



## MEMORANDUM OF UNDERSTANDING BETWEEN TE RŪNANGA O NGĀTI TOA RANGATIRA INC. AND THE UNIVERSITY OF OTAGO

BETWEEN **TE RŪNANGA O NGĀTI TOA RANGATIRA INC.** is the recognised Māori Authority for Ngāti Toa Rangatira (Ngāti Toa)

AND **THE UNIVERSITY OF OTAGO**, a research-led University founded in 1869 by an ordinance of the Otago Provincial Council

### BACKGROUND

The Treaty of Waitangi (1840) establishes a relationship between Te Kawanatanga as exercised by The Crown and Te Tino Rangatiratanga as exercised by *Iwi*.

Under the Treaty of Waitangi both the Crown and tangata whenua have rights and obligations towards one another as Treaty partners.

- 1.3 **Te Rūnanga O Ngāti Toa Rangatira Inc.** was established to conserve, promote, advance, and assist Toa Rangatiratanga and is the sole representative body and authorised voice of Ngāti Toa to deal with issues affecting the whole of Ngāti Toa.
- 1.4 **The University of Otago**, from its foundation in 1869, has embraced national and international roles with its mission to "advance, preserve and promote knowledge, critical thinking and intellectual independence to enhance the understanding, development and well-being of individuals and society."<sup>1</sup>
- 1.5 The University of Otago, Wellington School of Medicine and Health Sciences was established in 1977 and forms part of the University of Otago's Faculty of Medicine. About 220 fourth, fifth and sixth year medical students and 100 undergraduate medical radiation therapy students attend the School, as well as a similar number of postgraduate students who are involved with diploma courses and research degrees. The School is committed to excellence in research and research informed teaching and places high value in its service to the community and its co-operative and collaborative relationship with stakeholders.

### 2 PURPOSE

- 2.1 Both Ngāti Toa, as the Treaty partner, and the University of Otago agree that the purpose of this Memorandum of Understanding is to formally record the relationship. This Memorandum of Understanding will give effect to Ngāti Toa aspirations and allow the University of Otago to realise its Treaty obligations.

### 3 PRINCIPLES

- 3.1 The partners recognise and respect the statutory autonomy of the other.
- 3.2 Nothing in this Memorandum of Understanding shall erode the principles of academic freedom and the University's role as a critic and conscience of society.
- 3.3 Either partner has the right to enter into other agreements with other iwi and tertiary institutions.
- 3.4 The exercising of kawa<sup>2</sup> and tikanga<sup>3</sup>, within the Ngāti Toa takiwā, is acknowledged, by the University, to lie with Ngāti Toa. The University will seek and receive Ngāti Toa advice about the exercise of that authority.
- 3.5 In areas of mutual interest, the partners will pursue joint developments and evaluation of programmes and initiatives.
- 3.6 In areas of mutual interest, the partners will maintain and enhance existing research developments with the aim of ensuring that such research practices and outcomes contribute to Māori development.
- 3.7 The partners commit to open discussion, positive negotiation and a problem-solving approach to all matters related to fulfilling the purpose of this partnership.
- 3.8 The partners recognise and respect the diverse strengths and contributions each brings to the partnership.
- 3.9 The partners commit themselves to strive for excellence in education for all students.
- 3.10 The partners will have equal status in decision making on all matters related to fulfilling the purpose of this partnership.
- 3.11 The partners undertake to inform the other of new information and developments which could impact on the fulfilling of the purpose of this partnership.
- 3.12 Effective channels of communication and regular opportunities for dialogue and the establishment of formal mechanisms for input are essential to the success of the partnership.

### 4 COMMITMENT TO WORK TOGETHER

- 4.1 Ngāti Toa and the University of Otago wish to subscribe to this Memorandum of Understanding as a statement of their spirit of co-operation and good faith towards one another, whilst mutually acknowledging that this memorandum is not intended to create legally binding relationships between them.
- 4.2 The parties wish to record their mutual understandings of the ways they intend to strengthen their treaty-based relationship in the area of tertiary education provided by the University of Otago.
- 4.3 The parties agree to co-operate in the development and implementation of an agreed Plan that will give effect to the Memorandum of Understanding
- 4.4 Nominees of the University of Otago and Ngāti Toa will meet biennially to review progress on the Plan and to identify priority issues and tasks.

### 5 REVIEW OF THIS MEMORANDUM OF UNDERSTANDING

- 5.1 The Memorandum of Understanding will be reviewed every six years, commencing on 5 May 2008 and terminate on 5 May 2014, unless either party wishes to negotiate an earlier termination.

FOR, AND ON BEHALF OF TE RŪNANGA O NGĀTI TOA RANGATIRA INC.



Date: \_\_\_\_\_

Mr Riki Wineera  
Chairperson

Date: \_\_\_\_\_

Mr Matiu Rei  
Executive Director

FOR, AND ON BEHALF OF THE UNIVERSITY OF OTAGO



Date: \_\_\_\_\_

Mr Lindsay J. Brown  
Chancellor

Date: \_\_\_\_\_

Professor David Skegg  
Vice-Chancellor

<sup>1</sup> University of Otago Charter, 2003 page 1.

<sup>2</sup> *Kawa* derives from the ancient term *tā te kawa* or *tāngā o te kawa* which was the pre-dawn naming ceremony for a new building. In modern Māori, the term *kawa* is frequently used to refer to rituals or protocols related to, but not limited to, the formal welcome of visitors on the marae, which is determined by the Mana Whenua (those indigenous peoples who have control and authority in a particular area) of this area.

<sup>3</sup> *Tikanga* derives from the word *tika*, to be correct and refers to what is accepted as correct customary practice in all Māori contexts, not only on the marae. *Tikanga* is the appropriate behaviour relevant to *kawa* associated with the ritual which is determined by the Mana Whenua.