:

2.1.3 Facilitate and promote best practice in relation to programme and service provision for tangata whenua.

2.1.4 Work with the Maori Standing Committee/tangata whenua to facilitate and promote:

- *bicultural awareness training for Council officers and contractors*
- *protocols to be used by Council in relation to:*
 - *roadworks*
 - *large-scale subdivisions, construction projects, etc.*

3. REPRESENTATION

Representation refers to the mechanisms which provide for individuals and groups authorised to speak for *tangata whenua* to participate in Council decision-making processes. *Tangata whenua* representation can be undertaken through a variety of mechanisms. These mechanisms take into account all of the Principles of Working Together and the diversity of *tangata whenua* in the district.

3.1 Database

To ensure there is a voice for all *tangata whenua*/Maori, the Council will ensure that a comprehensive database is developed as a reference for the Council both at governance and operational levels.

Outcomes Sought:

- 3.1.1 *Develop and maintain a database of hapu, iwi, marae and Maori organisations in the Wairoa district.*
- 3.1.2 *Develop a framework to create a spatial mapping layer in the Council's GIS to showing "areas of influence" of iwi, hapu, Maori organisations and marae representatives in the Wairoa district.*
- 3.1.3 *Schedule regular hui to canvass tangata whenua contributions on district issues.*
- 3.1.4 *Promote and provide assistance to the development of iwi and hapu management plans.*

3.2 Maori Standing Committee

The Maori Standing Committee is a standing committee of the Council. The Maori Standing Committee acts as a check and balance on Council processes, especially on those matters requiring a Maori perspective. Recommendations from the Maori Standing Committee will be communicated through the Chair and will be given due consideration by the Council when making decisions that directly impact on Maori and on all matters that require the perspective of *te Ao Maori* as set out in the principles underpinning Section 2: **Working Together**.

Outcomes Sought:

- 3.2.1 *Establish a Maori Standing Committee that is representative of tangata whenua.*
- 3.2.2 *Develop a Terms of Reference [see **Appendix 5**] for the Maori Standing Committee.*
- 3.2.3 *Ensure resourcing of the Maori Standing Committee is commensurate with the expected or actual workload including access to administrative support for the recording and distribution of minutes and reports where needed.*
- 3.2.4 *Support the selection process for tangata whenua representative appointments to the Maori Standing Committee.*
- 3.2.5 *Formalise the role of the Maori Standing Committee in Council's Local Governance Statement.*

4. EFFECTIVE CONSULTATION

Effective consultation should occur early and throughout the decision-making process, which requires openness about how, why and when *tangata whenua* are being consulted and how much influence they will have over the decisions being made.

4.1 Engagement Process

Outcome Sought:

4.1.1 Where Council and/or external parties propose land development or similar initiatives in the district, the Maori Standing Committee shall be the first port of call for referral to the appropriate tangata whenua representative.

4.2 Negotiation

A negotiation process is used to confer with others in order to reach a compromise or agreement. The negotiation process should occur at the very beginning of a process, before anything has been developed. Negotiations take place to determine the overall purpose and direction of the project. Negotiation implies a more equal relationship where parties work through any conflict and “agree to disagree” if areas of conflict cannot be resolved.

Outcome Sought:

4.2.1 Before Council begins planning or addressing issues in the district, Council will need to meet with tangata whenua from the outset of the process.

4.3 Consultation

A consultation process is used to seek information, advice or an opinion, permission or approval for a proposed action. The consultation process would be used when approval of a programme, policy or service (something that has already been developed) is required.

Outcomes Sought:

4.3.1 The tangata whenua consultation process for consents that cover individual and multiple projects shall be determined by the Maori Liaison Officer and the Maori Standing Committee.

4.3.2 Meet and engage with tangata whenua as early as possible in the planning or issue process.

4.3.3 Ensure that sufficient time is allowed and appropriate information is provided for people to make a meaningful contribution to the issues under consideration.

4.4 Communications Plan

Communications include all written, spoken and electronic interaction between people. A communications plan can provide guidance on how, when and what communication tools are best used in certain situations.

Outcomes Sought:

4.4.1 Review and implement a strategy for dissemination of information to tangata whenua groups.

5. **ADVOCACY**

Advocacy is about influencing policy makers when they make laws and regulations, distribute resources, and make other decisions that affect people's lives. Advocacy is essentially all about three things:

- developing policies where the need has been identified
- reforming harmful or ineffective policies
- ensuring good policies are implemented and enforced.

An important role for the Maori Standing Committee is as an advocate for *tangata whenua* issues.

5.1 **Policy Review**

A policy is typically described as a deliberate plan of action to guide decisions and achieve rational outcomes. While law can compel or prohibit behaviours (e.g. a law requiring the payment of taxes on income), policy merely guides actions towards those that are most likely to achieve a desired outcome.

Areas of concern within existing policies have the potential to impact on *tangata whenua* aspirations and require consideration under the principles of this policy.

Outcomes Sought:

- 5.1.1 *Review frameworks to ensure that the Maori world view is incorporated in Council policies, plans and strategies.*
- 5.1.2 **Maori Tourism** – *Cultural and spiritual values of tangata whenua to be a high priority when considering existing and future tourism initiatives and policies.*
- 5.1.3 **Economic Development** – *Assist tangata whenua groups in building capacity skills, resource and expertise to develop sustainable business initiatives.*
- 5.1.4 **Maori Land** – *Impact reports relating to multiple ownership and traditional use of Maori land to be considered when setting or reviewing rates.*
- 5.1.5 **Signage** – *Recognise bicultural heritage through the naming of places and streets throughout the Wairoa district.*
- 5.1.6 **Cultural Landscape** – *Recognition of tangata whenua cultural landscapes through the identification of places that have significance for tangata whenua and ensuring such places can be preserved and publicly acknowledged.*
- 5.1.7 *Facilitate tangata whenua contributions to the development of Council's Annual Plan, Long-term Plan and other significant issues and decisions as defined by the Local Government Act 2002.*

5.2 **Policy Development**

The process of developing policy is as important as making decisions. Policy is intended to affect the "real world" by guiding the decisions that are made. Whether they are formally written or not, most organisations have identified policies.



Outcomes Sought:

- 5.2.1 *Develop iwi and hapu “state of the environment” and cultural indicators.*
- 5.2.2 *Develop local policy to give protection to all tangata whenua sites and places of significance.*
- 5.2.3 *Council and tangata whenua develop a range of consultation methods with the intent of maximising participation by Maori in the Council’s decision-making processes.*

5.3 Local, Regional and National Advocacy

There are a number of functional areas that lie outside the scope of council and are administered at a regional or national level.

While there are protocols already in place to guide interaction with external agencies under Section 4 of the policy, it is expected that interaction and advocacy with external agencies on behalf of Council either by Council or Maori Standing Committee members would be with the full knowledge of Council.

This will not prevent individuals (whether on the Maori Standing Committee or Council) from advocating on behalf of their own *hapu* or group as long as there is a declaration that they are not acting on behalf of Council.

6. COUNCIL KAUMATUA

There are occasions where Council will require *Kaumatua* to be in attendance – for *powhiri*, *tangihanga*, *hui* etc. This is particularly important in complying with *tikanga* where a *whaikorero/karanga/karakia* is required.

Outcome Sought:

- 6.1.1 *Approach Kaumatua and/or appropriate persons to represent Council in ceremonial matters.*
- 6.1.2 *Ensure that advice will be sought on issues pertaining to kaumatuatanga, tikanga, kawa, and whakapapa.*
- 6.1.3 *Facilitate the development of protocols with the Maori Standing Committee for a range of situations including:*
 - *powhiri for visitors to Council*
 - *kaikorero for Council and affiliates e.g. Wairoa Community Trust, Wairoa Primary Healthcare Organisation, Wairoa District Council Community Centre*
 - *karakia for official occasions, openings, etc.*
 - *karakia (whakanoa) where situations require cultural safeguards to be implemented (contractors working on or near waahi tapu)*
 - *hapu consultation*
 - *in attendance at inter-district, regional and national forums to maintain the mana of Wairoa.*

7. **KAITAKAWAENGA MAORI – MAORI LIAISON OFFICER**

Underpinning Council's commitment to the effective facilitation of Maori in decision making is the provision of dedicated staff and other resources. The aim of this is to increase Maori influence in the Council and foster greater understanding of Maori issues.

The position of *Kaitakawaenga Maori*/Maori Liaison Officer, has been established by Council as a means of facilitating and enhancing Maori involvement in decision making. The purpose of the position is to provide advice to, and liaise with, Council and its committees, Council staff and the community in respect to their relationship with, and impact on, *tangata whenua*.

Outcomes Sought:

- 7.1 *That an appropriately skilled community officer is appointed to liaise between the Council and the Maori community.*
- 7.2 *Recommend to the Chief Executive Officer that the Chair of the Maori Standing Committee is involved in the interview panel for appointment of the Maori Liaison Officer.*
- 7.3 *That the Maori Liaison Officer is sufficiently resourced to:*
 - *provide administrative support to the Maori Standing Committee*
 - *organise and facilitate hui across the district*
 - *undertake and participate in programmes and activities dealing with Maori issues*
 - *participate in training processes which enhance the understanding and awareness of the needs of Maori communities*
 - *advocate on behalf of tangata whenua to ensure the principles of this policy are upheld.*
- 7.4 *Ensuring the mana of Wairoa District Council is enhanced through an emphasis on manaakitanga.*
- 7.5 *The Chief Executive Officer will monitor the workload of the Maori Liaison Officer to ensure the expectations of the position are reasonable.*

8. **MONITORING AND REVIEW**

This policy will be monitored on an annual basis and an informal review will be undertaken each year by the Maori Standing Committee to assess its relevance and effectiveness.

A formal review of this policy will be undertaken every three years in line with the appointment of new members to the Maori Standing Committee following the triennial local government elections.

At all other times a review of this policy may be initiated at the request of the:

- Chief Executive Officer
- Council by resolution
- Maori Standing Committee by resolution
- tangata whenua



- any person by submission.

Outcome Sought:

8.1 *Develop an evaluation framework based on the Long-term Council Community Plan to enable the policy to be effectively reviewed.*

9. REFERENCES

The following reference information has informed the development of this policy:

- Maori Standing Committee review of the Draft Purongo Maori – Maori Policy 2008
- Wairoa District Council Long-term Council Community Plan 2009-2019
- Waitangi Tribunal – www.waitangi-tribunal.govt.nz/treaty/principles.asp
- Various local government agreements with indigenous peoples.



GLOSSARY OF MAORI TERMS

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| <i>ahi kaa</i> | The continuous unbroken occupation of land by <i>whanau</i> , <i>hapu</i> or <i>iwi</i> over successive generations. |
| <i>hapu</i> | Sub-tribe |
| <i>hui</i> | Gathering |
| <i>iwi</i> | Tribe |
| <i>kaitiaki</i> | <i>Whanau</i> , <i>hapu</i> or <i>iwi</i> given the responsibility to care, maintain, manage and protect <i>taonga tuku iho</i> (tangible and intangible) within their territorial domain. |
| <i>karakia</i> | Prayer |
| <i>karakia (whakanoa)</i> | Prayer to remove <i>tapu</i> |
| <i>karanga</i> | Ceremonial calling of visitors |
| <i>kawa</i> | The specific protocols and processes that particular <i>hapu</i> or <i>iwi</i> engage to formalise encounters with others. <i>Kawa</i> varies amongst <i>hapu</i> and <i>iwi</i> , however the <i>kawa</i> of the hosts will take precedence and will govern proceedings |
| <i>manaakitanga</i> | The expression and responsibility inherent to the <i>mana</i> of encounter or engagement as in the reciprocal relationships between host and visitor |
| <i>manawhenua</i> | The acknowledged authority, that a particular <i>whanau</i> , <i>hapu</i> or <i>iwi</i> has over a particular area. This authority affords <i>whanau</i> , <i>hapu</i> and <i>iwi</i> rights as <i>kaitiaki</i> and obligations to <i>manaaki</i> . It also infers the obligation of other groups to negotiate or consult for access rights to land and resources |
| <i>powhiri</i> | Welcoming ceremony |
| <i>tangihanga</i> | Funeral |
| <i>taonga tuku iho</i> | The tangible and intangible resources or treasures that are important to the cultural heritage of <i>tangata whenua</i> , <i>taurahere</i> , and the wider community |
| <i>tapu</i> | Sacred restriction |
| <i>taurahere</i> | The association of Maori individuals or groups who join together to fulfil a common purpose or goal, that share similar aspirations and who live outside their tribal area |
| <i>waahi tapu</i> | Sacred place |
| <i>whaikorero</i> | Oratory |
| <i>whakapapa</i> | Relates to the genealogy, not only of people but all things. It is the relationships to and between all elements, tangible and intangible, such as matter and energy, the universe, the gods, people and other forms of life |
| <i>whenua</i> | Land |



APPENDIX 1: MAORI ORGANISATIONS

Kahungunu Executive
Kahungunu Maori Wardens Sub Association
Ngati Kahungunu Iwi Incorporated
Te Kura Kaupapa Maori o Ngati Kahungunu o Te Wairoa
Te Wharekura o Te Raua
Nga Kohanga Reo o Wairoa whanui
Maori Women's Welfare League
Marae Committees
Marae Trustees
Ngati Pahauwera Iwi Trust
Ngati Pahauwera Development and Tiaki Trust
Rongomaiwahine Iwi Trust
Te Ataarangi o Kahungunu ki te Wairoa
Te Kura Motuhake o Te Ataarangi
Nga Kaitiaki Hauora o Waikaremoana
Te Hauora o Ngati Pahauwera
Te Hauora o Te Wheke a Nuku
Te Hauora Maioha
Te Iwi o Rakaipaaka Incorporated
Tu Mai Development Trust
Te Taiwhenua o Kahungunu ki Te Wairoa
Tuhoe Waikaremoana Maori Trust Board
Wairoa Waikaremoana Maori Trust Board
Whakaki Lakes Trust
Lake Waikaremoana Hapu Restoration Trust



APPENDIX 2: LIST OF STATUTES OF PRIMARY INTEREST TO MAORI

There are a number of statutes which are of primary interest to Maori. Some of these statutes are administered by Council while others are administered by other government agencies. Their impact on *tangata whenua* within the Wairoa district tends to be felt locally.

Resource Management Act 1991
Local Government Act 2002
Te Ture Whenua Maori Land Act 1993
Foreshore and Seabed Act 2004
Local Government (Rating Act) 2002
Historic Places Act 1993
Maori Community Development Act 1962
Maori Community Development Amendment Act 1996



APPENDIX 3: TREATY OF WAITANGI – Maori and English Text

| Maori Text | Kawharu Translation ³ | English Text |
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| PREAMBLE: | PREAMBLE: | PREAMBLE: |
| <p>KO WIKITORIA te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga¹ me to ratou wenua, a kia mau tonu hoki te Rongo² ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira³ – hei kai wakaritea ke nga Tangata maori o Nu Tirani – kia wakaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu⁴ – na te mea hoki he tokomaha ke nga tangata o tona lwi kua noho ke tenei wenua, a e haere mai nei.</p> <p>Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ke te tangata Maori kit e Pakeha e noho ture kore ana.</p> <p>Na kua pai te Kuini kia tukua a hau a Wiremu Hopihana he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane amua atu kit e Kuini, e mea atu ana⁵ ia ki nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.</p> | <p>VICTORIA the Queen of England, in her concern to protect the chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship¹ and their lands to them and to maintain peace² and good order considers it just to appoint an administrator³ one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands⁴ and also because there are many of her subjects already living on this land and others yet to come.</p> <p>So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness.</p> <p>So the Queen has appointed 'me, William Hobson a Captain' in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents⁵ to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.</p> | <p>HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour of the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.</p> |
| <p>NOTES ON ENGLISH KAWHARU TRANSLATION:</p> <ol style="list-style-type: none"> 'Chieftainship': this concept has to be understood in the context of Maori social and political organisation as at 1840. The accepted approximation today is 'trusteeship'. 'Peace': Maori 'Rongo', seemingly as missionary usage (rongo – to hear; ie, hear the 'Word' – the message of peace and goodwill, etc) Literally 'Chief' ('Rangatira') here is of course ambiguous. Clearly a European could not be a Maori, but the word could well have implied a trustee-like role rather than that of a mere 'functionary'. 'Islands' i.e. coastal, not of the Pacific. Literally 'making' i.e. 'offering' or 'faying' – but not 'inviting to concur'. | | |
| KO TE TUATAHI | ARTICLE THE FIRST | ARTICLE THE FIRST |
| <p>Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua Wakaminenga ka tuku rawa atu kit e Kuini o Ingarani ake tonu atu – te Kawanatanga⁶ katoa o o ratou wenua.</p> | <p>The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government⁶ over their land.</p> | <p>The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without</p> |



| Maori Text | Kawharu Translation ³ | English Text |
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| <p>NOTES ON ENGLISH KAWHARU TRANSLATION:</p> <p>6. 'Government': 'kawanatanga'. There could be no possibility of the Maori signatories having any understanding of government in the sense of 'sovereignty': i.e. any understanding on the basis of experience or cultural precedent.</p> | | <p>reservation all the rights and power of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.</p> |
| KO TE TUARUA | ARTICLE THE SECOND | ARTICLE THE SECOND |
| <p>Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangatira ki nga Hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga⁷ o o ratou wenua o ratou kainga me o ratou taonga katoa⁸. Otira ko nga Rangatira o te wakaminenga me nga Rangatira katora atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko⁹ mona.</p> | <p>The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise⁷ of their chieftainship over their lands, villages and all their treasures⁸. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell⁹ land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.</p> | <p>Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.</p> |
| <p>NOTES ON ENGLISH KAWHARU TRANSLATION:</p> <p>7. 'Unqualified exercise' of the chieftainship – would emphasise to a chief of the Queen's intention to give them complete control according to their customs. 'Tino' has the connotation of 'quintessential'.</p> <p>8. 'Treasures': 'taonga'. 'Taonga' refers to all dimensions of a tribal group's estate, material and non-material – heirlooms and wahi tapu (sacred places), ancestral lore and whakapapa (genealogies).</p> <p>9. Maori 'hokonga', literally 'sale and purchase'. 'Hoko' means to buy or sell.</p> | | |
| KO TE TUATORU | ARTICLE THE THIRD | ARTICLE THE THIRD |
| <p>Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini – Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.</p> | <p>For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties¹⁰ of citizenship as the people of England¹¹.</p> | <p>In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.</p> |
| <p>NOTES ON ENGLISH KAWHARU TRANSLATION:</p> <p>10. 'Rights and duties': Maori at Waitangi in 1840 refer to Hobson being or becoming a 'father' for the Maori people.</p> <p>11. 'There is, however, a more profound problem about 'tikanga'. There is a real sense here of the Queen 'protecting' (i.e. allowing the preservation of) the Maori people's tikanga (i.e. customs) since no Maori could have had any understanding whatever of British tikanga (i.e. the rights and duties of British subjects). This, then, reinforces the guarantees in Article 2.</p> | | |
| <p>(Signed) William Hobson Consul and Lieutenant-Governor</p> | <p>(Signed) William Hobson Consul and Lieutenant-Governor</p> | <p>(Signed) William Hobson Consul and Lieutenant-Governor</p> |
| <p>Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei kei Waitangi ko matou</p> | <p>So we, the Chiefs of the Confederation of the subtribes of New Zealand meeting here at Waitangi</p> | <p>Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in</p> |



| Maori Text | Kawharu Translation ³ | English Text |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>hoki ko nga Rangatira nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.</p> <p>Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.</p> | <p>having seen the shape of these words which we accept and agree to record our names and our marks thus.</p> <p>Was done at Waitangi on the sixth of February in the year of our Lord one thousand eight hundred and forty</p> | <p>Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and dates respectively specified.</p> <p>Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.</p> |

3 Translation of the Māori text of the Treaty in English by former Tribunal member Professor Sir Hugh Kawharu, published in Report of the Royal Commission on Social Policy.

| Maori Version | English Translation of Maori | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| KO TE TUAWHA | ARTICLE THE FOURTH | |
| <p>HISTORICAL NOTE: At the first Treaty signing, two church leaders, Bishop Pompallier (Catholic) and William Colenso (Anglican), recorded a discussion on religious freedom and customary law. In answer to a direct question from Pompallier, Hobson agreed to the following statement which was read to the meeting before anyone signed: The English and the Maori text of the Treaty does not record this guarantee, but some rangatira, at the first and subsequent signings, signed the Treaty on the strength of Article IV alone, which they saw as guaranteeing continuance of their way of life.</p> | | |
| <p><i>“E mea ana te Kawana, ko nga whakapono katoa, o Ingarani, o nga Weteriana, o Roma, me te me te ritenga Maori hoki, e tiakina ngataiatia e ia.”</i></p> | <p><i>“The Governor says that the several faiths of England, of the Wesleyans, and of Rome, and also Maori custom shall alike be protected by him”.</i></p> | |



APPENDIX 4: TREATY PRINCIPLES³

- **Principle of *Tino Rangatiratanga* – Self-management**

The rights of Maori to exercise full authority and control over their lands, resources and *taonga*.

- **Principle of *Kawanatanga* – Governance**

The authority to make laws for the good order and security of the country subject to the duty imposed (on the Crown) to Maori under the Treaty.

- **Principle of *Whakawhanaungatanga* – Partnership**

A partnership between Maori and the Crown which requires the parties to act reasonably and with the utmost good faith in accordance with the Treaty of Waitangi.

- **Principle of *Oritetanga* – Equality and privileges of citizenship**

The right of *tangata whenua* as individual citizens to receive, as a minimum, fair and equal access to the resources and benefits provided by the Crown.

- **Principle of *Kaitiakitanga* – Stewardship**

The responsibility of Maori to undertake their duty of custodianship, stewardship and guardianship over their lands, resources and *taonga*.

- **Principle of *Whakatika i te mea he* – Duty to remedy past breaches**

The duty of the Crown to remedy past breaches of the Treaty and to prevent further breaches.

- **Principle of *Tuatiaki ngangahau* – Active protection of *taonga* and Maori interests**

The duty to ensure the active protection of *taonga* for as long as Maori wish it to apply.

- **Principle of *He here kia mohio* – Duty to be informed**

The duty of the Crown to make informed decisions through consultation with Maori.

³ Sourced from Waitangi Tribunal Reports and Court of Appeal jurisprudence.



APPENDIX 5:



WAIROA DISTRICT COUNCIL

PO Box 54, Wairoa – Telephone (06) 838-7309 – Facsimile (06) 838-8874

Terms of Reference: Maori Standing Committee

1. Status

The Maori Standing Committee is a standing committee under clause 30(1)(b) of Schedule 7 to the Local Government Act.

2. Purpose

The purpose of the Maori Standing Committee is to:

- Consider the role of Maori in protecting and enhancing the future wellbeing of Wairoa District.
- Consider governance issues relating to Council obligations to *tangata whenua*.
- Investigate and report to the Council on any issues that the Maori Standing Committee considers necessary that may have an implication for *tangata whenua*.

3. Membership

- The Maori Standing Committee is an official standing committee of the Council, whose term of office shall expire at the end of the year in which the triennial local body elections are held.
- Membership of the Maori Standing Committee shall be determined at series of district-wide *hui* of *hapū* of *takiwa*, whereby those present will endorse representatives to the Committee.
- The Maori Standing Committee shall consist of a specified number of members:
 - Nine (9) members and a minimum of seven (7) members and appointed by the Wairoa District Council;
 - His/Her Worship the Mayor ex-officio (or Deputy Mayor); and,
 - Two (2) Councillors – to be nominated by the Wairoa District Council and agreed to by the Maori Standing Committee.
- If the Maori Standing Committee has less than seven (7) members, the Maori Standing Committee shall have the power to co-opt. Co-opted members will have equal membership rights with all other members of the Maori Standing Committee.

4. Responsibilities

- The Maori Standing Committee shall nominate two (2) members of whom one will be Chair, to attend every scheduled ordinary, special and extraordinary public meeting of Full Council. The Chair, or in their absence, their delegated representative will be invited to the Council table and have speaking rights.
- The Maori Standing Committee shall nominate one (1) member as the representative at every scheduled ordinary, special and extraordinary meeting of the Community Partnerships Committee chaired by Wairoa District Council.
- There is an expectation that members will make every effort to attend all Maori Standing Committee meetings.
- Wherever possible, the Maori Standing Committee should determine matters by consensus decision. Where a consensus cannot be reached, a vote shall apply, with a two-thirds majority of those voting required for any decisions, and the Chair having a casting vote.

- If members believe they have a conflict of interest on a subject that will prevent them from reaching an impartial decision, they should declare that conflict of interest and withdraw themselves from any discussion of the subject.
- On occasion, individual members of the Maori Standing Committee may wish to abstain from some or all of the decision-making process because of strong personal, moral or religious reasons. Such abstentions shall not affect the approval process.
- All decisions made by the Committee will be forwarded for inclusion in the agenda at the next Full Council meeting. All decisions by the Maori Standing Committee will be considered as recommendations with final approval afforded to Council (elected representatives) in accordance with the Local Government Act 2002.
- The Maori Standing Committee has full responsibility to make decisions regarding the expenditure of its budget.

5. Delegated Authorities

The Maori Standing Committee has the authority to:

- delegate to any subcommittee of the Maori Standing Committee any authorities that have been delegated by Council to the committee and to appoint members.
- make recommendations to Council on all governance issues relating to the statutory functions, powers and duties within its terms of reference.
- make recommendations on professional development opportunities which will enable members of the Maori Standing Committee to better contribute to its decision-making processes.
- review and determine how the steps that Council will take to develop Maori capacity to contribute to decision-making processes should be described, planned and monitored in the draft and final Long-term Council Community Plan.
- make submissions on Maori-related matters, except where the submissions may have an impact on Council's activities.

6. Meetings

- The Maori Standing Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under the Terms of Reference.
- All agendas and minutes are available to the public as per the requirements of the Local Government Official Meetings and Information Act 1981.
- No business shall be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted. The quorum shall be six (6) members, representing two-thirds of the majority.
- As part of the accountability to their *iwi/hapū/whanau* for whom they represent, the meetings of the Maori Standing Committee to be open to the *iwi/hapū/whanau* and the public in general.
- Minutes of all proceedings of the Maori Standing Committee shall be kept, and shall be circulated to the members and considered at the next meeting succeeding and, if approved by that meeting, or when amended as directed by that meeting, shall be signed by the Chair.
- Minutes of proceedings shall be made available to the public for inspection.

7. Election Year Transition

- In a local government election year, the Maori Standing Committee shall schedule district-wide *hui* for the selection process to decide the membership of the next Maori Standing Committee by the end of November.
- The next Maori Standing Committee shall be sworn in by the newly elected Council by February.

- The incumbent Maori Standing Committee shall remain in office until the succeeding Maori Standing Committee are sworn in by the newly elected Council.
- A robust introduction process should be developed for all incoming members of the Wairoa District Council's Maori Standing Committee.

8. Budget

- The Maori Standing Committee shall be responsible for its own budget as set through the Annual Plan process.
- Members of the Committee are allocated a budget for the financial year ending 30 June – the budget shall cover the following items:
 - fair remuneration for Committee duties undertaken on behalf of the Council;
 - travel allowance for members attending Committee meetings;
 - the commission of expertise for advice, training and workshops; and,
 - administration expenses including (but not limited to): materials, venue hire, catering.

9. Servicing

- The Maori Liaison Officer will be the primary contact for the Maori Standing Committee and shall coordinate staff and resources in accordance with the allocated budget.
- Other staff can be assigned by request through the Chief Executive Officer.