

Toituu Marae Forum

Kii Tapu – Terms of Reference

1. Introduction

Ko te whakatakinga o te mahi tahi nei, he whakakotahi i te Kaunihera me ngaa marae kia noho ngaatahi, kia koorero ngaatahi moo ngaa take e paa ana ki te mana me te oranga tonutanga o te iwi. The purpose of this collaboration is to unite the Council and marae to work together harmoniously, to discuss issues relating to sovereignty and the sustainable well-being of the people.

1. The Waikato District Council (Council) and 40 marae within the Waikato district commit to a partnership guided by Te Tiriti o Waitangi, associated treaty settlements, Kiingitanga values, and the Local Government Act 2002 (LGA) principles. The Toituu Marae Forum (the Forum) provides a mechanism for collective marae engagement in Council policy, planning, regulatory matters, and development processes.

2. The Kii Tapu (Sacred Word / Sacred Statement: refers to a binding partnership between marae and council) Terms of Reference serves as the visible hononga, the sacred and enduring bond, between the 40 marae of the Waikato district and the Waikato District Council. It affirms a shared commitment to partnership grounded in Te Tiriti o Waitangi, mana whakahaere, and the values of Kiingitanga. It is both a symbolic and practical covenant, expressing the intention of both parties to work together with trust, transparency and aroha for the collective wellbeing of our communities.

3. These terms of reference (TOR) provide the supporting structure for the Kii Tapu, offering greater clarity and operational detail to reinforce the principles and approach agreed through the covenant. Together, the Kii Tapu and this document define the purpose, scope, responsibilities, and mechanisms of the Forum, ensuring that the kaupapa is lived, supported and sustained through action.

2. Context and Parties to the Toituu Marae Forum

Ko te horopaki o teenei hononga, he whakapapa, he whanaungatanga, hei tiaki i te taiao me ngaa taonga tuku iho. The context of this relationship is embedded in genealogy and kinship, to protect the environment and the treasured taonga (treasures).

1. The Waikato District Council delivers infrastructure, regulatory functions and community development across one of Aotearoa's most diverse districts. Under ss 4, 14 and 77 of the LGA,

Council must actively promote Maaori participation in decision-making and give effect to Te Tiriti o Waitangi.

2. The joint management agreement (JMA) between Council and Waikato-Tainui and other iwi underpin its commitments to mana whenua and acknowledge the central role of marae as community anchors and cultural institutions.

3. The 40 marae of the Waikato district hold whakapapa to the Waikato and Waipaa Rivers and all taonga they embrace including coastal areas, maunga, whenua raahui, and whenua Maaori. They uphold mana whakahaere (rights, authority and control) as kaitiaki.

3. Purpose of the Forum

Ko te whaainga matua, he whakakaha, he whakamana i ngaa marae kia whai waahi atu ki ngaa mahi a te Kaunihera i runga i te tika me te pono. The main goal is to strengthen and empower marae to participate in Council activities based on fairness and integrity.

1. The Forum is established to:

- a) Provide a collective platform for marae to engage meaningfully with Council.
- b) Enable marae to participate in decision-making that impacts Maaori land, papakaainga, and whenua planning under the Resource Management Act 1991 (RMA)/Natural and Built Environment Act 2023 (NBA).
- c) Strengthen the governance and strategic capability of marae.
- d) Advise Council on matters of significance to mana whenua, including:
 - i. Environmental management
 - ii. Papakaainga housing
 - iii. Resource consent processes
 - iv. Cultural impact assessments
 - v. Maaori land development.
- e) Advance shared priorities in the long term plan and annual plans.

4. Principles of the Relationship

Ko ngaa maataapono hei arataki i a taatou mahi ngaatahi, e haangai ana ki Te Tiriti o Waitangi me ngaa uara o te Kiingitanga. Principles guiding our joint work align with the Treaty of Waitangi and the values of the Kiingitanga.

Te Tiriti o Waitangi Principles (as per LGNZ and case law):

- Tino Rangatiratanga – Respect for marae authority and mana motuhake.
- Kaawanatanga – Acknowledgement of Council’s governance role.
- Ōritetanga – Equitable resourcing and opportunity for Māori.
- Wairuatanga – Respect for spiritual and cultural dimensions.
- Kaitiakitanga – Commitment to environmental guardianship.
- Whakawhanaungatanga – Building enduring, reciprocal relationships.

Kiingitanga Principles:

- Manaakitanga, Whakaiti, Whakapono, Kotahitanga, Rangimaarie, Mahi Tahi.

Joint Management Agreement Principles:

1. Acknowledges the establishment of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, that mandates joint planning, consenting, monitoring, and enforcement for the Waikato River and its catchment via a joint committee of council and iwi representatives.
2. Recognises statutory obligations under the Maniapoto Claims Settlement Act 2022 and the Ngā Wai o Maniapoto (Waipā River) Act 2012, which require joint planning, consenting, monitoring, and enforcement for the Waipā River catchment. It mandates Te Nehenehenui and councils to work collaboratively under the RMA in all related functions.

5. Forum Structure and Representation

Me whai tuuaapapa tootika te roopuu nei e kitea ai te kotahitanga me te rangapuu o ngaa marae puta noa i te takiwaa. The group should operate transparently so that unity and collaboration among marae throughout the district are evident.

- Each marae may appoint **one representative**, accountable to their marae.
- The Forum will appoint a Tumuaki (Chairperson) and Ringa Haapai (Administrator)
- A **quorum** of 50% of marae is required for formal decisions.
- Decisions affecting collective policy or budgets may be referred back to marae trustees (see **Decision-Making Schedule**).
- Forum members are supported to access planning documents, iwi management plans, and legislative summaries relating to Māori land development, RMA reforms, and papakaainga policy.

6. Roles and Responsibilities

Ko te noho haepapa teetahi aahuatanga matua kia uu ai ngaa mahi a te roopuu i runga i te tika me te rangatiratanga. Shared responsibility is a key aspect for the group's work to be conducted with fairness and rangatiratanga (leadership/authority).

Where agreed, the Forum will:

1. Provide advice on Maaori-specific legislation (RMA, Māori Land Act, Papakāinga Design Guides).
2. Review and respond to District Plan changes and consents.
3. Coordinate submissions to local and central government.
4. Advise on relevant local kaupapa

Where agreed, the Waikato District Council will:

1. Resource the Forum (venue, admin, technical advice).
2. Support agreed initiatives in the Long Term Plan and Annual Plans.
3. Recognise the Forum as a strategic partner in Maaori development.
4. Uphold obligations under the Local Government Act, RMA/NBA, and Housing and Urban Development legislation affecting Maaori land.

The Forum acknowledges that there are instances where the Waikato District Council has legislative requirements in relation to decision-making which would sit outside of this agreement.

7. Meeting Schedule and Operations

Me whakatakoto mahere kia rite ai ngaa hui, kia whai hua ai ngaa waananga. Plans should be established to ensure meetings are organised effectively and that discussions are productive.

1. Forum to meet **quarterly or more frequently** as agreed.
2. Council will support Ringa Haapai with logistics as required
3. An **annual work programme** will be co-developed and reported on.
4. Forum may invite technical or legal experts, especially for **planning, consenting, or development** sessions.

8. Review and Amendments

Me aata aromaatai te Tuutohinga nei ia tau, kia noho tika tonu ai moo ngaa waa kei te heke mai. The strategic plan should be reviewed annually to ensure it remains appropriate for future times.

1. This Kii Tapu will be reviewed **annually**, with amendments made by mutual agreement.
2. The review will consider changes in alignment to changes in **legislation, Council policy and additional reforms that impact mana whenua.**

9. Relationship to other Agreements

Ka tuuhono teenei Tuutohinga ki eeraa atu kirimana, hei tautoko, hei whakapakari. This strategy connects to other agreements to support and strengthen them.

1. This Kii Tapu is supported by Waikato District Council and the 40 participating Marae.
2. This Kii Tapu, together with its supporting Terms of Reference, stands with its own mana and authority. It is not subordinate to existing agreements but reflects a distinct and kaupapa-led commitment between Waikato District Council and the 40 participating marae.
3. The Kii Tapu sits alongside, and is complementary to, existing frameworks such as Joint Management Agreements (JMAs), relevant Treaty Settlement legislation (e.g., Waikato-Tainui Raupatu Claims Settlement Act 2010), and responsibilities under Local Government legislation.

10. Commitment

Ko te uu ki teenei hononga, me waiho hei taonga tuku iho moo ngaa uri whakatupu. Commitment to this relationship should be regarded as an enduring legacy for future generations.

1. This Kii Tapu represents an evolving and living relationship that respects mana Maaori motuhake and the autonomy of marae as representatives of whaanau, hapuu and iwi across the Waikato District.
2. It recognises the enduring significance of Te Tiriti o Waitangi, the principles of partnership, active protection, and participation, and the responsibility of both Waikato District Council and marae to work collaboratively to advance the wellbeing of mana whenua and Maaori communities.
3. Furthermore, this partnership reflects the Council's statutory obligations under the following legislation:
 - a) **Local Government Act 2002 (LGA)** – Sections 4, 14, and 77 require councils to give effect to Te Tiriti o Waitangi, enable Maaori participation in decision-making, and consider the wellbeing of communities, including Maaori communities.
 - b) **Resource Management Act 1991 (RMA)** – Requires councils to take into account the principles of the Treaty of Waitangi, recognise and provide for the relationship of Maaori with their ancestral lands, water, sites, waahi tapu, and taonga.
 - c) **Natural and Built Environment Act 2023 (NBA)** – Mandates the involvement of Maaori in regional spatial and environmental planning, and gives legal effect to Te Oranga o te Taiao and Treaty partnership duties.
 - d) **Māori Land Act 1993 (Te Ture Whenua Māori Act)** – Protects the retention, use, development, and control of Maaori land by Maaori owners, and acknowledges marae and whaanau-based land aspirations such as papakaainga.

- e) **Land Transport Management Act 2003 (LTMA)** – Requires engagement with Maaori in the development of transport strategies and investment plans, supporting equitable access, safety, and connectivity for whānau and marae communities.
 - f) **Building Act 2004 and District Plan provisions** – Support Maaori-led housing solutions, including papakaainga development, with tailored planning pathways for whenua Maaori.
 - g) **Treaty Settlement Acts and Joint Management Agreements (JMAs)** – Recognise settled claims, co-governance arrangements, and shared responsibilities in environmental and resource management.
4. The Council also aligns with LGNZ’s standards for engagement with Maaori and is committed to ongoing learning, relationship building, and enabling Maaori governance participation that is well-resourced, timely, and respectful of tikanga.
5. This partnership as expressed through the Toituu Marae Forum is not symbolic — it is a functional and formal arrangement through which marae and Council can act together to support the cultural, social, environmental, and economic aspirations of mana whenua now and for generations to come.

11. Signatories

The Kii Tapu and the Terms of Reference is a progressive and tikanga-based covenant. It represents a sacred commitment to partnership, rangatiratanga, and collective advancement, binding not only in principle but in practice.

Signed on behalf of Waikato District Council:

Name: _____

Position: _____

Date: _____

Signed on behalf of Toituu Marae Forum:

Name: _____

Position: _____

Date: _____

Toituu Marae Forum

Decision-Making -Schedule

This schedule outlines the decision-making processes of the Toituu Marae Forum, a collective platform representing 40 marae within the Waikato District. It is intended to ensure that all decisions are made transparently, respectfully, and in a manner aligned with tikanga Maaori and the principles of Te Tiriti o Waitangi.

1. Guiding Principles

The guiding principles for decision-making are drawn from section 4 of the Terms of Reference.

- Whakawhanaungatanga – Relationship building is central to achieving enduring outcomes.
- Manaakitanga – All views are treated with care and respect.
- Kotahitanga – The pursuit of unity while respecting diversity.
- Rangatiratanga – Each marae retains its autonomy and the right to seek guidance from their own governance structures.
- Hohou te Rongo – The pursuit of peaceful resolution through dialogue, reflection, and time.

2. Types of Decisions

Decision Type	Examples	Decision Pathway
Mana Whakahaere / Operational	Confirming hui schedules, venues, facilitation arrangements	Determined through open kōrero and collective consensus at hui. Reflects kotahitanga and respect for process.
Mahere Rautaki / Strategic & Work Programme	Refining priorities, advancing policy submissions, updates to annual work programme	Kaupapa discussed kanohi ki te kanohi; consensus is preferred. If needed, a collective vote may be held, with space for tikanga-based resolution.
Whakatau Matua / Foundational & Endorsed Decisions	Adoption or amendment of ToR, formal submissions, budget allocations, appointment to joint bodies	Time provided for representatives to consult with their marae or trustees. Decisions are confirmed by collective agreement or majority vote, with quorum. Dissenting views may be formally recorded to honour rangatiratanga.

3. Decision-Making Process

- Consensus will be sought in the first instance through open discussion and facilitation.
- Where consensus is not reached, the Forum may invoke 'hohou te rongo' to allow reflection, further consultation, or deferment.
- If a decision must be made, a formal vote will be held. Each marae has one vote. Majority rules, with a quorum of 50% present.

4. Time for Marae Consultation

For major decisions, marae representatives may request time to consult their trustees. The time for consultation will be determined by the urgency of the matter e.g. support for work programme. The Council will support this process by preparing summary documents.

5. Recording of Decisions

All decisions will be minuted with rationale and outcome. Where appropriate, dissenting views may be recorded with the agreement of those concerned. This ensures transparency and accountability.

6. Review of Policy

This policy will be reviewed annually and amended by consensus or majority vote to ensure it remains relevant and effective.

Appendix: List of 40 Marae

1. Horahora Marae
2. Hukanui
3. Hukanui a Muri
4. Kaitumutumu Marae
5. Mai Uenuku ki te Whenua
6. Mangatangi Marae
7. Matahuru Marae
8. Maurea Marae
9. Mootakotako
10. Ngaa Tai e Rua Marae
11. Ookarea Marae
12. Oomaero
13. Ooraeroa Marae
14. Poihaakena
15. Pukerewa Marae
16. Taniwha (Tangoao) Marae
17. Tauhei
18. Taupiri
19. Tauranganui Marae
20. Te Aakau
21. Te Awamaarahi Marae
22. Te Hoe o Tainui (Matawhara)
23. Te Iti o Hauaa (Tauwhare)
24. Te Kaharoa (Aramiro)
25. Te Kauri Marae
26. Te Kotahitanga (Name change) Marae
27. Te Oohaakii Marae (Trust)
28. Te Papa-o-Rotu
29. Te Papatapu
30. Te Poho o Tanikena (Opuatia) Marae
31. Te Tihi o Moerangi (Makomako)
32. Tikirahi Paa
33. Tuurangawaewae
34. Waahi Paa
35. Waikare Marae
36. Waikeri (Tangirau)
37. Waimakariri
38. Waingaro
39. Waitii
40. Weraroa (Waikaretuu) Marae