

PARIHAKA PAKAINGA TRUST
KAWA WHAKAMUA
TERMS OF REFERENCE

BACKGROUND

1. Parihaka Papakainga Trust (“the Trust”) wishes to establish the Kawa Whakamua process (“Kawa Whakamua”) to achieve the Vision for the reconciliation of grievances with the Crown and the fulfilment of the legacy of Parihaka for future generations. Kawa Whakamua Members shall be Trustees of the Trust.

PURPOSE

2. This Terms of Reference provides the role, functions and parameters for the Kawa Whakamua process to achieve the Trust’s vision for the reconciliation of grievances with the Crown and the fulfilment of the legacy of Parihaka for future generations (“Vision for Reconciliation”).

ROLE OF TRUSTEES IN THE KAWA WHAKAMUA PROCESS

3. The role of the Trustees in the Kawa Whakamua process is to achieve the Vision for Reconciliation. In doing so, they will provide ongoing advice in relation to engaging with the Crown to reconcile the grievances between Parihaka and the Crown.
4. In carrying out the Kawa Whakamua process the Trustees will:
 - a. act in accordance with the provisions set out in this Terms of Reference;
 - b. act in accordance with the provisions set out in the Trust’s Sub-Committee Policy and Code of Conduct;
 - c. act within agreed plans and budgets approved by the Trust;
 - d. maintain and demonstrate a level of leadership and excellence;
 - e. maintain the confidentiality of confidential material in carrying out, or incidental to, its functions; and
 - f. comply with legal requirements.

FUNCTIONS

5. The functions of the Kawe Whakamua process are set out below:

Governance and Leadership

6. Trustees will provide strategic direction and leadership on the development and implementation of the Trust's Vision for Reconciliation by receiving, considering and making recommendations in relation to documentation prepared by the delegated Trustees including but not necessarily limited to the following:
- a. relevant information required for Reconciliation purposes;
 - b. a Reconciliation work plan;
 - c. a Reconciliation communications strategy;
 - d. Terms of Reference for delegated representatives of Kawe Whakamua such as but not limited to appointed representatives who will deal directly with the Crown; and
 - e. Organisational Structure options.

Recommendation and Advisory

7. The Trustees will:
- a. recommend the appointment of representatives who will deal directly with the Crown;
 - b. recommend the appointment of specialist advisors;
 - c. recommend the appointment of personnel to be co-opted to working parties;
 - d. recommend the adoption of a Reconciliation work plan;
 - e. recommend to the adoption of a Reconciliation communications strategy;
 - f. recommend the adoption of Terms of Reference for delegated representatives of Kawe Whakamua such as but not limited to appointed representatives who will deal directly with the Crown;
 - g. recommend the adoption of Organisational Structure options;
 - h. recommend the adoption of the Compact of Trust agreement;
 - i. recommend the adoption of a Deed of Reconciliation or other such associated agreement; and
 - j. provide advice and make other recommendations as necessary.

Reporting

- 8.** The Trustees will:
- a. provide a monthly report of progress to the Trust for the purposes of their monthly meeting such reporting shall include:
 - i. Kawe Whakamua activities and performance for that period to assist with advancement of the Vision; and
 - ii. progress on particular issues, work progress, financial budget, programmes and other matters of interest identified by the Trust.
- 9.** Kawe Whakamua will, at every 18th and 19th and the monthly forum of the three marae (Topu Tikanga), make publicly available as much information as possible regarding its approved reports and decisions.

SYSTEMS AND PROCESSES

- 10.** Kawe Whakamua systems and processes will operate in a manner that promotes:
- a. leadership and excellence;
 - b. transparency and accountability;
 - c. consensus decision making;
 - d. fairness and consistency;
 - e. confidence in the negotiations plan and strategy; and
 - f. the Vision for Reconciliation.
- 11.** Trustees will document the systems and processes it will use to operate, including:
- a. procedures for assessing and prioritising Reconciliation work plans;
 - b. how its decisions are made and notified;
 - c. how its meetings are conducted, including a quorum, procedures when the Chair is absent and voting;
 - d. how information is to be treated, secured and returned where a person is no longer a member of Kawe Whakamua;

- e. a conflicts of interest policy, including procedures for where members of Kawe Whakamua are conflicted and the maintenance of a conflicts of interest register;
- f. its working relationship with the Trust, Te Niho o Te Atiawa (Paraahuka), Te Paepae (Takitutu) and Toroanui;
- g. any other matter necessary to achieve the Vision for Reconciliation.

MEMBERS

- 12.** Kawe Whakamua members are Trustees of the Trust. Ordinary quorum requirements shall apply. Kawe Whakamua can resolve to appoint advisory members as required but they will not have decision making or voting rights.
- 13.** The core capability of the Trustees should include identified skills, experience and specific expertise such as but not necessarily limited to the following:
 - a. an understanding and knowledge of Parihaka history;
 - b. an understanding and knowledge of Parihaka reconciliation issues;
 - c. an understanding and knowledge of Crown policy and process;
 - d. engagement and strategy;
 - e. critical and strategic analysis;
 - f. governance;
 - g. communications;
 - h. relationships and networks; and
 - i. te reo Maori and Parihaka tikanga.
- 14.** The Trust, in appointing advisory members , will have regard for the relevant skills, experience and specific expertise required to achieve the Vision for Reconciliation.

Duties

- 15.** A member of Kawe Whakamua has a duty to:
 - a. act in good faith and in the best interests of the Trust and the Vision for Reconciliation; and

- b. comply with these Terms of Reference.

Termination and Resignation

16. If a member does not comply with the duties set out in clause 15 of this Terms of Reference their membership will be terminated with approval by the Trust. Such termination shall be effective immediately upon receipt of written confirmation by the Chair of the Trust.
17. Resignation from the Kawe Whakamua process must be received in writing by the Chair of Kawe Whakamua and the Trust.

Remuneration

18. Remuneration will cover travel, accommodation and meals organised and paid by the Trust in accordance with agreed budgets. Disbursements will be reimbursed as agreed with the policies and procedures of the Trust.
19. Where travel, accommodation and meals cannot be organised by the Trust then actual and reasonable costs will be reimbursed in accordance with the relevant policies and procedures of the Trust.

MEETINGS

20. Meetings will be held as determined by the Chair, but in any event, the Trustees shall have Kawe Whakamua meetings at least once in any two month period;
21. A quorum will be half of the total number of Trustees plus one Trustee;
22. In the absence of the Chair, the Deputy Chair shall be acting Chair;
23. Trustees shall be given reasonable notice of Kawe Whakamua process meetings;
24. Trustees will notify the Secretary within a reasonable time frame if they are unable to attend a meeting;
25. If a Trustee is absent for more than 3 meetings without a reason, their position may be considered to be vacant;

26. A confidential section of meetings may be formally set aside by Trustees and this will be recorded in the minutes;
27. Minutes of the meeting will be recorded and endorsed by Trustees and where appropriate made public.

ROLE OF THE KAWE WHAKAMUA CHAIR

28. The Chair of the Kawe Whakamua process is responsible for:
 - a. ensuring Kawe Whakamua operates in a manner that enables it to undertake its role and functions;
 - b. facilitating Kawe Whakamua meetings;
 - c. working with the Trust Secretary to prepare documentation for presentation to the Trustees, including, but not necessarily limited to the following:
 - i. relevant information required for reconciliation purposes;
 - ii. a Reconciliation work plan;
 - iii. a Reconciliation communications strategy;
 - iv. Terms of Reference for delegated Trustees of the Kawe Whakamua process such as but not limited to appointed representatives who will deal directly with the Crown; and
 - v. Organisational Structure options; and
 - d. liaising with and reporting to the Trust on all matters relating to the Kawe Whakamua process.

SECRETARY

29. The Kawe Whakamua process will be serviced by a Secretary who will perform administrative and management functions including:
 - a. coordination of Kawe Whakamua meetings and recording minutes;
 - b. compilation and distribution of meeting papers;
 - c. general facilitation and coordination role between the Trustees and other groups as directed;

- d. working with the Chair to prepare documentation for presentation to the Trustees, including, but not necessarily limited to the following:
 - i. relevant information required for Reconciliation purposes;
 - ii. a Reconciliation work plan;
 - iii. a Reconciliation communications strategy;
 - iv. Terms of Reference for delegated Trustees such as but not limited to appointed representatives who will deal directly with the Crown; and
 - v. Organisational Structure options.
- e. any other matters as may be directed by the Trustees.