



Whakahau Mātauranga (Te Wānanga o Raukawa) 2023 Education (Te Wānanga o Raukawa) Order 2023

Cindy Kiro, Kāwana-Tianara/Governor-General

Whakahau ā-Kaunihera/Order in Council

Ki Te Whanga-nui-a-Tara i tēnei rā, te 28 o Ākuhata 2023/At Wellington this 28th
day of August 2023

I tae mai/Present:

Te Kahurangi ko Te Kāwana-Tianara ki rō Kaunihera/Her Excellency the Governor-
General in Council

He Tātai Kōrero

Ka noho ko te Tiriti o Waitangi/the Treaty of Waitangi hei kaupapa mō te hononga ki waenga i te Karauna me ngā iwi e 3 nā rātau a Te Wānanga o Raukawa i whakatū: arā, ko Te Āti Awa ki Whakarongotai, ko Ngāti Raukawa ki te Tonga, ko Ngāti Toa Rangatira (ko te **Kotahitanga o ART**).

I te 1975, ka kōkiri te Kotahitanga o ART i te rautaki whakamahere ā-iwi o Whakatupuranga Rua Mano me ōna whāinga o te whakaora i te reo Māori, o te whakarauora marae, o te kōkiri i te hauora o te iwi me te whakapūmau i te tino rangatiratanga.

Ka whakatūria tuatahitia a Te Wānanga o Raukawa hei wāhanga nō Whakatupuranga Rua Mano.

I te 2017, ka tuku a Te Wānanga o Raukawa i te kerēme o WAI 2698 ki Te Rōpū Whakamana i te Tiriti o Waitangi, me te whakaatu ko te noho ngātahi o te tino rangatiratanga me te kāwanatanga kei te pūtahi o te kerēme.

I te 2018, ka whakaae a Te Wānanga o Raukawa me te Karauna ki tētehi momo kōkiri hoahoa ngātahi kia whakatauria a WAI 2698.

I te 2019, ka waitohu a Te Wānanga o Raukawa me te Karauna i tētehi tikanga mahi tahi hei tapuwae tuatahi ki te whakawhanake, ki te whakapakari hoki i tō rāua

hononga; ā, kua mahi haere rāua ki te whakatau i ngā take i ara ake i te kerēme o WAI 2698.

I te 2022, ka whakaae a Te Wānanga o Raukawa me te Karauna ki te kōkiri panonitanga ā-ture me tētehi Whakahau ā-Kaunihera ki te whakahoki i te noho haepapa matua me te mana matua mō Te Wānanga o Raukawa ki ngā iwi o te Kotahitanga o ART nā rātau a Te Wānanga o Raukawa i whakatū.

Ngā Whakaaetanga

E whakaae ana te Karauna—

- (a) ko te tukanga Māori o te whakaako me te ako e kīia nei ko te wānanga, he taonga e hono mārire ana ki te reo Māori me te mātauranga Māori:
- (b) ki te wāhi nui ki ngā wānanga, hinonga nei, hei whakahaere kaupapa Māori mō te ako huarewa me te whakatoitū ahurea, ki te utanga nui hoki o ngā wānanga ki te rāngai mātauranga tuatoru i Aotearoa nei:
- (c) ki te uara taketake me te wāhi nui ki ngā mahi whakatupu mātauranga a Te Wānanga o Raukawa:
- (d) e whai pānga ana rāua tahi ko Te Wānanga o Raukawa ki te whakatairanga, ki te tautoko hoki i te whanaketanga me te tiakitanga o te reo Māori me te mātauranga Māori.

E whakaae ana te Karauna me Te Wānanga o Raukawa—

- (a) ko te whāinga o tēnei whakahau, ko te whakakaha haere i te hononga ki waenga i te tino rangatiratanga me te kāwanatanga e tohua nei e te Tiriti o Waitangi/the Treaty of Waitangi:
- (b) ka whai kawenga tētehi me tētehi ki te mahi tahi ki runga i ngā take e whai pānga ana, e whai hua ana ki a rāua tahi.

Ka whakamanatia tēnei whakahau i raro i te rārangi 94(2) o te Āpitianga 1 o te ture Education and Training Act 2020—

- (a) i runga i ngā tohutohu me te whakaaetanga o te Kaunihera Matua; ā
- (b) i runga i te tūtohunga a te Minita Mātauranga i muri i te whakatutuki o ngā āhuatanga kei te rārangi 94(3) o te Āpitianga 1 o taua Ture.

Background

Te Tiriti o Waitangi/the Treaty of Waitangi forms the foundation of the relationship between the Crown and the 3 founding iwi of Te Wānanga o Raukawa: Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira (the **ART Confederation**).

In 1975, the ART Confederation implemented the iwi planning strategy Whakatupuranga Rua Mano with the goals of revitalising te reo Māori, restoring marae, advancing the well-being of the people, and reaffirming tino rangatiratanga.

Te Wānanga o Raukawa was originally established as part of Whakatupuranga Rua Mano.

In 2017, Te Wānanga o Raukawa filed the Wai 2698 claim with the Waitangi Tribunal, citing the coexistence of tino rangatiratanga and kāwanatanga as central to the claim.

In 2018, Te Wānanga o Raukawa and the Crown agreed to a co-design approach to resolving the Wai 2698 claim.

In 2019, Te Wānanga o Raukawa and the Crown signed a relationship protocol as a first step in developing and strengthening their relationship, and they have continued to work together to address the issues raised by the Wai 2698 claim.

In 2022, Te Wānanga o Raukawa and the Crown agreed to progress legislative change and an Order in Council to transfer primary accountability and authority for Te Wānanga o Raukawa back to the founding iwi of the ART Confederation.

Acknowledgements

The Crown acknowledges—

- (a) that the Māori process of teaching and learning known as wānanga is a taonga that is inextricably linked with te reo Māori and mātauranga Māori:
- (b) the importance of wānanga as Māori institutions of higher learning and cultural preservation, and the contribution of wānanga to the tertiary education sector of New Zealand:
- (c) the inherent value and importance of the whakatupu mātauranga activity of Te Wānanga o Raukawa:
- (d) its shared interest with Te Wānanga o Raukawa in promoting and facilitating the development and protection of te reo Māori and mātauranga Māori.

The Crown and Te Wānanga o Raukawa acknowledge—

- (a) that this order is intended to further enhance the relationship between tino rangatiratanga and kāwanatanga as prescribed by te Tiriti o Waitangi/the Treaty of Waitangi:
- (b) the responsibility to work with each other on matters of mutual interest and benefit.

This order is made under clause 94(2) of Schedule 1 of the Education and Training Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Education after meeting the requirements of clause 94(3) of Schedule 1 of that Act.

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Āpitihanga 1

Ngā whakataunga whakawhiti, ngā whakataunga pupuri, ngā whakataunga whai pānga hoki

Schedule 1

Transitional, savings, and related provisions

Whakahau/Order

Whakaritenga ki te reo Māori

1 Taitara

Ko tēnei whakahau ko te Whakahau Mātauranga (Te Wānanga o Raukawa) 2023.

2 Tīmatanga

Ka whai mana tēnei whakahau hei te 1 o Hānuere 2024.

Wāhanga 1

Ngā whakaritenga takamua

3 Te whakahāngaitanga

Kei roto i tēnei whakahau, hāunga ngā wā ka tohua e te horopaki he tikanga kē, ko—

Te Amokapua ko te heamana o Te Mana Whakahaere ka pōtitia i raro i te rārangi 22

Te Amokapua Tuarua ko te heamana tuarua o Te Mana Whakahaere ka pōtitia i raro i te rārangi 22

te Kotahitanga o ART ko ngā iwi ēnei o—

- (a) Te Āti Awa ki Whakarongotai; me
- (b) Ngāti Raukawa ki te Tonga; me
- (c) Ngāti Toa Rangatira

Te Mana Whakahaere ko te rūnanga o Te Wānanga o Raukawa ka whakatūria i raro i te rārangi 9

te Matapopore ko tētehi tangata, ko ētehi tāngata rānei ka kopoutia kia mahi hei whakakapi mō Te Mana Whakahaere i raro i te rārangi 47

te mema tāpiri ko tētehi mema ka kopoutia e Te Mana Whakahaere i raro i te rārangi 11(e)

te mema whakakanohi ko tētehi mema o Te Mana Whakahaere ka tautapatia e tētehi whakahaere whakakanohi

Ngā Kaupapa Here o Te Wānanga o Raukawa ko ngā mātāpono taketake e whakakaupapa ana i ngā āhuatanga katoa o ngā mahi a Te Wānanga o Raukawa, koia ēnei ko te—

- (a) whakapapa:
- (b) reo Māori:
- (c) rangatiratanga:

- (d) manaakitanga:
- (e) whanaungatanga:
- (f) ūkaipōtanga:
- (g) kotahitanga:
- (h) wairuatanga:
- (i) pūkengatanga:
- (j) kaitiakitanga

ngā whakahaere whakakanohi ko tētehi o ngā whakahaere e rārangi iho nei:

- (a) Te Rūnanga o Raukawa Manatōpū (mō te iwi o Ngāti Raukawa ki te Tonga):
- (b) Te Rūnanga o Toa Rangatira Manatōpū (mō te iwi o Ngāti Toa Rangatira):
- (c) Ngā Kaitarahiti o te Marae ki Waikanae (mō te iwi o Te Āti Awa ki Whakarongotai):
- (d) ko te whakakapi mō tētehi o ngā whakahaere, tāngata rānei ka tohua ki te kōwae (a), (b), (c) rānei

te pekanga ka whai i te tikanga kei te wehenga 5(1) o te ture Companies Act 1993

Te Taumatua ko te rōpū tū motuhake ka whakatūria i raro i te Tāmana Tarahiti o te Tūāpapa o Te Wānanga o Raukawa

Te Tumuaki ko te tumu whakarae o Te Wānanga o Raukawa

te Ture ko te ture Education and Training Act 2020

te whakatupu mātauranga ko ngā mahi ēnei ka whakatupu, ka whakapiki, ka whakahōhonu rānei i te mōhio ki te mātauranga, e whakawhanaketia ai te puna mātauranga.

4 Ngā whakataunga whakawhiti, ngā whakataunga pupuri, ngā whakataunga whai pānga hoki

Ka whai mana ngā whakataunga whakawhiti, ngā whakataunga pupuri, ngā whakataunga whai pānga kei te Āpitihanga 1 i runga anō i ngā tautuhinga o tēnā, o tēnā.

Wāhanga 2

Te Wānanga o Raukawa

Te tūnga o Te Wānanga o Raukawa

5 Te hurihanga hei wānanga momo B

Ko te wānanga e mōhiohia ana ko Te Wānanga o Raukawa, he mea whakatū i raro i te wehenga 268 o te Ture, ka hurihia hei wānanga momo B i raro i te rārangi 94(2) o te Āpitianga 1 o te Ture.

6 Ngā tāngata o Te Wānanga o Raukawa

Ko ngā tāngata o Te Wānanga o Raukawa, koia ēnei e rārangi iho nei:

- (a) ko ngā mema o Te Mana Whakahaere:
- (b) ko Te Tumuaki:
- (c) ko ngā kaimahi, ko ngā ākonga hoki o Te Wānanga o Raukawa:
- (d) ko ngā tāngata ka whakapūmautia ō rātau tohu e Te Wānanga o Raukawa (i mua, i muri rānei o te whai mana o tēnei whakahau):
- (e) ko ērā atu tāngata ka tohua e Te Mana Whakahaere.

7 Te whāinga a Te Wānanga o Raukawa

Ko te whāinga a Te Wānanga o Raukawa i a ia e kawe nei i āna mahi, ko te whakanui i tōna whai wāhitanga atu ki te manawaroa me te taurikura o ngāi Māori hei iwi, mā—

- (a) te whakatinana haere i ngā whāinga o Whakatupuranga Rua Mano, me te whakatutuki i ngā tūmanako mātauranga o te Kotahitanga o ART; ā
- (b) te whakarite me te kōkiri i te taumanutanga, te toronga me te whakawhanaketanga o te puna mātauranga; ā
- (c) te tautoko i ngā kaimahi me ngā ākonga kia noho rātau hei kaihangā ariā, hei kaihapai, hei kaitiaki hoki i te mātauranga; ā
- (d) te whakatairanga i te taumanutanga me te whakarauoratanga o te reo Māori me te mātauranga e ngā whānau, hapū, iwi hoki; ā
- (e) te kōkiri, mā te whakatinana hoki i Ngā Kaupapa Here o Te Wānanga o Raukawa ki roto i ngā āhuatanga katoa o āna mahi.

8 Ngā mahi a Te Wānanga o Raukawa

Ko ngā mahi a Te Wānanga o Raukawa—

- (a) ko te whakawhiwhi mātauranga, whakangungutanga hoki ki roto i te taiao kaupapa, tikanga hoki, me te arotahi ki te mātauranga huarewa e whai wāhi ana ki te manawaroa me te taurikura o ngāi Māori hei iwi, tae atu ki te whakawhiwhinga o—

- (i) ngā hōtaka ka whakaāhei, ka tautoko i te ako me te matatau haere ki te reo Māori; ā
- (ii) ngā hōtaka ka whakaākona mā te reo Māori tonu; ā
- (iii) ngā hōtaka ka poipoi, ka whakawhānui i te mātauranga; ā
- (iv) ngā hōtaka ka whakakaha i ngā whānau, hapū, iwi hoki; ā
- (v) ngā hōtaka ka tautoko, ka whakapiki i ngā momo kōkiri ā-kaupapa ki roto i te whānuitanga o ngā pekanga mātauranga; ā
- (b) ko te whakarite, te tautoko, te whakahaere mahi whakatupu mātauranga ka whai wāhi atu ki te manawaroa me te taurikura o ngāi Māori hei iwi, mā te taumanu, mā te whāngai, mā te whakawhanake hoki i te puna mātauranga; ā
- (c) ko te aro ki ngā hiahia mātauranga huarewa, whakatupu mātauranga hoki o te Kotahitanga o ART; ā
- (d) ko te whakapiki huanga mātauranga huarewa mō ngā ākonga Māori me ngā hapori Māori i runga i te mahi tahi ki ngā whānau, hapū, iwi hoki; ā
- (e) ko te whakamarohi i āna rawa kia āhei ia ki te whakatutuki i tāna whāinga.

Wāhanga 3 Te Mana Whakahaere

Te whakatūnga me te noho haepapa o Te Mana Whakahaere

9 Te whakatūnga i Te Mana Whakahaere

Ka whai a Te Wānanga o Raukawa i tētehi rūnanga (**Te Mana Whakahaere**) hei rōpū arataki mōna.

10 Te noho haepapa o Te Mana Whakahaere

Ka noho haepapa Te Mana Whakahaere ki te Kotahitanga o ART mō ngā take e rārangi iho nei:

- (a) ko ngā tutukinga mātauranga me ngā huanga mātauranga ka puta ki ngā ākonga kua whakauru atu ki Te Wānanga o Raukawa; ā
- (b) ko te pai me te whaihua o te whakahaere pūtea me te whakamahi pūtea a Te Wānanga o Raukawa; ā
- (c) ko ngā mahi taumano me te toitūtanga o Te Wānanga o Raukawa; ā
- (d) ko te whakahaere me ngā mahi a Te Wānanga o Raukawa kia ū ki ērā e tika ana mō tētehi wānanga; ā
- (e) ko te kōkiri kia whakatutukitia te whāinga a Te Wānanga o Raukawa kua tohua.

*Te Noho Mema ki Te Mana Whakahaere***11 Te noho mema ki Te Mana Whakahaere**

Me kaua e iti iho ngā mema o Te Mana Whakahaere i te tokowhitu, me kaua e nui ake i te 10, ā, me noho mema:

- (a) he tokorua ka tautapatia e te whakahaere whakakanohi i a Te Āti Awa ki Whakarongotai; ā
- (b) he tokorua ka tautapatia e te whakahaere whakakanohi i a Ngāti Raukawa ki te Tonga; ā
- (c) he tokorua ka tautapatia e te whakahaere whakakanohi i a Ngāti Toa Rangatira; me
- (d) Te Tumuaki; tae atu ki
- (e) ētehi mema tāpiri tokotoru, tokoiti ake rānei, ka kopoutia e Te Mana Whakahaere.

12 Te tautapanga me te kopounga mema

Te kopounga o ngā mema nō ngā whakahaere whakakanohi

- (1) Me whai ia whakahaere whakakanohi, mō runga i ngā āhuatanga o te rārangi 11(a) ki te (c), i ngā mahi e rārangi iho nei—
 - (a) me tono kupu whakapuaki i te hiahia kia tautapatia mō te kopounga ki Te Mana Whakahaere; ā
 - (b) me tautohu i ngā kaitono e mahara nei ia e tino rite ana kia kopoutia, me te whai whakaaro ki—
 - (i) ngā āhuatanga ka tohua i te wehenga 398K o te Ture; me
 - (ii) ngā paearu kei te rārangi 13; ā
 - (c) me whakapūmau i āna tautapanga, me tuku pānui ā-tuhituhi mō āna tautapanga ki Te Mana Whakahaere me te whakaatu kei te tau ōna whakaaro ka tutuki i āna tāngata tautapa ngā herenga o te wehenga 398K o te Ture me te rārangi 13.
- (2) Me kopou e Te Mana Whakahaere te tangata ka tautapatia ki raro i te rārangi iti (1)(c) mehemea e tau ana ōna whakaaro ka tutuki i taua tangata ngā herenga o te wehenga 398K o te Ture me te rārangi 13.

Te kopounga o ngā mema tāpiri

- (3) I a ia ka kopou mema i raro i te rārangi 11(e), me whai Te Mana Whakahaere i ngā mahi e rārangi iho nei—
 - (a) me tono kupu whakapuaki i te hiahia kia tautapatia mō te kopounga ki Te Mana Whakahaere; ā
 - (b) me tautohu i ngā kaitono e mahara nei ia e tino rite ana kia kopoutia, me te whai whakaaro ki—

- (i) ngā take ka tohua mai i te wehenga 398K o te Ture; me
 - (ii) ngā paearu kei te rārangi 13; me
 - (iii) ngā herenga mematangā o Te Mana Whakahaere ka whakaatuhia ki te rārangi 11.
- (4) Ka taea e Te Mana Whakahaere te kopou te tangata ka tohua i raro i te rārangi iti 3(b) ki Te Mana Whakahaere mehemea e tau ana ōna whakaaro ka tutuki i taua tangata ngā herenga o te wehenga 398K o te Ture me ngā rārangi 11 me te 13.

Ngā tāngata kāore i te whakaaetia kia kopoutia

- (5) Kāore e taea ngā tāngata e rārangi iho nei te kopou ki Te Mana Whakahaere:
- (a) ko tētehi tangata e noho mema ana ki Te Taumatua;
 - (b) ko tētehi tangata kāore e taea te kopou i raro i te wehenga 398L o te Ture.
- (6) Me mutu te noho mema ki Te Mana Whakahaere o tētehi mema o Te Mana Whakahaere ka whakaae kia kopoutia ia ki Te Taumatua, ka mutu rānei te taea ōna i raro i te wehenga 398L o te Ture.

Te roa o te noho mema

- (7) Me whakahua te whakataunga kopounga o ia mema o Te Mana Whakahaere i te roa o te noho mema me te rā ka tīmata ai.

13 Ngā paearu mō te kopou mema

Me whai te tōpūtanga o ngā mema o Te Mana Whakahaere, ki tōna kaha ka taea, i ngā pūkenga, ngā mātauranga, te kanorautanga, ngā wheako me te ngākau titikaha e rawaka ana e taea ai e Te Wānanga o Raukawa āna kawenga me āna mahi te kōkiri kia ū ki ērā e tika ana mō tētehi wānanga, tae atu ki ēnei (me te kore e whakatepe)—

- (a) ko ngā pūkenga kua hāponotia, ko te mōhio pai, ko ngā hononga hoki ki roto i te ao Māori, te reo Māori me te mātauranga Māori e hāngai ana ki te kopounga ki Te Mana Whakahaere; ā
- (b) ko te mōhio, te mārāma me te ngākau titikaha ki te whāinga me ngā mahi a Te Wānanga o Raukawa; ā
- (c) he ngākau titikaha ki te whakaiti i te tautika-kore me te manarite-kore mō ngā tāngata o Te Wānanga o Raukawa; ā
- (d) he tauritenga ira; ā
- (e) he wheako ārahi ki roto i ngā whakahaere tikanga Māori (ko te painga ake mehemea kei te rāngai mātauranga); ā
- (f) he mōhio, he pūkenga, he wheako hoki ki—
 - (i) te mātauranga tuatoru tūmatanui; me
 - (ii) ngā mahi mana arataki; me

(iii) te tātari me te whakataki pūtea.

14 Ngā kawenga whānui a ngā mema

- (1) Me kua tētehi mema o Te Mana Whakahaere e takahi, e whakaara rānei i te takahitanga, e whakaae rānei kia takahi Te Mana Whakahaere i te Ture, i tēnei whakahau rānei.
- (2) I a ia e mahi ana hei mema,—
 - (a) me whai te mema i ngā mahi katoa e rārangi iho nei—
 - (i) ko te whakatinana i Ngā Kaupapa Here o Te Wānanga o Raukawa; me
 - (ii) ko te mahi i runga i te pono me te tūtika; me
 - (iii) ko te mahi kia whai painga te tōpūtanga o Te Mana Whakahaere; me
 - (iv) ko te ū ki ngā whanonga ka whakapiki i ngā mahi a Te Wānanga o Raukawa me ngā kawenga a Te Mana Whakahaere; me
 - (v) ko te mahi i runga i te ngākau pono, ā, kia kua e noho ōna anō whāinga pānga ki runga ake i ngā whāinga pānga o Te Mana Whakahaere; ā
 - (b) me whai te mema kia kumanu, kia pukumahi, kia pūkenga hoki, kia rite ki tā tētehi tangata tōtika e whai ai i tēnei horopaki, me te whai whakaaro anō ki—
 - (i) te āhua o Te Mana Whakahaere; me
 - (ii) te āhua o te mahi; me
 - (iii) te tūranga o te mema me te āhua o ngā haepapa ka kawea e te mema.
- (3) Me whai te mema i ngā tohutohu whanonga mō ngā mema ka whakaputahia e Te Mana Whakahaere.
- (4) Ko te mema ka whai mōhiohio i tōna noho hei mema, ā, ka kore tērā mōhiohio e wātea ki a ia mehemea ehara ia i te mema, me kua rawa e whāki i tērā mōhiohio ki tāngata kē, me kua hoki e whakamahi i taua mōhiohio, hāunga ia ngā wā—
 - (a) e kōkiri ana ia i ngā mahi a Te Mana Whakahaere;
 - (b) ka herea, ka whakaaetia rānei e te ture kia pērā;
 - (c) e whakatutuki ana rānei te mema whakakanohi i ōna kawenga ki te whakahoki kōrero ki tōna iwi, ā, kāore te whākitanga, te whakamahinga, te mahi rānei e whakararu, e tinga whakararu rānei i Te Mana Whakahaere;
 - (d) kua whakaaetia tōmuatia rānei e Te Mana Whakahaere kia pērā te mema, ā, kāore te whākitanga, te whakamahinga, te mahi rānei e whakararu, e tinga whakararu rānei i Te Mana Whakahaere.

15 Ngā kawenga tāpiri a ngā mema whakakanohi

- (1) Ko ngā mema whakakanohi o ia whakahaere whakakanohi—
 - (a) me whakawhiti kōrero, mā roto mai i te whakahaere whakakanohi, ki te iwi e whakakanohitia ana e te whakahaere whakakanohi mō ngā take ka tohua i te rārangi 33(1); ā
 - (b) me āta mahi kia tukua atu ngā whakaaro o te iwi ki Te Mana Whakahaere.
- (2) Ko ngā mema whakakanohi o ia whakahaere whakakanohi—
 - (a) me tuku pūrongo, kia kotahi nui ake rānei, i ia tau, mō ngā mahi me ngā whakahaere a Te Wānanga o Raukawa ki tōna whakahaere whakakanohi; ā
 - (b) me rapu i ia toru tau, kia auau ake rānei i tērā, te whakaturumatanga o ngā tūmanako o te iwi mō Te Wānanga o Raukawa.
- (3) Me whakarite Te Mana Whakahaere kia whakawhiwhia te mema whakakanohi ki te tautoko, ki ngā rawa e rite ana ki te kawē i ngā whakawhitinga kōrero.

16 Te roa o te noho hei mema

- (1) Ko tētehi mema o Te Mana Whakahaere nā te whakahaere whakakanohi i tautapa—
 - (a) ka taea te noho mema mō te roa ka whakataua e te whakahaere whakakanohi, engari me kaua e roa atu i te 10 tau; ā
 - (b) ka taea te tautapa me te kopou anō (me te kore e whakatepe).
- (2) Ko tētehi mema tāpiri ka kopoutia e Te Mana Whakahaere—
 - (a) ka taea te noho mema mō te roa ka whakataua e Te Mana Whakahaere, engari me kaua e roa atu i te 6 tau; ā
 - (b) ka taea te kopou anō (me te kore e whakatepe), engari me kaua e roa atu i te 18 tau piri tata e noho ana hei mema.
- (3) Heoi, ko te tangata kua noho mema mō te 18 tau piri tata hei mema tāpiri, ka taea te noho anō hei mema tāpiri mehemea kāore i noho mema mō te 3 tau, nui ake rānei, i mua i te kopounga anō.
- (4) Ahakoa tonu te rārangi iti (1)(a), (2)(a) rānei, mehemea ka mutu te wā noho mema i mua i te tīmatanga mai o te whakakapi, ka noho tonu te mema kia tīmata rā anō te noho mema o te whakakapi.
- (5) Kāore te rārangi iti (4) e hāngai ana mehemea—
 - (a) kāore e heke iho te tokomaha o Te Mana Whakahaere ki raro i te 7 mema i te rārangi atu o te mema;
 - (b) kāore anō rānei Te Mana Whakahaere kia kopou i tētehi whakakapi mō te mema tāpiri e wehe atu ana.

17 Te unu i te mema whakakanohi

- (1) Me unu Te Mana Whakahaere i tētehi mema o Te Mana Whakahaere i tautapatia e te whakahaere whakakanohi mehemea ka tukua atu e te whakahaere whakakanohi tētehi pānui ā-tuhituhi e kī ana kua whakakore ia i tāna tautapanga o taua mema, ahakoa he aha te take.
- (2) Me tautuhi te pānui i—
 - (a) te ingoa o te mema ka whakakorea te tautapanga; me
 - (b) te rā ka whakakorea te tautapanga o te mema (me kua tēnei e taka ki mua i te rā ka tukuna atu ai te pānui).
- (3) Kia tae atu te pānui ki a ia, me tahuri Te Mana Whakahaere ki—
 - (a) te unu i te mema hei te hui tuatahi a Te Mana Whakahaere o muri atu; me
 - (b) te tuku pānui ā-tuhituhi, hei tōna tere ka taea, ki taua mema, ki Te Taumatua, ki ia whakahaere whakakanohi hoki e whakaatu ana i te unuhanga o taua mema me te rā ka unuhia.
- (4) Mehemea e whakaaro ana Te Mana Whakahaere ka tika te unuhanga i tētehi mema i tautapatia e tētehi whakahaere whakakanohi mō tētehi take matatika nā runga i āna mahi, me tuku atu ia i tētehi pūrongo ā-kōrero, ā-tuhituhi ki te whakahaere whakakanohi—
 - (a) e whakaatu ana i ngā take e whakapono nei Te Mana Whakahaere ka tika te unuhanga o te mema nā runga i āna mahi; ā
 - (b) e tāpae atu ana i ngā mōhiohio hei tautoko i aua take; ā
 - (c) e tono ana i te whakahaere whakakanohi kia whakakore i te tautapanga o te mema.
- (5) Ahakoa ngā āhuatanga o ngā rārangi iti (1) ki te (4), ka taea e Te Mana Whakahaere, mā te mōtini, te unu tētehi mema kua tautapatia e te whakahaere whakakanohi mehemea—
 - (a) ka kore te mema e tae atu ki ngā hui piri tata e rua a Te Mana Whakahaere me te kore e whakamōhio atu i Te Amokapua i mua i ngā hui mō te korenga o te mema e āhei atu ki aua hui;
 - (b) ka kore rānei te mema e whai i ngā haepapa o te Ture e pā ana ki te whākinga whaipānga, me te korenga hoki o tētehi parahau e tika ana;
 - (c) ka kore rānei e whakaetia, mō tētehi atu āhuatanga te take, te tū a te mema hei mema o Te Mana Whakahaere.
- (6) Mehemea ka unuhia tētehi mema mā te mōtini, me tuku atu e Te Amokapua ki taua mema—
 - (a) tētehi tāruatanga ā-tuhituhi o te mōtini; me
 - (b) tētehi tauākī ā-tuhituhi e whakaatu ana i te take, i ngā take rānei i unuhia ai ia.

- (7) Mehemea ka unuhia tētehi mema i raro i tēnei rārangi, me tautapa e te whakahaere whakakanohi nāna i tautapa tērā mema tētehi anō mema hei tōna tere ka taea.
- (8) Mō runga i ngā āhuatanga o te rārangi iti (4), ka noho katoa mai ki te **take matatika** (me te kore e whakatepe) ko te mahi hē, ko te korenga e āhei ki te kōkiri i ngā mahi o te noho mema, ko te kore e aro ki ngā kawenga, ko te hapa taimaha i ngā kawenga tōpū o Te Mana Whakahaere, i ngā kawenga matawhaiaro rānei.

18 Te unu i te mema tāpiri

- (1) Mehemea e whakaaro ana Te Mana Whakahaere ka tika kia unuhia tētehi mema tāpiri mō te take matatika nā runga i āna mahi, ka taea e Te Mana Whakahaere, mā te mōtini, te whakakore te kopounga o taua mema.
- (2) Me tuku atu tētehi tāruatanga o te pānui ki Te Taumatua me ia whakahaere whakakanohi.
- (3) Ahakoa te rārangi iti (1), ka taea e Te Mana Whakahaere, mā te mōtini, te unu tētehi mema tāpiri mehemea—
 - (a) ka kore te mema e tae atu ki ngā hui piri tata e rua a Te Mana Whakahaere me te kore e whakamōhio atu i Te Amokapua i mua i ngā hui mō te korenga o te mema e āhei atu ki aua hui;
 - (b) ka kore rānei te mema e whai i ngā haepapa o te Ture e pā ana ki te whākinga whaipānga me te korenga hoki o tētehi parahau e tika ana;
 - (c) ka kore rānei e whakaetia, mō tētehi atu āhuatanga te take, te tū a te mema hei mema o Te Mana Whakahaere.
- (4) Mehemea ka unuhia tētehi mema mā te mōtini, me tuku atu e Te Amokapua ki te mema—
 - (a) tētehi tāruatanga ā-tuhituhi o te mōtini; me
 - (b) tētehi tauākī ā-tuhituhi e whakaatu ana i te take, i ngā take rānei i unuhia ai ia.
- (5) Mehemea ka unuhia tētehi mema tāpiri i raro i tēnei rārangi, ka taea e Te Mana Whakahaere te kopou tētehi anō mema hei whakakapi.
- (6) Mō runga i ngā āhuatanga o te rārangi iti (1), ka noho katoa mai ki te **take matatika** (me te kore e whakatepe) ko te mahi hē, ko te korenga e āhei ki te kōkiri i ngā mahi o te noho mema, ko te kore e aro ki ngā kawenga, ko te hapa taimaha i ngā kawenga tōpū o Te Mana Whakahaere, i ngā kawenga matawhaiaro rānei.

19 Te tukanga unu me whai kia māmā ai te hātepe

Ka taea e Te Mana Whakahaere tētehi mema te unu i raro i te rārangi 17 me te 18, me te māmā o te hātepe ka taea i raro i—

- (a) Ngā Kaupapa Here o Te Wānanga o Raukawa; me

- (b) ngā mātāpono o te huatika māori; me
- (c) ngā āhuatanga o te rārangi 17 me te 18 e hāngai ana.

20 Te rīhainatanga me te whakatārewa mema

- (1) Ka taea e tētehi mema o Te Mana Whakahaere (hāunga Te Tumuaki) te rīhaina i Te Mana Whakahaere mā te tuku pānui ā-tuhituhi ki Te Amokapua me tētehi whakahaere whakakanohi e whai pānga ana—
 - (a) kua waitohua e te mema; ā
 - (b) ka tohu i te rā ka mana ai te rīhainatanga.
- (2) Ka taea e Te Mana Whakahaere, mā te mōtini, te whakatārewa tētehi mema mehemea ka pākia taua mema e tētehi ōta rawa ka whakaputahia i raro i te wehenga 30 o te ture Protection of Personal and Property Rights Act 1988.
- (3) Mehemea ka whakatārewatia tētehi mema mā te mōtini, me tuku atu e Te Amokapua ki te mema, ki Te Taumatua, ki ia whakahaere whakakanohi hoki—
 - (a) tētehi tāruatanga ā-tuhituhi o te mōtini; me
 - (b) tētehi tauākī ā-tuhituhi e whakaatu ana i te take, i ngā take rānei mō te whakatārewatanga.
- (4) Mehemea ka whakatārewahia tētehi mema o Te Mana Whakahaere,—
 - (a) kei te rite tonu te pānga o taua whakatārewatanga me te mea kua whakaaetia te whakatā a taua mema; ā
 - (b) kāore taua mema i te āhei ki te kawē i ngā mahi a te mema i te wā o te whakatārewatanga; ā
 - (c) ka haere tonu te whakatārewatanga kia pau te mana o te ōta rawa i raro i te wehenga 30 o te ture Protection of Personal and Property Rights Act 1988.
- (5) Kāore te whakatārewatanga o tētehi mema e whai pānga ki ngā mana o Te Mana Whakahaere e pā ana ki taua mema.

21 Kāore he utu paremata ina ka mutu te noho mema

Kāore tētehi mema o Te Mana Whakahaere e āhei atu ki te utu paremata, ki tētehi atu momo utu rānei, ki tētehi atu painga rānei e pā ana ki te whāmutunga o tana noho mema ki Te Mana Whakahaere, ahakoa he aha te take i whāmutua ai.

Ngā hui a Te Mana Whakahaere

22 Te pōtitanga i Te Amokapua me Te Amokapua Tuarua

- (1) I tana hui tuatahi, me pōti e Te Mana Whakahaere, mā te mōtini—
 - (a) ko tētehi o ōna mema hei Amokapua; ā
 - (b) ko tētehi anō o ōna mema hei Amokapua Tuarua.

- (2) Me āta tohu te mōtini i te wā ka noho te mema ki tēnei tūranga (me kaua tēnei e roa atu i te wā e noho mema ana ia ki Te Mana Whakahaere).
- (3) Hei ngā wā katoa, me mema whakakanohi tētehi o ngā mema tokorua nei, ko rāua tahi rānei.
- (4) Mehemea ka pau te wā noho ki te tūranga o Te Amokapua, o Te Amokapua Tuarua rānei hei mua i te pōtitanga o te whakakapi, ka noho tonu te mema ki taua tūranga kia pōtitia rā anō te whakakapi.
- (5) Mehemea ka wātea te tūranga o Te Amokapua, o Te Amokapua Tuarua rānei, me pōti e Te Mana Whakahaere tētehi mema hei whakakapi mō te tūranga, hei tōna wā tere ka taea.
- (6) Kāore te hunga e whai iho nei e whakaetia kia pōtitia hei Amokapua, hei Amokapua Tuarua rānei:
 - (a) ko Te Tumuaki:
 - (b) ko tētehi kaimahi o Te Wānanga o Raukawa:
 - (c) ko tētehi ākongā o Te Wānanga o Raukawa.
- (7) Mehemea kāore e taea e Te Amokapua āna mahi, āna kawenga, ōna mana rānei te whakatutuki, te hāpai rānei, ahakoa te take, ka riro mā Te Amokapua Tuarua ēnei mahi, ēnei kawenga me ēnei mana e whakatutuki, e hāpai.

23 Mā Te Amokapua e karanga, e ārahi ngā hui

- (1) Me karanga Te Amokapua i ngā hui e mahara nei ia e hiahia ana mō te kōkiri tōtika i ngā mahi a Te Mana Whakahaere.
- (2) Ahakoa pēwhea, me tahuri Te Amokapua—
 - (a) ki te karanga hui i ia toru marama, kia auau ake rānei i tērā; ā
 - (b) ki te karanga hui mehemea ia ka tonoa kia pērā, ki tētehi pānui ā-tuhituhi a te tokotoru mema, nui ake rānei, o Te Mana Whakahaere.
- (3) Ka taea e Te Amokapua te karanga hui ki ngā wāhi me ngā wā ka whakatau nei ia.
- (4) Me ārahi Te Amokapua i ngā hui katoa ka tae atu ia.
- (5) Mehemea kāore Te Amokapua e tae atu ki te hui, ahakoa te take, ka riro i Te Amokapua Tuarua ngā mana me ngā kawenga kei ngā rārangi iti (1) ki te (4).
- (6) Mehemea kāore Te Amokapua me Te Amokapua Tuarua e tae atu ki te hui, ahakoa te take, me whakatū ngā mema i tae atu i tētehi mema hei kaiārahi mō te hui.

24 Te whakahaere i ngā hui

- (1) Ka taea ngā hui a Te Mana Whakahaere te whakahaere mā ngā huarahi whakawhiti ā-hiko mehemea—
 - (a) kei ia mema e hiahia ana ki te whai wāhi mai ki te hui ngā hangarau e tutuki ai; ā

- (b) ka taea e te kōrama o ngā mema te whakawhiti kōrero ki a rātau anō i te roanga o te hui.
- (2) Mehemea ka kawea te hui mā te huarahi whakawhiti ā-hiko i runga i tēnei rārangi, ko ia mema ka whai wāhi mai ki te hui ka kīia kua tae atu ki te hui mō te wāhi ki te kōkiri take.
- (3) Kāore e taea te kōkiri take ki tētehi hui kia tae rā anō te kōrama o ngā mema ki te hui.
- (4) Me whakapau kaha Te Mana Whakahaere ki te whakatau i ia take mā te whakaae ngātahi mehemea ka taea.
- (5) Atu i ēnei tikanga, ka taea e Te Mana Whakahaere te whakarite āna anō tukanga.
- (6) Kei tēnei rārangi, ko te **kōrama o ngā mema**, ko te nui ake i te haurua o ngā mema, engari me mātua tae atu ko tētehi mema nō ia whakahaere whakakanohi.

Te rīhaina, te whakamutu rānei

25 Te rīhaina, te whakamutu rānei i te tū a Te Amokapua, a Te Amokapua Tuarua rānei

Ko Te Amokapua, ko Te Amokapua Tuarua rānei—

- (a) ka taea te rīhaina hei Amokapua, hei Amokapua Tuarua rānei mā te tuku pānui ā-tuhituhi nāna tonu i waitohu ki Te Mana Whakahaere:
- (b) ka mutu te noho ki te tūranga o Te Amokapua, o Te Amokapua Tuarua rānei mehemea—
- (i) ka mutu tana noho hei mema ki Te Mana Whakahaere;
- (ii) ka noho rānei hei Tumuaki, ka noho rānei hei kaimahi, hei ākongā nā Te Wānanga o Raukawa;
- (iii) ka whakaaetia rānei tētehi mōtini a Te Mana Whakahaere e unu ana i te mema hei Amokapua, hei Amokapua Tuarua rānei.

Ngā mahi, ngā kawenga me ngā mana o Te Mana Whakahaere

26 Ngā mahi me ngā kawenga whānui a Te Mana Whakahaere

- (1) Ko ngā mahi a Te Mana Whakahaere, koia ēnei—
- (a) ko te whakarite, ko te tuku i tētehi mahere marohi mehemea kei te rapu pūtea a Te Wānanga o Raukawa i raro i tētehi tikanga whakawhiwhi pūtea e matua tukua ai he pūtea ina takoto he mahere; ā
- (b) mehemea he mahere tā Te Wānanga o Raukawa—
- (i) me mahi kia whakahaeretia Te Wānanga o Raukawa i runga i tērā mahere, ā

- (ii) ka whakatakoto i ngā kaupapahere ki te whakatinana i tērā mahere; ā
- (c) ko te whakatakoto i ngā kaupapahere a Te Wānanga o Raukawa mō te whakahaere i āna mahi; ā
- (d) ko te kōkiri i ngā mahi whakamahere e hāngai ana ki te aronga rautaki wā-roa o Te Wānanga o Raukawa i runga anō i ngā mahi me ngā whāinga kua tohua māna; ā
- (e) ko te mahi mā roto mai i ōna mema whakakanohi me ōna mema tāpiri (mehemea kua kopoutia ētehi)—
 - (i) ki te kopou i Te Tumuaki; ā
 - (ii) ki te aroturuki me te arotake hoki i ngā mahi a Te Tumuaki.
- (2) Me mahi tōpū Te Mana Whakahaere ki te hāpai i ngā mahi e rārangi iho nei—
 - (a) ko te whakapau kaha kia eke a Te Wānanga o Raukawa ki ngā tino taumata o te mātauranga, o te whakangungu me ngā mahi whakatupu mātauranga; ā
 - (b) ko te whakatinana i Ngā Kaupapa Here o Te Wānanga o Raukawa; ā
 - (c) ko te whakapau kaha kia taurite te tino rangatiratanga me te kāwanatanga kia hāngai ōna āhuatanga ki te Tiriti o Waitangi/the Treaty of Waitangi; ā
 - (d) ko te akiaki kia eke ki tōna nui rawa ka taea te whai wāhi o ngā hapori e whakaratoa ana e Te Wānanga o Raukawa, me te tino aro ki ngā rōpū i ērā hapori kāore i te kaha te kuhu atu ki te kāhui ākonga o Te Wānanga o Raukawa; ā
 - (e) ko te whakarite kia kaua Te Wānanga o Raukawa e aukati takekore i tētehi tangata; ā
 - (f) ko te whakarite kia haepapa te whakahaere pūtea a Te Wānanga o Raukawa i roto i āna mahi, kia whaihua te whakamahinga o āna rawa, kia taimau te toitūtanga o Te Wānanga o Raukawa; ā
 - (g) ko te whakarite kia mahi a Te Wānanga o Raukawa i runga i te noho haepapa mō tana arataki me tana whakahaere pai i Te Wānanga o Raukawa, mā te te tuku pūrongo me te arotake i āna tutukinga i ia tau; ā
 - (h) ko te whakarite kia taimau te eke o ngā mahi ki ngā tino taumata o te tūtika me te whanonga tika, kia tika ai tāna tū hei kaiwhakawhiwhi mātauranga tūmatanui.

27 Te kawenga ki te whakaputa tauākī aronga rautaki

- (1) Me whakaputa e Te Mana Whakahaere, i ia 3 tau, kia auau ake rānei, tētehi tauākī e whakaatu ana i tōna aronga rautaki mō te 5 ki te 10 tau kei te anamata.
- (2) Me aro Te Mana Whakahaere ki ngā tauākī e whakaatu ana i te aronga rautaki e hiahiatia ana mō Te Wānanga o Raukawa—

- (a) ka whakaputahia e tētehi whakahaere whakakanohi;
 - (b) ka whakaputahia e te Kotahitanga o ART.
- (3) Me rau atu ki tēnei tauākī aronga rautaki (me te kore e whakatepe)—
- (a) ka pēwhea tā Te Mana Whakahaere whakatinana i te whāinga a Te Wānanga o Raukawa; ā
 - (b) ka pēwhea tā Te Mana Whakahaere whakatinana i ngā tūmanako o ngā hapū me ngā iwi o te Kotahitanga o ART; ā
 - (c) ka pēwhea tā Te Mana Whakahaere kōkiri i āna mahi; ā
 - (d) ka pēwhea tā Te Mana Whakahaere whakamahi, tūwhiti rānei i ngā rawa me ngā rauemi a Te Wānanga o Raukawa hei whakatutuki i ngā whāinga kei te tauākī; ā
 - (e) ka pēwhea tā Te Mana Whakahaere whakatinana i ngā wāhanga o te Rautaki Mātauranga Matua ka whakaputahia i raro i te wehenga 7 o te Ture e hāngai ana; ā
 - (f) ko ngā inenga mahi ka whakamahia e Te Mana Whakahaere ki te aromatawai i āna tutukinga ina whakatauritea ki ngā whāinga ka whakaatuhia ki te tauākī.
- (4) I mua i te whakaotinga me te whakaputanga mai o te tauākī, me tahuri Te Mana Whakahaere ki—
- (a) te whiriwhiri tahi ki ngā ākonga me ngā kaimahi ki te whakawhanake i te tauākī marohi; me
 - (b) te whakawhiti kōrero ki te hunga e rārangi iho nei e pā ana ki te tauākī marohi:
 - (i) tēnā me tēnā o ngā whakahaere whakakanohi; me
 - (ii) Te Taumatua; me
 - (iii) ngā tāngata, ngā whakahaere rānei e mahara nei Te Mana Whakahaere i runga i ētehi take tōtika ka whai pānga ki, ka pāngia rānei e, ngā mahi a Te Wānanga o Raukawa.
- (5) Ka taea e Te Taumatua te tohutohu Te Mana Whakahaere kia whakarerekē i tētehi whakaritenga kei te tauākī tauira e pā ana ki—
- (a) te whānuitanga, te āhua rānei o ngā mahi a Te Wānanga o Raukawa e marohitia ana; me
 - (b) ngā inenga mahi ka whakamahia ki te aromatawai i ngā tutukinga a Te Wānanga o Raukawa mō runga i ngā whāinga ka whakaatuhia ki te tauākī; me
 - (c) ngā marohi a Te Wānanga o Raukawa mō te aromatawai i āna tutukinga ina whakatauritea ki tōna aronga rautaki.
- (6) Me mahi e Te Mana Whakahaere ngā mahi e rārangi iho nei, hei tōna wā tere ka taea i muri i te whakaotinga o te tauākī,—

- (a) me tuku atu te tauākī ki Te Taumatua; ā
 - (b) me whakaputa te tauākī ki tētehi pae ipurangi e whakahaeretia ana e Te Wānanga o Raukawa, mā Te Wānanga o Raukawa rānei.
- (7) Ka āhei Te Taumatua, ki te mahara ia kei te hiahiatia, te whakahau i Te Mana Whakahaere kia whakataka mai i tētehi tauākī aronga rautaki hou, hei tōna wā anō e whakaaro ai Te Taumatua me pērā.

28 Te kawenga ki te whakataka tauākī pūtea

- (1) Ko te tau pūtea o Te Wānanga o Raukawa, ko te tau akoranga.
- (2) Hei tōna wā tere ka taea i muri i te mutunga o ia tau pūtea, me whakataka Te Mana Whakahaere i ngā tauākī pūtea e pā ana ki Te Wānanga o Raukawa mō taua tau pūtea.
- (3) Me whai ngā tauākī pūtea i ngā tikanga e rārangi iho nei—
 - (a) me ū ki ngā tikanga kaute e whakaaetia whānuitia ana, i roto anō i ngā tikanga o te wehenga 8 o te ture Financial Reporting Act 2013; ā
 - (b) me rau atu ngā mōhiohio, ngā whakamārama anō e hiahiatia ana ki te whakaatu tōtika i ngā whakahaere pūtea me te tūnga pūtea o Te Wānanga o Raukawa; ā
 - (c) me rau atu ko ngā tauākī pūtea matapae i whakatakatia i te tīmatanga o te tau pūtea, kia taea ai te whakataurite ki ngā tauākī pūtea whakamutunga.

29 Te kawenga ki te whakaputa pūrongo ā-tau

- (1) Hei tōna wā tere ka taea i muri mai i te mutunga o te tau ako, me tāpae e Te Mana Whakahaere tētehi pūrongo ā-tau mō ngā mahi a Te Wānanga o Raukawa i taua tau—
 - (a) ki ia whakahaere whakakanohi; ā
 - (b) ki Te Taumatua, ā
 - (c) ki te Minita.
- (2) Me whakauru atu ki te pūrongo te katoa o ēnei e rārangi iho nei:
 - (a) he tauākī mō te neke whakamua o Te Mana Whakahaere ki te whakatutuki i ngā whāinga ka whakaatuhia ki te tauākī aronga rautaki:
 - (b) he tauākī mō ngā mahi kua tutuki i te tau pūtea—
 - (i) e whakaatu ana i ngā mahi kua tutuki i Te Wānanga o Raukawa me te whakataurite ki ngā huanga i marohitia i ngā hōtaka me ngā mahi i whakaahuatia i tētehi mahere—
 - (A) kua whakaaetia e Te Mana Whakahaere;
 - (B) kua whakaaetia rānei tōna pūtea i raro i te wehenga 425 o te Ture; ā

- (ii) kua oti te whakataka ki runga i ngā tikanga mahi kaute e whakaaetia whānuitia ana, i roto anō i ngā tikanga o te wehenga 8 o te ture Financial Reporting Act 2013:
 - (c) he tauākī tutukinga mātauranga:
 - (d) ngā tauākī pūtea ā-tau a Te Wānanga o Raukawa:
 - (e) he tauākī whai haepapa kua waitohua e Te Amokapua me Te Tumuaki, mō ngā āhuatanga katoa e rārangi iho nei (me te kore e whakatepe):
 - (i) he tauākī mō te whai haepapa o ngā kaiwaitohu mō te whakatakanga o ngā tauākī pūtea, mō te tauākī tutukinga mahi me ngā whakatau kei roto i ērā tauākī:
 - (ii) he tauākī mō te whai haepapa o ngā kaiwaitohu ki te whakarite, ki te whakataimau hoki i tētehi pūnaha whakamatua mōroto e taea ai te kī e tika ana, e pono ana ngā mahi tuku pūrongo pūtea:
 - (iii) he tauākī e kī ana, ki te whakaaro o ngā kaiwaitohu, ko ngā tauākī pūtea me te tauākī tutukinga mō te tau pūtea, e whakaatu tōtika ana i te tūnga pūtea me te whakahaere pūtea a Te Wānanga o Raukawa:
 - (f) he tauākī mō te tokomaha o ngā kaimahi, ngā kaimahi rānei o mua, a Te Wānanga o Raukawa (tae atu ki Te Tumuaki) i whakawhiwhia ki te utu \$100,000 neke atu rānei i a rātau e noho ana hei kaimahi (tae atu ki ngā utu paremata, ki ētehi atu painga hoki) i te tau e pūrongoatia ana, me te tokomaha hoki o ngā kaimahi, ngā kaimahi rānei o mua kei ia pae utu \$10,000 te whakapikinga:
 - (g) he tāruatanga o te pūrongo arotake ka tohua ki te wehenga 398R(3)(b) o te Ture.
- (3) Me whakaputa Te Mana Whakahaere i tētehi tāruatanga o te pūrongo ā-tau ki tētehi pae ipurangi e whakahaeretia ana e Te Wānanga o Raukawa, māna rānei.

30 Te kawenga ki te whakarite tukanga pēke nahanaha

- (1) Me mahi Te Mana Whakahaere kia whakatakotoria e Te Wānanga o Raukawa ngā kaupapahere me ngā tukanga e nahanaha ai ngā whakahaere tahua pēke—
- (a) ki roto i tētehi taiao whakamatua e whaitake ana; ā
 - (b) ka arotakea, ka pūrongoatia hoki i ōna wā auau anō.
- (2) Me whakarite e Te Mana Whakahaere ngā āhuatanga tukumana e rite ana kia taea e Te Tumuaki te kawē ngā mahi whakahaere pūtea o ia rā a Te Wānanga o Raukawa.

31 Te kawenga ki te pupuri mauhanga kaute

- (1) Me whakarite Te Mana Whakahaere kia pupuri mauhanga kaute a Te Wānanga o Raukawa—

- (a) ka whakaatu, ka whakamārama tōtika i ngā kurutete moni a Te Wānanga o Raukawa; ā
 - (b) e whakatauria ai, i runga i te tōtika e rite ana, te tūnga pūtea o Te Wānanga o Raukawa, hei te wā e hiahiatia ana; ā
 - (c) e taea ai e ngā mema o Te Mana Whakahaere te whai kia ū ngā tauākī pūtea a Te Wānanga o Raukawa ki ngā herenga mō ngā tauākī pūtea; ā
 - (d) e arotakea ai ngā tauākī pūtea a Te Wānanga o Raukawa i runga i te tere me te whaihua.
- (2) Ko ngā mauhanga kaute nei—
- (a) me mauhanga ā-tuhituhi;
 - (b) me mauhanga rānei e māmā ana te toro atu me te huri hei mauhanga ā-tuhituhi, ā-hiko rānei.

32 Te mana ki te haumi pūtea

Ka taea e Te Mana Whakahaere—

- (a) te haumi pūtea e pupuritia ana e Te Wānanga o Raukawa ki ngā haumitanga tūpiki; me
- (b) te hoko atu, te tahuri rānei ērā momo haumitanga tūpiki hei moni.

33 E herea ana te mana ki te hoko mai, ki te hoko atu i ētehi momo huarawa, ki te whakamau herenga hoki ki ētehi momo huarawa, e te tukanga whakawhiti kōrero

- (1) Ka taea e Te Mana Whakahaere te whakamahi ngā mana e rārangi iho nei i muri anake i te whakawhitinga kōrero ki ia whakahaere whakakanohi:
- (a) te mana ki te hoko atu, ki te tuku atu rānei i te whenua, i ngā pānga whenua rānei kei roto i te rohe o te Kotahitanga o ART:
 - (b) te mana ki te hoko mai, ki te hoko atu, ki te tuku atu rānei i te whenua, i ngā pānga whenua rānei kei waho i te rohe o te Kotahitanga o ART:
 - (c) te mana ki te tuku atu, ki te tohatoha rānei i ngā taonga a Te Wānanga o Raukawa:
 - (d) te mana ki te whakamōkete, ki te whakamau herenga ki ngā huarawa, ki ngā pānga huarawa rānei.
- (2) Heoi, ka waiho te herenga whakawhiti kōrero ki rahaki ina e hāngai ana te hāpainga mana ki ngā mahi ka whakarārangitia mai ki te tauākī aronga rautaki.

Wāhanga 4 Te Tumuaki

Te kopounga i Te Tumuaki

34 Te kopounga i Te Tumuaki

- (1) Me mahi Te Mana Whakahaere i ngā mahi e rārangi iho nei—
 - (a) me kopou tētehi tangata hei Tumuaki; ā
 - (b) me whai whakaaro i te wā e kopou ana ki ngā mahi me ngā kawenga whānui a Te Tumuaki ka whakahuatia ki te rārangi 35: ā
 - (c) me mahi te kopounga i runga i te tukanga e tohua ana i te rārangi iti (2).
- (2) Mehemea kei te wātea te tūranga o Te Tumuaki, taihoa ake rānei ka wātea, me tahuri Te Mana Whakahaere—
 - (a) ki te pānui i te tūranga o Te Tumuaki ki ngā huarahi e taea ai e ngā tāngata whai i ngā pūkenga e rite ana te tono atu; ā
 - (b) ki te uiui i ngā kaitono ki tēnei tūranga; ā
 - (c) ki te whai whakaaro ki ngā kupu ārahi e pā ana ki ngā kaitono me te kopounga ka rapua e Te Mana Whakahaere, ka tukua atu hoki ki a ia e ngā tāngata me ngā whakahaere e mahara nei ia e tika ana.

Ngā mahi, ngā kawenga me ngā mana o Te Tumuaki

35 Ngā mahi me ngā kawenga whānui a Te Tumuaki

- (1) Me whakataki Te Tumuaki i ngā āhuatanga ako, whakahaere hoki o Te Wānanga o Raukawa.
- (2) Me whai Te Tumuaki i ngā mahi katoa e rārangi iho nei—
 - (a) te kawē i ngā haepapatanga ka utaina ki runga i Te Tumuaki, tae atu ki (me te kore e whakatepe) te haepapa mō te ārahi i te whakawhanaketanga me te whakatutukinga o ngā hōtaka me ngā kaupapa ka whakatinana i ngā mahi me ngā whāinga a Te Wānanga o Raukawa; me
 - (b) te whakatinana i Ngā Kaupapa Here o Te Wānanga o Raukawa; me
 - (c) te whakatō atu ki roto i ngā kaimahi ko te ngākaunui ki te mahi mā Te Wānanga o Raukawa, mā te hapori hoki e whakarato nei ia; me
 - (d) te whakaatu kei te mārāma pai ia ki a Whakatupuranga Rua Mano, kei te titikaha hoki ki te whakatutuki i te whāinga me ngā mahi a Te Wānanga o Raukawa; me
 - (e) te waihanga hononga kaha ki ngā iwi, me te tino aro ki te Kotahitanga o ART; me
 - (f) te kōkiri kia whaihua ngā mahi; me

- (g) te whakahaere i Te Wānanga o Raukawa i runga i te whanonga tōtika me te whakaata i te hirahira o te ako māhorahora, te noho haepapa, me te whakamahi tōtika i ngā rauemi me ngā rawa; me
- (h) te whakatō i te tūtika me te whanonga tika ki waenga i ngā kaimahi me te tauwhiro i te hauora o ngā ākonga e haere ana ki Te Wānanga o Raukawa; me
- (i) te whakapau kaha kia tū a Te Wānanga o Raukawa hei kaiwhakawhiwhi mahi pai; me
- (j) te whakatairanga huarahi whakaōrite whakawhiwhinga mahi.

36 Ngā mana whānui o Te Tumuaki

Kei Te Tumuaki ngā mana katoa e rite ana mō te kōkiri i āna mahi me āna kawenga kia whaihua, kia whai take hoki.

37 Te tuku mana a Te Tumuaki

- (1) Ka taea e Te Tumuaki te tuku āna mahi me ōna mana ki tētehi kaimahi o Te Wānanga o Raukawa, kia whānui te tuku, kia whāiti rānei te tuku.
- (2) Ko te tukunga mana a Te Tumuaki—
 - (a) me tuhituhi, me haina hoki e Te Tumuaki; ā
 - (b) ka taea anō e Te Tumuaki te whakakore, ina pērā tōna hiahia, mā te pānui ka hainatia e ia.
- (3) Ko te tangata e mahi ana i raro i te tukunga mana, ki te kore he taunakitanga e whakahē ana i tēnei, ka maharatia e mahi ana ia ki runga i ngā tikanga o te tukunga.
- (4) Kāore te tukunga mana e whakakore i tā Te Tumuaki kōkiri i tētehi mahi, whakamahi rānei i tētehi mana, kāore hoki e whai pānga ki te noho haepapa o Te Tumuaki mō ngā mahi a te tangata e mahi ana i raro i te tukunga mana.

38 Te noho a Te Tumuaki hei kaiwhakawhiwhi mahi

- (1) Kei Te Tumuaki ngā mōtika, ngā kawenga me ngā mana katoa o te kaiwhakawhiwhi mahi mō te wāhi ki ngā kaimahi o Te Wānanga o Raukawa.
- (2) Me whai Te Tumuaki i ngā mahi katoa e rārangi iho nei—
 - (a) me aro motuhake ina ka whakatau i ngā take mahi, tae atu ki ērā e pā ana ki te kopounga, te whakapiki tūranga, te whakaheke tūranga, te whakawhiti kaimahi, te whakawhiu kaimahi, te whakamutunga rānei o te mahi a tētehi kaimahi; ā
 - (b) ina kopoua he kaimahi, me mariu ki te tangata e tino tika ana mō te tūranga; ā
 - (c) ina ka taea, me pānui i ngā tūranga pūmau katoa mā ngā huarahi e rite ana kia taea e ngā tāngata whai i ngā tohu rite te tono mai.
- (3) Me whai Te Tumuaki i ngā mahi katoa e rārangi iho nei—

- (a) me whakatinana i Ngā Kaupapa Here o Te Wānanga o Raukawa; ā
 - (b) me whakamahi i tētehi kaupapahere whakawhiwhi mahi e hāpai ana i te mātāpono o te noho hei kaiwhakawhiwhi mahi pai; ā
 - (c) me whakawātea atu i taua kaupapahere (tae atu ki te hōtaka whakaōrite whakawhiwhinga mahi) ki ngā kaimahi; ā
 - (d) me mahi kia whai a Te Wānanga o Raukawa i taua kaupapahere (me tana hōtaka whakaōrite whakawhiwhinga mahi), me tuku pūrongo hoki ki roto i tāna pūrongo ā-tau mō te nui o te whāia.
- (4) Kei tēnei rārangi, ko te **kaiwhakawhiwhi mahi pai**, koia ko tētehi kaiwhakawhiwhi mahi ka whai i tētehi kaupapahere whakawhiwhi mahi e mau mai ana ki roto ngā āhuatanga e mahara whānuitia ana me whai kia tōkeke, kia tika te whanonga ki ngā kaimahi i roto i ngā āhuatanga katoa o ā rātau mahi, tae atu ki ngā whakaritenga mō—
- (a) tētehi taiao pai, haumaruru hoki mō te mahi; me
 - (b) tētehi hōtaka whakaōrite whakawhiwhinga mahi; me
 - (c) te kōwhiri tōkeke i ngā tāngata e whai ana i ngā tohu e rite ana mō ngā kopounga; me
 - (d) te manaaki i ngā whāinga, ngā tūmanako, ngā hiahia whakawhiwhi mahi me ngā rerekētanga ā-ahurea o ngā mātāwaka, o ngā rōpū rikiriki rānei; me
 - (e) te manaaki i ngā hiahia whakawhiwhi mahi o ngā wāhine; me
 - (f) te manaaki i ngā hiahia whakawhiwhi mahi o ngā tāngata hauā.
- (5) Hei āpiti atu ki ngā herenga ka tohua ki runga ake nei, me whakarite hoki Te Tumuaki kia mau ngā kaimahi katoa ki te tūtika me te whanonga tika, kia aro hoki ki—
- (a) te tū a Te Wānanga o Raukawa hei kaiwhakawhiwhi mātauranga tūmatanui; me
 - (b) te hauora o ngā ākongā o Te Wānanga o Raukawa.

Wāhanga 5

Ngā Mana Matawai o Te Taumatua

Ngā mana o Te Taumatua e pā ana ki Te Wānanga o Raukawa

39 Te aromatawai mōrearea

- (1) Ko Te Taumatua—
- (a) me whakataū, me whakahāngai paearu ki te aromatawai i te nui o te mōrearea e pā ana ki—
 - (i) ngā mahi me te toitūtanga o Te Wānanga o Raukawa; me

- (ii) ngā tutukinga mātauranga, whakangungu a ngā ākonga kua whakauru atu ki Te Wānanga o Raukawa:
 - (b) ka taea e ia ngā paearu te whakahou.
- (2) Ko Te Taumatua,—
 - (a) i mua i te whakatau, i te whakahou paearu, me whakawhiti kōrero ki Te Mana Whakahaere e pā ana ki ngā paearu, ki te whakahounga rānei e marohitia ana; ā
 - (b) i mua i te whakahāngai i ngā paearu, me whakamōhio atu i Te Mana Whakahaere ki ngā paearu.

40 Te tuku pūrongo a Te Mana Whakahaere ki Te Taumatua

Me tuku putuputu Te Mana Whakahaere i ngā pūrongo ki Te Taumatua mō ngā mahi whakahaere, pūtea hoki, ki tā Te Taumatua ka tono ai.

41 Te mana ki te tono mōhiohio tāpiri, pūrongo rānei

- (1) Ka taea e Te Taumatua, mā te tuku pānui ā-tuhituhi ki Te Mana Whakahaere, te tono Te Mana Whakahaere kia tāpae i ngā mōhiohio ka tautuhia e ia, i te pūrongo rānei, e pā ana ki ngā mahi, ki ngā whakahaere, ki te tūnga pūtea rānei o Te Wānanga o Raukawa.
- (2) I mua i te tuku i te tono i raro i te rārangi iti (1), me tau ngā whakaaro o Te Taumatua kei te hiahia ngā mōhiohio, te pūrongo rānei, e rapua ana ki te whakapiki i te whai haepapa o Te Wānanga o Raukawa ki te Kotahitanga o ART.
- (3) Me tuku atu Te Mana Whakahaere i ngā mōhiohio, te pūrongo rānei, kua tonoa ki Te Taumatua i roto i te wā ka tohua ki te pānui.
- (4) Ka taea e Te Taumatua te unu, te whakarerekē rānei tētehi pānui i raro i te rārangi iti (1).

42 Te mana ki te kopou kaitirotiro

- (1) Ka taea e Te Taumatua te kopou tētehi kaitirotiro, ētehi kaitirotiro rānei, ki Te Mana Whakahaere mehemea e whakapono ana Te Taumatua i runga i ētehi take tōtika, i muri i tāna whakahāngai i ngā paearu ka kōrerotia i te rārangi 39(1)(a),—
 - (a) tērā pea kei te noho mōrearea ngā mahi me te toitūtanga o Te Wānanga o Raukawa;
 - (b) tērā pea rānei kei te noho mōrearea ngā tutukinga mātauranga, whakangungu a ngā ākonga kua whakauru ki Te Wānanga.
- (2) I mua i te whakatau ki te kopou kaitirotiro, me tahuri Te Taumatua ki—
 - (a) te whakawhiti kōrero ki Te Mana Whakahaere; ā
 - (b) te whakamōhio i Te Mana Whakahaere kei te whakaaro Te Taumatua ki te kopou kaitirotiro; ā

- (c) te whakatakoto huarahi e tuku whakaaro ai Te Mana Whakahaere mō taua whakaaro.
- (3) Ko te kopounga kaitirotiro, me tuhituhi rawa, me whakahua hoki i te rā ka mana ai.
- (4) Ka taea e te kaitirotiro—
 - (a) te haere ki ngā hui a Te Mana Whakahaere; me
 - (b) te tuku kupu ārahi ki Te Mana Whakahaere; me
 - (c) te tuku pūrongo ki Te Taumatua mō tētehi take ka ara ake, ka kōrerotia rānei i tētehi hui ka tae atu nei ia hei kaitirotiro.
- (5) Me whakataimau te kaitirotiro i te noho matatapu o ngā take a Te Mana Whakahaere, hāunga ngā whakaaetanga kei te rārangi iti (4)(c).
- (6) Ehara te kaitirotiro i te mema o Te Mana Whakahaere, nō reira kāore e ia e āhei—
 - (a) te tuku pōti mō tētehi take;
 - (b) te whakamahi rānei i ngā mana, te hāpai rānei i tētehi o ngā mahi, o ngā kawenga rānei a te mema o Te Mana Whakahaere.

43 Te mana ki te tono pūrongo i tētehi pekanga

- (1) Kāore tētehi pekanga o Te Wānanga o Raukawa e herea ki te whakarite tauākī, pūrongo, kaute motuhake rānei kia tonoa rawatia ia kia pērā e Te Mana Whakahaere, e Te Taumatua rānei.
- (2) Ka taea e Te Taumatua, mā te tuku pānui ā-tuhituhi ki Te Mana Whakahaere, te whakahau tētehi pekanga o Te Wānanga o Raukawa kia whakarite tauākī motuhake, pūrongo motuhake rānei e mau mai ana ki roto tētehi, ētehi rānei o ngā āhuatanga e rārangi iho nei:
 - (a) he tauākī e whakaatu ana i te hononga o ngā whakahaere pakihī me ērā atu mahi a te pekanga ki ngā mahi me ngā whāinga a Te Wānanga o Raukawa:
 - (b) he tauākī kawatau tutukinga e kitea ai ngā mea katoa e rārangi iho nei—
 - (i) ko ngā whakahaere pakihī me ngā mahi katoa a te pekanga e marohitia ana mō te tau pūtea:
 - (ii) ko ngā hua e whakaarotia ana ka hua mai i ngā whakahaere pakihī me ngā mahi a te pekanga:
 - (iii) ko ngā paerewa tutukinga ka whakamahia ki te ine i ngā tutukinga a te pekanga e pā ana ki āna whakahaere pakihī me āna mahi:
 - (iv) ka pēwhea te ine i ngā tutukinga a te pekanga mō te wāhi ki āna whakahaere pakihī me āna mahi:
 - (c) ngā tauākī pūtea matapae a te pekanga, e kitea ai—

- (i) tētehi tauākī o ngā whakapae matua ka whakakaupapa i ngā tauākī pūtea matapae; me
 - (ii) ngā whiwhinga moni e kawatautia ana me ngā whakapaunga moni e marohitia ana mō ngā whakahaere pakihī me ngā mahi a te pekanga; me
 - (iii) ētehi atu mōhiohio, whakamārama hoki e hiahiatia ana ki te whakaatu tōtika i ngā whakahaere pūtea matapae me te tūnga pūtea matapae o te pekanga:
- (d) he pūrongo ā-tau, e rau atu ana ki roto ko—
- (i) ngā tauākī pūtea ā-tau; me
 - (ii) tētehi tauākī tutukinga e whai ana i ngā tikanga kaute e whakaaetia whānuitia ana, ki roto i ngā tikanga o te wehenga 8 o te ture Financial Reporting Act 2013 e whakaatu ana i ngā whakahaere pakihī me ngā mahi a ia pekanga ka tautohua i ngā tauākī kawatau tutukinga mō te tau pūtea; me
 - (iii) ngā paerewa tutukinga kua tutuki i te pekanga, me te whakataurite ki ngā paerewa tutukinga kei ngā tauākī kawatau tutukinga mō te tau pūtea; me
 - (iv) ngā whiwhinga moni i riro mai, ngā whakapaunga pūtea i riro atu, me te whakataurite ki ngā whiwhinga i kawatautia me ngā whakapaunga i marohitia i raua atu ki ngā tauākī kawatau tutukinga mō te tau pūtea.
- (3) Ko te pānui ka tukua i raro i te rārangi iti (2), me tautuhi—
- (a) ko ēwhea ngā tauākī me ngā pūrongo e hiahiatia ana; ā
 - (b) ko ngā tau pūtea, ko ētehi atu wā rānei (tērā pea kia puta rā anō he pānui kē anō) e hiahiatia ana ōna tauākī, ōna pūrongo rānei.
- (4) I mua i te tuku pānui, me pēnei Te Taumatua—
- (a) me whai whakaaro ki ngā whakahaere me ngā mahi a te pekanga; ā
 - (b) me tau ōna whakaaro kei te hiahiatia ia tauākī, ia pūrongo ka tonoa i te pānui ki te whakapiki i te noho haepapa o te pekanga ki te Kotahitanga o ART.

44 Te mana ki te tono pūrongo i ētehi hinonga kōpūtahi

- (1) Mehemea, ki te whakaaro o Te Taumatua, kei te noho mōrearea pea a Te Wānanga o Raukawa i tana kuhu moni ki tētehi hinonga kōpūtahi (hāunga anō ngā pekanga), ka taea e Te Taumatua, mā te tuku pānui ā-tuhituhi, te whakahau tētehi hinonga kōpūtahi kia whakarite tauākī, pūrongo rānei ka huaina ki te rārangi iti (3).

- (2) I a ia e whiriwhiri ana mehemea kei te noho mōrearea a Te Wānanga o Raukawa, me whakahāngai Te Taumatua i ngā paearu ka kōrerotia i te rārangi 39(1)(a) ki te arotake i te nui o te mōrearea ki—
- (a) ngā mahi me te toitūtanga o Te Wānanga o Raukawa; me
 - (b) ngā tutukinga mātauranga, whakangungu hoki a ana ākongā.
- (3) Ko ngā tauākī, ko ngā pūrongo rānei tērā pea ka hiahiatia, koia ēnei—
- (a) he tauākī e whakaatu ana i te whai pānga o ngā whakahaere pakihī me ērā atu mahi a te hinonga kōpūtahi ki ngā mahi me ngā whāinga a Te Wānanga o Raukawa: ā
 - (b) he tauākī kawatau tutukinga e kitea ai ngā mea katoa e rārangi iho nei—
 - (i) ko ngā whakahaere pakihī me ngā mahi katoa a te hinonga e marohitia ana mō tētehi tau pūtea:
 - (ii) ko ngā hua e whakaarotia ana ka hua mai i ngā whakahaere pakihī me ngā mahi a te hinonga:
 - (iii) ko ngā paerewa tutukinga ka whakamahia ki te ine i ngā tutukinga a te hinonga mō te wāhi ki āna whakahaere pakihī me āna mahi:
 - (iv) ka pēwhea te ine i ngā tutukinga a te hinonga mō te wāhi ki āna whakahaere pakihī me āna mahi; ā
 - (c) he tauākī pūtea matapae e kitea ai—
 - (i) tētehi tauākī o ngā whakapae matua ka whakakaupapa i ngā tauākī pūtea matapae; me
 - (ii) ngā whiwhinga moni e kawatautia ana me ngā whakapaunga moni e marohitia ana mō ngā whakahaere pakihī me ngā mahi a te hinonga; me
 - (iii) ētehi atu mōhiohio, whakamārama hoki e hiahiatia ana ki te whakaatu tōtika i ngā whakahaere pūtea matapae me te tūnga pūtea matapae o te hinonga; ā
 - (d) he pūrongo ā-tau, me rau atu ki roto ko—
 - (i) ngā tauākī pūtea ā-tau; me
 - (ii) tētehi tauākī tutukinga e whai ana i ngā tikanga kaute e whakaaetia whānuitia ana, ki roto i ngā tikanga o te wehenga 8 o te ture Financial Reporting Act 2013, e whakaatu ana i ngā whakahaere pakihī me ngā mahi a ia hinonga ka tautohua i ngā tauākī kawatau tutukinga mō te tau pūtea; me
 - (iii) ngā paerewa tutukinga kua tutuki i te hinonga, me te whakataurite ki ngā paerewa tutukinga kei ngā tauākī kawatau tutukinga mō te tau pūtea; me
 - (iv) ngā whiwhinga moni i riro mai, ngā whakapaunga pūtea i riro atu, me te whakataurite ki ngā whiwhinga i kawatautia me ngā

whakapaunga i marohitia i raua atu ki ngā tauākī kawatau tutukinga mō te tau pūtea.

- (4) I mua i te tuku pānui i raro i te rārangi iti (1), me whakawhiti kōrero Te Taumatua ki Te Mana Whakahaere.
- (5) Me tautuhi te pānui—
 - (a) ko ēwhea ngā tauākī me ngā pūrongo e hiahiatia ana; ā
 - (b) ko ngā tau pūtea, ko ētehi atu wā rānei (tērā pea kia puta rā anō he pānui kē anō) e hiahiatia ana ōna tauākī, ōna pūrongo rānei.

45 Te mana ki te tono i Te Mana Whakahaere kia rapu āwhina whāiti

- (1) Ka āhei Te Taumatua, mā te tuku pānui ā-tuhituhi ki Te Mana Whakahaere, te whakahau i a ia kia rapu āwhina whāiti mehemea kei te whakapono Te Taumatua i runga i ētehi take tōtika, i muri mai i te whakahāngaitanga o ngā paearu ka kōrerotia i te rārangi 39(1)(a)—
 - (a) tērā pea kei te noho mōrearea a Te Wānanga o Raukawa;
 - (b) tērā pea rānei kei te noho mōrearea ngā tutukinga mātauranga, whakangungu a ngā ākonga i Te Wānanga o Raukawa.
- (2) Me whakaatu te pānui i—
 - (a) te āwhina, te momo āwhina rānei me tiki atu; me
 - (b) te tangata, te whakahaere rānei, te momo tangata, whakahaere rānei me tiki atu te āwhina i a ia.
- (3) Me aro Te Mana Whakahaere ki tēnei pānui (hei tōna wā tere ka taea i muri i te taenga atu o te pānui).
- (4) Me mahi Te Mana Whakahaere i ngā mahi e rārangi iho nei—
 - (a) me tuku i ngā mōhiohio, me whakawātea i ngā ara, me mahi hoki i ngā mahi katoa e rite ana, e tutuki ai ngā mahi a te tangata, a te whakahaere rānei kua tīkina atu ki te āwhina; ā
 - (b) ina ko te āwhina e whakawhiwhia ana he tohutohu, me aro ki aua tohutohu i a ia e mahi ana i āna mahi me āna kawenga; ā
 - (c) me utu i ngā nama me ngā utu a te tangata, a te whakahaere rānei e rite ana.

46 Te mana ki te tono i tētehi mahere whakapai tutukinga

- (1) Ka taea e Te Taumatua, mā te tuku pānui ā-tuhituhi ki Te Mana Whakahaere, te tohutohu Te Mana Whakahaere ki te whakataka i tētehi tauira mahere whakapiki tutukinga mā Te Wānanga o Raukawa mehemea e whakapono ana Te Taumatua i runga i ētehi take tōtika, i muri mai i te whakahāngaitanga o ngā paearu ka kōrerotia i te rārangi 39(1)(a)—
 - (a) tērā pea kei te noho mōrearea Te Wānanga o Raukawa;

- (b) tērā pea rānei kei te noho mōrearea ngā tutukinga mātauranga, whakangungu a ngā ākonga i Te Wānanga o Raukawa.
- (2) Me whakaatu te pānui i—
- (a) ngā take ka arohia i te tauira mahere; me
- (b) ngā hua e whāia ana mā te whakatutuki i te tauira mahere; me
- (c) ngā wā e tika ana kia hua mai aua hua; me
- (d) ngā inenga tutukinga ka whakamahia ki te whakatau mehemea kua tutuki aua hua; me
- (e) te rā me tae atu te tauira mahere ki Te Taumatua.
- (3) Mehemea ka tae atu ki Te Mana Whakahaere tētehi pānui i raro i te rārangi iti (1), me tahuri ia—
- (a) ki te whakataka i tētehi tauira mahere e whakaea ana i ngā whakahau kei te pānui; ā
- (b) ki te hoatu i te tauira mahere ki Te Taumatua hei te rā e tohua ana.
- (4) Ka taea e Te Taumatua—
- (a) te whakaae atu ki te tauira mahere kua whakatakatia e Te Mana Whakahaere;
- (b) i muri i te whai whakaaro ki te tauira mahere, te whakaae atu rānei ki tētehi tauira kē kua whakahoutia o te tauira mahere, ki tētehi mahere kē anō rānei e whakaea ana i ngā whakahau kei te pānui.
- (5) Mehemea kāore Te Mana Whakahaere e whakaea i ngā whakahau o te rārangi iti (3), ka taea e Te Taumatua te whakataka me te whakaae atu ki tētehi mahere kē atu e whakaea ana i ngā whakahau o te pānui, ki tā Te Taumatua e whakaaro nei e rite ana.
- (6) Kāore e taea e Te Taumatua te whakaae atu ki tētehi mahere whakapiki tutukinga e rerekē ana i te tauira mahere kua hoatu ki Te Taumatua me te kore e whakawhiti kōrero ki Te Mana Whakahaere i te tuatahi.
- (7) Me whai Te Mana Whakahaere i ngā tūāoma katoa e rite ana ki te whakatinana i tētehi mahere ka whakaaetia i raro i tēnei rārangi.
- (8) Mehemea kua whakanōhia atu tētehi mahere whakapiki tutukinga, me whai Te Taumatua i ngā mahi katoa e rārangi iho nei—
- (a) me whakamōhio i te tumu whakarae o Te Amorangi Mātauranga Matua; ā
- (b) me tuku atu i tētehi tāruatangā o taua mahere ki taua tumu whakarae.

47 Te mana ki te whakakore i Te Mana Whakahaere me te kopou i tētehi Matapopore

- (1) Ka taea e Te Taumatua, mā te tuku pānui ā-tuhituhi ki Te Mana Whakahaere, te whakakore Te Mana Whakahaere, me te kopou i tētehi, i ētehi rānei

- Matapopore kia tū hei whakakapi mō Te Mana Whakahaere mehemea kei te whakapono Te Taumatua i runga i ētehi take tōtika—
- (a) kei te tino noho mōrearea ngā mahi, te toitūtanga rānei o Te Wānanga o Raukawa; ā
 - (b) kua rahua ētehi atu huarahi ki te whakaiti i te noho mōrearea, ko te āhua nei rānei ka rahua aua huarahi.
- (2) Heoi, i mua i te tuku pānui i raro i te rārangi iti (1), me whai Te Taumatua i ngā mahi katoa e rārangi iho nei—
- (a) me whakamōhio i te Minita me te tumu whakarae o Te Amorangi Mātauranga Matua kei te whakaaro rātau ki te whakakore i Te Mana Whakahaere me te kopou Matapopore; ā
 - (b) me whakawhiti kōrero ki Te Mana Whakahaere, ki ia whakahaere whakakanohi, ki ērā atu rōpū hoki e whai pānga ana mō te whakaaro e tika ana pea kia whakakorea Te Mana Whakahaere, kia kopoua hoki he Matapopore; ā
 - (c) i muri i tērā whakawhitinga kōrero, me tuku pānui ā-tuhituhi ki Te Mana Whakahaere mō te whakatau hukihuki kia whakakorea Te Mana Whakahaere, kia kopoutia he Matapopore hei whakakapi mōna; ā
 - (d) me hoatu ki Te Mana Whakahaere ko te 21 rā, nui ake rānei, kia whakautua e rātau te whakatau hukihuki; ā
 - (e) me whai whakaaro ki ngā tāpaetanga a Te Mana Whakahaere mō ngā take me kaua te whakatau hukihuki e whakaūngia.
- (3) Me tautuhi te pānui i raro i te rārangi iti (1)—
- (a) ko te rā ka mana ai te whakakorenga o Te Mana Whakahaere me te kopounga Matapopore; ā
 - (b) ko te ingoa o te tangata, o ngā tāngata rānei ka kopoutia hei Matapopore.
- (4) Hei tōna tere ka taea i muri i te tuku pānui, me whakamōhio atu Te Taumatua i te whakakorenga o Te Mana Whakahaere ki te tumu whakarae o Te Amorangi Mātauranga Matua me te Minita.
- (5) Me arotake Te Taumatua i te kopounga o ia Matapopore, i ia 12 marama, iti ake rānei, i muri i te kopounga.
- (6) Mehemea ka whakaaro Te Taumatua kua kore he take e noho mai ai te Matapopore, me kopou ko tētehi Mana Whakahaere hou i runga anō i ngā tikanga o tēnei whakahau.
- (7) Ka mutu te kopounga o te Matapopore i te mutunga o te rā i mua tonu i te tūnga mai o Te Mana Whakahaere hou.
- (8) Me utu Te Wānanga o Raukawa i ngā utu me ngā nama a te Matapopore e rite ana.
- (9) Mō roto i tēnei rārangi, ka **tino noho mōrearea ngā mahi, te toitūtanga rānei o Te Wānanga o Raukawa** mehemea—

- (a) kāore e taea, kei te noho mōrearea rānei i te tūpono nui kāore e taea e Te Wānanga o Raukawa āna nama te utu ina ka ara ake i roto i ngā mahi o te wā; ā
- (b) e ai ki ngā paearu mōrearea nā Te Taumatua i whakarite, kei te tino noho mōrearea ngā mahi, te toitūtanga rānei o Te Wānanga o Raukawa.

48 Ngā mahi, ngā kawenga me ngā mana o te Matapopore

- (1) Ko te Matapopore ka kopoutia, kei a ia ngā mahi, ngā kawenga me ngā mana katoa o Te Mana Whakahaere, ā, me hāpai ia i aua mahi, kawenga, mana hoki i runga i ngā tikanga o te Ture me tēnei whakahau.
- (2) Ka noho te Matapopore hei whakakapi mō ngā mema katoa o Te Mana Whakahaere (hāunga Te Tumuaki) ki ngā komiti e noho ai rātau hei kanohi mō Te Mana Whakahaere.
- (3) Hei pare atu i te kumukumu, ko te tangata e noho ana ki tētehi komiti ka pāngia e te rārangi iti (2) ehara i te mema o Te Mana Whakahaere, ka taea te noho tonu ki taua komiti.
- (4) Mehemea ka kotahi te Matapopore ka kopoutia, ka taea e te Matapopore ngā whakataunga te whakatau.
- (5) Mehemea ka tokorua ngā Matapopore ka kopoutia, me whakaae ngātahi ngā Matapopore ki ngā whakataunga.
- (6) Mehemea ka tokotoru ngā Matapopore, nui atu rānei, me whakapau kaha ngā Matapopore ki te whakaae ngātahi ki ngā whakataunga engari ki te kore e taea, ka taea te whakatau mā te pōti o te tokomaha.
- (7) Mehemea tērā tētehi mahi a Te Mana Whakahaere me whai i ngā waitohu o ngā mema e rua o Te Mana Whakahaere, ka taea tērā mahi te kōkiri,—
 - (a) ki te kotahi te Matapopore, mā te waitohu o te Matapopore kotahi:
 - (b) ki te tokorua ngā Matapopore, mā ngā waitohu o ngā Matapopore tokorua:
 - (c) ki te tokotoru, nui atu rānei, ngā Matapopore, mā ngā waitohu o te tokomaha o ngā Matapopore.

49 Te haepapa ā-ture whaiaro o te Matapopore

Kāore tētehi Matapopore e whai haepapa ā-ture whaiaro mō tētehi mahi ka mahia, ka kore rānei e mahia i tana tū hei Matapopore, mō tētehi hapanga rānei ka hua ake i taua mahi, taua kore mahi rānei, mehemea e mahi ana te Matapopore—

- (a) i runga i te wairua pono; ā
- (b) i a ia e hāpai ana i āna mahi, kawenga, mana rānei.

Wāhanga 6 Ngā Āhuatanga Whakaehu

50 Ka taea ngā mana te whakamahi ngātahi

Hei pare atu i te kumukumu, ka taea ngā mana ka tohua ki tēnei whakahau te whakamahi ngātahi.

51 Whakakorenga

Tēnei ka whakakorea te whakahau Education (Te Wānanga o Raukawa) Order 1993 (SR 1993/184).

Provisions in English

1 Title

This order is the Education (Te Wānanga o Raukawa) Order 2023.

2 Commencement

This order comes into force on 1 January 2024.

Part 1 Preliminary provisions

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Education and Training Act 2020

additional member means a member of Te Mana Whakahaere appointed under clause 11(e)

ART Confederation means, collectively, the iwi of—

- (a) Te Āti Awa ki Whakarongotai; and
- (b) Ngāti Raukawa ki te Tonga; and
- (c) Ngāti Toa Rangatira

Matapopore means the person or persons appointed to act in the place of Te Mana Whakahaere under clause 47

Ngā Kaupapa Here o Te Wānanga o Raukawa means the foundational principles that underpin all aspects of the operation of Te Wānanga o Raukawa, which are—

- (a) whakapapa:
- (b) te reo Māori:
- (c) rangatiratanga:

- (d) manaakitanga:
- (e) whanaungatanga:
- (f) ūkaipōtanga:
- (g) kotahitanga:
- (h) wairuatanga:
- (i) pūkengatanga:
- (j) kaitiakitanga

representative body means any of the following bodies:

- (a) Te Rūnanga o Raukawa Incorporated (for iwi of Ngāti Raukawa ki te Tonga):
- (b) Te Rūnanga o Toa Rangatira Incorporated (for iwi of Ngāti Toa Rangatira):
- (c) Waikanae Marae Reservation Trustees (for iwi of Te Āti Awa ki Whakarongotai):
- (d) the successor of a body or person specified in paragraph (a), (b), or (c)

representative member means a member of Te Mana Whakahaere that a representative body has nominated

subsidiary has the meaning set out in section 5(1) of the Companies Act 1993

Te Amokapua means the chairperson of Te Mana Whakahaere elected under clause 22

Te Amokapua Tuarua means the deputy chairperson of Te Mana Whakahaere elected under clause 22

Te Mana Whakahaere means the council of Te Wānanga o Raukawa established under clause 9

Te Taumatua means the independent standing group constituted by the Deed of Trust of Te Wānanga o Raukawa Foundation

Te Tumuaki means the chief executive of Te Wānanga o Raukawa

whakatupu mātauranga means activity that grows, enhances, or deepens understanding of mātauranga, thereby contributing to the mātauranga continuum.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Part 2

Te Wānanga o Raukawa

Status of Te Wānanga o Raukawa

5 Conversion to category B wānanga

The wānanga known as Te Wānanga o Raukawa, and established under section 268 of the Act, is converted to a category B wānanga under clause 94(2) of Schedule 1 of the Act.

6 People who constitute Te Wānanga o Raukawa

The following people constitute Te Wānanga o Raukawa:

- (a) the members of Te Mana Whakahaere;
- (b) Te Tumuaki;
- (c) staff and students of Te Wānanga o Raukawa;
- (d) graduates of Te Wānanga o Raukawa (whether they graduate before or after this order comes into force);
- (e) any other people that Te Mana Whakahaere determines.

7 Purpose of Te Wānanga o Raukawa

The purpose of Te Wānanga o Raukawa in performing its functions is to maximise its contribution to the resilience and prosperity of Māori as a people by—

- (a) furthering the goals of Whakatupuranga Rua Mano, including meeting the educational aspirations of the ART Confederation; and
- (b) facilitating and advancing the reclamation, exploration, and development of the mātauranga continuum; and
- (c) supporting staff and students to become effective theorists, practitioners, and kaitiaki of mātauranga; and
- (d) championing the reclamation and revitalisation of te reo Māori and mātauranga by whānau, hapū, and iwi; and
- (e) advancing and demonstrating the expression of Ngā Kaupapa Here o Te Wānanga o Raukawa in all aspects of its operations.

8 Functions of Te Wānanga o Raukawa

The functions of Te Wānanga o Raukawa are—

- (a) to provide education and training within a kaupapa and tikanga environment, with a focus on higher education that contributes to the resilience and prosperity of Māori as a people, including providing—
 - (i) programmes that enable and support the acquisition of, and increased fluency in, te reo Māori; and

- (ii) programmes that are taught in te reo Māori; and
 - (iii) programmes that foster and extend mātauranga; and
 - (iv) programmes that strengthen whānau, hapū, and iwi; and
 - (v) programmes that support and enhance kaupapa-based approaches within a range of disciplines; and
- (b) to facilitate, support, and conduct whakatupu mātauranga activity that contributes to the resilience and prosperity of Māori as a people by reclaiming, nurturing, and extending the mātauranga continuum; and
 - (c) to be responsive to the higher education and whakatupu mātauranga needs of the ART Confederation; and
 - (d) to improve higher education outcomes for Māori learners and Māori communities in collaboration with whānau, hapū, and iwi; and
 - (e) to optimise its resources in order to enable it to fulfil its purpose.

Part 3

Te Mana Whakahaere

Establishment and accountability of Te Mana Whakahaere

9 Establishment of Te Mana Whakahaere

Te Wānanga o Raukawa is to have a council (**Te Mana Whakahaere**) as its governing body.

10 Accountability of Te Mana Whakahaere

Te Mana Whakahaere is accountable to the ART Confederation for the following matters:

- (a) the educational performance and education outcomes for students enrolled at Te Wānanga o Raukawa; and
- (b) the effective and efficient financial management and financial performance of Te Wānanga o Raukawa; and
- (c) the long-term operation and viability of Te Wānanga o Raukawa; and
- (d) the administration and operation of Te Wānanga o Raukawa in a manner that is consistent with the characteristics of a wānanga; and
- (e) progress towards achieving the stated purpose of Te Wānanga o Raukawa.

Membership of Te Mana Whakahaere

11 Membership of Te Mana Whakahaere

Te Mana Whakahaere must have at least 7, but not more than 10, members, as follows:

- (a) 2 members nominated by the representative body of Te Āti Awa ki Whakarongotai; and
- (b) 2 members nominated by the representative body of Ngāti Raukawa ki te Tonga; and
- (c) 2 members nominated by the representative body of Ngāti Toa Rangatira; and
- (d) Te Tumuaki; and
- (e) up to 3 additional members appointed by Te Mana Whakahaere.

12 Nomination and appointment of members

Appointment of representative body members

- (1) Each representative body must, for the purposes of clause 11(a) to (c),—
 - (a) invite expressions of interest in being nominated for appointment to Te Mana Whakahaere; and
 - (b) identify the applicants it considers best suited for nomination, having regard to—
 - (i) the matters specified in section 398K of the Act; and
 - (ii) the criteria set out in clause 13; and
 - (c) make its nominations and give written notice of its nominations to Te Mana Whakahaere, along with confirmation that it is satisfied that the nominees meet the requirements of section 398K of the Act and clause 13.
- (2) Te Mana Whakahaere must appoint a person nominated under subclause (1)(c) to Te Mana Whakahaere if satisfied that the person meets the requirements of section 398K of the Act and clause 13.

Appointment of additional members

- (3) When making appointments under clause 11(e), Te Mana Whakahaere must—
 - (a) invite expressions of interest for appointment to Te Mana Whakahaere; and
 - (b) identify the applicants it considers best suited for appointments, having regard to—
 - (i) the matters specified in section 398K of the Act; and
 - (ii) the criteria set out in clause 13; and
 - (iii) the membership requirements of Te Mana Whakahaere specified in clause 11.
- (4) Te Mana Whakahaere may appoint a person identified under subclause (3)(b) to Te Mana Whakahaere if satisfied that the person meets the requirements of section 398K of the Act and clauses 11 and 13.

Persons ineligible for appointment or membership

- (5) The following persons may not be appointed to Te Mana Whakahaere:
- (a) a person who is a member of Te Taumatua;
 - (b) a person who is ineligible for appointment under section 398L of the Act.
- (6) A member of Te Mana Whakahaere who accepts appointment to Te Taumatua or becomes ineligible for appointment under section 398L of the Act must cease being a member of Te Mana Whakahaere.

Term of appointment

- (7) The resolution of appointment for each member of Te Mana Whakahaere must state the term of the appointment and the date on which it begins.

13 Appointment criteria

The membership of Te Mana Whakahaere must, as a whole and as far as practicable, have the skills, knowledge, diversity, experience, and commitment sufficient to ensure that Te Wānanga o Raukawa can perform its duties and functions in a manner consistent with the characteristics of a wānanga, including (without limitation)—

- (a) proven skills and a good knowledge of, and networks in, te ao Māori, te reo Māori, and mātauranga Māori relevant to the appointment to Te Mana Whakahaere; and
- (b) knowledge and understanding of, and commitment to the purpose and functions of, Te Wānanga o Raukawa; and
- (c) a commitment to reducing inequity and inequality for Te Wānanga o Raukawa constituents; and
- (d) gender balance; and
- (e) experience of leadership in tikanga Māori organisations (preferably in the education sector); and
- (f) knowledge, skills, and experience in—
 - (i) public tertiary education; and
 - (ii) governance; and
 - (iii) financial analysis and management.

14 General duties of members

- (1) A member of Te Mana Whakahaere may not contravene, or cause the contravention of, or agree to Te Mana Whakahaere contravening, the Act or this order.
- (2) When acting as a member,—
- (a) a member must do all of the following:

- (i) give expression to Ngā Kaupapa Here o Te Wānanga o Raukawa; and
 - (ii) act with honesty and integrity; and
 - (iii) act in the interests of Te Mana Whakahaere as a whole; and
 - (iv) act in a manner that promotes the functions of Te Wānanga o Raukawa and the duties of Te Mana Whakahaere; and
 - (v) act in good faith and not pursue the member's own interests at the expense of the interests of Te Mana Whakahaere; and
 - (b) a member must exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account—
 - (i) the nature of Te Mana Whakahaere; and
 - (ii) the nature of the action; and
 - (iii) the position of the member and the nature of the responsibilities undertaken by the member.
- (3) A member must comply with any code of conduct for members issued by Te Mana Whakahaere.
- (4) A member who has information in their capacity as a member that would not otherwise be available to them may not disclose the information to any person, or make use of, or act on, the information, except—
- (a) in the performance of functions of Te Mana Whakahaere; or
 - (b) as required or permitted by law; or
 - (c) where a representative member is fulfilling their obligations to report back to their respective iwi and the disclosure, use, or act in question does not, or is unlikely to, prejudice Te Mana Whakahaere; or
 - (d) if the member is first authorised to do so by Te Mana Whakahaere and the disclosure, use, or act in question does not, or is unlikely to, prejudice Te Mana Whakahaere.

15 Additional duties of representative members

- (1) The representative members of each representative body must—
- (a) consult, through their representative body, the iwi the representative body represents on the matters specified in clause 33(1); and
 - (b) ensure that the views of the iwi are conveyed to Te Mana Whakahaere.
- (2) The representative members of each representative body must—
- (a) provide, at least once every year, a report on the activities and operational performance of Te Wānanga o Raukawa to their representative body; and
 - (b) seek, at least once every 3 years, confirmation of the iwi aspirations for Te Wānanga o Raukawa.

- (3) Te Mana Whakahaere must ensure that a representative member is provided with any reasonable support or resources required to undertake the required consultation.

16 Term of office

- (1) A member of Te Mana Whakahaere who a representative body has nominated—
 - (a) may serve for a term that the representative body has determined, but the term may not exceed 10 years; and
 - (b) may be renominated and reappointed (without limitation).
- (2) An additional member who Te Mana Whakahaere appoints—
 - (a) may serve for a term that Te Mana Whakahaere has determined, but the term may not exceed 6 years; and
 - (b) may be reappointed (without limitation), but may not serve as an additional member for more than 18 consecutive years.
- (3) However, a person who has served 18 consecutive years as an additional member may serve again if the person has not served as an additional member for at least 3 years before being appointed again.
- (4) Despite subclause (1)(a) or (2)(a), if the term of a member ends before their successor's term begins, the member continues to serve until their successor's term begins.
- (5) Subclause (4) does not apply if—
 - (a) the departure of the member would not leave Te Mana Whakahaere with less than 7 members; or
 - (b) Te Mana Whakahaere, in the case of a departing additional member, has not appointed a successor.

17 Removal of representative member

- (1) Te Mana Whakahaere must remove a member of Te Mana Whakahaere who a representative body has nominated if the representative body gives Te Mana Whakahaere written notice that it has, for any reason, rescinded the nomination of the member.
- (2) The notice must specify—
 - (a) the name of the member whose nomination is rescinded; and
 - (b) the date on which the nomination is rescinded (which may be no earlier than the date on which the notice is given).
- (3) After receiving the notice, Te Mana Whakahaere—
 - (a) must remove the member at its next meeting; and

- (b) must, as soon as practicable, give written notice to the relevant member, Te Taumatua, and each representative body of the member's removal and the date of the removal.
- (4) If Te Mana Whakahaere considers that the actions of a member who a representative body has nominated justify the member's removal for just cause, it must provide the representative body with an oral report and a written report that—
 - (a) states its reasons for believing that the actions of the member justify the member's removal; and
 - (b) provides the information in support of those reasons; and
 - (c) invites the representative body to rescind the member's nomination.
- (5) Despite anything in subclauses (1) to (4), Te Mana Whakahaere may, by resolution, remove a member who a representative body has nominated if the member—
 - (a) fails to attend 2 consecutive meetings of Te Mana Whakahaere without having given Te Amokapua prior notice of the member's inability to attend the meetings concerned; or
 - (b) fails, without reasonable excuse, to comply with the requirements of the Act that relate to disclosure of interests; or
 - (c) becomes ineligible to be a member of Te Mana Whakahaere.
- (6) If a member is removed by resolution, Te Amokapua must provide the member with—
 - (a) a written copy of the resolution; and
 - (b) a written statement setting out the reason or reasons for being removed.
- (7) If a member is removed under this clause, the representative body that nominated that member must nominate another member in their place as soon as practicable.
- (8) For the purposes of subclause (4), **just cause** includes (without limitation) misconduct, inability to perform the functions of office, neglect of duty, and any serious breach of the collective duties of Te Mana Whakahaere or the individual duties of members.

18 Removal of additional member

- (1) If Te Mana Whakahaere considers that the actions of an additional member justify the member's removal for just cause, Te Mana Whakahaere may, by resolution, rescind the appointment of the additional member.
- (2) A copy of the notice must be provided to Te Taumatua and each representative body.
- (3) Despite subclause (1), Te Mana Whakahaere may, by resolution, remove an additional member if the member—

- (a) fails to attend 2 consecutive meetings of Te Mana Whakahaere without having given Te Amokapua prior notice of the member's inability to attend the meetings concerned; or
 - (b) fails, without reasonable excuse, to comply with the requirements of the Act that relate to disclosure of interests; or
 - (c) becomes ineligible to be a member of Te Mana Whakahaere.
- (4) If a member is removed by resolution, Te Amokapua must provide the member with—
- (a) a written copy of the resolution; and
 - (b) a written statement setting out the reason or reasons for being removed.
- (5) If a member is removed under this clause, Te Mana Whakahaere may appoint another member in their place.
- (6) For the purposes of subclause (1), **just cause** includes (without limitation) misconduct, inability to perform the functions of office, neglect of duty, and any serious breach of the collective duties of Te Mana Whakahaere or the individual duties of members.

19 Removal process to be least formal and technical permitted

Te Mana Whakahaere may remove a member under clause 17 or 18 with the least formality and technicality permitted under—

- (a) Ngā Kaupapa Here o Te Wānanga o Raukawa; and
- (b) the principles of natural justice; and
- (c) the applicable requirements of clause 17 or 18.

20 Resignation and suspension of members

- (1) A member of Te Mana Whakahaere (other than Te Tumuaki) may resign from Te Mana Whakahaere by giving written notice to Te Amokapua and any relevant representative body that—
- (a) is signed by the member; and
 - (b) specifies the date on which the resignation takes effect.
- (2) Te Mana Whakahaere may, by resolution, suspend a member if the member is subject to a property order under section 30 of the Protection of Personal and Property Rights Act 1988.
- (3) If a member is suspended by resolution, Te Amokapua must provide the member, Te Taumatua, and each representative body with—
- (a) a written copy of the resolution; and
 - (b) a written statement setting out the reason or reasons for being suspended.
- (4) If a member of Te Mana Whakahaere is suspended,—

- (a) the suspension has effect as if the member had been granted leave of absence; and
 - (b) the member may not act as a member during the period of suspension; and
 - (c) the suspension continues until the property order made under section 30 of the Protection of Personal and Property Rights Act 1988 ceases to be in force.
- (5) The suspension of a member does not affect any powers that Te Mana Whakahaere has in relation to the member.

21 No compensation for loss of office

A member of Te Mana Whakahaere is not entitled to any compensation, or other payment or benefit, relating to the member ceasing for any reason to be a member of Te Mana Whakahaere.

Meetings of Te Mana Whakahaere

22 Election of Te Amokapua and Te Amokapua Tuarua

- (1) Te Mana Whakahaere must, by resolution at its first meeting, elect—
- (a) 1 of its members to be Te Amokapua; and
 - (b) 1 other of its members to be Te Amokapua Tuarua.
- (2) The resolution must state the period for which the member is elected (which must not exceed the term of the member's appointment to Te Mana Whakahaere).
- (3) At any given time, at least 1 of the 2 members elected must be a representative member.
- (4) If the period for which a member is elected as Te Amokapua or Te Amokapua Tuarua expires before a successor is elected, the member continues in office until a successor is elected.
- (5) If the position of Te Amokapua or Te Amokapua Tuarua becomes vacant, Te Mana Whakahaere must, as soon as practicable, elect a member to fill the vacancy.
- (6) The following persons are not eligible for election as Te Amokapua or Te Amokapua Tuarua:
- (a) Te Tumuaki;
 - (b) a member of the staff of Te Wānanga o Raukawa;
 - (c) a student of Te Wānanga o Raukawa.
- (7) If Te Amokapua is unable to perform or exercise their functions, duties, or powers for any reason, Te Amokapua Tuarua assumes responsibility for performing or exercising those functions, duties, or powers.

23 Te Amokapua to convene and preside over meetings

- (1) Te Amokapua must convene the meetings they think necessary for the efficient performance of the functions of Te Mana Whakahaere.
- (2) Te Amokapua must, in any event,—
 - (a) convene a meeting at least once every 3 months; and
 - (b) convene a meeting if requested by written notice by not fewer than 3 members of Te Mana Whakahaere.
- (3) Te Amokapua may convene meetings to be held at the places and times that Te Amokapua determines.
- (4) Te Amokapua must preside at all meetings at which they are present.
- (5) If, for any reason, Te Amokapua is unavailable, Te Amokapua Tuarua has the powers and duties of Te Amokapua under subclauses (1) to (4).
- (6) If, for any reason, both Te Amokapua and Te Amokapua Tuarua are unavailable, the members present must appoint a member to preside over the meeting.

24 Conduct of meetings

- (1) Meetings of Te Mana Whakahaere may be held by means of electronic communication if—
 - (a) each member who wishes to participate in the meeting has access to the technology needed to participate in the meeting; and
 - (b) a quorum of members can simultaneously communicate with each other throughout the meeting.
- (2) If a meeting is held by means of electronic communication in accordance with this clause, each member who participates in the meeting is present at the meeting for the purposes of transacting any business.
- (3) No business may be transacted at a meeting unless a quorum of members is present.
- (4) Te Mana Whakahaere must aim to resolve every matter at a meeting by consensus if possible.
- (5) Te Mana Whakahaere may otherwise determine its own procedures.
- (6) In this clause, a **quorum of members** means a majority of members, but must include at least 1 representative member appointed by each of the representative bodies.

*Resignation or cessation***25 Resignation or cessation of Te Amokapua or Te Amokapua Tuarua**

Te Amokapua or Te Amokapua Tuarua—

- (a) may resign as Te Amokapua or Te Amokapua Tuarua by giving written notice signed by them to Te Mana Whakahaere:

- (b) ceases to hold office as Te Amokapua or Te Amokapua Tuarua if—
 - (i) they cease to be a member of Te Mana Whakahaere; or
 - (ii) they become Te Tumuaki or a member of the staff or a student of the institution; or
 - (iii) Te Mana Whakahaere passes a resolution to remove them as Te Amokapua or Te Amokapua Tuarua.

Functions, duties, and powers of Te Mana Whakahaere

26 General functions and duties of Te Mana Whakahaere

- (1) The functions of Te Mana Whakahaere are—
 - (a) to prepare and submit a proposed plan where Te Wānanga o Raukawa is seeking funding under a funding mechanism that provides for funding via plans; and
 - (b) if Te Wānanga o Raukawa has a plan,—
 - (i) to ensure that Te Wānanga o Raukawa is managed in accordance with that plan; and
 - (ii) to determine the policies to implement that plan; and
 - (c) to determine the policies of Te Wānanga o Raukawa in relation to the management of its affairs; and
 - (d) to undertake planning relating to the long-term strategic direction of Te Wānanga o Raukawa in accordance with its functions and purpose; and
 - (e) to act through its representative members and additional members (if any)—
 - (i) to appoint Te Tumuaki; and
 - (ii) to monitor and evaluate the performance of Te Tumuaki.
- (2) Te Mana Whakahaere, as a whole, must—
 - (a) strive to ensure that Te Wānanga o Raukawa attains the highest standards of excellence in education, training, and whakatupu mātauranga activity; and
 - (b) give effect to Ngā Kaupapa Here o Te Wānanga o Raukawa; and
 - (c) strive to achieve a balance between tino rangatiratanga and kāwanatanga in a manner consistent with te Tiriti o Waitangi/the Treaty of Waitangi; and
 - (d) encourage the greatest possible participation by the communities served by Te Wānanga o Raukawa, with particular emphasis on groups in those communities that are under-represented among the students of Te Wānanga o Raukawa; and

- (e) ensure that Te Wānanga o Raukawa does not discriminate unfairly against any person; and
- (f) ensure that Te Wānanga o Raukawa operates in a financially responsible manner that ensures the efficient use of resources and maintains the long-term viability of Te Wānanga o Raukawa; and
- (g) ensure that Te Wānanga o Raukawa operates in a manner that ensures accountability for the effective governance and administration of Te Wānanga o Raukawa by reporting and auditing its performance annually; and
- (h) ensure that the highest standards of integrity and conduct are maintained, consistent with its role as a public education provider.

27 Duty to issue statement of strategic direction

- (1) Te Mana Whakahaere must, at least every 3 years, issue a statement setting out its strategic direction for the next 5 to 10 years.
- (2) Te Mana Whakahaere must take into account any statement setting out the desired strategic direction for Te Wānanga o Raukawa that—
 - (a) a representative body issues;
 - (b) the ART Confederation issues.
- (3) The statement must set out (without limitation)—
 - (a) how Te Mana Whakahaere intends to give effect to the purpose of Te Wānanga o Raukawa; and
 - (b) how Te Mana Whakahaere intends to give effect to the aspirations of the hapū and iwi of the ART Confederation; and
 - (c) how Te Mana Whakahaere intends to perform its functions; and
 - (d) how Te Mana Whakahaere intends to use or leverage the capital assets and other resources of Te Wānanga o Raukawa to achieve the goals and objectives set out in the statement; and
 - (e) how Te Mana Whakahaere intends to give effect to the relevant parts of the tertiary education strategy issued under section 7 of the Act; and
 - (f) the performance measures Te Mana Whakahaere will use to assess its performance against the goals and objectives set out in the statement.
- (4) Before finalising and issuing the statement, Te Mana Whakahaere must—
 - (a) engage with students and staff to develop the proposed statement; and
 - (b) consult the following on the proposed statement:
 - (i) each representative body; and
 - (ii) Te Taumatua; and

- (iii) any persons or bodies that Te Mana Whakahaere considers on reasonable grounds to have an interest in, or be affected by, the activities of Te Wānanga o Raukawa.
- (5) Te Taumatua may direct Te Mana Whakahaere to amend any provision in the draft statement that relates to—
- (a) the scope or nature of the intended operations of Te Wānanga o Raukawa; and
 - (b) the performance measures that will be used to assess the performance of Te Wānanga o Raukawa against the goals and objectives set out in the statement; and
 - (c) how Te Wānanga o Raukawa proposes to assess its performance in relation to its strategic direction.
- (6) Te Mana Whakahaere must, as soon as practicable after the statement is finalised,—
- (a) provide Te Taumatua with a copy of the statement; and
 - (b) publish a copy of the statement on an Internet site maintained by or on behalf of Te Wānanga o Raukawa.
- (7) Te Taumatua may, if it considers it necessary or desirable, require Te Mana Whakahaere to prepare a new statement of strategic direction at any time.

28 Duty to prepare financial statements

- (1) The financial year of Te Wānanga o Raukawa is an academic year.
- (2) As soon as practicable after the end of each financial year, Te Mana Whakahaere must prepare financial statements in relation to Te Wānanga o Raukawa for that financial year.
- (3) The financial statements must—
- (a) comply with generally accepted accounting practice, within the meaning of section 8 of the Financial Reporting Act 2013; and
 - (b) include any other information or explanations needed to fairly reflect the financial operations and financial position of Te Wānanga o Raukawa; and
 - (c) include the forecast financial statements prepared at the start of the financial year, for comparison with the actual financial statements.

29 Duty to provide annual report

- (1) As soon as practicable after the end of each academic year, Te Mana Whakahaere must give an annual report on the operations of Te Wānanga o Raukawa during that year to—
- (a) each representative body; and
 - (b) Te Taumatua; and

- (c) the Minister.
- (2) The annual report must include all of the following:
- (a) a statement of the progress that Te Mana Whakahaere has made towards achieving the goals and objectives set out in its statement of strategic direction:
 - (b) a statement of service performance for the financial year that—
 - (i) reports on the performance of Te Wānanga o Raukawa compared with the proposed outcomes from the programmes and activities described in a plan that—
 - (A) Te Mana Whakahaere has approved; or
 - (B) has funding approval under section 425 of the Act:
 - (ii) is prepared in accordance with generally accepted accounting practice, within the meaning of section 8 of the Financial Reporting Act 2013:
 - (c) a statement of educational performance:
 - (d) the annual financial statements for Te Wānanga o Raukawa:
 - (e) a statement of responsibility that Te Amokapua and Te Tumuaki have signed and that contains (without limitation) all of the following:
 - (i) a statement of the signatories' responsibility for the preparation of the financial statements and statement of service performance and for the judgments in them; and
 - (ii) a statement of the signatories' responsibility for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting; and
 - (iii) a statement that, in the opinion of the signatories, the financial statements and statement of performance for the financial year fairly reflect the financial position and operations of Te Wānanga o Raukawa:
 - (f) a statement of the number of employees or former employees (including Te Tumuaki) of Te Wānanga o Raukawa who, in their capacity as employees, received remuneration of \$100,000 or more (including compensation or other benefits) in the year to which the report relates and the number of those employees or former employees in each bracket of remuneration in \$10,000 increments:
 - (g) a copy of the audit report specified in section 398R(3)(b) of the Act.
- (3) Te Mana Whakahaere must publish a copy of the annual report on an Internet site maintained by or on behalf of Te Wānanga o Raukawa.

30 Duty to provide for efficient banking arrangements

- (1) Te Mana Whakahaere must ensure that the policies and procedures of Te Wānanga o Raukawa provide for efficient banking arrangements—
 - (a) within an effective control environment; and
 - (b) subject to audit and reporting on a regular basis.
- (2) Te Mana Whakahaere must ensure that appropriate delegations are in place for Te Tumuaki to carry out the day-to-day financial management of Te Wānanga o Raukawa.

31 Duty to maintain accounting records

- (1) Te Mana Whakahaere must ensure that Te Wānanga o Raukawa maintains accounting records that—
 - (a) correctly record and explain the transactions of Te Wānanga o Raukawa; and
 - (b) enable the financial position of Te Wānanga o Raukawa to be determined with reasonable accuracy at any time; and
 - (c) enable the members of Te Mana Whakahaere to ensure that the financial statements of Te Wānanga o Raukawa comply with the requirements for the financial statements; and
 - (d) enable the financial statements of Te Wānanga o Raukawa to be promptly and efficiently audited.
- (2) The accounting records must be—
 - (a) in writing; or
 - (b) recorded in a manner in which they are easily accessible and convertible into written or electronic form.

32 Power to invest

Te Mana Whakahaere may—

- (a) invest money held by Te Wānanga o Raukawa in any securities; and
- (b) sell, or convert into money, any such securities.

33 Power to acquire, dispose of, or charge certain assets is subject to consultation

- (1) Te Mana Whakahaere may exercise the following powers only after consultation with each representative body:
 - (a) the power to sell or otherwise dispose of land or interests in land within the rohe of the ART Confederation;
 - (b) the power to acquire or dispose of land or interests in land outside the rohe of the ART Confederation;
 - (c) the power to dispose of or distribute taonga of Te Wānanga o Raukawa:

- (d) the power to mortgage or otherwise charge assets or interests in assets.
- (2) However, the requirement to consult does not apply where the exercise of powers is consistent with the activities set out in the statement of strategic direction.

Part 4

Te Tumuaki

Appointment of Te Tumuaki

34 Appointment of Te Tumuaki

- (1) Te Mana Whakahaere must—
 - (a) appoint a person as Te Tumuaki; and
 - (b) have regard to the general functions and duties of Te Tumuaki specified in clause 35 when making the appointment; and
 - (c) make the appointment as provided in subclause (2).
- (2) If the position of Te Tumuaki is vacant or a vacancy is pending, Te Mana Whakahaere must—
 - (a) advertise the position of Te Tumuaki in a manner that enables suitably qualified persons to apply; and
 - (b) interview the applicants for the position; and
 - (c) consider any advice regarding the applicants and the appointment that Te Mana Whakahaere may seek and receive from individuals and organisations that Te Mana Whakahaere considers appropriate.

Functions, duties, and powers of Te Tumuaki

35 General functions and duties of Te Tumuaki

- (1) Te Tumuaki must manage the academic and administrative affairs of Te Wānanga o Raukawa.
- (2) Te Tumuaki must—
 - (a) discharge the specific responsibilities placed on Te Tumuaki, including (without limitation) the responsibility for leading the development and implementation of programmes and activities that give effect to the functions and purposes of Te Wānanga o Raukawa; and
 - (b) give expression to Ngā Kaupapa Here o Te Wānanga o Raukawa; and
 - (c) imbue the employees with a spirit of service to Te Wānanga o Raukawa and to the community it serves; and

- (d) demonstrate a sound understanding of Whakatupuranga Rua Mano and a commitment to achieving the purpose and functions of Te Wānanga o Raukawa; and
- (e) form strong iwi relationships, particularly with the ART Confederation; and
- (f) promote efficiency; and
- (g) manage Te Wānanga o Raukawa in a responsible manner that reflects the importance of academic freedom, accountability, and the proper use of resources; and
- (h) ensure appropriate standards of integrity and conduct among employees and the well-being of students attending Te Wānanga o Raukawa; and
- (i) ensure that Te Wānanga o Raukawa is a good employer; and
- (j) promote equal employment opportunities.

36 General powers of Te Tumuaki

Te Tumuaki has all powers reasonably necessary to enable them to perform their functions and duties efficiently and effectively.

37 Delegation by Te Tumuaki

- (1) Te Tumuaki may, either generally or specifically, delegate any of their functions or powers to any member of the staff of Te Wānanga o Raukawa.
- (2) A delegation by Te Tumuaki—
 - (a) must be in writing signed by Te Tumuaki; and
 - (b) is revocable at will in writing signed by Te Tumuaki.
- (3) A person purporting to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (4) A delegation does not prevent Te Tumuaki from performing any function or exercising any power, or affect the responsibility of Te Tumuaki for the actions of any person acting under the delegation.

38 Te Tumuaki acts as employer

- (1) Te Tumuaki has all the rights, duties, and powers of an employer in respect of employees of Te Wānanga o Raukawa.
- (2) Te Tumuaki must—
 - (a) act independently when making decisions on employment matters, including matters relating to the appointment, promotion, demotion, transfer, disciplining, or cessation of the employment of any employee; and
 - (b) give preference to the person who is best suited to the position when making an appointment; and

- (c) when practicable, advertise permanent positions in a manner that enables suitably qualified persons to apply.
- (3) Te Tumuaki must—
 - (a) give expression to Ngā Kaupapa Here o Te Wānanga o Raukawa; and
 - (b) operate an employment policy that complies with the principle of being a good employer; and
 - (c) make that policy (including the equal employment opportunities programme) available to its employees; and
 - (d) ensure that Te Wānanga o Raukawa complies with that policy (including its equal employment opportunities programme) and includes in its annual report a report on the extent of its compliance.
- (4) In this clause, **good employer** means an employer who operates an employment policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—
 - (a) good and safe working conditions; and
 - (b) an equal employment opportunities programme; and
 - (c) the impartial selection of suitably qualified persons for appointment; and
 - (d) recognition of the aims and aspirations and employment requirements, and the cultural differences, of ethnic or minority groups; and
 - (e) recognition of the employment requirements of women; and
 - (f) recognition of the employment requirements of persons with disabilities.
- (5) In addition to the requirements specified above, Te Tumuaki must ensure that all employees maintain proper standards of integrity, conduct, and concern for—
 - (a) the position of Te Wānanga o Raukawa as a public education provider; and
 - (b) the well-being of the students of Te Wānanga o Raukawa.

Part 5

Oversight by Te Taumatua

Powers of Te Taumatua in relation to Te Wānanga o Raukawa

39 Risk assessment

- (1) Te Taumatua—
 - (a) must determine and apply criteria for assessing the level of risk to—
 - (i) the operation and long-term viability of Te Wānanga o Raukawa; and

- (ii) the education and training performance of students enrolled at Te Wānanga o Raukawa:
 - (b) may amend the criteria.
- (2) Te Taumatua must,—
 - (a) before determining or amending the criteria, consult Te Mana Whakahaere in respect of the proposed criteria or amendment; and
 - (b) before applying the criteria, inform Te Mana Whakahaere of the criteria.

40 Te Mana Whakahaere to report to Te Taumatua

Te Mana Whakahaere must report regularly to Te Taumatua on operational and financial matters on the basis that Te Taumatua specifies.

41 Power to require additional information or reports

- (1) Te Taumatua may, by written notice to Te Mana Whakahaere, require Te Mana Whakahaere to provide specified information or reports about the operation, management, or financial position of Te Wānanga o Raukawa.
- (2) Before giving a notice under subclause (1), Te Taumatua must be satisfied that providing the information or reports is necessary or desirable to enhance the accountability of Te Wānanga o Raukawa to the ART Confederation.
- (3) Te Mana Whakahaere must provide Te Taumatua with the required information or reports within the period or at the time specified in the notice.
- (4) Te Taumatua may revoke or amend any notice given under subclause (1).

42 Power to appoint observer

- (1) Te Taumatua may appoint 1 or more observers to Te Mana Whakahaere if Te Taumatua believes on reasonable grounds, after applying the criteria described in clause 39(1)(a), that—
 - (a) the operation or long-term viability of Te Wānanga o Raukawa may be at risk; or
 - (b) the education or training performance of the students enrolled at Te Wānanga o Raukawa may be at risk.
- (2) Before deciding to appoint an observer, Te Taumatua must—
 - (a) consult Te Mana Whakahaere; and
 - (b) advise Te Mana Whakahaere that Te Taumatua is considering appointing an observer; and
 - (c) give Te Mana Whakahaere an opportunity to comment.
- (3) The appointment of an observer must be in writing and state the date on which it takes effect.
- (4) An observer may—
 - (a) attend any meeting of Te Mana Whakahaere; and

- (b) offer advice to Te Mana Whakahaere; and
 - (c) report to Te Taumatua on any matter raised or discussed at any meeting that the observer attends as an observer.
- (5) An observer must always maintain confidentiality with respect to the affairs of Te Mana Whakahaere, except as authorised under subclause (4)(c).
- (6) An observer is not a member of Te Mana Whakahaere and may not—
- (a) vote on any matter; or
 - (b) exercise any of the powers, or perform any of the functions or duties, of a member of Te Mana Whakahaere.

43 Power to require reporting by subsidiary

- (1) A subsidiary of Te Wānanga o Raukawa is not required to prepare separate statements, reports, or accounts unless directed to do so by Te Mana Whakahaere or Te Taumatua.
- (2) Te Taumatua may, by written notice to Te Mana Whakahaere, require a subsidiary of Te Wānanga o Raukawa to prepare separate statements or reports that include 1 or more of the following:
- (a) a statement setting out how each of the business operations and other activities of the subsidiary relates to the functions and purposes of Te Wānanga o Raukawa:
 - (b) a statement of performance expectations setting out all of the following:
 - (i) all of the business operations and activities of the subsidiary proposed for the financial year;
 - (ii) what the business operations and activities of the subsidiary are intended to achieve;
 - (iii) the performance standards that will be used to assess the performance of the subsidiary in relation to its business operations and activities;
 - (iv) how the performance of the subsidiary in relation to its business operations and activities will be assessed;
 - (c) forecast financial statements of the subsidiary setting out—
 - (i) a statement of all significant assumptions underlying the forecast financial statements; and
 - (ii) the expected revenue and proposed expenses for the business operations and activities of the subsidiary; and
 - (iii) any additional information and explanations needed to fairly reflect the forecast financial operations and financial position of the subsidiary;
 - (d) an annual report that includes—

- (i) the annual financial statements; and
 - (ii) a statement of performance prepared in accordance with generally accepted accounting practice, within the meaning of section 8 of the Financial Reporting Act 2013, that sets out the business operations and activities for each subsidiary identified in any statement of performance expectations for the financial year; and
 - (iii) the standards of performance achieved by the subsidiary, compared with the performance standards in any statement of performance expectations for the financial year; and
 - (iv) the actual revenue earned and expenses incurred, compared with the expected revenues and proposed output expenses included in any statement of performance expectations for the financial year.
- (3) A notice under subclause (2) must specify—
- (a) which statements and reports are required; and
 - (b) the financial years or other periods (which may be until further notice) for which each statement or report is required.
- (4) Before issuing a notice, Te Taumatua must—
- (a) consider the operations and functions of the subsidiary; and
 - (b) be satisfied that each statement or report required under the notice is necessary or desirable to enhance the accountability of the subsidiary to the ART Confederation.

44 Power to require reporting by related entities

- (1) If, in the opinion of Te Taumatua, Te Wānanga o Raukawa may be at risk due to an investment in a related entity (excluding a subsidiary), Te Taumatua may, by written notice, require the related entity to prepare 1 or more of the statements or reports described in subclause (3).
- (2) In considering whether Te Wānanga o Raukawa may be at risk, Te Taumatua must apply the criteria described in clause 39(1)(a) for assessing the level of risk to—
- (a) the operation and long-term viability of Te Wānanga o Raukawa; and
 - (b) the education and training performance of its students.
- (3) The statements or reports that may be required are—
- (a) a statement setting out how each of the business operations and other activities of the entity relate to the functions and purposes of Te Wānanga o Raukawa; and
 - (b) a statement of performance expectations setting out all of the following—
 - (i) all of the business operations and activities of the entity proposed for a financial year:

- (ii) what the business operations and activities of the entity are intended to achieve;
- (iii) the performance standards that will be used to assess the performance of the entity in relation to its business operations and activities;
- (iv) how the performance of the entity in relation to its business operations and activities will be assessed; and
- (c) forecast financial statements that include—
 - (i) a statement of all significant assumptions underlying the forecast financial statements; and
 - (ii) the expected revenue and proposed expenses for the business operations and activities of the entity; and
 - (iii) any additional information and explanations needed to fairly reflect the forecast financial operations and financial position of the entity; and
- (d) an annual report that includes—
 - (i) the annual financial statements; and
 - (ii) a statement of performance prepared in accordance with generally accepted accounting practice, within the meaning of section 8 of the Financial Reporting Act 2013, that sets out the business operations and activities for each entity identified in any statement of performance expectations for the financial year; and
 - (iii) the standards of performance achieved by the entity, compared with the performance standards in any statement of performance expectations for the financial year; and
 - (iv) the actual revenue earned and expenses incurred, compared with the expected revenues and proposed output expenses included in any statement of performance expectations for the financial year.
- (4) Before issuing a notice under subclause (1), Te Taumatua must consult Te Mana Whakahaere.
- (5) The notice must specify—
 - (a) which statements and reports are required; and
 - (b) the financial years or other periods (which may be until further notice) for which each statement or report is required.

45 Power to require Te Mana Whakahaere to obtain specialist help

- (1) Te Taumatua may, by written notice to Te Mana Whakahaere, require it to obtain specialist help if Te Taumatua believes on reasonable grounds, after applying the criteria described in clause 39(1)(a), that—
 - (a) Te Wānanga o Raukawa may be at risk; or

- (b) the education and training performance of the students enrolled at Te Wānanga o Raukawa may be at risk.
- (2) The notice must state—
 - (a) the help or kind of help to be obtained; and
 - (b) the person or organisation, or kind of person or organisation, from whom or from which it is to be obtained.
- (3) Te Mana Whakahaere must comply with the notice as soon as practicable after receiving it.
- (4) Te Mana Whakahaere must—
 - (a) provide the information and access, and do all other things, reasonably necessary to enable the person or organisation engaged to provide the help; and
 - (b) to the extent that the help provided is advice, take the advice into account in performing its functions and duties; and
 - (c) pay the person’s or organisation’s reasonable fees and expenses.

46 Power to require performance improvement plan

- (1) Te Taumatua may, by written notice to Te Mana Whakahaere, require Te Mana Whakahaere to draft a performance improvement plan for Te Wānanga o Raukawa if Te Taumatua believes on reasonable grounds, after applying the criteria described in clause 39(1)(a), that—
 - (a) Te Wānanga o Raukawa may be at risk; or
 - (b) the education or training performance of the students enrolled at Te Wānanga o Raukawa may be at risk.
- (2) The notice must state—
 - (a) the matters to be addressed by the draft plan; and
 - (b) the outcomes that implementation of the draft plan is intended to achieve; and
 - (c) the times by which those outcomes should be achieved; and
 - (d) the performance measures that are to be used to determine whether those outcomes have been achieved; and
 - (e) the date by which the draft plan must be given to Te Taumatua.
- (3) If Te Mana Whakahaere receives a notice under subclause (1), it must—
 - (a) draft a plan that complies with the requirements in the notice; and
 - (b) give the draft plan to Te Taumatua by the stated date.
- (4) Te Taumatua may—
 - (a) approve the draft plan prepared by Te Mana Whakahaere; or

- (b) after considering the draft plan, approve a modified version of the draft plan or a different plan that complies with the requirements in the notice.
- (5) If Te Mana Whakahaere does not comply with subclause (3), Te Taumatua may instead approve any plan that complies with the requirements in the notice that Te Taumatua thinks fit.
- (6) Te Taumatua may not approve a performance improvement plan that is different from the draft plan given to Te Taumatua without first consulting Te Mana Whakahaere.
- (7) Te Mana Whakahaere must take all reasonably practicable steps to put in place and implement a plan approved under this clause.
- (8) If a performance improvement plan is in place, Te Taumatua must—
 - (a) advise the chief executive of the TEC; and
 - (b) provide that chief executive with a copy of the plan.

47 Power to dissolve Te Mana Whakahaere and appoint Matapopore

- (1) Te Taumatua may, by written notice to Te Mana Whakahaere, dissolve Te Mana Whakahaere and appoint 1 or more Matapopore to act in place of Te Mana Whakahaere if Te Taumatua believes on reasonable grounds that—
 - (a) there is a serious risk to the operation or long-term viability of Te Wānanga o Raukawa; and
 - (b) other methods of reducing the risk have failed or appear likely to fail.
- (2) However, before giving a notice under subclause (1), Te Taumatua must—
 - (a) advise the Minister and the chief executive of the TEC that they are considering dissolving Te Mana Whakahaere and appointing Matapopore; and
 - (b) consult Te Mana Whakahaere, each representative body, and any other interested parties over the possible need to dissolve Te Mana Whakahaere and appoint Matapopore; and
 - (c) following that consultation, give Te Mana Whakahaere written notice of any preliminary decision that Te Mana Whakahaere should be dissolved and Matapopore appointed in its place; and
 - (d) allow Te Mana Whakahaere at least 21 days in which to respond to the preliminary decision; and
 - (e) consider any submissions made by Te Mana Whakahaere about why the preliminary decision should not be confirmed.
- (3) A notice under subclause (1) must specify—
 - (a) the date on which the dissolution and appointment take effect; and
 - (b) the name of the person or persons appointed as Matapopore.

- (4) As soon as practicable after giving a notice, Te Taumatua must notify the dissolution of Te Mana Whakahaere to the chief executive of the TEC and the Minister.
- (5) Te Taumatua must review the appointment of each Matapopore at least once in every 12 months after the appointment takes effect.
- (6) If Te Taumatua considers that the appointment of Matapopore is no longer necessary, a new Te Mana Whakahaere must be established in accordance with this order.
- (7) The appointment of Matapopore ends on the close of the day before a new Te Mana Whakahaere is established.
- (8) Te Wānanga o Raukawa must pay the reasonable fees and expenses of the Matapopore.
- (9) For the purpose of this clause, there is a **serious risk to the operation or long-term viability of Te Wānanga o Raukawa** if—
 - (a) Te Wānanga o Raukawa is, or is at risk of being, unable to pay its debts as they become due in the normal course of business; and
 - (b) according to the risk criteria developed by Te Taumatua, there is a serious level of risk to the operation or long-term viability of Te Wānanga o Raukawa.

48 Functions, duties, and powers of Matapopore

- (1) The appointed Matapopore has all the functions, duties, and powers of Te Mana Whakahaere, and must perform or exercise those functions, duties, and powers in accordance with the Act and this order.
- (2) The appointed Matapopore replaces all Te Mana Whakahaere members (except Te Tumuaki) who serve on any committee as representatives of Te Mana Whakahaere.
- (3) To avoid doubt, a person on a committee to which subclause (2) applies who is not a member of Te Mana Whakahaere may continue to serve on the committee.
- (4) If 1 Matapopore is appointed, the Matapopore may make decisions on their own.
- (5) If 2 Matapopore are appointed, the Matapopore must make decisions by consensus.
- (6) If 3 or more Matapopore are appointed, the Matapopore should strive for consensus, but if consensus cannot be reached they may make decisions by majority vote.
- (7) If a thing may be done by or behalf of Te Mana Whakahaere only under the signature of 2 or more members of Te Mana Whakahaere, the thing may be done,—

- (a) in the case of 1 Matapopore, under the signature of 1 Matapopore:
- (b) in the case of 2 Matapopore, under the signature of both Matapopore:
- (c) in the case of 3 or more Matapopore, under the signature of a majority of the Matapopore.

49 Personal liability of Matapopore

A Matapopore is not personally liable for an act the Matapopore has done or omitted to do, or for any loss arising from that act or omission, if the Matapopore was acting—

- (a) in good faith; and
- (b) in the course of performing or exercising their functions, duties, or powers.

**Part 6
Miscellaneous**

50 Powers may be exercised concurrently

To avoid doubt, the powers conferred by this order may be exercised concurrently.

51 Revocation

The Education (Te Wananga o Raukawa) Order 1993 (SR 1993/184) is revoked.

Āpitianga 1

Ngā whakataunga whakawhiti, ngā whakataunga pupuri, ngā whakataunga whai pānga hoki

cl 4

Wāhanga 1

Ngā whakataunga e pā ana ki tēnei whakahau kua oti nei te mahi

1 Te kopounga mema ki Te Mana Whakahaere tuatahi

- (1) Mō te kopounga mema ki Te Mana Whakahaere tuatahi, ka taea e ia whakahaere whakakanohi e whai kawenga ana ki te tautapa mema ki Te Mana Whakahaere te kopou te tokomaha e hiahiaitia ana i raro i te rārangi 11 mehemea e tau ana ōna whakaaro ka tutuki i taua tangata, i aua tāngata rānei, ngā herenga o te wehenga 398K o te Ture me te rārangi 13.
- (2) Ka mana te kopounga o te mema ki Te Mana Whakahaere tuatahi hei te mea tōmuri ake o ēnei—
 - (a) te rā ka kopoua ai te kopounga; me
 - (b) te rā tīmata.
- (3) Me tuku pānui ā-tuhituhi ia whakahaere whakakanohi ki Te Tumuaki mō te tangata, mō ngā tāngata rānei ka kopoutia e rātau ki Te Mana Whakahaere tuatahi, me te rā, ngā rā rānei ka tīmata ai te kopounga.
- (4) Mehemea hei te rā tīmata, ka wātea mai tētehi tūranga i Te Mana Whakahaere tuatahi, ka taea e Te Mana Whakahaere—
 - (a) mā te pānui ā-tuhituhi ki tētehi tangata i whai tūranga ki te wānanga momo C i mua tonu i taua rā, te whakamana taua tangata kia tū hei mema o Te Mana Whakahaere kia whakakāia rawatia te tūranga wātea e te whakahaere whakakanohi māna e kopou mema ki taua tūranga; ā
 - (b) me tuku tāruatanga o ia pānui ki te whakahaere whakakanohi e whai kawenga ana ki te kopou i te mema ki te tūranga.
- (5) Ko ngā whakahaere e whai kawenga ana ki te kopou mema ki Te Mana Whakahaere tuatahi, me kopou i te tokomaha o ngā mema e hiahiaitia ana i roto i te 12 marama i muri i te rā tīmata.
- (6) Kāore te rārangi 12 e whai pānga ki te kopounga o tētehi mema ki Te Mana Whakahaere tuatahi.

2 Te hui tuatahi a Te Mana Whakahaere

- (1) Me tuku pānui Te Tumuaki mō te rā ka tū te hui tuatahi a Te Mana Whakahaere hei tōna wā tere ka taea i muri i te 1 o Hānuere 2024.
- (2) Me tū te hui tuatahi a Te Mana Whakahaere i te 1 o Māehe 2024, i mua rānei i taua rā.

Schedule 1

Transitional, savings, and related provisions

cl 4

Part 1

Provisions relating to this order as made

1 Appointment of members to first Te Mana Whakahaere

- (1) For the purpose of making appointments to the first Te Mana Whakahaere, each representative body responsible for nominating members to Te Mana Whakahaere may appoint the number of members required under clause 11 if satisfied that the person or persons meet the requirements of section 398K of the Act and clause 13.
- (2) The appointment of a member to the first Te Mana Whakahaere takes effect on the later of—
 - (a) the date on which the appointment occurs; and
 - (b) the commencement date.
- (3) Each representative body must give written notice to Te Tumuaki of the person or persons appointed to the first Te Mana Whakahaere and the date or dates on which their appointments begin.
- (4) If a vacancy in the first Te Mana Whakahaere exists on the commencement date, Te Mana Whakahaere—
 - (a) may, by written notice to any person who was holding office at the category C wānanga immediately before that day, authorise that person to act as a member of Te Mana Whakahaere until any vacancy is filled by the representative body responsible for appointing the member to fill the vacancy; and
 - (b) must give a copy of each notice to the representative body responsible for appointing the member to fill the vacancy.
- (5) The representative bodies responsible for appointing members to the first Te Mana Whakahaere must appoint the number of members required within 12 months after the commencement date.
- (6) Clause 12 does not apply to the appointment of a member to the first Te Mana Whakahaere.

2 First Te Mana Whakahaere meeting

- (1) Te Tumuaki must give notice of the date of the first Te Mana Whakahaere meeting as soon as practicable after 1 January 2024.
- (2) The first Te Mana Whakahaere meeting must take place on or before 1 March 2024.

Rachel Hayward,
Te Karaka o te Kaunihera Matua/Clerk of the Executive Council.

Kōrero Whakamārama/Explanatory note

Ehara tēnei whakamārama i te wāhanga nō te whakahau, engari māna ka whakamārama i tōna pānga whānui.

Ka huri tēnei whakahau, ka mana ā te 1 o Hānuere 2024, i Te Wānanga o Raukawa i tētehi wānanga e noho ana hei hinonga Karauna (wānanga momo C) kia noho kē he wānanga ehara i te hinonga Karauna (wānanga momo B) i raro i te rārangi 94(2) o te Āpitihanga 1 o te ture te Education and Training Act 2020. Ka whakatakoto mai te whakahau i ngā tikanga whakahaere me ngā tikanga hautū e hāngai ana, tae atu ki ngā mahi, ngā mana me ngā kawenga kua raua atu.

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into effect on 1 January 2024, converts Te Wānanga o Raukawa from a wānanga that is a Crown entity (category C wānanga) to a wānanga that is not a Crown entity (category B wānanga) under clause 94(2) of Schedule 1 of the Education and Training Act 2020. The order sets out the relevant administrative and governance provisions, including the functions, powers, and duties involved.

Ka whakaputahia i raro i te mana o te Ture Whakature 2019/Issued under the authority of the Legislation Act 2019.
Te rā ka pānuitia ki *te Kāhiti*: te 31 Ākuhata 2023/Date of notification in *Gazette*: 31 August 2023.
Ka whakahaeretia tēnei whakahau e Te Tāhuhu o te Mātauranga/This order is administered by the Ministry of Education.