



**Tertiary Education Report: Amended council constitution for
Te Whare Wānanga o Awanuiārangi**

Date:	3 March 2020	TEC priority:	Medium
Security level:	In Confidence	Report no:	B-20-00124
		Minister's office No:	

ACTION SOUGHT

	Action sought	Deadline
Hon Chris Hipkins Minister of Education	<p>note that an amendment to the constitution has been submitted by the council of Te Whare Wānanga o Awanuiārangi, which will be brought into effect by your publishing a notice in the <i>New Zealand Gazette</i>;</p> <p>sign the enclosed notice for the <i>New Zealand Gazette</i>; and</p> <p>sign and send the enclosed letter to the council Chair of Te Whare Wānanga o Awanuiārangi informing him of publication.</p>	As soon as practicable

Enclosure: Yes, appendices A–B A. Notice for the New Zealand Gazette B. Letter to the council Chair of Te Whare Wānanga o Awanuiārangi	Round Robin: No
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CONTACT FOR TELEPHONE DISCUSSION (IF REQUIRED)

Name	Position	Telephone	1st contact
Gillian Dudgeon	Deputy Chief Executive Delivery	s9(2)(a)	
s9(2)(a)	Principal Advisor, Monitoring and Crown Ownership	s9(2)(a)	✓

THE FOLLOWING DEPARTMENTS/AGENCIES HAVE SEEN THIS REPORT

- CERA DPMC ENZ ERO MBIE MoE MFAT
 MPIA MSD NZQA NZTE TEC TPK Treasury

Minister's Office to Complete: Approved Declined
 Noted Needs change
 Seen Overtaken by Events
 See Minister's Notes Withdrawn

Comments:

Recommendations

Hon Chris Hipkins, Minister of Education

It is recommended that you:

1. **note** that an amendment to the constitution has been submitted by the council of Te Whare Wānanga o Awanuiārangi, which will be brought into effect by you publishing a notice in the New Zealand Gazette;

2. **sign** the enclosed notice for the *New Zealand Gazette*;

AGREE / DISAGREE

3. **sign** and **send** the enclosed letter to the council Chair of Te Whare Wānanga o Awanuiārangi informing him of publication; and

AGREE / DISAGREE

4. **agree** that this briefing is publicly released once the constitution has been published in the *New Zealand Gazette*.

AGREE / DISAGREE



Gillian Dudgeon

Deputy Chief Executive, Delivery
Tertiary Education Commission

3 March 2020



Hon Chris Hipkins

Minister of Education

10 / 3 / 20

Purpose

1. This report asks you to bring into effect amendments to the council constitution for Te Whare Wānanga o Awanuiārangi (Awanuiārangi) and notify the council Chair that you have done so.

Amendment to the constitution – context and background

2. The council/ Te Whakahaere o Awanuiārangi is seeking an amendment to their constitution in the context of the Ministry of Education's work-programme to address wānanga governance. Wānanga are seeking arrangements that better reflect the ethos, heritage and goals of the institutions. This amendment is an interim step while the Ministry works through the long term policy issues and options for governance.
3. Ngāti Awa have a pivotal role in creating and maintaining Awanuiārangi. The settlement of two Treaty claims¹, enabled Awanuiārangi to build a new campus on returned Tribal land. In recognition of this contribution, Ngāti Awa have a significant role in the governance of the wānanga and, under the council constitution, occupy six of the 12 seats on the governing council.
4. The council wishes to enable those council members to retain their seats for another four years, to allow time for new governance arrangements to be agreed and implemented. We recommend that the constitution is amended to provide the same maximum term to all council members.

The amendments increase the number of years a council member may serve

5. The revised constitution provides for increasing the number of terms that a council member may serve to the number that, for that person, allows them to serve for 20 years. The revision also allows any person who was a council member on the date of reconstitution in 2016 to remain until 31 May 2024 (whether they have served for 20 years or not).
6. Agreement to the present constitution was a "compromise solution" in the context of the 2015/16 reforms of university and wānanga governance. The Minister at the time was seeking to limit the maximum number of terms that could be served across both subsectors to more closely align with the accepted standards of good governance.
7. No upper limit exists in the legislation and this is an opportunity to better meet the special circumstances of wānanga governance. It would be in line with your decision on the Constitution of the Te Wānanga o Raukawa in December 2019.

The new constitution complies with the legislation

8. As Minister, you do not have discretion to decline the proposed changes to the constitution, provided that the amendments comply with the legislation. The TEC confirms that the new constitution complies with the Act. There are just four essentials,² and the new constitution reflects those requirements.

¹ Wai-718, Wānanga Capital Establishment claim and Wai-46, the Ngāti Awa raupatu claim

² Name of the council, date that the new constitution comes into effect, number of council members, and maximum number of terms than can be served (this includes terms served before the 2015 legislative changes).

TEC recommends you publish the constitution

9. We recommend that you publish the constitution in the *New Zealand Gazette* as soon as practicable. This would acknowledge that a mainstream model of governance is not necessarily the right fit for wānanga and demonstrate the Government's commitment to resolving the governance issues.

Next steps

10. Appendix A contains the notification to be published in the *New Zealand Gazette*.
11. Attached as Appendix B is the letter to the Chair of Te Whare Wānanga o Awanuiārangi acknowledging his letter dated 12 February 2020 and informing him that the notice will be published in the next available *New Zealand Gazette*.

Appendix A: Notice for the New Zealand Gazette

Notice Number: XXXXX
Year: 2020
Publication Date: TBD
Page Number: TBD
Title: Te Mana Whakahaere o Awanuiārangi Constitution Notice 2020

Pursuant to section 170 of the Education Act 1989 (“Act”), the Minister for Tertiary Education, Skills and Employment hereby gives the following notice.

Notice

This notice may be cited as the Te Mana Whakahaere o Awanuiārangi Constitution Notice 2020.

Preamble

The 2003 Deed of Settlement (“deed”) between Te Whare Wānanga o Awanuiārangi and the Crown acknowledged and recorded the development of a partnership agreement setting out the principles to guide that relationship. The intention of the deed is to enhance the mutual commitment of a constructive future relationship between Te Whare Wānanga o Awanuiārangi and the Crown, in terms of Te Tiriti o Waitangi. It is on this basis that the constitution of the Council of Te Whare Wānanga o Awanuiārangi (“Te Mana Whakahaere o Awanuiārangi”) has been agreed.

Constitution

1. Te Mana Whakahaere o Awanuiārangi shall be composed of up to a total of 12 members, consisting of:
 - a. four members appointed by the Minister; and
 - b. eight members appointed by Te Mana Whakahaere o Awanuiārangi in accordance with its statutes established under section 171C of the Act.
2.
 - a. Subject to clause 2(b), and in accordance with clause 1 of this notice and sections 171D and 173 of the Act, appointments to Te Mana Whakahaere o Awanuiārangi shall be for not less than one year and not more than four years. The number of occasions on which a person may be appointed as a member of Te Mana Whakahaere o Awanuiārangi is the number that, for that person, ensures that the total period for which they are a member does not exceed 20 years.
 - b. Any person who is a member of Te Mana Whakahaere o Awanuiārangi at the date of this notice may be appointed on the number of occasions provided for in clause 2(a) or the number of occasions which allows them to remain on Te Mana Whakahaere o Awanuiārangi until 31 May 2024, whichever is the greater.
3. This constitution shall be established when notice is published in the New Zealand Gazette. The constitution will come into effect on 1 April 2020. This notice will replace the previous constitution established in the notice titled Te Mana Whakahaere o Awanuiārangi Constitution Notice 2016, as published in the New Zealand Gazette, 14 April 2016, No. 31.

Dated at Wellington this 10th day of March 2020.

Hon Chris HIPKINS, Minister of Education.



**Appendix B: Letter to the council Chair of Te Whare Wānanga o
Awanuiārangi**

Hon Chris Hipkins



MP for Rimutaka

Minister of Education
Minister of State Services

Leader of the House
Minister Responsible for Ministerial Services

Dist Prof Sir Hirini Mead
Chairperson
Te Whare Wānanga o Awanuiārangi
Privat Bag 1006
WHAKATANE 3158

Dear Sir Hirini

Thank you for your letter dated 12 February 2020 and for providing me with amendments to the constitution agreed by Te Mana Whakahaere (the council) of Te Whare Wānanga o Awanuiārangi.

In accordance with section 170 of the Education Act 1989, I confirm that the new constitution of Te Mana Whakahaere will come into effect by publication of a notice in the *New Zealand Gazette*. A copy of the signed notice is attached to this letter.

I understand this amendment is agreed as an interim measure while the longer term governance options are worked through.

Your letter also covered the reappointment of Ministerial-appointed council members. Thank you for the background information and for your recommendation to reappoint the present Ministerial appointees.

I intend to consider the reappointment of the Ministerial council members in a few weeks' time, once I have received the recommendations of the council Chairs about the Ministerial appointees at Te Wānanga o Aotearoa and Te Wānanga o Raukawa.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CH', representing Hon Chris Hipkins.

Hon Chris Hipkins
Minister of Education

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