

Rangitāiki River Forum

Terms of Reference

Interpretation

“Rangitāiki River” means the Rangitāiki River and its catchment, including the:

- Rangitāiki River
- Whirinaki River
- Wheao River
- Horomanga River

The scope and delegation of this Forum covers the geographical area of the Rangitāiki River catchment as shown in the attached map.

Purpose

The purpose of the Forum is as set out in Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012:

The purpose of the Forum is the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.

Despite the composition of the Forum as described in section 108, the Forum is a joint committee of the Bay of Plenty Regional Council and the Whakatāne District Council within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

Despite Schedule 7 of the Local Government Act 2002, the Forum—

- (a) is a permanent committee; and
- (b) must not be discharged unless all appointers agree to the Forum being discharged.

The members of the Forum must act in a manner so as to achieve the purpose of the Forum.

Functions

The principle function of the Forum is to achieve its purpose. Other functions of the forum are to:

- Prepare and approve the Rangitāiki River Document for eventual recognition by the Regional Policy Statement, Regional Plans and District Plans. See Figure 1 Rangitāiki River Document Recognition Process for RPS.
- Promote the integrated and coordinated management of the Rangitāiki River
- Engage with, and provide advice to:
 - Local Authorities on statutory and non-statutory processes that affect the Rangitāiki River, including under the Resource Management Act 1991.
 - Crown agencies that exercise functions in relation to the Rangitāiki River.
- Monitor the extent to which the purpose of the Rangitāiki River Forum is being achieved including the implementation and effectiveness of the Rangitāiki River Document.
- Gather information, disseminate information and hold meetings
- Take any other action that is related to achieving the purpose of the Forum.

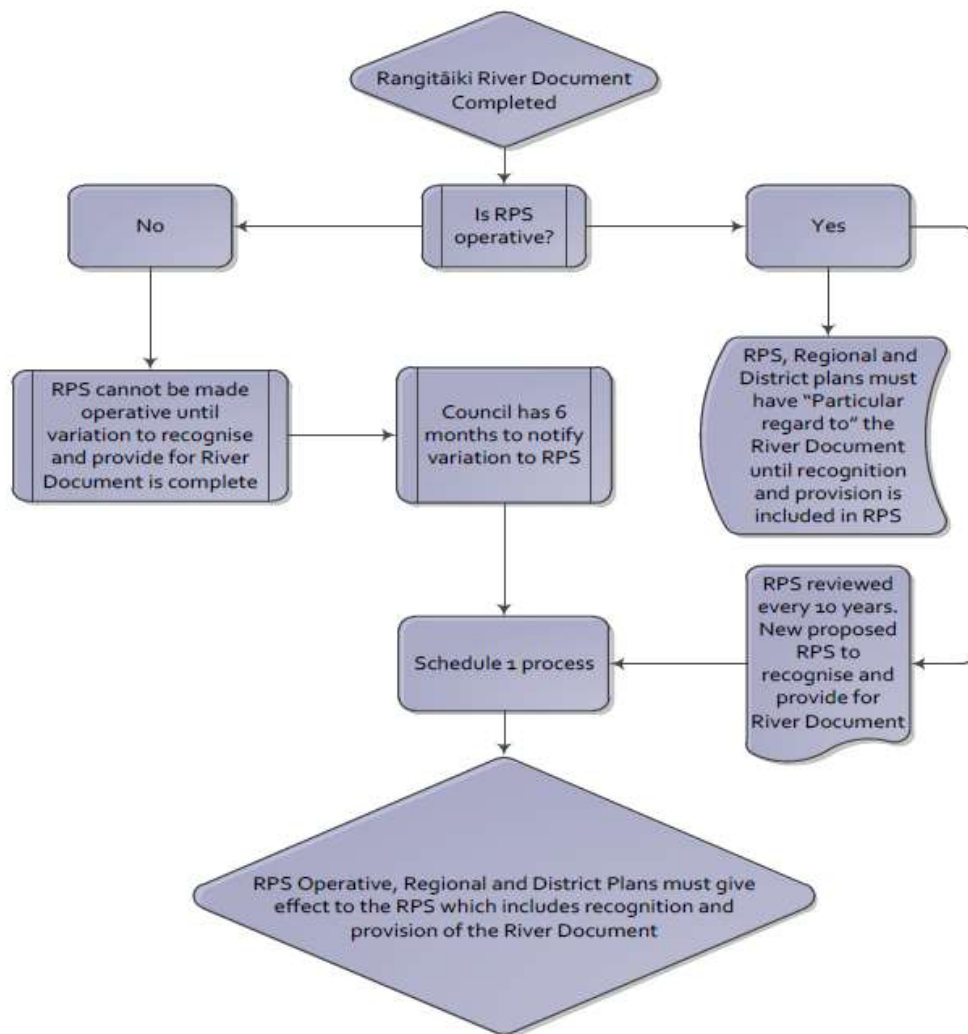


Figure 1 Rangitāiki River Document Recognition Process for RPS

Membership¹

- One member appointed by Te Rūnanga o Ngāti Whare;
- One member appointed by Te Rūnanga o Ngāti Manawa;
- One member appointed by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust;
- One member appointed by Te Rūnanga o Ngāti Awa;
- One member appointed by Ngāti Hineuru;
- One member appointed by Tūhoe Te Uru Taumatua;
- One member appointed by Ngāti Tūwharetoa;
- One member appointed by the Whakatāne District Council;
- One member appointed by the Taupō District Council;
- Five members appointed by the Bay of Plenty Regional Council.

Note:

Despite the composition of the Forum, this is a joint committee of the Bay of Plenty Regional Council, Whakatāne District Council and Taupō District Council.

¹ Consequential amendments adopted Regional Council Meetings 17 August 2017 and 21 March 2019

Quorum

In accordance with Rangitāiki River Forum standing orders 2.3.3 and 2.3.4, the quorum for a meeting of the Forum is six members, comprising of:

- Three members appointed by the iwi appointers; and
- Three members appointed by the local authority appointers; and
- Must include a member appointed by Ngāti Whare and a member appointed by Ngāti Manawa.

Term of Committee

This Forum is a permanent committee under the Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012 and therefore will not disbanded at the end of a triennium.

The establishment of the Forum is also supported by the Ngāti Whare Deed of Settlement – Clauses 5.49 (October 2009) and the Ngāti Manawa Deed of Settlement – Clause 5.40 (October 2009).

Ngāti Whare Deed of Settlement

5.49 The Crown and Te Rūnanga o Ngāti Whare acknowledge and agree that:

- 5.49.1 *the parties are yet to finalise discussions in relation to a framework for the effective participation of Ngāti Whare in the management of the Rangitāiki River;*
- 5.49.2 *following the signing of this Deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Whare in the management of the Rangitāiki River (“**Rangitāiki River management framework**”), with the objective of improving the health and wellbeing and sustainable use of the river;*
- 5.49.3 *the discussions in relation to the Rangitāiki River management framework will:*
 - a. *be undertaken in good faith, honour and integrity and will reflect the wider commitments set out in the Deed of Settlement;*
 - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the Settlement Legislation;*
 - c. *where appropriate, reflect a catchment wide and integrated approach to management of the Rangitāiki River and its resources;*
 - d. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
 - e. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
 - f. *allow for the Rangitāiki River management framework to be incorporated in the Settlement Legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*
- 5.49.4 *the discussions will be based on:*
 - a. *Ngāti Whare’s principles, to be agreed with the Crown, regarding the Rangitāiki River;*
 - b. *as appropriate, the principles of other iwi with interests in relation to the Rangitāiki River as agreed with the Crown;*
 - c. *the need to protect the integrity of existing statutory frameworks; and*
 - d. *the need to ensure consistency and fairness between settlements.*

Ngāti Manawa Deed of Settlement

5.40 The Crown and Ngāti Manawa acknowledge and agree that:

- 5.40.1 *the parties are yet to finalise the redress for the effective participation of Ngāti Manawa in the management of the Rangitāiki River;*
- 5.40.2 *following the signing of this deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Manawa in the management of the Rangitāiki River (the “Rangitāiki River management framework”), with the objective of improving the health and best use of the river;*
- 5.40.3 *the discussions will be based on:*
 - a. *Ngāti Manawa’s principles regarding the Rangitāiki River as set out in clause 5.41;*
 - b. *the need to protect the integrity of existing statutory frameworks; and*
 - c. *the need to ensure consistency and fairness between settlements;*
- 5.40.4 *the discussions will:*
 - a. *be undertaken in good faith, honour and integrity and will reflect the commitments set out in the deed of settlement;*
 - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the settlement legislation;*
 - c. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
 - d. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
 - e. *allow for the Rangitāiki River management framework to be incorporated in the settlement legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*

Specific Responsibilities and Delegations

To avoid doubt, the Forum, except as identified in the functions above, has the discretion to determine in any particular circumstance:

- Whether to exercise any function identified.
- To what extent any function identified is exercised.

Provision for other groups to join the Forum

Other iwi and local authorities through consensus of the Forum, may join the Forum.

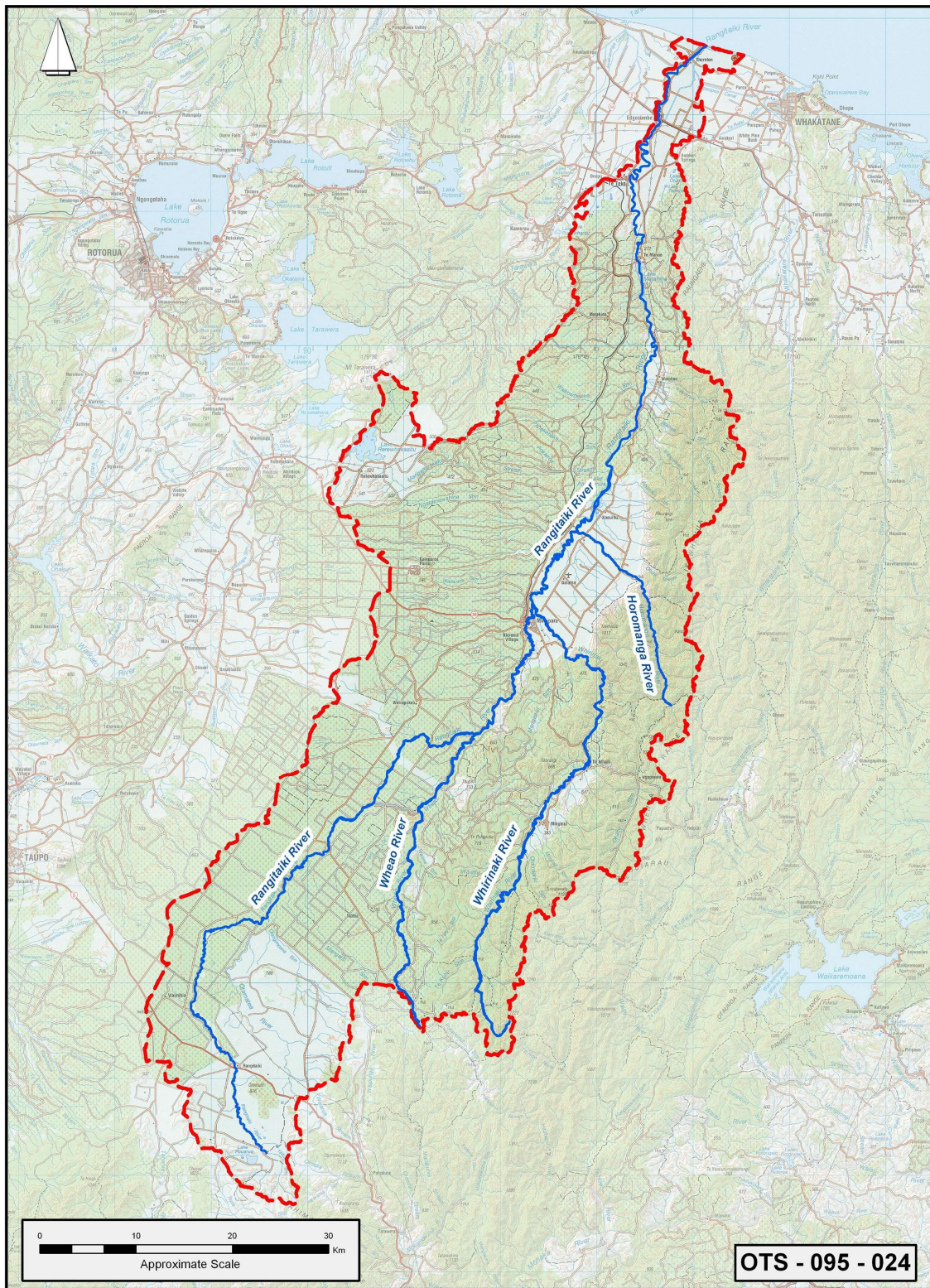


Figure 2 Map of the Rangitāiki River Catchment