

NGĀTI MUTUNGA O WHAREKAURI IWI TRUST DEED OF MANDATE

MAY 2014

**Wharekauri te moutere
Noninga kumu Taiko e
He pā akeake
Ngana hau au e**

**Puhia e te hau
Uaina e te ua e
Ko Matipo, ko Kopi
Hei whakamāurutanga e**

**Korihi te Tui korari
Koē te weka one e
Ngā mihi whakatau
Maioha e**

**Nau mai ki Te One
Te iti, te rahi e
Ki te takapou whāriki
Whakamaharatanga e**

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NGĀTI MUTUNGA O WHAREKAURI IWI TRUST DEED OF MANDATE

This Deed of Mandate formally demonstrates that the Ngāti Mutunga o Wharekauri Iwi Trust has obtained the mandate to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown to settle the Ngāti Mutunga o Wharekauri Historical Claims.

BACKGROUND

Ngāti Mutunga o Wharekauri Makes Submissions to the Waitangi Tribunal

Ngāti Mutunga o Wharekauri has longstanding claims against the Crown. Claims against the Crown have been expressed through protests made by Ngāti Mutunga o Wharekauri. In particular, those protests have related to the allocation of lands during the sitting of the Native Land Court in 1870 and the subsequent loss in relation to:

- Lands through alienation
- Fishing rights through various acts of Parliament up to 2004
- Reo
- Ngā Tikanga o Ngāti Mutunga.

Section 6 of the Treaty of Waitangi Act 1975 enabled Maori (including Ngāti Mutunga o Wharekauri) to submit claims to the Waitangi Tribunal in respect of acts or omissions on or after the 6th of February 1840 by or on behalf of the Crown that were inconsistent with the principles of Te Tiriti o Waitangi / the Treaty of Waitangi.

- Grouped for Inquiry: Wai 65, 181, 460
- Not Heard But Lodged: Wai 1382

The Waitangi Tribunal between 1994 and 1995 investigated 5 claims concerning Ngāti Mutunga o Wharekauri made to the Waitangi Tribunal under section 6 of the Treaty of Waitangi Act (the “Rekohu Claims”). These claims ran in tandem with claims made by Moriori of Rekohu under:

- Wai 64, 308, 417

The collective Chatham Island claims were eventually grouped under the one collective Wai 64 Rekohu Report.

The Crown's Acknowledgements to the Waitangi Tribunal

The Wai 64 Report of the Waitangi Tribunal

The Waitangi Tribunal issued in May 2001 a report called the "Rekohu Report" giving its preliminary views on the Ngāti Mutunga and Moriori Claims.

Views of the Waitangi Tribunal in Wai 64 Report

The Waitangi Tribunal, in the Wai 64 Report, expressed the following views:

1. The tenure reform brought about by the Native Land Court was contrary to the Treaty. Ngāti Mutunga o Wharekauri suffered prejudicial effects including:
 - Promoting individualism at the expense of whānau / hapū based tikanga
 - Undermining of economic power as a consequence of individualisation of land
 - Fragmentation of ownership and by definition the cultural fabric of Ngāti Mutunga o Wharekauri society
 - Application of the 10 owner rule creating a class of privileged Ngāti Mutunga at the expense of the broader Iwi society
 - Social division as a result of the implementation of the 10 owner rule
 - Accelerating migration from the island
 - Rendering land in to a 'mosaic of strips' creating: fragmented shares, uneconomic interests, useless partitions, exposure to public works act alienation.
2. Continuing crown administration of the island led to the following findings:
 - Wrongful taking of land for public works (see WAI 181 claim – hospital block)
 - Housing provision as a result of the titling system was prejudiced.
3. The Tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri.

4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland 'plunder' that a case may exist for enlarged subsistence marine reserves.

Ngāti Mutunga o Wharekauri Iwi Trust

The introduction of the Ngāti Mutunga o Wharekauri Iwi Trust in 2004 led to the wind down of the Ngāti Mutunga o Wharekauri Trust Incorporated and was to lead to the wind down of Te Rūnanga o Wharekauri/Rekohu Incorporated. Since its ratification in 2004, the Ngāti Mutunga o Wharekauri Iwi Trust has been the governing body for Ngāti Mutunga o Wharekauri. The Trust is also the Mandated Iwi Organisation ("MIO") as set out in the Fisheries Act 1996.

The Ngāti Mutunga o Wharekauri Iwi Trust was established following a hui and postal vote held on 28 September 2004. Ngāti Mutunga o Wharekauri members approved and mandated the Ngāti Mutunga o Wharekauri Iwi Trust to be the MIO and also approved the provisions of the Ngāti Mutunga o Wharekauri Iwi Trust deed.

In 2004 the Trust, in accordance with the Maori Fisheries Act 2004 established an Asset Holding Company ("AHC"), Ngāti Mutunga o Wharekauri Fisheries Limited, to receive, hold, and manage the fisheries assets allocated by Te Ohu Kaimoana.

The Ngāti Mutunga o Wharekauri Iwi Trust Deed provides for up to 7 Trustees and the current trustees are Trust Chair Paula Page, John Kamo, Melodie Fraser, Monique Croon, Dallon Gregory-Hunt, Gail Amaru, and Joseph Thomas.

Following a comprehensive mandating process (outlined in this Deed of Mandate) Ngāti Mutunga o Wharekauri Iwi Trust received the mandate from Ngāti Mutunga o Wharekauri Iwi to negotiate a Proposed Settlement Package and Proposed Post Settlement Governance Entity for ratification by Ngāti Mutunga o Wharekauri. To that end, it is the intention of the Ngāti Mutunga o Wharekauri Iwi Trust to settle all Ngāti Mutunga o Wharekauri Historical Claims.

Definitions

For the purposes of this Deed of Mandate, the following terms have been defined as follows:

<i>Mandate Group</i>	Means the group appointed by Ngāti Mutunga o Wharekauri Iwi, the functions and operations of which shall be set out in the Mandate Group Charter.
<i>Mandate Group Terms of Reference</i>	Means the rules, as approved by Ngāti Mutunga o Wharekauri Iwi Trust governing the functions and operations of the Mandate Group.
<i>Crown</i>	Means the Sovereign in right of New Zealand.
<i>Kaumātua / Kaunihera Kaumātua</i>	Means the group(s) and individuals comprising Ngāti Mutunga o Wharekauri elders who shall provide guidance and advice to the Mandate Group and Ngāti Mutunga o Wharekauri Iwi Trust from time to time.
<i>Mandate</i>	means the authority given by Ngāti Mutunga o Wharekauri Iwi to the Ngāti Mutunga o Wharekauri Iwi Trust to negotiate a Proposed Settlement Package and Proposed Post Settlement Governance Entity for ratification by Ngāti Mutunga o Wharekauri.
<i>Mandating Hui</i>	means the series of hui detailed at page 17 of this Deed of Mandate.
<i>Mandated Representatives</i>	Means the trustees from time to time of the Ngāti Mutunga o Wharekauri Iwi Trust.
<i>Deed of Mandate</i>	Means this document, including all schedules attached hereto.
<i>Minister for Treaty of Waitangi Negotiations</i>	Means the Government minister responsible for Treaty of Waitangi settlement negotiations.
<i>Negotiators</i>	Means individuals appointed by the Ngāti Mutunga o Wharekauri Iwi Trust to conduct settlement negotiations with the Crown.
<i>Ngā Hapū o Wharekauri</i>	Means: <ul style="list-style-type: none">• Ngāti Mutunga o Wharekauri• Ngāti Haumia (ki Wharekauri);

- Ngāti Tama (ki Wharekauri);
- Kekerewai (ki Wharekauri); and
- Those hapū that no longer form distinct communities within Ngāti Mutunga o Wharekauri today but were recognised as hapū who came to Wharekauri in and subsequent to the migration of 1835.

Ngā Marae o Ngāti Mutunga Means:

- Te Pa a Tangaroa
- Whakamaharatanga
- Ngā whare kainga o ngā whānau o Ngāti Mutunga o Wharekauri

Ngāti Mutunga o Wharekauri

Means all those who affiliate to Ngāti Mutunga o Wharekauri by virtue of the Ngāti Mutunga o Wharekauri Claimant Definition.

Office of Treaty Settlements Means the body responsible for the conduct of settlement negotiations on behalf of the Crown.

Proposed Settlement Package

Means the deed outlining the draft Settlement Redress negotiated by Ngāti Mutunga o Wharekauri Iwi Trust and the Crown.

Proposed Post Settlement Governance Entity

Means the proposed body to be established to receive, manage and administer the Settlement Redress.

Ratification

means approval by Ngāti Mutunga o Wharekauri Iwi (over 18 years old) of the Proposed Deed of Settlement and Proposed Post Settlement Governance Entity.

Rohe o Ngāti Mutunga o Wharekauri

Means the area described and illustrated at pages 9-11 of this Deed of Mandate.

Settlement Redress

Means the various elements of redress negotiated between the Ngāti Mutunga o Wharekauri Iwi Trust and the Crown to settle the Historical Claims.

Ngāti Mutunga o Wharekauri Claimant Definition

Means the collective group described at pages 8 and 9 of this Deed of Mandate.

Ngāti Mutunga o Wharekauri Historical Claims

Means every claim of Ngāti Mutunga o Wharekauri that is founded on a right arising from the Treaty of Waitangi or its principles, under legislation, at common law, or from a fiduciary duty, or otherwise and relates to acts or omissions committed by or on behalf of the Crown prior to 21 September 1992 and includes the following Waitangi Tribunal claims outlined at paragraph 6 of this Deed of Mandate.

Ngāti Mutunga o Wharekauri Iwi Trust

Means the trust established by trust deed dated 28 September 2004 (attached as **Schedule 6**) as the Mandated Iwi Organisation for Ngāti Mutunga o Wharekauri to receive and administer fisheries assets allocated under the Maori Fisheries Act 2004 and also means the body that is mandated under this Deed of Mandate.

Terms of Negotiation

Means the rules and objectives for the formal negotiations between the Crown and Ngāti Mutunga o Wharekauri Iwi Trust.

Treaty Settlement Negotiations

Means the negotiations conducted between Ngāti Mutunga o Wharekauri Iwi Trust and the Crown for the purpose of settling the Ngāti Mutunga o Wharekauri Historical Claims.

Trustees

Means the trustees from time to time of the Ngāti Mutunga o Wharekauri Iwi Trust.

Trust Deed

Means the Deed of Trust for Ngāti Mutunga o Wharekauri Iwi Trust

GUIDING PRINCIPLES

In undertaking its functions in relation to negotiating a settlement of the Ngāti Mutunga o Wharekauri historical Treaty claim, the Trust will be guided by the following principles:

- **Tuatahi** The mandate will be held by the Trust on behalf of Ngāti Mutunga o Wharekauri.
- **Tuarua** The mandate sought is to negotiate a Proposed Settlement Package and a Proposed Post Settlement Governance Entity on behalf of and for the benefit of all Ngāti Mutunga o Wharekauri.
- **Tuatoru** In undertaking its functions under this Deed of Mandate, the Trust will maintain a policy of inclusiveness.
- **Tuawha** Ngāti Mutunga o Wharekauri Iwi Trust will ensure that it communicates widely with Ngāti Mutunga o Wharekauri and conveys all relevant information at every opportunity.
- **Tuarima** Ngāti Mutunga o Wharekauri Iwi Trust will, to the best of its collective ability, endeavour to negotiate outcomes that are to the greatest possible benefit of Ngāti Mutunga o Wharekauri Iwi.

COMPREHENSIVE NEGOTIATIONS

The Trust on behalf of Ngāti Mutunga o Wharekauri seeks to enter into negotiations to settle the Ngāti Mutunga o Wharekauri historical claims. The settlement negotiated by Ngāti Mutunga o Wharekauri Iwi Trust, for ratification by Ngāti Mutunga o Wharekauri Iwi, will settle all Historical Claims of Ngāti Mutunga o Wharekauri whether registered or unregistered.

In addition, a letter from OTS dated x confirms OTS engagement with Ngāti Mutunga o Wharekauri Iwi Trust for the purposes of Treaty Settlement Negotiations (attached as **Schedule 1**).

CLAIMANT DEFINITION

The claimant group includes all individuals and whānau of Ngāti Mutunga o Wharekauri that trace descent from their tīpuna Mutunga and Te Rerehua and through those tīpuna who migrated to Wharekauri and are listed tīpuna lists described but not limited to, those in the Ngāti Mutunga o Wharekauri Iwi Trust Deed schedules one and two. These lists will be refined and confirmed throughout the course of negotiations.

These claims relate only to the historical claims of Ngāti Mutunga o Wharekauri as they relate specifically to Wharekauri. Other ancestral homes of Ngāti Mutunga, including but not limited to:

- Urenui;
- Kapiti Coast;
- Te Whanganui-a-Tara; and,
- Te Tau Ihu

are expressly excluded from the claim of Ngāti Mutunga o Wharekauri.

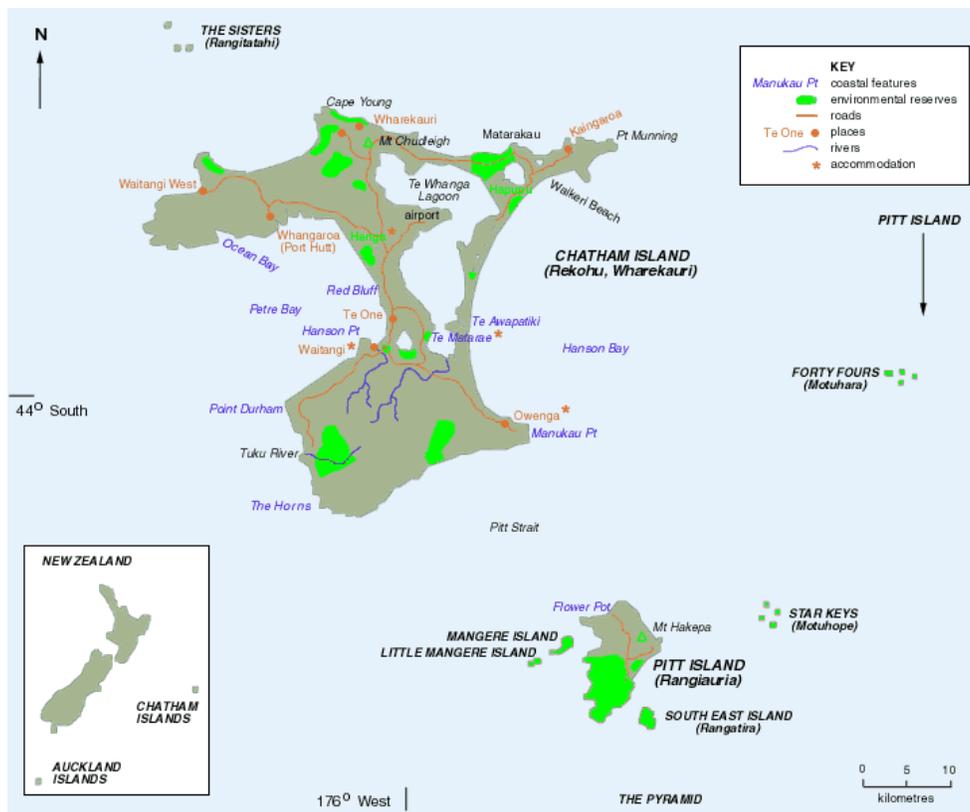
The use of the Iwi moniker ‘Ngāti Mutunga o Wharekauri’ includes those hapū who migrated alongside Ngāti Mutunga including (and not limited to) Ngāti Haumia, Kekerewai, and Ngāti Tama. The tīpuna described in schedules one and two of the Ngāti Mutunga o Wharekauri Iwi Trust are also the tīpuna of the hapū described. Ngāti Mutunga o Wharekauri Iwi Trust operates within the bounds of the Rohe of Ngāti Mutunga o Wharekauri as described below and outlined on the accompanying map.

ROHE O NGĀTI MUTUNGA O WHAREKAURI BOUNDARIES

Ngāti Mutunga o Wharekauri boundaries (rohe) encompass all of the Chatham and Auckland

Islands. Specifically but without limitation:

- Wharekauri / Rekohu
- Rangiauria (Pitt Island)
- Rangatira (South East Island)
 - Mangere (The Fort)
- Tapuenuku (Little Mangere)
- Motuhope (Star Keys)
- Rangitatahi (The Sisters)
- Motuhara (The Forty Fours)
- Tarakoikoia (The Pyramids)
- Maungahuka (Auckland Islands) including:
 - Adams Island
 - Enderby Island
 - Disappointment Island
 - Ewing Island
 - Rose Island





CLAIMS AND CLAIMANTS INCLUDED

The Claims and negotiations process will seek to settle, and therefore will include, but not be limited to:

- All historical claims which are made on the basis of Ngāti Mutunga o Wharekauri whakapapa, whether registered or unregistered. It is likely that further research and preparation would need to be undertaken to properly present such issues of claim;
- Claims reported on by the Waitangi Tribunal, as listed in the table below:
- Specifically to Wai54 so far as it relates to Ngāti Mutunga o Wharekauri

Claims Specific to Ngāti Mutunga o Wharekauri		
Wai No.	Claim Title	Claimants
Wai 65	Chatham Islands & Fisheries Claim	James Pohio & Others
Wai 54	Ngā Iwi o Taranaki Claim	Makere Rangiatea Ralph Love & Others

Wai 181	Kekerione No 1 – Hospital Land Claim	Ngawhata Eliza Page & Others
Wai 460	Chatham & Auckland Islands Claim	Albert Tuuta & Others
Wai 1382	Ngāti Kekerewai of Ngāti Mutunga	Theresa McDonald (unheard)

The claims listed in the table below comprise the Moriori claims to Rekohu / Wharekauri. Other than the Wai 64 Rekohu report, which now makes up the Waitangi Tribunal’s findings on the Ngāti Mutunga treaty claims, the claims listed below do not expressly comprise the Wai claims to be settled with Ngāti Mutunga o Wharekauri. There may be points of overlap, particularly with the fisheries claims of Wai 65 and 308 (and indeed in other parts of Wai 64 and 417). Where those claims overlap, the settlement negotiations will apply only so far as they relate to Ngāti Mutunga o Wharekauri.

Related Claims not Specific to Ngāti Mutunga o Wharekauri		
Wai No.	Claim Title	Claimants
Wai 64	Chatham Island Claims	Maui Solomon & Others
Wai 308	Rekohu Lands & Fisheries Claims	Gary Solomon & Others
Wai 417	Chatham Island Claim	Benjian Solomon & Others

Ngāti Mutunga o Wharekauri Historical Claims Issues

Following is a list of historical claim issues that will be included in the proposed settlement negotiations. These issues were discussed by the Trust at each of the Mandating Hui (see **Schedule 3**), but do not necessarily comprise all historical claim issues to be included in the settlement negotiations.

- Early Purchases;
- 1870 Native Land Court alienation;
- New Zealand Settlements Acts;
- Te Whaanga Lagoon;
- Compensation Process;
- Acts of Parliament;

- Fishing rights;
- Land Tenure;
- Lack of recognition of the unique circumstances of living on Wharekauri;
- Public Works Acquisitions;
- Natural Resources; and
- Late Purchases.

Large Natural Grouping

The Office of Treaty Settlements (OTS) has recognised Ngāti Mutunga o Wharekauri as a viable Large Natural Grouping for the purposes of Treaty Settlement Negotiations.

Overlapping Interests

The Iwi Trust recognises and acknowledges the wholly separate but inter-related Treaty claims of Moriori. Moriori are a fellow tangata whēnua grouping and have established a legitimate claim on Wharekauri (Rekohu to them). Initial informal conversations at a secretariat level have occurred between the Iwi Trust and Hokotehi Moriori Trust (“HMT”). This will be enhanced through more formal board-to-board discussions subsequent to mandate recognition.

The Iwi Trust through the Settlement Governance Group will take responsibility for engagement and interaction with Moriori where claim features overlap, primarily through the Settlement Governance Group Chairperson and when appropriate the Iwi Trust Chair where those relationships intersect with the Ngāti Mutunga o Wharekauri Treaty settlement interests.

The Iwi Trust also acknowledges that Ngāi Tahu claim an overlapping interest for Maungahuka (Auckland Islands). As with Moriori, at the point of negotiation, approaches will be made to Ngāi Tahu through Te Rūnanga o Ngāi Tahu to open dialogue on a way forward. The Iwi Trust acknowledges the importance of that dialogue including the hapū of the Murihiku rohe (e.g. Waihopai, Awarua, Oraka etc). The first discussions will likely occur at a chair-to-chair level with Te Rūnanga o Ngāi Tahu before moving to official level of the Ngāti Mutunga o Wharekauri Iwi Trust and Te Rūnanga o Ngāi Tahu.

MANDATED BODY – NGĀTI MUTUNGA O WHAREKAURI IWI TRUST

Ngāti Mutunga o Wharekauri Iwi Trust is the body mandated by Ngāti Mutunga o Wharekauri Iwi to enter into negotiations with the Crown regarding the comprehensive settlement of all Ngāti Mutunga o Wharekauri Historical Treaty Claims and the establishment of an appropriate Post Settlement Governance Entity.

Mandating Process

The mandate of the Trust was achieved as a result of fair, open, and transparent process.

Preliminary Steps

During June, July, August, and September 2013, various discussions took place at a hui on Wharekauri to discuss the progression of the Historical Claims of Ngāti Mutunga o Wharekauri to settlement negotiations with the Crown. As a result of those discussions, a Mandate Group comprising:

- Philip Seymour (Chair)
- Theresa Lanauze,
- Andrew Hough
- Nick Cameron
- Peter Reriti,
- James Whaitiri was convened.

The Ngāti Mutunga o Wharekauri Iwi Trust put forward Trust Chair Paula Page and John Kamo (Deputy Chair) as the Iwi Trust representatives. The Mandate Group was tasked with developing a proposal to achieve the following objectives:

1. To obtain a mandate from Ngāti Mutunga o Wharekauri authorising the Trust to negotiate a Proposed Settlement Package and Proposed Post Settlement Governance Entity for Ratification by Ngāti Mutunga o Wharekauri; and
2. To obtain recognition of that mandate from the Crown.

The history of the Iwi Trust in relation to the settlement of historical grievances stems as far back as its establishment in 2004. In any case, the tables below outline the recent chronology of events and hui relating to the confirmation of the Mandate. That said the events date right back to 2004 with the establishment of the Claims Working Group and the work done up to 2009. The historical record under the settlement process will provide a full outline of the history both of Ngāti Mutunga o Wharekauri as an iwi back to 1835, and the work of the Iwi bodies (The Wharekauri Maori Committee, Te Rūnanga o Wharekauri / Rekohu and Ngāti Mutunga o Wharekauri Trust) from the 1980s onwards.

Pre Mandate Events

Date	Meeting	Venue	Relevant Details/Resolution(s)
9 November 2009	Ngāti Mutunga o Wharekauri Iwi Trust Trustees AGM	Whakamaharatanga Marae, Wharekauri	AGM supports Iwi Trust move to seek mandate
20 April 2010	Ngāti Mutunga o Wharekauri Iwi Trust Ordinary Hui	Iwi Trust Office, Wharekauri	Trustees resolve to seek mandate
19 May 2010	Ngāti Mutunga o Wharekauri Iwi Trust / Hon Chris Finlayson	Minister's Office, Wellington	Iwi Trust outlines its intention to seek mandate to settle Ngāti Mutunga o Wharekauri claims.
September 2011	Ngāti Mutunga o Wharekauri Iwi Trust AGM	Whakamaharatanga Marae, Wharekauri	AGM resolves that Ngāti Mutunga o Wharekauri Iwi Trust should proceed to seek mandate.
14 July 2012	TPK information hui	Whakamaharatanga marae, Wharekauri	Overview of mandate process to Iwi by Te Puni Kōkiri
17 July 2012	TPK Information Hui	Rēhua Marae, Otautahi	Overview of mandate process to Iwi by Te Puni Kōkiri
18 July 2012	TPK Information Hui	TPK Offices, Wellington	Overview of mandate process to Iwi by Te Puni

			Kōkiri
21 July 2012	TPK Information Hui	Urenui Marae, Urenui	Overview of mandate process to Iwi by Te Puni Kōkiri
22 July 2012	TPK Information Hui	Auckland Airport	Overview of mandate process to Iwi by Te Puni Kōkiri
1 September 2012	TPK Information hui	Norman Kirk Memorial, Wharekauri	Overview of mandate process to Iwi by Te Puni Kōkiri
May 2013	Ngāti Mutunga o Wharekauri Iwi Trust whānau quarterly hui	Whakamaharatanga Marae, Wharekauri	Agreed that the Iwi Trust would draft a mandate strategy that would include capacity for all whānau to participate through a formalised Mandate Group
17 June 2013	Ngāti Mutunga o Wharekauri Iwi Trust Special Hui	Ngāti Mutunga o Wharekauri Iwi Trust Office	Iwi Trust resolves to: <ul style="list-style-type: none"> <i>1. To forward the mandate strategy directly to the Minister of Treaty of Waitangi Negotiations;</i> <i>2. To accompany the mandating strategy with a cover letter from trustees to the Minister of Treaty of Waitangi Negotiations;</i> <i>3. To ask the Minister to authorise the mandate strategy as a matter of urgency.</i>
25 June 2013	Ngāti Mutunga o Wharekauri Iwi Trust	Whakamaharatanga Marae, Wharekauri	Agreed that the Iwi Trust would provide mandate

	whānau quarterly hui		strategy to any and all whānau who wished to assist in drafting the document
27 June 2013	Correspondence to Minister of Treaty of Waitangi Settlements, the Hon Chris Finlayson		Ngāti Mutunga o Wharekauri Iwi Trust formally notifies Minister of Treaty Settlements of intention to seek mandate. First draft mandate strategy submitted for Crown consideration.

Pre-Mandate Hui

Date	Meeting	Venue	Relevant Details/Resolution(s)
27 August 2013	Notified pre-mandate hui	Whakamaharatanga Marae	Presentation of mandate strategy in preparation for formation of whānau nominated Mandate Group
10 September 2013	Notified pre-mandate hui	Whakamaharatanga Marae	Presentation of mandate strategy in preparation for formation of whānau nominated Mandate Group
11 September 2013	Notified pre-mandate hui	Whakamaharatanga Marae (Morning)	Presentation of mandate strategy in preparation for formation of whānau nominated Mandate Group
11 September 2013	Notified pre-mandate hui	Whakamaharatanga Marae (Evening)	Presentation of mandate strategy in preparation for formation of whānau nominated Mandate Group
28	Ngāti Mutunga o	Whakamaharatanga	Whānau nominate members

September 2013	Wharekauri Iwi Trust AGM / notified Mandate Hui follows AGM	Marae (Wharekauri)	to newly formed Mandate Group. Iwi Trust submits two trustees to Mandate Group.
16 January 2014	Hui with Hon Chris Finlayson, Minister of Treaty Settlements	Whakamaharatanga Marae, Wharekauri	Discussion on mandate and settlement process with Ngāti Mutunga o Wharekauri Iwi
28 January 2014	Notified pre-mandate hui	Whakamaharatanga Marae	Calls for further nominations for mandate group membership. Specific discussion with Kaumātua at 5:30pm. Confirmation of travelling Kaumātua

Following formal engagement with OTS, the Trust worked in a relationship with Te Puni Kōkiri between June and December 2013 to agree a strategy to be followed in order to obtain the mandate from Ngāti Mutunga o Wharekauri Iwi. Following OTS approval of the Ngāti Mutunga o Wharekauri Iwi Trust Mandate Strategy in November 2013, the Trust embarked on a series of hui (Mandating Hui) with Ngāti Mutunga o Wharekauri Iwi. The purpose of the Mandating Hui (as noted at the outset of the presentation given by the Trust at each hui) was to confirm the resolution:

‘That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.’

Formally Notified Mandating Hui

The Mandating Hui were held as follows:

Location	Venue	Date / Time
Wharekauri	Whakamaharatanga Marae	8 February 2014, 10:30am
Auckland	Jet Park Hotel Auckland Airport	27 February 2014, 5:30pm
Waitara	Owae Marae	1 March 2014, 10:30am
Wellington	Hongoeka Marae – Plimmerton	2 March 2014, 10:30am
Christchurch	Rēhua Marae – Springfield Road	3 March 2014, 5:30pm
Wharekauri	The Den – Wharekauri – Rangatahi Hui	20 March 2014 – 6:00pm
Wharekauri	Whakamaharatanga Marae	15 March 2014, 10:30am (note, due to Tangi, hui postponed to 22 March 2014, at 9:30am)
Postal Ballot	Returning Officer (Electionz.com)	15 March 2014, 5:00pm (note, due to Tangi, vote date extended to 22 March 2014, at 5:00pm)

Note – the March 20, 2014, hui was an unscheduled hui. TPK observers were present at this hui.

Advertisements

The Mandating Hui were publicly and widely advertised in the following media:

- Ngāti Mutunga o Wharekauri Iwi Trust Pānui *Posted 27 January 2014*
- Te Ao Hou – Ngāti Mutunga o Wharekauri Mandate Strategy *Posted 27 January 2014*
- Ngāti Mutunga ki Urenui letter to members *Posted 27 January 2014*
- Ngāti Mutunga o Wharekauri Iwi Trust e-mail notification list

Iwi Trust Wide Email sent 27 January 2014

Newspapers:

New Zealand Herald	24 January 2014
Taranaki Daily News	24 January 2014
Dominion Post	24 January 2014
Christchurch Press	24 January 2014
The Chatham Islander	28 December 2013

- Ngāti Mutunga o Wharekauri Iwi Trust Website 27 January 2014

Copies of the advertisements noted above (which include the Mandating Hui agenda) are attached at **Schedule 2**.

Presentation

A standard and consistent presentation was developed for the Mandating Hui, with the presentation being given by the Mandate Group. The presentation outlined the purpose of the hui, a background to the Iwi Trust (including an explanation of the reasons behind the Trust seeking the mandate and its proposed accountabilities to Ngāti Mutunga o Wharekauri Iwi), a discussion on the definition of Ngāti Mutunga o Wharekauri and the Ngāti Mutunga o Wharekauri Historical Claims (including broad claim issues), a detailed discussion on the scope and context of the mandate being sought and a general outline of the negotiation process. In addition, an opportunity was provided for attendees to ask questions of the presenters.

At the end of each Mandating Hui, the following resolution was outlined to the hui:

‘That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.’

The presentation made at the Mandating Hui (along with a complimentary document entitled *Te Ao Hou – Ngāti Mutunga o Wharekauri Mandate Strategy – Important Elements*) is attached as **Schedule 3**.

Minutes

Minutes were taken at each of the Mandating Hui. Amongst other things, the minutes record questions asked by attendees and answers provided by the Trustees and/or Mandate Group members. These minutes are attached as **Schedule 4**.

Attendees

The lists of attendees at each Mandating Hui are attached in the body of the Mandating Hui minutes.

Mandating Voting Process

Voting for the Mandate was carried out by postal ballot. Those wishing to vote were required to be at least 18 years old and affiliate to Ngāti Mutunga o Wharekauri by virtue of the claimant definition provided.

It was made clear members voting for the mandate did not need to be registered to the Iwi Trust – they need merely be Ngāti Mutunga o Wharekauri uri. In order to verify whakapapa, non-registered members were required to fill a modified Iwi Trust registration form that included a tick box that members could signify their desire NOT to be registered to the Iwi Trust. Bona fides were verified by the Management of the Iwi Trust in consultation with Kaumātua on Wharekauri.

Voting Results

The result of the voting was overwhelming support of the mandate being held by the Iwi Trust with some 76% of voters voting in favour of the resolution:

‘That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.

The details of the voting results are included in **Schedule 5**.

THE MANDATED BODY

For the purposes of this Deed of Mandate, the Ngāti Mutunga o Wharekauri Iwi Trust is representative of Ngāti Mutunga o Wharekauri Iwi. As such, it is the appropriate body to obtain the mandate sought.

The Trust acknowledges that its functions as the proposed mandated body are for the purposes of negotiating a Proposed Settlement Package and Proposed Post Settlement Governance Entity. Receipt and management of the Settlement Redress will be the responsibility of the Post Settlement Governance Entity which will eventually be established for that purpose.

All relevant functions and obligations of the Trust are set out in the Trust Deed for Ngāti Mutunga o Wharekauri Iwi Trust. It is not proposed that the terms of the Trust Deed be amended for the purpose of this Deed of Mandate.

The election process followed by Ngāti Mutunga o Wharekauri Iwi Trust is detailed at Schedule 3 of the Trust Deed.

Role, Responsibility and Accountabilities of the Trust

Under this Deed of Mandate, it is proposed that Ngāti Mutunga o Wharekauri Iwi Trust establish a structure capable of achieving the settlement objectives of Ngāti Mutunga o Wharekauri Iwi. It is anticipated that the involvement of specialists in the process will help to achieve those objectives.

Key points to note are:

- The Trust will hold the mandate given by Ngāti Mutunga o Wharekauri;
- The Trust will delegate authority for the day to day running of the settlement process to the Settlement Governance Group (formally the Mandate Group)
- The Trust will develop an operating charter with delegations and the full functions of divisions within the structure;
- The Trust will appoint and remove parties within the structure subject to Terms of Reference and delegated authorities between the mandated Iwi Trust and the

Settlement Governance Group. Where possible, decisions relating to the overall management of the settlement process (including appointment and removal of parties inside the settlement structure) will be made by consensus of the Trustees, but in the event that consensus cannot be reached, by majority;

- The Trust will appoint qualified and specialist parties to perform specific tasks subject to terms of reference and delegated authorities to the Settlement Governance Group;
- Under the Trust Deed, the Trust holds a beneficiary register. Beneficiary registration forms are completed by applicants and assessed by the Trust management acting in the registrar role before formal registration takes place.

Disputes

If a dispute arises in relation to the matters outlined in this Deed of Mandate, the following process shall be followed to resolve that dispute:

- Within 15 working days of the dispute being notified to the Trust, the Trustees shall meet with the complainant(s) and attempt to resolve the dispute in good faith;
- If the dispute remains unresolved, the dispute shall be referred to mediation. The mediator shall be agreed by the Trust and the complainant(s);
- If, within 15 working days, the Trust and the complainant(s) fail to agree on a mediator, such mediator shall be appointed by the Registrar of the Maori Land Court;
- If, following mediation, the dispute remains unresolved, it shall then be referred to the Kaunihera Kaumātua / Kaumātua for consideration. The Kaunihera Kaumātua / Kaumātua shall consider the dispute and make a recommendation to the Trustees;
- The Trustees shall consider the recommendation of the Kaunihera Kaumātua / Kaumātua and make a finding in relation to the dispute. That finding shall be binding on the parties to the dispute.

Mandate

If the Trust becomes aware of an issue that may impact on the purpose, scope and/or meaning of the mandate as described in this Deed, that issue shall be brought to the attention of the Crown. The Crown shall also, upon becoming aware of any such issue, bring that issue to the attention of the Trust.

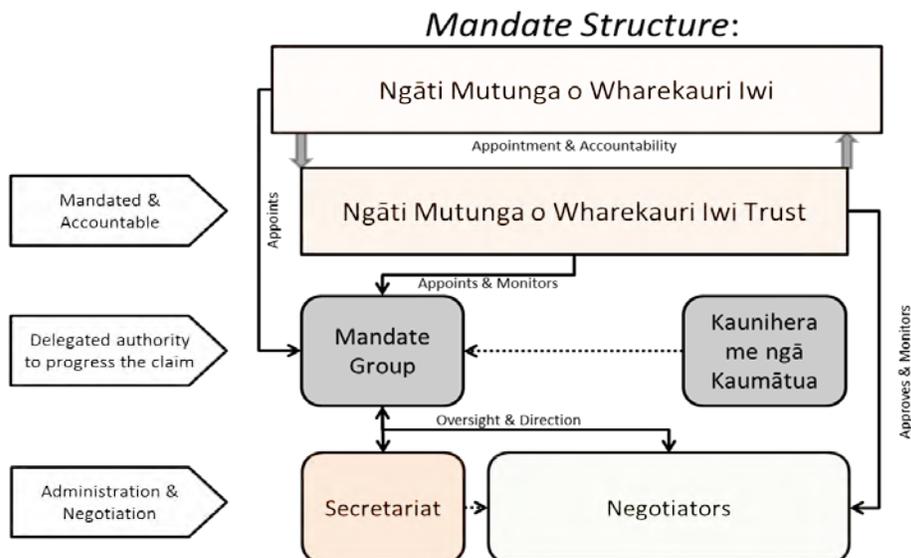
In the event that such issue(s) are raised by the Trust or Crown, the parties shall agree a process for dealing with that or those issues.

Structure Outline

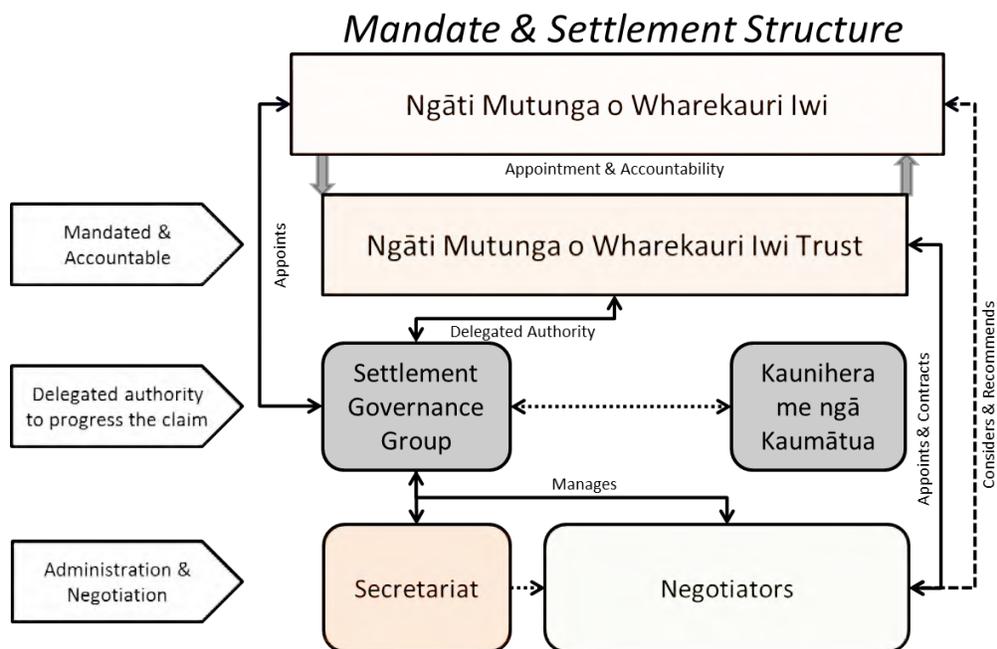
The structure is outlined in the diagram overleaf. The structure is enhanced from that originally proposed for the mandate process. The conclusion of the mandate process, with the ratification of this Deed of Mandate, sees the structure move to the settlement phase. The original Mandate Group now progresses through into the Settlement Governance Group as a consequence of the Deed of Mandate ratification. An enhanced Terms of Reference is under development for the Settlement Governance Group.

The enhanced structure also responds to issues raised during the mandate hui rounds where further input by the Iwi was called for in the consideration of the negotiators, and to ensure greater autonomy and ability to make day-to-day decisions was given to the Mandate Group - all the more so as the Iwi had a direct hand in the appointment of the Mandate Group members.

Original Structure for Mandate



New Structure for Settlement



Meetings of Ngāti Mutunga o Wharekauri Iwi Trust

The Trust ordinarily meets once per month to conduct the business of the Trust including all matters relating to the settlement negotiations (see schedule 5 section 3 of the Trust Deed).

Reporting process

The Ngāti Mutunga o Wharekauri Iwi Trust and / or the Settlement Governance Group will report to the Ngāti Mutunga o Wharekauri community about the Treaty settlement negotiation and its progress, in a number of ways, including:

- Annual general meetings;
- Monthly hui
- Quarterly pānui/newsletter;
- Specific discussions with original claimants
- Specified hui with ngā Kaumātua and the Kaunihera Kaumātua;
- Website – www.nmow.lwi.nz

Decision making processes

For all decisions to be made by the Trustees (including decisions relating to issues arising in negotiations), the Trust will seek to achieve consensus. However, in the event that consensus cannot be reached, such issues will be decided by majority (see clause 4.7(b) of the Trust Deed). In addition all Ngāti Mutunga o Wharekauri Iwi (over 18 years old) can participate in the decision making process by attending and voting on resolutions put at annual general meetings and other hui-a-Iwi (outlined above) held by Ngāti Mutunga o Wharekauri Iwi Trust.

Mandate Group

The Ngāti Mutunga o Wharekauri Iwi Trust originally established the Mandate group to enhance its representative structure. The Mandate Group, under its terms of reference, acted in an advisory role to the Iwi Trust in respect of its Treaty settlement programme. The Mandate Group enhanced the representation of constituent claimant community members by representing their interests to both the Iwi as a whole and the Iwi Trust.

The Mandate Group has also provided primary input into the development and finalisation of the Deed of Mandate for Iwi consultation and Crown agreement. Upon ratification of the Deed of Mandate the Mandate Group role will progress through to the Settlement Governance Group.

Current members of the Mandate Group are:

- Philip Seymour
- Andrew Hough
- Peter Reriti
- Nick Cameron
- Trust Chair Paula Page (Iwi Trust chair)
- John Kamo (Iwi Trust deputy chair)

Settlement Governance Group

The Settlement Governance Group continues the mahi of the Mandate Group and will become the body with the delegated authority to govern the day to day progress of Settlement Negotiations. It will have a coordination role throughout the settlement process organising the various Treaty settlement work streams as required. This may include recommendations to the Trustees, and subject to delegations, the ability to establish and appoint other committees and roles such as a research unit or a team of negotiators. In its delegated capacity the Settlement Governance Group will either approve or make recommendations to the Trustees for sign off at key decision points (Agreement in Principle, Deed of Settlement, Ratification, PSGE etc).

The Settlement Governance Group will also be a further link between negotiators and the Ngāti Mutunga o Wharekauri claimant community by promoting an open and transparent process (subject to confidentiality at key points for negotiation purposes).

Composition: The Settlement Governance Group is an arm of the Iwi Trust sitting inside the Trust's structure. The Settlement Governance Group is able to include representation of:

- Iwi Trust Trustees;
- Iwi members as recommended through tribal forum;
- Kaunihera Kaumātua / Kaumātua as recommended through tribal forum
- Registered Waitangi Tribunal Claimants

The individuals who made up the Mandate Group, and wish to continue to the Settlement Governance Group will do so without impediment but subject to:

- The Settlement Governance Group Terms of Reference
- The Delegated Authorities from the Iwi Trust to the Settlement Governance Group
- The terms of the Independent Contractor Agreements with the Iwi Trust

The Settlement Governance Group will provide strategic direction and leadership on the development and implementation of the Ngāti Mutunga o Wharekauri Iwi Vision for Settlement by receiving, considering and approving or recommending (as per delegated authorities) documentation prepared by the Chair of the Settlement Governance Group (“Chair”) and Secretary of the Iwi Trust (“Secretary”) or the Lead Negotiator, including but not necessarily limited to the following:

- Relevant information required for negotiation purposes;
- Comprehensive negotiation aspirations strategy;
- Comprehensive Negotiations plan;
- Negotiations communications strategy;
- Terms of Reference for working parties;
- Reports and recommendations from the working parties; and
- Post settlement governance entity options.

Recommendation & Advice

The Settlement Governance Group will, subject to delegated authorities:

- Recommend the appointment of negotiators;
- Recommend the adoption of a comprehensive negotiation strategy;
- Appoint specialist advisors;
- Appoint personnel to working parties;
- Adopt a day-to-day negotiations plan;
- Adopt a communications strategy;
- Develop and confirm Terms of Reference for working parties;
- Recommend the adoption of post settlement governance entity options;
- Recommend the adoption of an Agreement in Principle;
- Recommend the adoption of a Deed of Settlement;
- Provide advice and make other recommendations as necessary.

Reporting Framework

The Settlement Governance Group will:

- Provide a Monthly report of progress in achieving the Vision for Settlement and the Settlement Governance Group's activities to the Iwi Trust. These updates will advise on progress on particular issues, work progress, financial budget, programmes and other matters of interest;
- Wānanga and / or Report at a minimum quarterly to the Ngāti Mutunga o Wharekauri Iwi
- Report and meet with the Iwi Trust as required from time to time. The purpose of the meetings are to provide to the Trust:
 - i. progress to date against an agreed negotiations plan and budget; and
 - ii. any other issues that might arise from time to time in relation to settlement negotiations

Accountabilities of Negotiators

The Settlement Governance Group will recommend the appointment of negotiators to the Trust to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.

Negotiation Team Protocol

A Negotiation Team Protocol will be developed by the Settlement Governance Group ("Protocol"). This Protocol will set out the key principles to guide the conduct of the Negotiation Team.

Lead Negotiator

The proposal is that the Settlement Governance Group will recommend to the Trust the appointment of a Lead Negotiator and Negotiators. The Lead Negotiator will report directly to the Settlement Governance Group in the first instance, then to the Iwi Trust as per contractual requirements. The primary responsibility of the Lead Negotiator will be to lead the implementation of the negotiation strategy and approach, lead the negotiation team and lead the negotiations communication strategy.

In carrying out their primary responsibilities, the Lead Negotiator will be required to:

- Be the lead representative for Ngāti Mutunga o Wharekauri Iwi in negotiations with the Crown (except where the leadership of the Ngāti Mutunga o Wharekauri Iwi Trust is necessary);
- Work with the Chair of the Settlement Governance Group to ensure that they are appraised of the progress of negotiations and the key issues arising within the negotiations (or in respect of any significant matter);
- Lead the negotiation team, including delegating tasks to the negotiators;
- Work with the Settlement Governance Group, Iwi Trust and Ngāti Mutunga o Wharekauri Iwi to understand the nature of their claims and of their settlement aspirations;
- Develop and implement a negotiation approach to settle those claims and (as far as possible) to meet the settlement aspirations of Ngāti Mutunga o Wharekauri Iwi;
- Lead the communication strategy (including at hui a-iwi and meetings with key stakeholders);
- Maintain the confidentiality of confidential material in carrying out, or incidental to their functions;
- Act in accordance with the provisions set out in the Negotiation Strategy document;
- Act in accordance with the provisions set out in their individual Independent Contractor Agreement; and
- Act in accordance with the agreed Negotiation Team Protocol.

Negotiators

The negotiators will report to the Settlement Governance Group. They may receive their instructions directly from the Lead Negotiator and be bound by the negotiation strategy, approach, and Negotiation Team Protocol.

Their primary responsibility is to assist the Lead Negotiator to implement the negotiation strategy and approach, in particular to:

- Assist the Lead Negotiator to represent Ngāti Mutunga o Wharekauri Iwi in negotiations;
- Provide detailed assistance on specific negotiation issues (as directed by the Lead Negotiator);
- Work co-operatively with the negotiation team;
- Work with Ngāti Mutunga o Wharekauri Iwi to understand the nature of their claims and of their settlement aspirations;

- Assist in implementing the communication strategy (including at hui a-iwi and meetings with key stakeholders).
- Maintain the confidentiality of confidential material in carrying out, or incidental to their functions;
- Act in accordance with the provisions set out in the Negotiation Strategy document;
- Act in accordance with the provisions set out in their individual Independent Contractor Agreement; and
- Act in accordance with the agreed Negotiation Team Protocol.

Reporting process for the Settlement Governance Group & Negotiators

The Settlement Governance Group and any appointed negotiators are accountable to the Iwi Trust and will be required to report at least monthly or as otherwise required by Ngāti Mutunga o Wharekauri Iwi Trust. Written progress reports on the Treaty settlement negotiations will be provided at the hui-a-Iwi.

Replacement, Removal and Appointment of Negotiators

The Iwi Trust will appoint, replace, and remove negotiators by way of resolution after recommendation from the Settlement Governance Group and subject to consultation with the broader Ngāti Mutunga o Wharekauri Iwi on Wharekauri.

Decision making process of the Negotiators

The negotiators will report to the Settlement Governance Group on a monthly basis or as otherwise required regarding progress on Treaty settlement negotiations.

Availability of the Deed of Mandate

The Deed of Mandate together with the supporting material may be made available by the Crown to any Ngāti Mutunga o Wharekauri (provided that he/she is more than 18 years old) who requests the same.

Therefore, we the mandated representatives of the Ngāti Mutunga o Wharekauri Iwi Trust agree to the Crown making the Deed of Mandate known through a public notification process. We also agree that the Crown may provide the Deed of Mandate to any Ngāti Mutunga o

Wharekauri Iwi members (provided that he/she is more than 18 years old) who requests the same.

We also acknowledge the Deed of Mandate with the supporting material maybe released under the Official Information Act. We request that the Trust are informed and included in all correspondence.

APPENDIX ONE – APPLICABLE WAI CLAIMS (WAI64)

Wai 54 Ngā Iwi O Taranaki claim.

Claimant: Makere Rangiatea Ralph Love and another Organisation:
Date Received: 23-Dec-1987Town/City/Settlement: Taranaki/Chatham Islands Rangahaua
District: Taranaki (10), Chatham Islands (15) Date Registered: 21-Mar-1989
Grouped for Inquiry: Wai 64, 65, 181, 308, 417, 460
Aggregation:
Consolidation: Consolidated with Wai 64, 143
Status: Tribunal issued interim report on aspect of claim (Taranaki aspect of claim (30.4.96)),
Tribunal writing report (Chatham Islands aspect)

Wai 64 Chatham Islands claims

Claimant: Maui Solomon and others
Organisation: Date Received: 15-Mar-1988Town/City/Settlement: Chatham Islands
Rangahaua District: Chatham Islands (15) Date Registered: 29-May-1989
Grouped for Inquiry: Wai 54, 65, 181, 308, 417, 460
Aggregation: Aggregated record of inquiry for 65, 181
Aggregated with Wai 307Consolidation: Consolidated record of inquiry for 54
Status: Tribunal issued report on aspect of claim (Fisheries settlement, 4.11.92), Tribunal writing
report

Wai 65 Chatham Islands and Fisheries claim

Claimant: James Pohio and others
Organisation:
Date Received: 08-Apr-1988Town/City/Settlement: Chatham Islands
Rangahaua District: Chatham Islands (15) Date Registered: 30-May-1989
Grouped for Inquiry: Wai 54, 64, 181, 308, 417, 460Aggregation:
Aggregated with Wai 64
Consolidation: Status: Tribunal writing report

Wai 181 Kekerione No.1 - Hospital Land claim

Claimant: Ngawhata Eliza Page and others
Organisation:
Date Received: 16-Oct-1990
Town/City/Settlement: Chathams
Rangahaua District: Chatham Islands (15)
Date Registered: 13-Mar-1991
Grouped for Inquiry: Wai 54, 64, 65, 308, 417, 460
Aggregation: Aggregated with Wai 64
Consolidation: Status: Tribunal writing report

Wai 308 Rekohu Lands and Fisheries claim

Claimant: Gary Alister Solomon (deceased) and others
Organisation:
Date Received: 04-Sep-1992
Town/City/Settlement: Chatham Islands
Rangahaua District: Chatham Islands (15)
Date Registered: 29-Sep-1992
Grouped for Inquiry: Wai 54, 64, 65, 181, 417, 460

Aggregation: Consolidation: Status: Tribunal writing report

Wai 417 Chatham Islands claim

Claimant: Benjian Solomon and others

Organisation:

Date Received: 14-Dec-1993

Town/City/Settlement: Chatham Islands

Rangahaua District: Chatham Islands (15)

Date Registered: 10-Feb-1994

Grouped for Inquiry: Wai 54, 64, 65, 181, 308, 460

Aggregation:

Consolidation: Status: Tribunal writing report

Wai 460 Chatham and Auckland Islands claim

Claimant: Albert Tuuta and others

Organisation:

Date Received: 21-Feb-1995

Town/City/Settlement: Chatham/Auckland Islands

Rangahaua District: Chatham Islands (15)

Date Registered: 10-Mar-1995

Grouped for Inquiry: Wai 54, 64, 65, 181, 308, 417

Aggregation:

Consolidation: Status: Tribunal writing report

SCHEDULE 1 - OTS LETTER

SCHEDULE 2 - MANDATING HUI ADVERTISEMENTS

Ngāti Mutunga o Wharekauri Iwi Trust

Public Notice Mandate Hui

Notice of Mandate Hui

The members of the Mandate Group and the Ngāti Mutunga o Wharekauri Iwi Trust will be undertaking a round of hui to confirm mandate to settle our longstanding treaty claim with the Crown. The schedules of hui are:

Location	Venue	Date / Time
Wharekauri	Whakamaharatanga Marae	8 February 2014
Auckland	Jet Park Hotel Auckland Airport	27 February 2014
Waitara	Owae Marae	1 March 2014
Wellington	Hongoeka Marae - Plimmerton	2 March 2014
Christchurch	Rēhua Marae – Springfield Road	3 March 2014
Wharekauri	Whakamaharatanga Marae	15 March 2014
Postal Ballot	Returning Officer (Electionz.com)	15 March 2014

Whānau are asked to vote and confirm the resolution:

'That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.'

Registered members of the Iwi Trust will receive ballot papers through the mail. Copies of the mandate documentation are available on request from the following locations:

- Ngāti Mutunga o Wharekauri Office – phone 03 3050500 or email lwitrust@nmow.lwi.nz
- Te Rūnanga o Ngāti Mutunga Urenui – phone 06 7523247 or email office@ngatimutunga.lwi.nz
- Te Puni Kōkiri Wellington – phone 04 819600 or email mandatesubs@tpk.govt.nz

Please note – you do not have to be registered with the Ngāti Mutunga o Wharekauri Iwi Trust to exercise your whakapapa right to vote on the resolution. Ballot forms will be available at each hui for you to cast your vote. Alternatively you may request ballot forms from the Independent Returning Officer. You will need to provide proof of your Ngāti Mutunga o Wharekauri whakapapa and proof of identity.

Voting closes 15 March 2014 at 5pm.

Warwick Lampp
Independent Returning Officer - Ngāti Mutunga o Wharekauri Iwi Trust
0508 666 103 or elections@electionz.com

Insertions:	NZ Herald	Thursday
	Dominion Post	Thursday
	Taranaki Daily News	Thursday
	Christchurch Press	Thursday
	The Chatham Islander	Thursday

SCHEDULE 3 - MANDATING HUI PRESENTATION

NGĀTI MUTUNGA O WHAREKAURI IWI

MANDATE HUI 2014

8 February to 15 March 2014

Hui Format

- 1. Karakia me Mihimihi**
- 2. Role of the Crown Observer**
- 3. The Resolution**
- 4. Historical Claim of Ngāti Mutunga o Wharekauri**
 - a) Ngāti Mutunga o Wharekauri Claim Overview**
 - b) Waitangi Tribunal Findings**
- 5. Mandate – What is It**
- 6. Mandate Structure**
 - a) Mandate to Negotiate**
 - b) Ngā Uri**
- 7. Next Steps**
- 8. Final Thoughts**
- 9. Open Forum**

2 - Role of Crown Observers

- The Crown observer is here to observe only
- The observer is here to ensure the process is transparent and inclusive of all Iwi members
- An independent record of each hui, and an overall report on the process will be provided by the observers to the iwi.
- There is no ability to question the observers in our mandate hui

Purpose of Hui

To seek mandate from Ngāti Mutunga o Wharekauri to negotiate a:

Settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims

3 - The Resolution

‘That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.’

4 - Historical Claim of Ngāti Mutunga o Wharekauri

Means claims registered relating to Crown breaches of our Treaty rights

Registered claims are:

Wai #	Claim Title	Claimant
Wai 65	Chatham Island & Fisheries Claims	James Pohio & Others
Wai 181	Kekerione No 1 – Hospital Land Claim	Ngawhata Eliza Page & Others
Wai 460	Chatham & Auckland Island Claim	Albert Tuuta & Others

These claims were heard and reported on in the
WAI64 Rekohu Report

Other Claims

Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements

Claim Issues (WAI 64 Summarised)

TE WHAANGA LAGOON

The whole lagoon

ACTS OF PARLIAMENT

Public Works Act (1908)

FISHING RIGHTS

Fisheries Act (1877)

KEKERIONE NO 62 & TE MAUTURUHIA NO 1 (23 ACRES)

Hospital Block

LAND TENURE

1870 Native Land Court Allocations

Claim Issues (WAI 64 Summarised)

OTHER MATTERS

- **No electoral representation for Ngāti Mutunga until 1922**
- **The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino rangatiratanga**
- **Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga**
- **Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods**
- **Not providing basic and essential services such as appropriate freight and transport services, integrated health care, secondary level schooling**
- **No provision for Ngāti Mutunga to devise and implement an economic development strategy**

Waitangi Tribunal Findings (WAI 64)

IN FAVOUR

- 1. The tenure reform brought about by the Native Land Court was contrary to the Treaty.**
- 2. Continuing crown administration of the island led to the following findings:**
 - Wrongful taking of land for public works (see WAI 181 claim – hospital block)**
 - Housing provision as a result of the titling system was prejudiced.**
- 3. The Tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri.**
- 4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.**

5 – Mandate: What is It?

An authority given by Iwi to a group of representatives to negotiate a proposed settlement package with the Crown.

Mandate Requirements

Three Requirements to Enter Negotiations:

1. Large Natural Group
2. Well Founded Claims
3. *Mandate to Negotiate*

Mandate Scope

Mandate Scope is:

- *To gain mandate*
- *To negotiate a proposed settlement package only (including post settlement governance entity)*
- *Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification)*
- *Settlement relates to all Historical Claims of Ngāti Mutunga o Wharekauri*

Large Natural Grouping

- The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner.
- Accordingly, it looks to do this with 'large natural groups' rather than individual hapū or whānau.

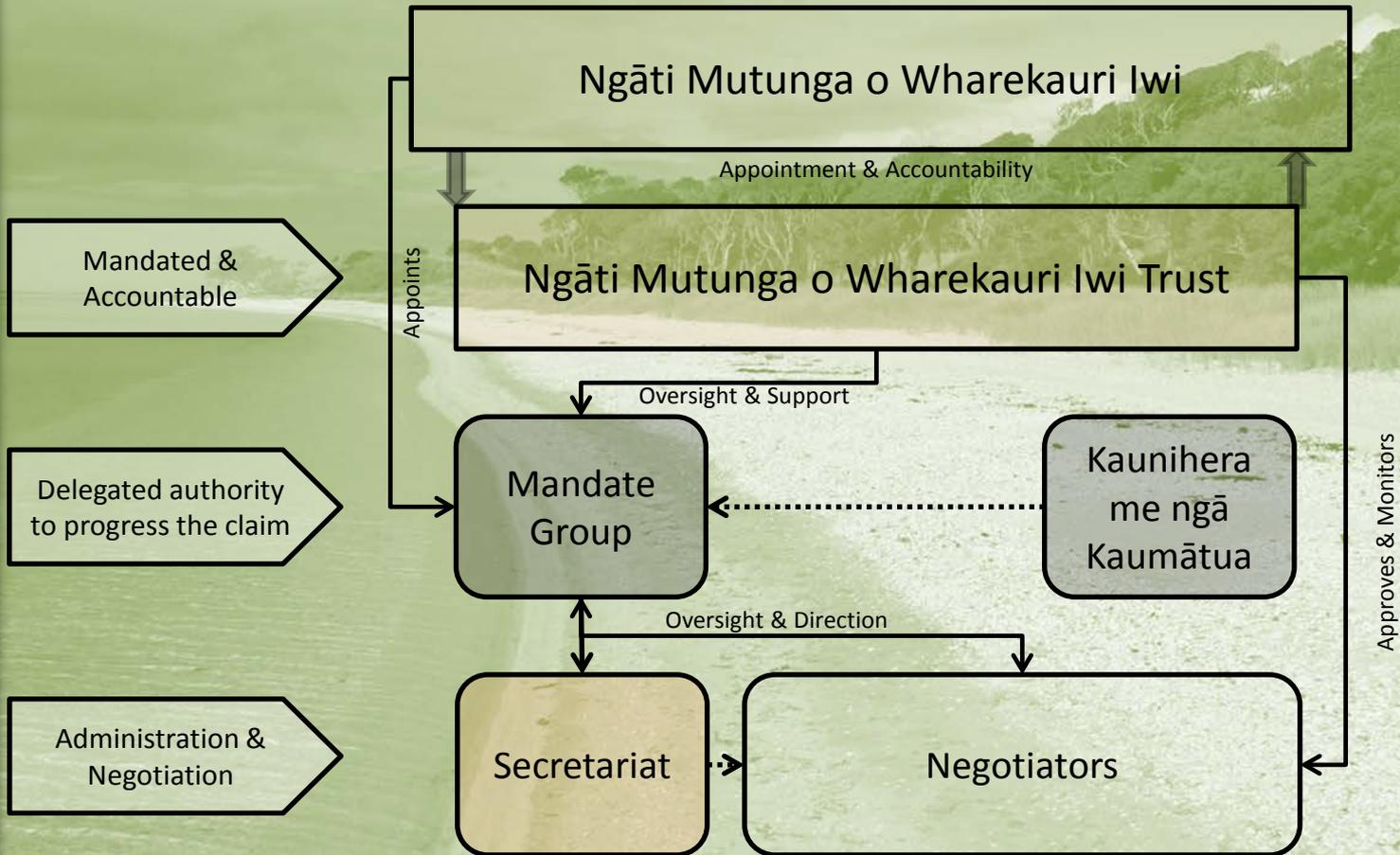
Mandate For The Iwi Trust

Mandate to Negotiate:

- Established 2004 as Mandated Iwi Organisation for Wharekauri
 - 7.1.1 of the Trust Deed Provides the Iwi Trust:
 - Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975*

6 – Mandate Structure

Mandate Structure:



Mandate Group

Communication:

- **Trust Meetings**
 - **Monthly**
- **Reporting to Ngāti Mutunga o Wharekauri**
 - ✓ **AGM**
 - ✓ **Up to 3 Hui-a-lwi to report on issues, including:**
 - **Deed of Mandate and mandating process**
 - **Agreement in Principle**
 - **Proposed Settlement Package (including post settlement governance entity)**
 - **Other matters of importance**
 - ✓ **Pānui / Website / E-mail**
- **Trustee Decisions by majority, or consensus if possible**
- **Mandate Group**
 - ✓ **Responsible for day to day conduct of negotiations**
 - ✓ **Whānau has appointed Group who will operate in accordance with Mandate Charter / TOR**
- **Negotiators**
 - ✓ **Mandate Group to recommend negotiator appointment to Trustees**
 - ✓ **Trustees to contract negotiators**
 - ✓ **Negotiators responsible to Trustees under oversight of Mandate Group**
 - ✓ **Note – a minimum of 1 ahi kaa will be a negotiator and up to 2 ‘skills allowing’**

7 - Next Steps



8 – Final Thoughts

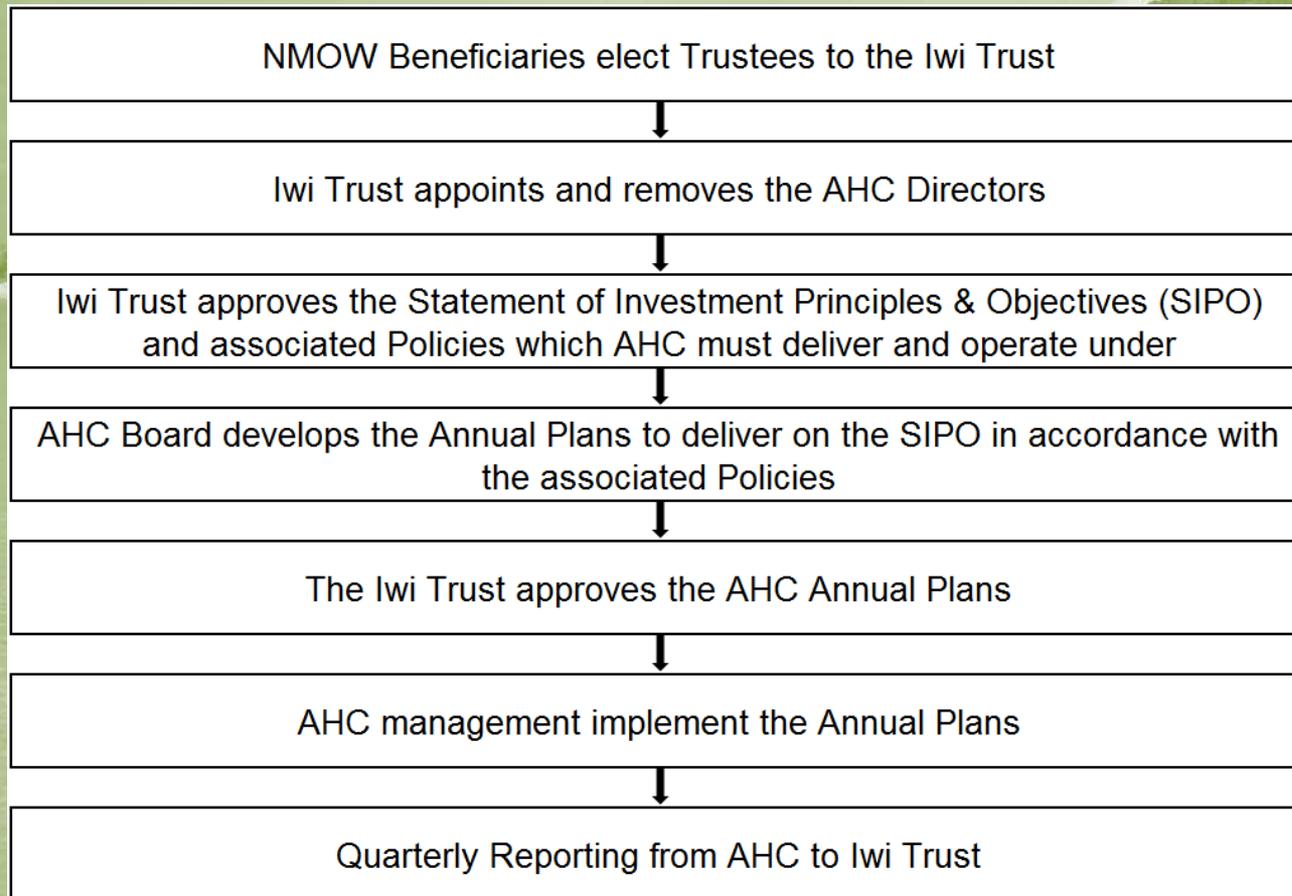
- **The Opportunity is now**
- **The Crown has invited us to the negotiation table – this does not happen normally**
- **We can settle our Ngāti Mutunga grievances and use our settlement to create a future on our Island and for all Ngāti Mutunga o Wharekauri People no matter where they reside**

The Resolution

‘That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.’

The Asset Holding Company

Accountability Lines

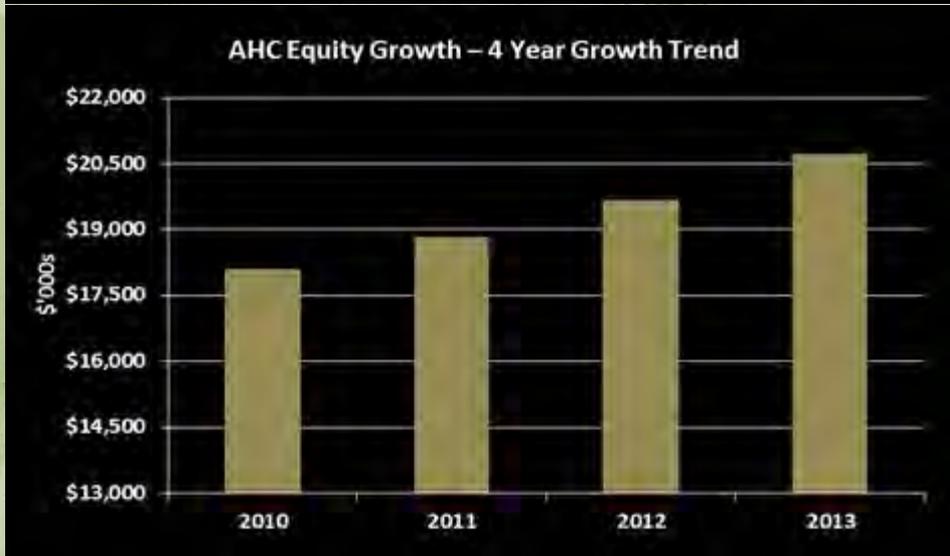
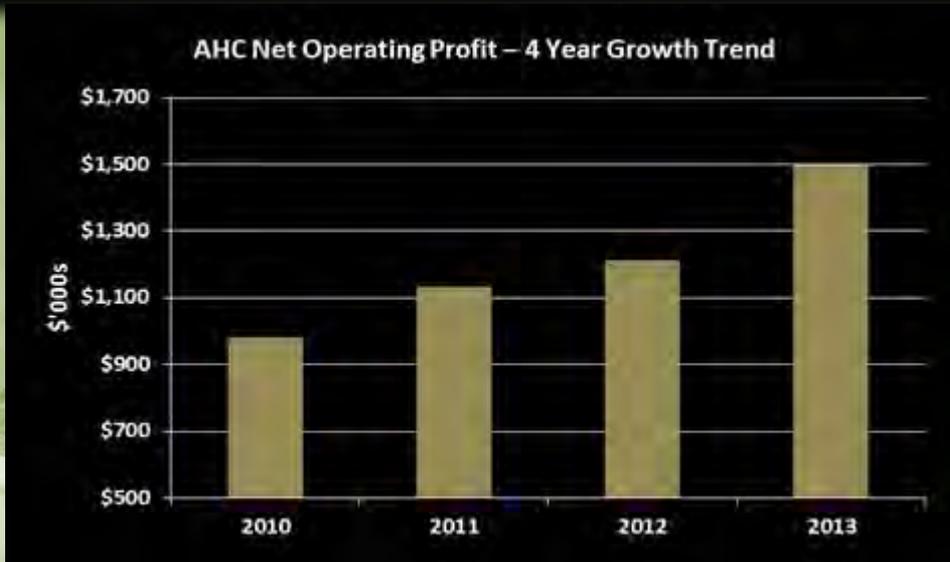


Accountability Structure

Key points to note with the NMOW accountability structure:

- AHC reports directly to the Iwi Trust
- The SIPO can be amended at the commencement of every year
- The key Policies under which AHC operate are approved and signed off by the Iwi Trust and can be amended as required, ie:
 - Delegated Authority Policy
 - NMOW Fisher ACE Allocation Policy
 - Investment Policy
 - Distribution Policy
- Currently any investment considered by AHC over \$100k must be submitted to the Iwi Trust for approval
- The Iwi Trust have the power to appoint and remove AHC Directors
- The AHC Board have the power to appoint and remove its manager

AHC Results – A Snapshot



SCHEDULE 4 - MANDATING HUI MINUTES

First Notified Mandate Hui – Wharekauri Minutes 8 February 2014

Hui Type:		First Notified Iwi Mandate Hui
Date & Venue:		Saturday 8 February 2014 at 10.30am CI time (9.45am NZ time)
Present:		<p>Mandate Group: Philip Seymour , Nicholas Cameron, Teresa Lanauze, Andrew Hough, Peter Reriti</p> <p>Trustees: Trust Chair Paula Page , Melodie Fraser, Dallon Gregory-Hunt and Monique Croon</p> <p>Iwi Members & Whānau Present: Eileen Whaitiri, Edith Tito, Jeanette Page, Eileen Cameron, Lois Croon, Joan Hough, Kevin Thomas, Bob Goomes, Ada Hough, Bernie Thomas, Elaine Goomes, Judy Kamo, Bill Carter, Robbie Lanauze, Peter Fraser, George Tuuta, Edward Fraser, Hariroa Daymond, Jack Daymond, Inia Daymond, Kotuku Daymond, Judeen Whaitiri, Josh Thomas, Kathy Thomas, George Goomes, Teresa McDonald, Apirana Daymond, Hamana Daymond, Herena Daymond</p> <p>Crown Observer: Tony Tumoana (Te Puni Kōkiri)</p>
Attendees:		Ward Kamo (Management) and Jo Clark (Minutes)
Apologies:		John Kamo, Gail Amaru, Joseph Thomas (Jnr), Deborah Goomes, Pita Thomas
Karakia:		Kevin Thomas
AGENDA ITEM	TIME	KŌRERO
1. Karakia me Mihimihi		Trust Chair Paula Page welcomed whānau to the hui and outlined the structure of the hui.
2. The Resolution		<p>Purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p>
3. Role of Crown Observer		<p>Mandate Group Chair Philip Seymour opened the hui on behalf of the mandate group.</p> <ul style="list-style-type: none"> The Crown Observer Tony Tumoana – Te Puni Kōkiri is here to observe only

		<ul style="list-style-type: none"> • The observer is here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui, and an overall report on the process will be provided by the observers to the Iwi. • There is no ability to question the observers in our mandate hui
<p>4. Historical Claim of Ngāti Mutunga o Wharekauri</p>		<p>The Trust Secretary Ward Kamo explained the Historical Claim of Ngāti Mutunga o Wharekauri Means claims registered relating to Crown breaches of our Treaty rights. Registered claims are: Wai 65 - Chatham Islands & Fisheries Claims – James Pohio & others Wai 181 - Kekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others Wai 460 - Chatham & Auckland Island Claim – Albert Tuuta & Others</p> <p>These claims were heard and reported on in the Wai 64 Rekohu Report. Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised) Te Whaanga Lagoon – The whole lagoon Acts of Parliament – Public Works Act (1908) Fishing Rights – Fisheries Act (1877) Kekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block Land Tenure – 1870 Native Land Court Allocations Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate freight and transport service, integrated health care, secondary level schooling

		<ul style="list-style-type: none"> • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour)</p> <ol style="list-style-type: none"> 1. The tenure reform brought about by the native Land Court was contrary to the Treaty. 2. Continuing Crown administration of the island led to the following findings: <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced 3. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri. 4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.
<p>5. Mandate - What is it?</p>		<p>Andrew Hough explained what ‘mandate’ is and their requirements.</p> <p>Mandate Requirements</p> <p>Three requirements to enter negotiations:</p> <ol style="list-style-type: none"> 1. Large Natural Grouping <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. 2. Well founded claims 3. Mandate to negotiate <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity)

- Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification)
- Settlement relates to all historical claims of Ngāti Mutunga o Wharekauri

Andrew Hough outlined who was on the mandate group.

- Mandate Group Chair Philip Seymour
- Teresa Lanauze
- Andrew Hough
- Peter Reriti
- Nicholas Cameron
- Trust Chair Paula Page (NMOWIT Chair)
- John Kamo (NMOWIT Deputy Chair)

The question of Deborah Goomes inclusion on the Mandate Group was raised. It was explained to participants that Mandate Group members had been nominated at previous mandate hui. Deborah Goomes had previously been nominated and the Mandate Group Chair Philip Seymour clarified that she was included in the mandate group. Objections were noted and would be discussed at the next Mandate Group hui.

In reference to the process of selection to the mandate group it was suggested that Schedule 5 – Sections 10.1,3,6,7,8 from the trust deed were ignored and that the Iwi Trust were disregarding what the people were saying. It was clarified that the Trust Deed had no application to the mandate process. The mandate process was prescribed by the Office of Treaty Settlements not the Iwi Trust. The manner in which mandate was sought was wholly at the determination of the Iwi not any legal entity.

The Mandate Group Chair Philip Seymour further clarified the appointment for the mandate group had occurred via advertised hui-a-iwi of which at least 8 had been run up to the start of the formal mandate process.

In regards to adding anyone else to the mandate group, the Mandate Group Chair Philip Seymour advised it was not a closed shop but at some time there needed to be a cut-off point. It was advised that input into the Mandate Group was not solely in the hands of the Mandate Group.

	<p>The Mandate Group Chair Philip Seymour clarified that process was laid down by the Crown and there was a Terms of Reference which the group works and adheres to. Clause 7.1.1 of the Iwi Trust Deed it states the Iwi Trust is bound to pursue the mandate and settlement of the Ngāti Mutunga o Wharekauri claim and is their core function.</p> <p>There was criticism that the Trust Secretary had to stand to give clarification and questioned whether the Mandate Group was not up with the kaupapa. The Mandate Group Chair Philip Seymour responded that each person on the Mandate Group brought a different perspective and skill set to the group and that it was the collective knowledge of the Mandate Group that ensured the kaupapa was well understood.</p> <p>It was further clarified by the Trust Secretary Ward Kamo, in relation to an earlier question on the status of the Trust Deed, that the clauses of the Trust Deed were not applicable to the process of Mandate. The Mandate Process was defined by the Crown and it was the Crown requirements that applied. It was further explained that even were the Trust Deed requirements to apply, the person raising the issues did not have a firm grasp of the Deed and was simply wrong in their interpretation.</p> <p>The Mandate Group Chair Philip Seymour clarified the mandate group had been appointed by Iwi at mandating hui and the remainder of the mandate group. The inclusion of the Iwi Trust chair and deputy chair was clearly outlined in the Te Ao Hou document.</p>
<p>6. Mandate Structure</p>	<p>The Trust Secretary Ward Kamo explained the mandate structure.</p> <p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri.</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p style="text-align: center;"><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p> <p>There was concern that hui had not been advertised and that unregistered Iwi members had not attended hui where the mandate group had been nominated. It was clarified by the Trust Secretary Ward Kamo that public notices had been put up for each hui, as well as email, website and social media. It was assumed that registered members would pass on information to unregistered whanau.</p> <p>It was noted that at the appointment of negotiators stage Iwi need to be involved and have an input.</p> <p>There was some unease expressed as to the process in which public</p>

	<p>hui had been advertised. An example was given of when the Minister of Treaty Settlements was scheduled to come to the island on 12 January 2014 when had asked for a meeting with the Ngāti Mutunga o Wharekauri claimant community. The Iwi Trust had put a notice out advertising the meeting was for the Iwi Trust members. The people who were there at the hui had just found out at the last minute. In response Trust Chair Paula Page advised the Iwi Trust did not receive a letter from the Minister to say he was coming to speak to the Iwi community. When Ministers travel the Iwi Trust often would find out through the Council. At the time the Minister notified his coming to Wharekauri in January he had indicated a desire to hui with trustees and mandate group, Kaumātua and Kaunihera Kaumātua. Subsequent to that, and whilst on the island, the Minister opened the scheduled hui up to all the Iwi.</p> <p>At this point there was criticism from one member that a group had attended the hui to hijack it and not letting other members have a say. The Trust Secretary Ward Kamo was then complimented for the work he had done in bringing the information to the attention of all Ngāti Mutunga o Wharekauri.</p> <p>In response a member of the Kaunihera Kaumātua objected to being called part of that group and that her interest was for Ngāti Mutunga. She also acknowledged the Trust Secretary’s work. It was agreed the corporate structure of management was clearly defined. However the member was concerned the Iwi were not alongside, and they had every right to express that.</p> <p>An apology followed that no offence was meant personally, and encouraged everyone to get up and have their say.</p> <p>The Mandate Group Chair Philip Seymour then advised the process allows for open honest discussion by everyone. If that did not happen they were not doing the cause justice. At the end of the day decisions had to be made and some of those decisions would not comply with individuals aspirations. How do you please everyone all of the time? It is Important to note in this group, open honest discussion is paramount.</p> <p>The Te Ao Hou booklet (mandate strategy) was criticised for being difficult to read. It was suggested the print could have been larger so it was easier to read by Kaumātua. The Trust Secretary Ward Kamo gave assurance this would be addressed in any future publications.</p> <p>The Mandate Group Chair Philip Seymour emphasised the Iwi will have a vote which will note if the Iwi is recognised or not. Another point was this process was a negotiation with the Crown; it’s the grievances with the Crown that need to be rectified.</p>
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	<p>Discussion turned to Te Puni Kōkiri (TPK) efforts to establish a single entity for Mandate. In April 2013, the Iwi Trust had still not committed to the establishment of a collective group. According to TPK they were requesting from Minister Finlayson a commitment from the Iwi Trust to that collective. TPK made a commitment to all those parties; they had a hui with Kaumātua who endorsed that fact. It appeared now to a select group of hui participants, that one entity (Iwi Trust) had gone forward and the other two purported groups have been left by the wayside. Concern was expressed that this whole process was being portrayed as fair, just and transparent. TPK needed to accept responsibility for how this affects our Iwi causing dissension and bitterness amongst whanau on the island.</p> <p>George Goomes advised he was part of the original Ngāti Mutunga o Wharekauri Iwi Trust claim group (known as the Claims Working Group) that had got them to where they were today with pre-settlement assets. He expressed a view the mandate group should be disbanded. He referred to the Kaunihera Kaumātua and asked why they were disregarded. According to the mandate structure there was already a Kaunihera group but he didn't know who they were. The ones he had been talking to had not been consulted. He did not know why the Iwi was proceeding because we first have to get our people together.</p> <p>This was refuted by the Trust Secretary Ward Kamo who pointed out that the Chair of the Kaunihera Kaumātua, Hariroa Daymond, had been present at a number of hui both with the Iwi Trust and subsequently the Mandate Group. If information was not being received by the Kaunihera then questions may need to be asked of the Kaunihera chair as to why this was not occurring.</p>
<p>7. Mandate Group</p>	<p>The Iwi Trust Chair Paula Page spoke on the mandate group communication.</p> <ul style="list-style-type: none"> ❖ Communication: <ul style="list-style-type: none"> • Trustee Meetings <ul style="list-style-type: none"> - Monthly ❖ Reporting to Ngāti Mutunga o Wharekauri: <ul style="list-style-type: none"> • AGM • Up to 3 Hui-a-Iwi to report on issues, including: <ul style="list-style-type: none"> - Deed of Mandate and mandating process

		<ul style="list-style-type: none"> - Agreement in principle - Proposed settlement package (including post settlement governance entity) - Other matters of importance <ul style="list-style-type: none"> • Pānui / Website / E-mail <p>❖ Trustee decisions by majority, or consensus if possible.</p> <p>The Mandate Group Chair Philip Seymour explained the role of the mandate group and negotiators.</p> <p>❖ Mandate Group:</p> <ul style="list-style-type: none"> • Responsible for day to day conduct of negotiations • Whānau has appointed group who will operate in accordance with mandate charter / TOR <p>❖ Negotiators:</p> <ul style="list-style-type: none"> • Mandate group to recommend negotiator appointment to trustees • Trustees to contract negotiators • Negotiators responsible to Trustees under oversight of mandate group • Note - a minimum of 1 Ahi Kaa will be a negotiator and up to 2 'skills allowing'. <p>In reference to negotiators it was noted this was a Ngāti Mutunga o Wharekauri Iwi claim. The expertise is with the whānau who know the issues and it was important to have Ahi Kaa negotiators with someone who can speak well and communicate for both sides.</p> <p>The negotiation of the Sealord's deal was then raised and a repeat of this was not wanted. Trust Secretary Ward Kamo noted that the deal had been done to the Chatham Islands, with Chatham Islanders not being present, back with the Maori Fisheries Commission. The Chatham Islands were told they were greedy for wanting their own resource by a member of the Maori Fisheries Commission. The Chatham Islands should have had their own fish, and be the ones fishing it. Other tribes took the fish and the Chatham Islands had to negotiate for the scraps that were left. The Fisheries will be dealt with again. There was concern this settlement claim will go the same way.</p>
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It was noted that a Post Settlement Governance Entity will be set up to receive the settlement claim and assets.

Deborah Goomes nomination was then re-raised. Teresa McDonald (Wai 1382 claimant) outlined her understanding of Deborah's nomination. She noted that Hariroa Daymond had made the nomination and she herself had seconded it as Deborah also whakapapa's to the Matarakau claim. Her hapū did not object to it.

Teresa McDonald left the hui at 11.45am.

Deborah Goomes was not listed as being on the mandate group in the presentation because the Mandate Group had intended to korero with her prior to today's hui. Concern was expressed by members that Deborah is employed by the Crown and they had a strong view of her conflict of interest with members present were adamant she was not to be on the Mandate Group.

The Mandate Group Chair Philip Seymour asked if there was any support for her at all to be included in the Mandate Group. No support was registered.

Discussion then turned to the way Te Puni Kōkiri have handled the process of getting the Iwi Trust to work with two groups purporting to represent Ngāti Mutunga o Wharekauri Iwi. It was suggested the Iwi Trust goes back to the other two groups and make amends and try and put this together. This may get people going along with it.

The Mandate Group Chair Philip Seymour noted the Mandate Group was not doing this for the Iwi Trust; they were doing it for Ngāti Mutunga o Wharekauri. The Iwi Trust had simply put their hand up to be the vehicle or entity to negotiate a claim. That did not mean the Iwi Trust alone does that.

It was then clarified that a PSGE (Post Settlement Governance Entity) would be set up to receive any settlement. It was suggested the PSGE had already begun to be set up. The Trust Secretary Ward Kamo refuted this accusation in strident terms noting that to date there was absolutely not an entity set. Further, the Iwi Trust in its current form was also not suited to be the PSGE. Therefore the Iwi Trust would not receive the assets of any settlement. The PSGE would be what members determine it to be, the Iwi Trust was just a vehicle to get to that point.

Some members felt the process was confusing and misleading and many did not understand it. It was felt the mandate strategy was not ready to go out to Aotearoa, that it needed sanctioned first. More hui should be held to get more people along. The Trust Chair Paula Page

	<p>noted there would be another hui on 15 March on Wharekauri, but mentioned many people did support the organisation but do not like to come along to hui as they felt they were not respected for their view. Trust Chair Paula Page said another hui could be arranged for the following week.</p> <p>Kaumātua Bill Carter¹ advised the mandate group not to go to hui in Aotearoa until the group can answer the question “What is the view of the island?” Don’t go out until you can speak with a voice that is coherent and makes sense to the people in New Zealand. He stated he would be the first to stand up and ask the question at Hongoeka, “what is the view of the island, what is the view of Ahi Kaa?”</p> <p>One participant noted it was obvious the mandate strategy should not go ahead as there is a lot of sorting out to do to get the confidence and support back to the Iwi Trust and to Ngāti Mutunga. A resolution put to a hui 4 years ago still stands. The member asked if motion could be put to the floor regarding the mandate strategy. The resolution being:</p> <p><i>‘That the mandate hui in New Zealand should not go ahead and put a halt to the process until the people are together.’</i></p> <p>Jack Daymond also wanted the motion which George Goomes had raised 4 years earlier at the 2010 AGM, put back to the floor. He said it was critical they bring the Asset Holding Company back to the island with our own people administering it. The Mandate Group Chair Philip Seymour stated that it was not the correct forum or time to put an Iwi Trust issue to the floor.</p> <p>Another hui was proposed for Wednesday 12 February at 6.00pm. It was noted this hui is for Ngāti Mutunga o Wharekauri, and should not be an Iwi Trust hui.</p> <p>Some members voiced they hoped the next hui will move forward and that people should come forward and fight for the island together as one.</p> <p>It was suggested an agenda be set for the hui on 12 February. Mandate Group Chair Philip Seymour said there needed to be discussion around the Deborah Goomes issue from the hui today. There had been some serious accusations of conflict of interest and that Deborah Goomes deserved an opportunity to respond.</p> <p>A question to the Mandate Group was asked if they were capable of doing the job. Mandate Group Chair Philip Seymour responded that he stood by his fellow members who were put there by whānau through</p>
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¹ Note hui at Hongoeka, March 2 2014, for follow up comments from Kaumatua Bill Carter

	<p>Iwi hui to be involved in the process. In terms of competencies in the Terms of Reference, he restated that any individual limitations with group members were more than mitigated by the collective will and knowledge of the Mandate Group. Collectively the competencies are covered by the group as a whole and if necessary external expertise would be brought in to assist the Iwi as a whole.</p> <p>Kathy Thomas read out the resolution put to the floor at the 2010 Iwi Trust AGM by George Goomes.</p> <p><i>“That control of everything belonging to Ngāti Mutunga o Wharekauri Iwi Trust and associated entities be returned and retained on island; that Tino rangatiratanga be reinstated to Ngāti Mutunga o Wharekauri; that a hui be held on Sunday 14 November 2010 to report on progress.”</i></p> <p>It was stated that progress hui was never held.</p> <p>The Mandate Group Chair Philip Seymour restated that specific Iwi Trust issues needed to be dealt with at an Iwi Trust hui. All Ngāti Mutunga o Wharekauri should be attending meetings so the mandate group could inform them of the mandate strategy and process.</p> <p>An error was noted in the Te Ao Hou booklet under ‘Voting Process’ which should be corrected to read ‘Ngāti Mutunga o Wharekauri’.</p>
<p>8. Next Steps</p>	<p>Mandate → Terms of Negotiation → Agreement in Principle → Deed of Settlement → Ratification → Legislation → PSGE & Asset Return</p>
<p>9. Final Thoughts</p>	<ul style="list-style-type: none"> • The Opportunity is now • The Crown has invited us to the negotiation table – this does not happen normally • We can settle our Ngāti Mutunga grievances and use our settlement to create a future on our island and for all Ngāti Mutunga o Wharekauri people no matter where they reside. <p><i>The hui ended at 1.05pm</i></p>

Second Notified Mandate Hui – Tamaki-Makaurau Minutes 27 February 2014

Hui Type:	Second Notified Iwi Mandate Hui	
Date & Venue:	Thursday 27 February 2014 at 5.00pm NZ time (4.15pm CI time), Jet Park Hotel, Tamaki-Makaurau-Rau	
Present:	<p>Mandate Group: Philip Seymour , Andrew Hough, Peter Reriti.</p> <p>Trustees: Trust Chair Paula Page , John Kamo (Deputy Chair), Dallon Gregory-Hunt, Melodie Fraser, Gail Amaru and Monique Croon.</p> <p>Iwi Members and whānau present: Hariroa Daymond, Edith Tito, Raana Tuuta, Eric Dix, Amos Kamo, Maryann Absolum, Tish Siasoi, Melissa Absolum, Eliza Absolum-Leuluso’o, Sina Siasoi, Te Amo Siasoi, Hoani Hoeta, Te Wetini Amaru-Tibble, Chelsea Tucker and Judy Kamo.</p> <p>Crown Observer: Tony Tumoana – Te Puni Kōkiri</p>	
Attendees:	Jo Clark (Minutes), Ward Kamo (Management)	
Apologies:	Joseph Thomas, Nicholas Cameron and Teresa Lanauze	
AGENDA ITEM	TIME	KŌRERO
		Iwi Trust Chair Paula Page welcomed whānau to the hui. She acknowledged Kaumātua travelling with the group. Paula explained when the group returns to Wharekauri they will be having a hui on Pitt Island and also a Rangatahi hui.
10. Karakia & Mihi		Edith Tito - karakia Ward Kamo – mihi whakatau
11. The Resolution		<p>The Mandate Group Chair Philip Seymour outlined the structure of the hui.</p> <p>Purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p> <p>Mandate Group Chair Philip Seymour explained the resolution could be supported or rejected by voting.</p>
12. Role of Crown		<ul style="list-style-type: none"> The Crown Observer is here to observe only

<p>Observer</p>	<ul style="list-style-type: none"> • The observer is here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui, and an overall report on the process will be provided by the observers to the Iwi. • There is no ability to question the observers in our mandate hui
<p>13. Historical Claim of Ngāti Mutunga Wharekauri</p>	<p>Trust Secretary Ward Kamo explained the Historical Claim of Ngāti Mutunga o Wharekauri - Means claims registered relating to Crown breaches of our Treaty rights. Registered claims are: Wai 65 - Chatham Islands & Fisheries Claims – James Pohio & others Wai 181 - Kekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others Wai 460 - Chatham & Auckland Islands Claim – Albert Tuuta & Others These claims were heard and reported on in the Wai 64 Rekohu Report. Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised) Te Whaanga Lagoon – The whole lagoon Acts of Parliament – Public Works Act (1908) Fishing Rights – Fisheries Act (1877) Kekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block Land Tenure – 1870 Native Land Court Allocations Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate

	<p>freight and transport service, integrated health care, secondary level schooling</p> <ul style="list-style-type: none"> • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour)</p> <ol style="list-style-type: none"> 5. The tenure reform brought about by the native Land Court was contrary to the Treaty. 6. Continuing Crown administration of the island led to the following findings: <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced 7. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri. 8. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.
<p>14. Mandate – What is it?</p>	<p>Trust Chair Paula Page explained mandate was – <i>‘An authority given by Iwi to a group of representative to negotiate a proposed settlement package with the Crown.’</i></p> <p>Large Natural Grouping</p> <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity)

	<ul style="list-style-type: none"> • Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification) • Settlement relates to all Historical Claims of Ngāti Mutunga o Wharekauri <p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p style="margin-left: 40px;"><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p>
<p>15. Next Steps</p>	<p>The Mandate Group Chair Philip Seymour explained the Iwi was at the first step in achieving mandate. Once the mandate was approved a Deed of Mandate would be drawn up.</p> <p>Mandate Group Chair Philip Seymour concluded the presentation saying the opportunity is with us now and in hands of Iwi with a vote. We would like to think there is support for what is being proposed but respect the rights of individuals to make a decision as they see fit. It was outlined that the Crown does want to settle now, but as an Iwi it doesn’t mean to say we jump in and do it anyway; there has to be some due diligence applied to this. Ultimately the focus is to ensure the settlement is a just one; that any settlement that occurs enhances the existing potential the island and Iwi has. He stated he was looking forward to getting on with the process and eagerly awaited the outcome of the vote and how the Hon Chris Finlayson and Hon Pita Sharples view whether the Iwi achieves mandate or not.</p> <p>The resolution was reread to the hui and Mandate Group members were introduced.</p>
<p>16. Open Forum</p>	<p>A member asked if the negotiators will be chosen by the Iwi or by the Mandate Group. The Trust Secretary Ward Kamo explained the negotiators will be recommended by the Mandate Group. The Mandate Group has more than just a persuasive authority, it has a mana authority and for the Iwi Trust to go against the recommendations will require discussion within the Mandate Group and Iwi Trust. If the Iwi Trust clearly had an alternate view it should be made across to the Mandate Group so they understood why.</p> <p>In reference to a question regarding a settlement figure, the Trust Secretary Ward Kamo answered that they will be looking at other Iwi and what their settlement figures were. It was explained a number of things had to be looked at like the cultural aspects, economic aspects and losses which have no monetary value at all, land values and the</p>

	<p>isolation factors and it's inherent costs.</p> <p>It was also explained the Crown had a formula they use to calculate settlement quantum that may constitute an 'opening bid'.</p> <p>It was asked whether the settlement might include ownership rights of minerals, oils and gases and also peat. Trust Secretary Ward Kamo responded saying the Crown had a firm view on mineral rights and ownership and that any successful claim to these would require smart negotiating. The Crown would not ordinarily include ownership of minerals in any settlement deal. Ward Kamo also moved to dispel a rumour that the Iwi Trust has said yes to Phosphate mining. The Iwi Trust view presently was 'no'.</p> <p>Concern was expressed about the recent health report on the Chatham Island where women on the island need to go to the mainland to have their babies. Trust Chair Paula Page explained that social well-being such as health would be included in the settlement claim negotiations.</p> <p>It was then clarified that the Iwi Trust was seeking mandate as they are the entity who are wanting authority to negotiate with the Crown. The Trust had established a working group (Mandate Group) to help with that process. The Mandate Group was there to strengthen the work on behalf of the Iwi Trust. It was not the Mandate Group seeking mandate.</p> <p>It was also clarified that the Mandate Group was there to help the process in gaining mandate which is a varied role. Networking is an important and critical role for the Mandate Group particularly on Wharekauri. The Mandate Group is there to endorse the approach and accordingly, the tasks are quite varied in it. It's not always about being upfront and talking at hui. The group have regular hui where contribution from group members is valued and important. The mandate strategy and presentation was prepared by going through the process where the group was part of establishing the publication – the Mandate Group was on to its 13th version of the strategy. Also importantly, the Mandate Group was there to recommend negotiators. It was imperative for the Mandate Group to talk to the Iwi to get their view on who the negotiators should be. At least one negotiator will be Ahi Kaa and a strong preference was expressed for two Ahi Kaa negotiators.</p> <p>The Trust Secretary then outlined the process of voting for Ngāti Mutunga o Wharekauri members who are not registered with the Iwi Trust.</p> <p>A member thanked the group for work done for the Iwi and noted change is good and moving forward is always good.</p>
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		<p>Trust Secretary Ward Kamo explained the Post Settlement Governance Entity to be established to receive the settlement assets and the process. Once mandate is achieved the Iwi Trust will be asking all Ngāti Mutunga Iwi members what they would like the new entity to look like.</p> <p>The opportunity was taken to announce the Iwi Trust's new Education Strategy and impending Reo Recovery strategy contracts through the Ministry of Education and Te Taura Whiri. It was hoped that this mahi could be coupled with the settlement mahi once Mandate was achieved. The contract pūtea includes some short term support funding to support the wānanga on the island.</p> <p><i>Hui closed at 7.00pm</i> <i>Karakia whakamutunga – Raana Tuuta</i></p>
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Third Notified Mandate Hui – Waitara Minutes 1 March 2014

Hui Type:		Third Notified Iwi Mandate Hui
Date & Venue:		Saturday 1 March 2014 at 12.30pm, Owae Marae, Waitara
Present:		<p>Mandate Group: Philip Seymour, Andrew Hough, Peter Reriti</p> <p>Trustees: Trust Chair Paula Page , John Kamo (Deputy Chair), Dallon Gregory-Hunt, Melodie Fraser, Gail Amaru and Monique Croon</p> <p>Iwi Members and whānau present: Hariroa Daymond, Edith Tito, Raana Tuuta, Eric Dix, Ramon Tito, Rodney Baker (Te Rūnanga o Ngāti Mutunga Chair), Mitchell Ritai, Margaret Taylor, Colleen Tuuta (Te Rūnanga o Ngāti Mutunga Trustee), Kapuakoe Harlow, Rongo Callaghan, Pereni Belle Tupe, Te Amoroa Clifton, Jill Winitana, Apirana Daymond, Marie Doorbar, Judy Kamo, Murray Tamati, Rani Potaka, Hurimoana Haami, Haumoana White, Tiki Raumati, James Hemi McDonald, Tony Pomare, Todd Pomare, Moana Winitana, Moana (Elanor) Phillips, Howie Tamati (Te Rūnanga o Ngāti Mutunga Trustee).</p> <p>Crown Observer: Tony Tumoana – Te Puni Kōkiri</p>
Attendees:		Jo Clark (Minutes), Ward Kamo
Apologies:		Nicholas Cameron, Joseph Thomas and Teresa Lanauze
AGENDA ITEM	TIME	KŌRERO
		Trust Chair Paula Page welcomed whānau and outlined the group would be going to Pitt Island and will also have a Rangatahi hui on their return to Wharekauri.
17. Karakia & Mihi		Ramon Tito
18. The Resolution		<p>The Mandate Group Chair Philip Seymour outlined the structure of the hui.</p> <p>Trustees and mandate group members then introduced themselves as did Crown Observer, Tony Tumoana (Te Puni Kōkiri).</p> <p>Purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p>

		Mandate Group Chair Philip Seymour explained the resolution could be supported or rejected by voting.
19. Role of Crown Observer		<ul style="list-style-type: none"> • The Crown Observer Tony Tumoana from Te Puni Kōkiri is here to observe only • The observer is here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui and an overall report on the process will be provided by the observer to the Iwi. • There is no ability to question the observer in our mandate hui
20. Historical Claim of Ngāti Mutunga Wharekauri		<p>Trust Secretary Ward Kamo explained the Historical Claim of Ngāti Mutunga o Wharekauri - Means claims registered relating to Crown breaches of our Treaty rights. Registered claims are: Wai 65 - Chatham Islands & Fisheries Claims – James Pohio & others Wai 181 - Kekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others Wai 460 - Chatham & Auckland Islands Claim – Albert Tuuta & Others These claims were heard and reported on in the Wai 64 Rekohu Report. Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised) Te Whaanga Lagoon – The whole lagoon Acts of Parliament – Public Works Act (1908) Fishing Rights – Fisheries Act (1877) Kekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block Land Tenure – 1870 Native Land Court Allocations Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga

		<ul style="list-style-type: none"> • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate freight and transport service, integrated health care, secondary level schooling • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour)</p> <ol style="list-style-type: none"> 1. The tenure reform brought about by the native Land Court was contrary to the Treaty. 2. Continuing Crown administration of the island led to the following findings: <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced 3. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri. 4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.
<p>21. Mandate – What is it?</p>		<p>Trust Chair Paula Page explained that mandate was – <i>‘An authority given by Iwi to a group of representative to negotiate a proposed settlement package with the Crown.’</i></p> <p>Mandate Requirements Three requirements to enter negotiations:</p> <ul style="list-style-type: none"> • Large Natural Grouping • Well founded claims

		<ul style="list-style-type: none"> • Mandate to negotiate <p>Large Natural Grouping</p> <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity) • Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification) • Settlement relates to all historical claims of Ngāti Mutunga o Wharekauri <p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri.</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p>
<p>22. Mandate Structure</p>		<p>The Mandate Group Chair Philip Seymour explained the mandate structure and that we are at the first step in achieving mandate, once mandate was given, a deed of mandate would be drawn up.</p>
<p>23. Mandate Group</p>		<p>Communication:</p> <ul style="list-style-type: none"> • Trustee Meetings <ul style="list-style-type: none"> ○ Monthly • Reporting to Ngāti Mutunga o Wharekauri: <ul style="list-style-type: none"> ○ AGM ○ Up to 3 Hui-a-Iwi to report on issues, including: <ul style="list-style-type: none"> - Deed of Mandate and mandating process - Agreement in principle - Proposed settlement package (including post

		<p>settlement governance entity)</p> <ul style="list-style-type: none"> - Other matters of importance <ul style="list-style-type: none"> ○ Pānui / Website / E-mail • Trustee decisions by majority, or consensus if possible. • Mandate Group: <ul style="list-style-type: none"> ○ Responsible for day to day conduct of negotiations ○ Whānau has appointed group who will operate in accordance with mandate charter / Terms of Reference • Negotiators: <ul style="list-style-type: none"> ○ Mandate group to recommend negotiator appointment to trustees ○ Trustees to contract negotiators ○ Negotiators responsible to Trustees under oversight of mandate group ○ Note - a minimum of 1 Ahi Kaa will be a negotiator and up to 2 'skills allowing'.
<p>24. Next Steps</p>		<p>Mandate → Terms of Negotiation → Agreement in Principle → Deed of Settlement → Ratification → Legislation → PSGE & Asset Return</p> <p>The Mandate Group Chair Philip Seymour concluded the presentation saying the opportunity is with us now and in the hands of the Iwi with a vote and would like to think there is support for what is being proposed. The Crown does want to settle but as an Iwi we don't jump in and do it anyway, there is some due diligences applied to this and assure that ultimately any settlement made is a just one. Philip repeated the resolution to be voted and explained who the members of the mandate group were.</p>
<p>25. Open Forum</p>		<p>The Mandate Group Chair Philip Seymour opened the hui for discussion and questions. The Chair of Te Rūnanga o Ngāti Mutunga, Rodney Baker, stood and offered support and help to the group. Howie Tamati , Te Rūnanga o Ngāti Mutunga Trustee, then thanked the group for coming and presenting the mandate strategy to them. He wished the Trust all the best and publicly stated his support. He said there was a long way to go but encouraged the Trust to stay focused and keep an eye on what will be best for whānau on Wharekauri. He wished the group safe travelling and congratulated them on the presentation.</p>

Colleen Tuuta stood and gave their support with many looking forward to catching up with whānau after the hui.

The Trust Secretary Ward Kamo then explained the voting process and encouraged those present to korero with Kaumātua from Wharekauri to confirm they whakapapa to the tīpuna list. He explained you did not have to be a registered member of the Iwi Trust to vote or become a registered member.

Jill Winitana expressed her concern about the mandate process to date but said it may be through misunderstanding. She had heard through whānau on the island that they did not understand what was happening and some felt they were not included. She was also concerned about proposed phosphate mining on the island and where the Iwi Trust sat with that issue. Jill referred to a television interview where Trust Secretary Ward Kamo had spoken out about mining on the island.

Trust Secretary Ward Kamo responded advising the television interview had been undertaken prior to any mining consents being lodged and before a formal Iwi position could be confirmed. Subsequent discussions on island at Iwi forum had established the current risks to the island outweighed potential rewards and so the mining could not be supported. This was the official position of the Trust.

Jill Winitana then referred to a 'vote' taken at a hui-a-Iwi on the island where a group of people present were against the mandate group going to Aotearoa to hui. The Mandate Group Chair Philip Seymour then clarified at the hui at which Jill was referring, there was expressions of opinion of strong opposition, but not a vote. Further it was explained that all Ngāti Mutunga o Wharekauri including those not living on Wharekauri had a right to express their view about the mandate process – and the current voting process was the most appropriate way to do this.

The hui broke for lunch and reconvened at 3.00pm.

The open forum discussion resumed with Moana Winitana warning the hui that if seeds or thoughts start getting in to the community about an incorrect mandate process, it will diminish the cultural redress of claim. It messes with the whole economic structure the WAI64 claim is based on. He encouraged the group to do it properly from the beginning. Tikanga in its simplest form is getting it right first time.

The Mandate Group Chair Philip Seymour responded that the Mandate Group, as well as trustees, are well aware of the process and nothing is taken for granted. The Iwi, trustees and mandate

group, are front line in getting the process underway and are aware the Iwi as a whole has a big say whether mandate is recognised.

Discussion then turned to negotiating and who those negotiators could be. The Mandate Group Chair Philip Seymour explained the Mandate Group would put forward names from Iwi hui and recommend those names as negotiators. Trust Chair Paula Page used the example of the Iwi Trust Housing Committee on the island when Ngāti Mutunga o Wharekauri Iwi Trust built three new houses and two Kaumātua units. It was envisaged the Negotiating Team would work along similar lines. The Iwi Trust would provide the administration for this. Mandate Group Chair Phil Seymour then clarified the resolution vote was to determine whether the Iwi Trust would be the mandated group to assist the Iwi to achieve a lasting and durable settlement for all Ngāti Mutunga o Wharekauri.

Responding to a question as to whether it would be easier to have original claimants in the Mandate Group, the Trust Secretary Ward Kamo clarified that two of the original three claimants were deceased. That being said, the door remained open for the remaining claimant Albert Tuuta, representative of the largely defunct Te Rūnanga o Wharekauri/Rekohu Incorporation legal entity during the Wai64 hearings, to come aboard and help complete the settlement. That said, the lack of original claimants did not prevent the process from continuing.

There being no further questions, the Mandate Group Chair Philip Seymour thanked the Iwi for their attendance and input in to the hui and closed the meeting.

Karakia by Ramon Tito

Hui closed at 3.20pm

Fourth Notified Mandate Hui – Whanganui-a-Tara Minutes 2 March 2014

Hui Type:	Fourth Notified Iwi Mandate Hui	
Date & Venue:	Sunday 2 March 2014 at 11.30am NZ time (12.15pm CI time) at Hongoeka Marae, Plimmerton	
Present:	<p>Mandate Group: Philip Seymour , Andrew Hough, Peter Reriti</p> <p>Trustees: Trust Chair Paula Page , John Kamo (Deputy Chair), Dallon Gregory-Hunt, Melodie Fraser, Gail Amaru and Monique Croon</p> <p>Iwi Members and whānau present: Hariroa Daymond, Edith Tito, Raana Tuuta, Eric Dix, Ramon Tito, George Hough, Helen Shaw, Lois Searle, Paula Searle, Linda Searle, Bernadine MacKenzie, Bill Carter, Te Rangi Hiroa Herlihy, Roy George, Teresa Kenny, Arapeta Kamo, Elanor Amaru, Tish Siasoi, Daphne Pomare, Judi Pomare, Shane Fellows, Jill Winitana, Trevor Kamo, Dale Nakhla, Kahe Te Rau o te Rangi Nakhla, Manawatoa Nakhla, Tairua Nakhla, Potiki Nakhla, Maikaya Tapuke, S Foster, Paki Brown, Helena Patuwai, Edna Hough, Mahara Gilsenan, Tania Gilsenan, Robin Page (Snr), Charles Eddie Tuuta, Kim Forbes, Te Akerania Manuka Taiaki, Charles Namu Pirika, Terry Gipsy Pirika, Urutahi Harawira Pirika-Tongohou, Roberta Burt, Mynetta Erueti, Moana Winitana, Papali'i Johnny Siasoi, Evelyn Tuuta, Ngawhata Amaru-Tibble, Te Amo Amaru-Tibble, Kahurangi Amaru, Sharon Amaru, Mereana Tibble.</p> <p>Crown Observers: Te Rei Koopu and Tony Tumoana – Te Puni Kokiri</p>	
Attendees:	Jo Clark (Minutes), Ward Kamo	
Apologies:	Joseph Thomas, Nicholas Cameron, Teresa Lanauze, Tom McLurg	
AGENDA ITEM	TIME	KŌRERO
		Trust Chair Paula Page welcomed whānau to the hui. She outlined the series of hui previously held. Notice was given of the intention to go to Pitt Island and to hold a Rangatahi hui back on Wharekauri.
		The mandate group and trustees introduced themselves.
26. Karakia & Mihi		Ramon Tito and Ward Kamo
27. The Resolution		The Mandate Group Chair Philip Seymour outlined the structure of the hui.
		The purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.

	<p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p> <p>The Mandate Group Chair Philip Seymour explained the resolution could be supported or rejected by voting.</p>
<p>28. Role of Crown Observer</p>	<ul style="list-style-type: none"> • The Crown Observers (Tony Tumoana and Te Rei Koopu from Te Puni Kōkiri) are here to observe only • The observers are here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui, and an overall report on the process will be provided by the observers to the Iwi. • There is no ability to question the observers in our mandate hui
<p>29. Historical Claim of Ngāti Mutunga Wharekauri</p>	<p>Trust Secretary Ward Kamo explained the Historical Claim of Ngāti Mutunga o Wharekauri</p> <p>Means claims registered relating to Crown breaches of our Treaty rights.</p> <p>Registered claims are:</p> <p>Wai 65 Chatham Islands & Fisheries Claims – James Pohio & others</p> <p>Wai 181 Kekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others</p> <p>Wai 460 Chatham & Auckland Islands Claim – Albert Tuuta & Others</p> <p>These claims were heard and reported on in the Wai 64 Rekohu Report.</p> <p>Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised)</p> <p>Te Whaanga Lagoon – The whole lagoon</p> <p>Acts of Parliament – Public Works Act (1908)</p> <p>Fishing Rights – Fisheries Act (1877)</p> <p>Kekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block</p> <p>Land Tenure – 1870 Native Land Court Allocations</p> <p>Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino

		<p>rangatiratanga</p> <ul style="list-style-type: none"> • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate freight and transport service, integrated health care, secondary level schooling • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour)</p> <ol style="list-style-type: none"> 1. The tenure reform brought about by the native Land Court was contrary to the Treaty. 2. Continuing Crown administration of the island led to the following findings: <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced 3. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri. 4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.
<p>30. Mandate – What is it?</p>		<p>Trust Chair Paula Page explained what mandate was – <i>‘An authority given by Iwi to a group of representative to negotiate a proposed settlement package with the Crown.’</i></p> <p>Mandate Requirements Three requirements to enter negotiations:</p>

	<ul style="list-style-type: none"> • Large Natural Grouping • Well founded claims • Mandate to negotiate <p>Large Natural Grouping</p> <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity) • Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification) • Settlement relates to all historical claims of Ngāti Mutunga o Wharekauri <p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri.</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p style="margin-left: 40px;"><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p>
<p>31. Mandate Structure</p>	<p>Trust Secretary Ward Kamo explained the establishment of the mandate group which were appointed at an Iwi hui held 28 September 2013. The structure was explained and noted we are at the first step in achieving mandate; once mandate was given a deed of mandate would be drawn up.</p> <p>The Mandate Group Chair Philip Seymour concluded the presentation saying opportunity is with us now and in hands of Iwi with a vote. At the outset the group would like to think there is support for what is being proposed. He repeated the resolution to be voted and explained who the members of the mandate group were.</p>

<p>32. Mandate Group</p>	<p>Communication:</p> <ul style="list-style-type: none"> • Trustee Meetings <ul style="list-style-type: none"> ○ Monthly • Reporting to Ngāti Mutunga o Wharekauri: <ul style="list-style-type: none"> ○ AGM ○ Up to 3 Hui-a-Iwi to report on issues, including: <ul style="list-style-type: none"> - Deed of Mandate and mandating process - Agreement in principle - Proposed settlement package (including post settlement governance entity) - Other matters of importance ○ Pānui / Website / E-mail • Trustee decisions by majority, or consensus if possible. • Mandate Group: <ul style="list-style-type: none"> ○ Responsible for day to day conduct of negotiations ○ Whānau has appointed group who will operate in accordance with mandate charter / Terms of Reference • Negotiators: <ul style="list-style-type: none"> ○ Mandate group to recommend negotiator appointment to trustees ○ Trustees to contract negotiators ○ Negotiators responsible to Trustees under oversight of mandate group <p>Note - a minimum of 1 Ahi Kaa will be a negotiator and up to 2 'skills allowing'.</p>
<p>33. Next Steps</p>	<p>Mandate → Terms of Negotiation → Agreement in Principle → Deed of Settlement → Ratification → Legislation → PSGE & Asset Return</p>
<p>34. Open Forum</p>	<p>Kaumātua Bill Carter² stood and explained he had been at a hui on the island on 8 February where he gave notice that he would pose a question at the Plimmerton hui. He acknowledged Hariroa Daymond</p>

² See 8 February Mandate Hui Minutes

being present and explained they were both original members of a group that went around the country seeking mandate for the Trust during the fishing rounds in the early 2000s. The reason he was posing a question was that the meeting on 8 February was unfortunate; it was negative, and not well presented.

He added that at that hui he acknowledged willingness for those in Aotearoa to stand and support Ahi Kaa of Wharekauri. In turn Aotearoa based whānau expected Wharekauri whānau to come to Aotearoa to seek support with a coherent and understandable request. This was not present at the February 8 hui.

Kaumātua Bill Carter stated that he was now delighted with the presentation. It was coherent, easily understandable, and it had a clear request to the Iwi. To that end he urged everyone present to support the resolution!

An attendee stood to acknowledge the mahi that the Trust had undertaken. She has been involved in other PSGEs in the past and would like to see the Iwi moving forward and understand the obstacles we face. She asked for likely timeframes from mandate to settlement.

The Mandate Group Chair Philip Seymour explained if the mandate was endorsed by the Iwi and recognised by the Crown, then the will to get on with job should follow from that. Whilst the urge to settle sooner rather than later was clearly a desire, being prudent about the process and not compromising a good comprehensive settlement remained the absolute focus. The process would move as quickly as possible to gain a robust and comprehensive settlement. It was acknowledged this was not a definitive answer. That being said, it would be improper to stand and give one right now. It was further noted in qualifying the process, the group are not rushing in to it, but wanting the outcome to be the best one possible.

It was then confirmed all members of the group were Wharekauri residents and all Ahi Kaa. A discussion then followed around Ahi Kaa and the question was posed 'When are you Ahi Kaa, and when are you not?' This point was noted.

It was then asked what if we didn't settle with the Crown? What would be the implications for us. What would change for those living on island and for us as whānau and why are we hurrying to satisfy Crown on this issue.

The Trust Secretary Ward Kamo responded and acknowledged that nothing would change. The Iwi would continue to have less pūtea to have a life on the island and by definition for those of us that live in Aotearoa. We would continue to pay outrageous prices for power on

the island, high prices for freight, high prices to come and go as we pleased, and to watch our whānau continue to leave our Island for a more economically viable life. This was the consequence of not settling with the Crown.

The Trust Secretary Ward Kamo acknowledged the point about the rush to the table now. He outlined that the process to Mandate began in the mid-1990s with the Tribunal hearings. The fisheries settlement was the next item in the move to settle Island grievances in the early 2000s. This is a process that can be as quick or slow as the Iwi want it to be. If we want to watch our Rangatahi head to greener pastures, then just do nothing, or even vote against the mandate.

A discussion around infrastructure on the island and the Crown's responsibility to the island. It was noted the settlement is for Ngāti Mutunga o Wharekauri and it was urged to keep those two issues separate.

Robin Page (Snr) noted there were not many young people at the hui. Maybe they don't realise how important it is. Hopefully something can be done where it can take their interest. It was asked whether the vote had to be a majority vote? How do we judge whether it goes ahead?

Trust Secretary Ward Kamo responded there is no definitive number or threshold for the Crown to recognise mandate. The number that vote is a useful indicator and the more that vote in favour of this, the closer we get to mandate. The Crown is presently observing and has been working with the Iwi since 2012.

Evelyn Tuuta noted that when building a whare you need solid foundations and it was suggested the Iwi Trust's foundations were presently unstable. It was important that people feel safe whatever is going on. In response the Iwi Trust Deputy Chair John Kamo explained that in 2003 the Iwi Trust was formed. Before that it was unstable, we had two Ngāti Mutunga groups, the Rūnanga and the Ngāti Mutunga o Wharekauri Trust. These two organisations had agreed through a Memorandum of Understanding to join and form the current Iwi Trust as the organisation of Unity (in 2003). That foundation was still being built today.

A question was asked about whakapapa verification. It was explained by the Trust Secretary Ward Kamo that Whakapapa is a vexed issue. A Tipuna list was on the back of the Te Ao Hou booklet which provided a useful starting point to determine whakapapa rights. It is not a definitive list as there are other Kaumātua that need to be recognised.

A long discussion took place started by Eddie Tuuta about the Rūnanga and the Agreement of Intent. Deputy Chair John Kamo gave explanation of the lead up to the Agreement of Intent and said that any further questions as to why the Rūnanga had not wound up as it had undertaken to do in 2003, would have to be referred to Albert Tuuta who became Chair. It was added that the change of Chair at that time may have played a role in previous agreements to wind up not occurring.

The Trust Chair explained that in April 2010 a Rūnanga hui was convened to discuss the future of the Rūnanga. There was a clear intent that the Rūnanga would liquidate into the Ngāti Mutunga o Wharekauri Iwi Trust as originally intended via the Agreement of Intent in 2003 between the Rūnanga and Ngāti Mutunga o Wharekauri Trust. November 2010 was intended to be a formal AGM as required by the court's instructions to the Rūnanga and Judge Hingston to consider wind up procedures.

Eddie Tuuta continued that for the last 2.5 years they had been trying to get alongside the Iwi Trust. It was then clarified there was nothing to resolve as the Rūnanga can wind up and pass the assets on to the Iwi Trust with a resolution being passed at a Rūnanga AGM to wind up. This was not relevant to mandate at this stage.

The issue of phosphate mining was raised by Jill Winitana who had been at the Waitara hui the previous day and raised the same question there. Trust Secretary Ward Kamo responded with some disappointment that the question was being re-raised, by the same person who had posed the question at the Waitara hui the day before, and was asking the question as though they had not received a comprehensive reply the day before.

Trust Secretary Ward Kamo added that for the participants at the current hui, a full answer would be provided again. In essence, the NMOW Iwi Trust had submitted a written submission against mining on Chatham Rise and that it was on the Ngāti Mutunga o Wharekauri Iwi Trust website.

Lois Searle said there is no group throughout New Zealand who had been through the mandate process that hasn't had difficult and complex issues to address. The issues facing the Trust in its quest for mandate would not be solved today. She outlined her determination to vote on the resolution to get a cohesive decision on where we are all thinking. It was time to move forward.

Attendee Dale Nakhla acknowledged it had been a tumultuous 20 years for the generation above her. No matter which decision was taken the Iwi would still remain. She outlined her desire to have the Iwi move forward. To that end, a physical representation of Ngāti

	<p>Mutungana mana would go some way toward unifying the people – and building a whare as a component of any settlement quantum would achieve this. She encouraged the hui to move along and settle with the Crown now and not leave it to the next generation.</p> <p>The Mandate Group Chair Philip Seymour concluded the hui stating that various views from both ends of the spectrum had been heard and attested to the health of the Iwi. It would be a duller world without varying points of view. Respect for individuals and their views was important. The opportunity to vote was before the people and this would serve as a litmus test of where the Iwi was at in regards mandate.</p> <p>Karakia by Ramon Tito</p> <p><i>Hui closed at 1.35pm</i></p>
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Fifth Notified Mandate Hui – Otautahi Minutes 3 March 2014

Hui Type:	Fifth Notified Iwi Mandate Hui	
Date & Venue:	Monday 3 March 2014 at 5.00pm NZ time (5.45pm CI time) at Rēhua Marae, Christchurch	
Present:	<p>Mandate Group: Philip Seymour, Andrew Hough, Peter Reriti</p> <p>Trustees: Trust Chair Paula Page, Dallon Gregory-Hunt, Melodie Fraser John Kamo, Joseph Thomas (AHC Chair), and Monique Croon</p> <p>AHC Directors: Robin Page (Jnr)</p> <p>Iwi Members and whānau present: Hariroa Daymond, Edith Tito, Raana Tuuta, Eric Dix, Ramon Tito, Alex Gregory-Hunt, Peter Gregory-Hunt, Maureen McManus, Rory Tuuta, Arana Tuuta, Geoffrey Hough, Katrina Kamo, Jamie-Lee Tuuta, Ranui Ngarimu, Elizabeth Cunningham, Mary Kamo, Avis Reriti-Kilpatrick, Philip Tuuta, Tony Pohio, James Pohio, Carolyn Morris, Judy Kamo, Megan Lanauze-King, Shelly Thomas, Jake Thomas, Keran Seymour, Sharon Reriti, Jayden Reriti, Josh Adolfs, Dianne Patuwai, Maana Vincent, Shanikah Patuwai, Vanya Patuwai, Terry Ryan, Raynol Kamo, Selwyn Seymour.</p> <p>Crown Observer: Tony Tumoana – Te Puni Kōkiri</p>	
Attendees:	Jo Clark (Minutes), Ward Kamo	
Apologies:	Gail Amaru, Kristie-Lee Thomas, Nicholas Cameron and Teresa Lanauze	
AGENDA ITEM	TIME	KŌRERO
		<p>The Iwi Trust Chair Paula Page welcomed whānau to the hui. She outlined the series of hui previously held and also proposed hui on Pitt Island and a Rangatahi hui on the groups return to Wharekauri.</p> <p>The Mandate Group members and Iwi Trust trustees and AHC Directors introduced themselves.</p>
Karakia & Mihi		Terry Ryan - karakia
35. The Resolution		<p>The Mandate Group Chair Philip Seymour outlined the structure of the hui.</p> <p>The purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.</p>

	<p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p> <p>The Mandate Group Chair Philip Seymour explained the resolution could be supported or rejected by voting.</p>
<p>36. Role of Crown Observer</p>	<ul style="list-style-type: none"> • The Crown Observer (Tony Tumoana – Te Puni Kōkiri) is here to observe only • The observer is here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui and an overall report on the process will be provided by the observers to the Iwi. • There is no ability to question the observers in our mandate hui
<p>37. Historical Claim of Ngāti Mutunga Wharekauri</p>	<p>Trust Secretary Ward Kamo explained the Historical Claim of Ngāti Mutunga o Wharekauri</p> <p>Means claims registered relating to Crown breaches of our Treaty rights.</p> <p>Registered claims are:</p> <p>Wai 65 - Chatham Islands & Fisheries Claims – James Pohio & others</p> <p>Wai 181 - Kekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others</p> <p>Wai 460 - Chatham & Auckland Island Claim – Albert Tuuta & Others</p> <p>These claims were heard and reported on in the Wai 64 Rekohu Report.</p> <p>Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised)</p> <p>Te Whaanga Lagoon – The whole lagoon</p> <p>Acts of Parliament – Public Works Act (1908)</p> <p>Fishing Rights – Fisheries Act (1877)</p> <p>Kekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block</p> <p>Land Tenure – 1870 Native Land Court Allocations</p> <p>Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino

		<p>rangatiratanga</p> <ul style="list-style-type: none"> • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate freight and transport service, integrated health care, secondary level schooling • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour)</p> <ol style="list-style-type: none"> 1. The tenure reform brought about by the native Land Court was contrary to the Treaty. 2. Continuing Crown administration of the island led to the following findings: <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced 3. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri. 4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.
<p>38. Mandate – What is it?</p>		<p>The Trust Chair Paula Page explained that mandate was – <i>‘An authority given by Iwi to a group of representative to negotiate a proposed settlement package with the Crown.’</i></p> <p>Mandate Requirements Three requirements to enter negotiations:</p>

		<ul style="list-style-type: none"> • Large Natural Grouping • Well founded claims • Mandate to negotiate <p>Large Natural Grouping</p> <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity) • Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification) • Settlement relates to all historical claims of Ngāti Mutunga o Wharekauri <p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri.</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p style="text-align: center;"><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p>
<p>39. Mandate Structure</p>		<p>The Trust Secretary Ward Kamo explained the establishment of the Mandate Group, which were appointed at the 28 September 2013 hui. He described the structure and noted we are at the first step in achieving mandate; once mandate was given a deed of mandate would be drawn up.</p>
<p>40. Mandate Group</p>		<p>Communication:</p> <ul style="list-style-type: none"> • Trustee Meetings <ul style="list-style-type: none"> ○ Monthly • Reporting to Ngāti Mutunga o Wharekauri: <ul style="list-style-type: none"> ○ AGM

		<ul style="list-style-type: none"> ○ Up to 3 Hui-a-lwi to report on issues, including: <ul style="list-style-type: none"> - Deed of Mandate and mandating process - Agreement in principle - Proposed settlement package (including post settlement governance entity) - Other matters of importance ○ Pānui / Website / E-mail ● Trustee decisions by majority, or consensus if possible. ● Mandate Group: <ul style="list-style-type: none"> ○ Responsible for day to day conduct of negotiations ○ Whānau has appointed group who will operate in accordance with mandate charter / Terms of Reference ● Negotiators: <ul style="list-style-type: none"> ○ Mandate group to recommend negotiator appointment to trustees ○ Trustees to contract negotiators ○ Negotiators responsible to Trustees under oversight of mandate group <p>Note - a minimum of 1 Ahi Kaa will be a negotiator and up to 2 'skills allowing'.</p>
41. Next Steps		<p>Mandate → Terms of Negotiation → Agreement in Principle → Deed of Settlement → Ratification → Legislation → PSGE & Asset Return</p> <p>The Mandate Group Chair Philip Seymour concluded the presentation saying the Iwi Trust sees this as an opportunity to settle and want to do this in a rational, prudent way and get the most robust and comprehensive settlement possible. Furthermore, that such a settlement is ultimately going to create a future for the Iwi. Philip Seymour repeated the resolution to be voted.</p>
42. Open Forum		<p>It was explained the tīpuna list is on the back of the Te Ao Hou booklet and if you could whakapapa to the list you could register or vote on the resolution. However, if you believe your Kaumātua is not on the list it was encouraged that members talk to Kaumātua present to include their names.</p>

Elisabeth Cunningham asked what priority the Island wanted with treaty settlements. The Mandate Group Chair Philip Seymour said the island was struggling in some areas economically and because of that there is a desire to include that. Cultural aspects were also of equal importance as with health. Education is an area which is extremely hard to get the government to listen to Island needs.

Avis Reriti asked why there was not an opportunity to submit on the mandate strategy. The Mandate Group Chair Philip Seymour responded that there had been a long submission period and that the ability to submit was still open. Submissions both positive and negative are welcome.

The Trust Secretary Ward Kamo further elaborated stating the process has been open since October 2013 when calls for submissions on the draft mandate strategy were publicly notified. As submissions were received the information was used to make changes to the draft mandate strategy. To date some 13 drafts had been developed in response to submissions received. Since mailing out the strategy many people have contacted the Iwi Trust office with change of addresses. Constant requests were put to Iwi members to advertise the opportunity to their own whānau, and to contact their whānau members to update addresses. Advertising had occurred through the Iwi Trust website, social networking, public notices and through Te Puni Kōkiri. Once the strategy went to Te Puni Kōkiri it was up to them to advertise it and receive comment on it – which they had done.

Katrina Kamo and Jamie-Lee Tuuta expressed similar concerns that whānau were not getting enough information to make an informed decision. More 'kanohi ki te kanohi' was required. A strong request was put in for more Iwi Trust and Mandate Group led wānanga to be held in the regions to ensure greater uptake and support by whānau.

Jamie-Lee Tuuta elaborated with a series of questions. Which included the following:

- Who were the negotiators and what was their experience?
- Did the Iwi Trust envisage finalising a settlement before the election?
- What were the pros and cons of settling quickly?
- Outstanding whakapapa issues need addressing. Would this occur?
- Were original claimants support required to negotiate the settlement?
- Wasn't the mandate process voted against by attendees at the February 8 2014 opening Mandate Hui?

A lengthy discussion occurred. The responses (summarised) were:

- No negotiators had been appointed. At least one and preferably two would be ahi kaa.
- Certainly a change of government would present new challenges. That being said, the process would ultimately be driven by Ngāti Mutunga timeframes and not Crown ones.
- The consequence of not settling would be business as usual. The island would continue to lose rangatahi who saw no future for themselves. Power bills and other infrastructure costs would continue to hamstring Wharekauri Iwi progress. And the chance to make a life that could be anything the Iwi wanted it to be would be placed on the backburner for at least another 10 years before the Iwi got to the head of the queue again.
- Whakapapa matters were important. That being said, the contest over Ngahiwi Dix' whakapapa was for her descendants to try and sort out. It remained outside the power of the Iwi Trust and Mandate Group to sort.
- Of the three original claimants, one had since passed on, one was on Wharekauri, and James Pohio was currently in attendance at this hui. Their support was welcome but not a showstopper if not forthcoming. This was particularly so as the original claimants were merely claimants on behalf of all Ngāti Mutunga. They did not own the Treaty process.
- No vote was held at the February 8 2014 Mandate Hui. Further, some 15 odd people voicing their view did not constitute an Iwi view. The Mandate Hui and vote were the method by which the voice of the Iwi would be known.

Mandate Group Chair Philip Seymour responded by saying the next steps are the most important. The mandate process was only the beginning. The process of negotiation was where the real game was at and this required as many Ngāti Mutunga o Wharekauri to be on-board and knowledgeable as possible. This would require greater engagement with whānau and would be addressed as part of the communications process for the negotiation and settlement phases.

Trust Chair Paula Page then acknowledged James Pohio – current Kaitiaki of the Wai65 claim. The 'legal aid' issue was acknowledged and that a letter was with the Minister of Treaty Settlements asking for confirmation and clarity over his allegations.

Kaumātua Hariroa Daymond then expressed concern that the same issue has been raised at all hui, that there is an indication there does need to be something done around communication and timeframes. They did not want to be hurried by government to push the settlement through.

Mandate Group Chair Philip Seymour responded saying the important aspect is that the process is done right and not forced by unnecessary time constraints. The message to date was clear – don't rush. That said, pressure was a great motivator and helped focus what was really important about the settlement. The opportunity to progress was now but that the opportunity needed to concur with due diligence and not compromising the end result.

Iwi Trust Deputy Chair John Kamo commented the opportunity to progress the Iwi was now. To wait another 10-15 years would see his mokopuna turn 18 and have to deal with matters that should be addressed by us today. If it means increased frequency of hui with the Iwi then that's what will happen. The need to be cautious with the Crown was well understood by the Mandate Group and the Iwi Trust.

Mandate Group Chair Philip Seymour clarified the Iwi Trust was the entity to seek mandate to enter in to negotiations with the Crown. The Mandate Group will recommend negotiators. The Mandate Group was established to assist the Iwi Trust to seek mandate. It is a 'sub-committee' of the Iwi Trust with great autonomy.

It was explained the 15 March 2014 was the cut-off date to vote for the resolution. The vote by the Iwi was only one aspect to get mandate recognised. The other part was the Minister of Treaty Settlement and Minister of Maori Affairs comfort that the Iwi Trust could lead the process in a clear, coherent and transparent manner.

Trustee Joseph Thomas (Jnr) then noted it was important to keep the momentum going. He repeated that documents had been mailed to as many Iwi members as possible, a full notification process had been engaged in, various social media had been engaged, and of course whānau had been talking to each other. At the end of the day it was incumbent on whānau to read the material and talk amongst themselves (as much as with the Mandate Group) to get clarification on the issues before them. The time was now to move this kaupapa. Joseph Thomas (Jnr) acknowledged the work of those who had initiated the claims all those years ago and that we now had the benefit and privilege of building on that work and the foundation they had established. He referred to the process that was undertaken to gain mandate to establish the Ngāti Mutunga o Wharekauri Iwi Trust as the Mandated Iwi Organisation to negotiate fisheries settlement.

Joseph Thomas (Jnr) then reported on the success of the NMOW Asset Holding Company and the opportunity this now provides for NMOW. Mandate and Waitangi Tribunal settlement would substantially add to the opportunity available to Ngāti Mutunga o

	<p>Wharekauri.</p> <p>Mandate Group Chair Philip Seymour concluded the hui by thanking members for their attendance. He confirmed it was about the Iwi making decisions for the Iwi and that was the important part of it. He pledged while he was part of the group, to uphold communication.</p> <p>Trust Secretary Ward Kamo then invited members to cast their votes at the hui if they so desired.</p> <p>Karakia by Raynol Kamo</p> <p><i>Hui closed at 7:30pm</i></p>
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Sixth Non-Notified Mandate Hui – Wharekauri, 20 March 2014

Hui Type:	Sixth Non-Notified Mandate Hui	
Date & Venue:	Thursday 20 March 2014 at 7.30pm at The Den, Wharekauri	
Present:	<p>Mandate Group: Philip Seymour</p> <p>Trustees: Trust Chair Paula Page , John Kamo (Deputy Chair), Dallon Gregory-Hunt, Melodie Fraser, and Monique Croon</p> <p>Iwi Members and whānau present: Hariroa Daymond, Jessie Donaldson, Nadia Thomas, Chase Lanauze, Sean Chisholm, Bevan Chisholm, Tremayne Peni, Latoya Remi-Hough, Annelise Hope, Reuben Tuuta, Cheyenne Kamo.</p> <p>Crown Observer: Tony Tumoana – Te Puni Kōkiri</p>	
Attendees:		
Apologies:	Ward Kamo, Peter Reriti, Teresa Lanauze, Nicholas Cameron, Andrew Hough, Joseph Thomas (Jnr), Gail Amaru	
AGENDA ITEM	TIME	KŌRERO
43. Karakia & Mihi		<p>The Trust Chair Paula Page welcomed the members to the hui and outlined the series of hui held previously in Aotearoa and mihi to rangatahi.</p> <p>The Mandate Group Chair Philip Seymour began the presentation and outlined the final mandate hui will be held at Whakamaharatanga Marae on Saturday 22 March 2014.</p>
44. The Resolution		<p>The Mandate Group Chair Philip Seymour outlined the structure of the hui.</p> <p>Purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p>
45. Historical Claim of Ngāti		The Mandate Group Chair Philip Seymour explained the Historical Claim of Ngāti Mutunga o Wharekauri

<p>Mutunga Wharekauri</p>	<p>Means claims registered relating to Crown breaches of our Treaty rights. Registered claims are: Wai 65 Chatham Islands & Fisheries Claims – James Pohio & others Wai 181 Keekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others Wai 460 Chatham & Auckland Island Claim – Albert Tuuta & Others</p> <p>These claims were heard and reported on in the Wai 64 Rekohu Report. Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised) Te Whaanga Lagoon – The whole lagoon Acts of Parliament – Public Works Act (1908) Fishing Rights – Fisheries Act (1877) Keekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block Land Tenure – 1870 Native Land Court Allocations Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate freight and transport service, integrated health care, secondary level schooling • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour)</p> <ol style="list-style-type: none"> 1. The tenure reform brought about by the native Land Court was contrary to the Treaty. 2. Continuing Crown administration of the island led to the
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	<p>following findings:</p> <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced <p>3. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri.</p> <p>4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.</p>
<p>46. Mandate – What is it?</p>	<p>The Trust Chair Paula Page explained that mandate was – <i>‘An authority given by Iwi to a group of representative to negotiate a proposed settlement package with the Crown.’</i></p> <p>Mandate Requirements Three requirements to enter negotiations:</p> <ul style="list-style-type: none"> • Large Natural Grouping • Well founded claims • Mandate to negotiate <p>Large Natural Grouping</p> <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity) • Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification) • Settlement relates to all historical claims of Ngāti Mutunga o

	<p style="text-align: center;">Wharekauri</p> <p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri.</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p style="margin-left: 40px;"><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p>
<p>47. Mandate Structure</p>	<p>The Mandate Group Chair Philip Seymour explained the establishment of the mandate group which were appointed at hui. We are at the first step in achieving mandate, once mandate was given a deed of mandate would be drawn up and a series of hui will be held to obtain whānau claims.</p> <p>Communication:</p> <ul style="list-style-type: none"> • Trustee Meetings <ul style="list-style-type: none"> ○ Monthly • Reporting to Ngāti Mutunga o Wharekauri: <ul style="list-style-type: none"> ○ AGM ○ Up to 3 Hui-a-Iwi to report on issues, including: <ul style="list-style-type: none"> - Deed of Mandate and mandating process - Agreement in principle - Proposed settlement package (including post settlement governance entity) - Other matters of importance ○ Pānui / Website / E-mail • Trustee decisions by majority, or consensus if possible. • Mandate Group: <ul style="list-style-type: none"> ○ Responsible for day to day conduct of negotiations ○ Whānau has appointed group who will operate in accordance with mandate charter / Terms of Reference • Negotiators: <ul style="list-style-type: none"> ○ Mandate group to recommend negotiator appointment to trustees

		<ul style="list-style-type: none"> ○ Trustees to contract negotiators ○ Negotiators responsible to Trustees under oversight of mandate group <p>Note - a minimum of 1 Ahi Kaa will be a negotiator and up to 2 'skills allowing'.</p>
48. Next Steps		Mandate → Terms of Negotiation → Agreement in Principle → Deed of Settlement → Ratification → Legislation → PSGE & Asset Return
49. Final Thoughts		<ul style="list-style-type: none"> • The Opportunity is now • The Crown has invited us to the negotiation table – this does not happen normally • We can settle our Ngāti Mutunga grievances and use our settlement to create a future on our island and for all Ngāti Mutunga o Wharekauri people no matter where they reside. <p>The Mandate Group Chair Philip Seymour concluded the presentation by repeating the resolution.</p> <p>The Resolution –</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p>
50. Role of the Crown Observer		<p>The Mandate Group Chair Philip Seymour then apologised that he had not introduced Tony Tumoana from Te Puni Kōkiri earlier as the Crown Observer and once again outlined his role.</p> <ul style="list-style-type: none"> • The Crown Observer (Tony Tumoana – Te Puni Kōkiri) is here to observe only • The observer is here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui, and an overall report on the process will be provided by the observers to the Iwi. • There is no ability to question the observers in our mandate hui

51. Open Forum

Discussion started with what a settlement package could look like and it was explained there are three aspects to the settlement; Economic, Social and Cultural. Crown Land holdings on Wharekauri were limited thus the scope for redress through this medium may also be limited.

It was extremely important to talk to as many Ngāti Mutunga o Wharekauri to get a general understanding of what the grievances are to pass on to the negotiators. It was clarified the Mandate Group recommend the negotiators.

The timeframe was to have the Deed of Mandate ready as soon as the vote was confirmed and to try and have an Agreement in Principal (AIP) in and around September / October of this year. It was acknowledged this was a short timeframe and would require great application to achieve.

The engagement of Ngāti Mutunga o Wharekauri people would have a dramatic impact on whether these timeframes were even remotely achievable. Hopefully people will want to be part of conversations and input. The Mandate Group Chair Philip Seymour noted that the mix of negotiators (Ahi Kaa / Aotearoa) was a critical element. At the end of the day the Ahi Kaa voice was vital as well as ensuring an expert mix of negotiator skills.

Mandate Group Chair Philip Seymour noted the Iwi can sit around and wait for another 10-14 years to settle its outstanding grievances, but the time is right at the moment. The Mandate Group is passionate about the issue and that is why it is trying to capture the opportunity now. If we want to keep our young people on the island we need to utilise whatever settlement we get back.

Trust Chair Paula Page then discussed which grievances could be covered and it was noted the Crown would have liked to give Te Whaanga lagoon back at an earlier date. We will be getting the lagoon back in the condition the Crown looked after it in. We have to be mindful we have the management in place to research these things.

Iwi Trust Deputy Chair John Kamo explained why the claims to the participant's names are so, and explained they are all Ngāti Mutunga claims. He went on to explain the concerns of James Pohio in relation to alleged running up of legal aid debt against Wai65. This was being investigated by the Crown. At this stage any debt accrued against that claim would not be accepted by the current Mandate Group or Iwi Trust.

It was then explained that once Ngāti Mutunga o Wharekauri Iwi Trust obtained mandate recognition and ratified the Deed of Mandate, the Minister of Treaty settlements and Minister of Maori

	<p>Affairs have to endorse that mandate. Once mandate is achieved, consultations with as many Ngāti Mutunga as possible to ensure the right negotiators are in place.</p> <p>The current government is encouraging Ngāti Mutunga o Wharekauri to come to the table to see if a settlement could be reached. What happens after the election is anyone's guess, particularly if there is a change of government. Economically, it would be preferable to settle sooner rather than later and a comparison was given as to how the assets of the Iwi Trust had grown over the last four years.</p> <p>The Mandate Group Chair Philip Seymour repeated the resolution and advised that was the resolution being voted on. He explained they must have that mandate to negotiate.</p> <p>It was important that people attend the hui on Saturday, whether you agree with the resolution or not. It was important people are informed and it was also important they have supportive people attending hui to give balance. It was explained that the here today will be sitting in the positions within the Iwi Trust in the future; you will be the future leaders. The present were encouraged by the presentation and would like to see more hui on a regular basis.</p> <p>It was then explained voting documents would be available at the hui on Saturday, as they are today and you did not have to be a registered member of the Iwi Trust to vote.</p> <p>With no other questions, The Mandate Group Chair Philip Seymour closed the meeting with a karakia by all.</p> <p>Meeting closed at 8.40pm.</p>
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Seventh Notified Mandate Hui – Wharekauri Minutes 22 March 2014

Hui Type:	Seventh Notified Iwi Mandate Hui	
Date & Venue:	Saturday 22 March 2014 at 9.30am at Whakamaharatanga Marae, Wharekauri	
Present:	<p>Mandate Group: Philip Seymour, Andrew Hough, Nicholas Cameron</p> <p>Trustees: Trust Chair Paula Page , John Kamo (Deputy Chair), Dallon Gregory-Hunt, Melodie Fraser, Gail Amaru, Joseph Thomas (AHC Chair) and Monique Croon</p> <p>AHC Directors: Robin Page (Jnr)</p> <p>Iwi Members and whānau present: Hariroa Daymond, Herena Daymond, Raana Tuuta, Eric Dix, George Hough, Ada Hough, Alan Harvey, Judy Kamo, Tyson Kamo, Pita Thomas, Robin Page (Jnr), Brenda Tuanui, Eileen Cameron, Simone Croon, Eileen Whaitiri, Deena Whaitiri, Joseph Thomas (Snr), Dustin King, Mark Tuuta.</p> <p>Crown Observers: Tony Tumoana, Tom Moke from Te Puni Kōkiri</p>	
Attendees:	Jo Clark (Minutes), Ward Kamo	
Apologies:	Peter Reriti, Teresa Lanauze, Tom McLurg and Andrew Harrison	
AGENDA ITEM	TIME	KŌRERO
		<p>This hui was originally scheduled and publicly advertised to be held on Saturday 15 March 2014 at Wharekauri. Sadly, two whanau members had passed away prior to the scheduled hui. Ngāti Mutunga o Wharekauri Iwi Trust board and the Mandate Group felt it be more appropriate the hui be held the following weekend, Saturday 22 March. Public notice was given as follows –</p> <p>Ngāti Mutunga o Wharekauri Iwi Trust</p> <p>Public Notice Mandate Hui – Postponement</p> <p>Tihei Mauri Mate</p> <p>It is with sadness we note the passing of our rangatira Carlos Tuuta and our kuia Hannah Tuanui (nee Pirika). Aunty Hannah is to be laid to rest this weekend on Wharekauri. Accordingly, our last mandate hui, originally scheduled for Saturday 15 March 2014, will be rescheduled for Saturday 22 March 2014, 9:30am at Whakamaharatanga marae.</p> <p>This change in hui date also changes our voting period. It will remain open until the final mandate hui is held.</p> <p>Please note that whānau are asked to vote and confirm the resolution:</p>

	<p><i>'That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.'</i></p> <p>Registered members of the Iwi Trust should have received ballot papers through the mail. If you haven't please contact the Independent Returning officer on 0508 666 103, or e-mail elections@electionz.com</p> <p>Please note – you do not have to be registered with the Ngāti Mutunga o Wharekauri Iwi Trust to exercise your whakapapa right to vote on the resolution. Ballot forms will be available at the hui for you to cast your vote. You will need to provide proof of your Ngāti Mutunga o Wharekauri whakapapa and proof of identity.</p> <p>Naku noa Trust Chair Paula Page Ngāti Mutunga o Wharekauri Iwi Trust Chair</p> <p>Philip Seymour Ngāti Mutunga o Wharekauri Mandate Group Chair</p>
<p>52. Karakia & Mihi</p>	<p>Karakia by Raana Tuuta</p> <p>The Trust Chair Paula Page outlined the series of hui in Aotearoa and welcomed members of the Asset Holding Company. She acknowledged the past members of the Claims Working Group and others, Jack Daymond, Philip Seymour, George Goomes, Teresa Lanauze and the late Sue Thomas.</p> <p>She acknowledged Dallon Gregory-Hunt who had been instrumental in gathering the rangatahi together for the hui the previous Thursday evening.</p> <p>The Mandate Group Chair Philip Seymour began the presentation and stated it was the final mandate hui to be held.</p>
<p>53. Role of the Crown Observer</p>	<ul style="list-style-type: none"> • The Crown Observers, Tony Tumoana and Tom Moke from Te Puni Kōkiri are here to observe only • The observers are here to ensure the process is transparent and inclusive of all Iwi members • An independent record of each hui, and an overall report on the process will be provided by the observers to the Iwi. • There is no ability to question the observers in our mandate hui
<p>54. The Resolution</p>	<p>The Mandate Group Chair Philip Seymour outlined the structure of the hui.</p> <p>Purpose of the hui was to seek mandate from Ngāti Mutunga o Wharekauri to</p>

	<p>negotiate a settlement of the Ngāti Mutunga o Wharekauri Iwi Historical Claims.</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p>
<p>55. Historical Claim of Ngāti Mutunga Wharekauri</p>	<p>The Trust Secretary explained the Historical Claim of Ngāti Mutunga o Wharekauri. Means claims registered relating to Crown breaches of our Treaty rights. Registered claims are: Wai 65 - Chatham Islands & Fisheries Claims – James Pohio & others Wai 181 - Kekerione No 1 – Hospital Land Claim – Ngawhata Eliza Page & others Wai 460 - Chatham & Auckland Islands Claim – Albert Tuuta & Others</p> <p>These claims were heard and reported on in the Wai 64 Rekohu Report. Further claims may be added in following discussions with individual claimants, Waitangi Tribunal, and the Office of Treaty Settlements.</p> <p>Claims Issues (Wai 64 Summarised) Te Whaanga Lagoon – The whole lagoon Acts of Parliament – Public Works Act (1908) Fishing Rights – Fisheries Act (1877) Kekerione no 62 & Te Mauturuhia no 1 (23 acres) – Hospital Block Land Tenure – 1870 Native Land Court Allocations Other matters:</p> <ul style="list-style-type: none"> • No electoral representation for Ngāti Mutunga until 1922 • The operation of Government policy that has deliberately excluded avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing local body policy to deliberately exclude avenues for Ngāti Mutunga expression of tino rangatiratanga • Allowing the inadequate provision of basic amenities such as sealed roads, street lighting, proper water reticulation, proper sewerage systems, appropriate power generation methods • Not providing basic and essential services such as appropriate freight and transport service, integrated health care, secondary level schooling • No provision for Ngāti Mutunga to devise and implement an economic development strategy <p>Waitangi Tribunal Findings (in favour) 1. The tenure reform brought about by the native Land Court was contrary</p>

		<p>to the Treaty.</p> <ol style="list-style-type: none"> 2. Continuing Crown administration of the island led to the following findings: <ul style="list-style-type: none"> • Wrongful taking of land for public works (see Wai 181 claim – hospital block) • Housing provision as a result of the titling system was prejudiced 3. The tribunal recommended the Crown fund process to promote the development of a new Maori land law specific to Wharekauri. 4. The Tribunal also recommended that in light of the importance of fishing and the past history of mainland ‘plunder’ that a case may exist for enlarged subsistence marine reserves.
<p>56. Mandate – What is it?</p>		<p>The Trust Chair explained what mandate was – <i>‘An authority given by Iwi to a group of representative to negotiate a proposed settlement package with the Crown.’</i></p> <p>Mandate Requirements Three requirements to enter negotiations:</p> <ul style="list-style-type: none"> • Large Natural Grouping • Well founded claims • Mandate to negotiate <p>Large Natural Grouping</p> <ul style="list-style-type: none"> • The Crown has a strong preference to settle comprehensively (in one hit so to speak) rather than in a piecemeal or ad-hoc manner. • Accordingly, it looks to do this with ‘large natural groups’ rather than individual hapū or whanau. <p>Mandate Scope is:</p> <ul style="list-style-type: none"> • To gain mandate • To negotiate a proposed settlement package only (including post settlement governance entity) • Ngāti Mutunga o Wharekauri vote on whether or not they accept that settlement package (Ratification) • Settlement relates to all historical claims of Ngāti Mutunga o Wharekauri

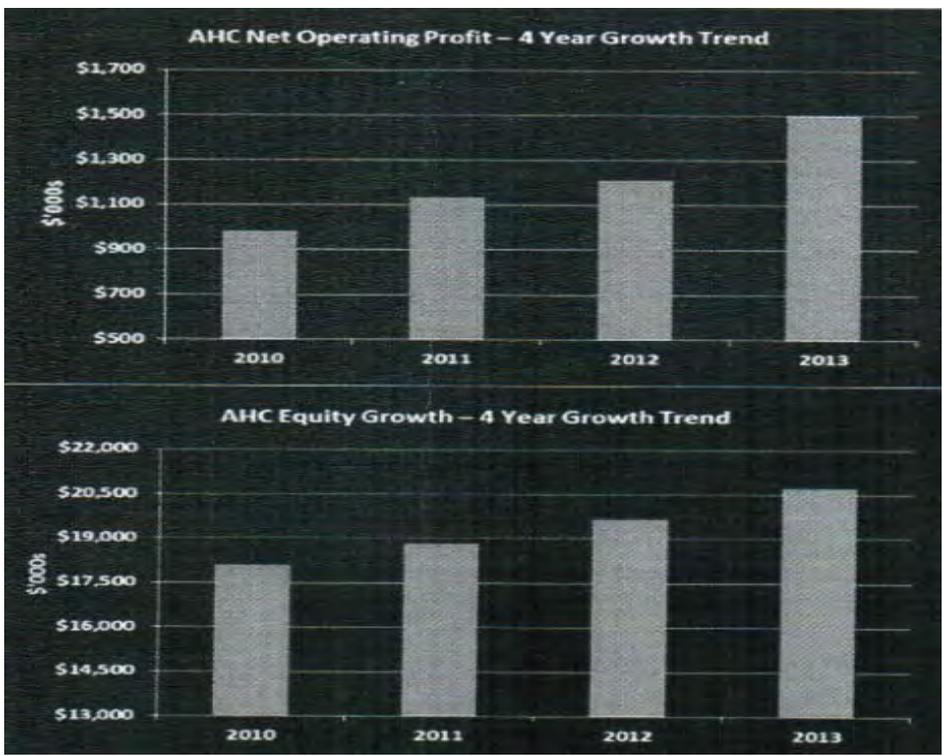
	<p>Mandate to Negotiate: Established 2004 as Mandate Iwi Organisation for Wharekauri.</p> <ul style="list-style-type: none"> • Clause 7.1.1 of the Trust Deed provides the Iwi Trust: <p style="margin-left: 40px;"><i>‘Will make and pursue the settlement of claims on behalf and for the benefit of Ngāti Mutunga o Wharekauri under the provisions of the Treaty of Waitangi Act 1975.’</i></p>
<p>57. Mandate Structure</p>	<p>The Trust Secretary explained the establishment of the mandate group which were appointed at hui. We are at the first step in achieving mandate, once mandate was given a deed of mandate would be drawn up and a series of hui will be held to obtain whānau claims.</p> <p>Communication:</p> <ul style="list-style-type: none"> • Trustee Meetings <ul style="list-style-type: none"> ○ Monthly • Reporting to Ngāti Mutunga o Wharekauri: <ul style="list-style-type: none"> ○ AGM ○ Up to 3 Hui-a-Iwi to report on issues, including: <ul style="list-style-type: none"> - Deed of Mandate and mandating process - Agreement in principle - Proposed settlement package (including post settlement governance entity) - Other matters of importance ○ Pānui / Website / E-mail • Trustee decisions by majority, or consensus if possible. • Mandate Group: <ul style="list-style-type: none"> ○ Responsible for day to day conduct of negotiations ○ Whānau has appointed group who will operate in accordance with mandate charter / Terms of Reference • Negotiators: <ul style="list-style-type: none"> ○ Mandate group to recommend negotiator appointment to trustees ○ Trustees to contract negotiators ○ Negotiators responsible to Trustees under oversight of mandate group

		Note - a minimum of 1 Ahi Kaa will be a negotiator and up to 2 'skills allowing'.
58. Next Steps		Mandate → Terms of Negotiation → Agreement in Principle → Deed of Settlement → Ratification → Legislation → PSGE & Asset Return
59. Final Thoughts		<ul style="list-style-type: none"> • The Opportunity is now • The Crown has invited us to the negotiation table – this does not happen normally • We can settle our Ngāti Mutunga grievances and use our settlement to create a future on our island and for all Ngāti Mutunga o Wharekauri people no matter where they reside. <p>The Mandate Group Chair Philip Seymour concluded the presentation saying opportunity is with us now and in hands of Iwi with a vote. At the outset like to think there is support for what is being proposed.</p> <p>The Resolution –</p> <p><i>“That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga O Wharekauri in negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.”</i></p>
60. Open Forum		<p>Joseph Thomas (AHC Chair) took the opportunity to confirm the structure of the Asset Holding Company (AHC) in relation to the Ngāti Mutunga O Wharekauri Iwi Trust.</p> <p>Accountability Lines</p> <ul style="list-style-type: none"> • Ngāti Mutunga O Wharekauri Iwi Trust beneficiaries elect Trustees to the Iwi Trust • Iwi Trust appoints and removes the AHC Directors • Iwi Trust approves the Statement of Investment Principles & Objectives (SIPO) and associated policies which AHC must deliver and operate under • AHC Board develops the Annual Plans to deliver on the SIPO in accordance with the associated policies • The Iwi Trust approves the AHC Annual Plans • AHC management implement the Annual Plans • Quarterly Reporting from AHC to Iwi Trust to ensure accountability and transparency. <p>Accountability Structure</p> <p>Key points to note with the Ngāti Mutunga O Wharekauri Iwi Trust accountability structure:</p> <ul style="list-style-type: none"> • AHC reports directly to the Iwi Trust

- The SIPO can be amended at the commencement of every year
- The key policies under which AHC operate are approved and signed off by the Iwi Trust and can be amended as required, ie:
 - Delegated Authority Policy
 - NMOW Fisher ACE Allocation Policy
 - Investment Policy
 - Distribution Policy
- Currently any investment considered by AHC over \$100K must be submitted to the Iwi Trust for approval
- The Iwi Trust have the power to appoint and remove AHC Directors
- The AHC Board have the power to appoint and remove its management team.

AHC Results – A Snapshot

A chart was available showing the 4 Year Growth Trend in the AHC Net Operating Profit and Equity Growth.



	<p>In reference to Joseph Thomas’ korero, Hariroa Daymond noted she would like to see more meaningful involvement with the Iwi Trust. She was not questioning the capability of the AHC. She would also like the Trust to start looking again at a meaningful process at how to bring the assets back to the island. She would like to have local people involved in AHC objectives. The fishermen say the fish is gone and you have to ask why they are saying that.</p> <p>Hariroa Daymond also referred to Robin Page (Jnr) position on the Board and understood there were to be two trustees nominated to the board. She stated it was nothing personal against Robin but she was just looking at the process.</p> <p>Joseph Thomas (AHC Chair) responded by stating as the organisation matures you would expect a greater level of engagement with our membership. We can always improve. He would like to see it enhanced that had been suggested at the last AGM of the Trust. The Whare project is an example of engagement and involvement of our membership. It was also pointed out that Robin Page was in fact an Ahi Kaa director on the AHC and not an Iwi Trust trustee.</p> <p>In terms of AHC directorship, there is a requirement for Iwi Trust representation on AHC up to a maximum of 40% of the AHC Board. There is the ability to have 2 directors. The AHC had recommended to the Iwi trust that it could operate with 4 directors; hence there is only one director from the Iwi Trust. It wasn’t about saving money; rather it was an acknowledgment of how the Iwi Trust was placed in relation to its resources and the requirements of mandate and settlement.</p> <p>In relation to fisheries management there are issues in relation to sustainability. The AHC was as determined as any group to ensure the long term sustainability and viability of the Iwi taonga. That said the AHC was subject to the Ministry of Fisheries and relevant legislation just like every other participant in the industry. It is about working together and collaborating with local organisations. In terms of building local capability, Joseph noted he grew up on Wharekauri, invested in knowledge and skills and was now grateful he could bring these skills and knowledge back to the island. He would like to encourage others to do the same, it can be done.</p> <p>Trust Secretary Ward Kamo added that capacity building and succession was at the forefront of trustees’ consideration. Ensuring people born on the island and exercising Ahi Kaa over their assets is an aspiration and must be a requirement built in to any Post Settlement Governance Entity (PSGE).</p> <p>Hariroa Daymond clarified she had relatives who are slaving to qualify and the only people who helped were the Chatham Island Enterprise Trust. Now that the NMOW assets are building up, it is time education support was extended from the Iwi Trust. And if a new PSGE was established it must be their priority as well. There was strong support expressed from both Trustees and attendees for this sentiment.</p> <p>The topic of phosphate mining was raised. The Trust Secretary Ward Kamo noted the Iwi Trust’s official stance was clearly detailed in its submission to</p>
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Ministry for Primary Industries (MPI) and was on the website. AHC Chair Joseph Thomas noted that the Iwi's ability to control mining activities was limited – the economic opportunity and large investors often over-shadowed Iwi concerns. Ngāti Mutunga o Wharekauri simply didn't have the resources to challenge these companies who are backed by large corporate investors.

Herena Daymond questioned the mandate group and trustees on their capabilities to be in their positions and who wrote the mandate strategy. Mandate Group Chair Philip Seymour then explained the mandate strategy which in the first instance was put together by Iwi Trust management, had subsequently been reviewed by the Mandate Group and changed as a result of the submissions received. The final document was Version 13. It was a living document and under continual review.

It was then questioned why Nicholas Cameron was unable to attend the mandate hui in Aotearoa. Mandate Group Chair Philip Seymour noted Nicholas Cameron was on 'parental leave'. The purpose of having a group was to have cover where members could not always be in attendance.

Deputy Chair John Kamo explained there have been 8 hui held on the island to try and get more people involved on the Mandate Group. Frustration was expressed those now complaining about the lack of notice, and not being consulted on the current mandate process, had chosen not to avail themselves of the opportunity presented at the pre-mandate hui (all 8 of them).

Joseph Thomas (AHC Chair) noted the purpose of this journey is to seek mandate, then appoint the right people to negotiate a settlement. This is the first part of a long process. He noted that we need to support young people who are nominated to positions and encouraged to participate. We shouldn't be trying to knock them down, that is no way to build capability amongst our young people. This behaviour will limit succession in leadership.

Mandate Group Chair Philip Seymour clarified being on the Mandate Group was a learning curve and they were not standing up here to say they know all about it. At the moment they were pushing for mandate and that was their focus.

Mandate Group Chair Philip Seymour then discussed the negotiators and how they will be chosen. He explained the Mandate Group recommend who the negotiators are but as part of that process we talk to a wide group of people about relevant skills. Input would be sought from the wider Iwi base so the right people would be put in those positions.

Management confirmed the Mandate Group has a Terms of Reference.

Mandate Group Chair Philip Seymour explained a hui had previously been arranged on Pitt Island, but unfortunately at the time there were not many people there to talk to. The Pitt Island liaison person had suggested the hui be put off to a later date. The mandate group still intend to go to Pitt Island.

As fishing is the main income for Ngāti Mutunga o Wharekauri, it was asked if there was pūtea in the AHC for sustainability of the industry. AHC Chair Joseph Thomas responded that he was not aware of a specific budget item, but in terms of governance and submission processes with the industry and the crown, sustainability is very much a part of that process. Matters that put at risk, the ability of AHC to manage quota are taken very seriously.

It was explained the AHC was now in a position to be strategic about our resource. It was exciting to be in a position to consider other opportunities. With regards to sustainability and Resource Management AHC participation is at a governance level and have representation on Pauamac and Cramac. The answer is the Iwi through the Trust and AHC now have opportunity to participate in or have direct involvement in new opportunities. Obviously those opportunities would be subject to due diligence and scrutiny and would be considered based on their merits.

The Trust Secretary Ward Kamo explained results of the voting should be out within 10 working days. Voting closes at 5pm today.

Hairoa Daymond said she appreciated the Mandate Group chair's comment about including people when recommending negotiators. It was important the people have a say. She said she had read the Trust could appoint or dismiss negotiators or members on the Mandate Group. It was confirmed that clause had been deleted and it was in an earlier version of the mandate strategy.

In reference to the Moriori claim, the Trust Secretary Ward Kamo noted that their claim was wholly different to the Ngāti Mutunga claim. A query was raised whether progressing our Ngāti Mutunga settlement without Moriori at the table might have a detrimental impact on them. This was acknowledged and the Mandate Group undertook to follow this up with the Crown as that was not something Ngāti Mutunga o Wharekauri wanted to happen to their relations.

AHC Chair Joseph Thomas clarified the Asset Holding Company was established after the Iwi Trust was set up and was a requirement of Maori Fisheries Act to hold assets separately. It is for asset protection and to provide for commercial decision making in the interests of Mutunga. He then explained the Fishing settlement process that occurred in 2003 to 2005.

Hairoa Daymond, in reference to the corporate management of the Iwi Trust, expressed concern the corporate management was focused on profit not people. More involvement of people and better communication was imperative. Another point of concern was the ability of the Mandate Group to carry the Tino Rangatiratanga of the Iwi in negotiations. This was not to be interpreted as being anti-mandate.

Joseph Thomas (AHC Chair) then clarified that the AHC did not have a CEO. Rather they have a management contract with Koau Capital Limited via a clear terms of engagement. AHC management had no control over the assets and carry out the tasks that are set by the AHC directors – ¾ of whom are Ngāti

Mutungā o Wharekauri and 2 of who were Ahi Kaa. The directors set the direction and report back to trustees. AHC administration is run Koau Capital Limited who manages the day to day functioning of the Asset Holding Company.

The Trust Chair Paula Page explained that the same process existed for the Trust Secretary who acted in a CEO capacity for the Iwi Trust. An annual plan was in place and it was expected the Trust Secretary would achieve the goals and outcomes required.

Mandate Group Chair Philip Seymour explained if the vote went against mandate a big opportunity would be lost. There are Iwi that have had mandate not recognised in the past, but have gained mandate later and settled for less than originally might have been. Every Iwi is different, but would be a big opportunity lost.

Joseph Thomas (Chair, AHC) responded to an earlier comment from Hariroa Daymond about commercial profit versus the wellbeing of members. From an AHC perspective it is intentional that it be commercially focused. The community and whānau development, health, rests with the Iwi Trust so we don't get the two focus' crossing over to avoid the risk of clouding decisions. Those who drafted the Maori Fisheries Act probably had that in mind. The Iwi Trust are starting to make funds available to Iwi and whanau initiative and supporting initiatives.

Concern was expressed that Crown wished to settle Island matters within the treaty settlement process and this would crowd out specific redress for Ngāti Mutungā o Wharekauri grievances. Trust Secretary Ward Kamo explained that infrastructural issues were a breach of Ngāti Mutungā o Wharekauri article three rights and must be addressed. Equally, Ngāti Mutungā o Wharekauri specific grievances were article 2 breaches and must be addressed. The matters were not mutually exclusive but nor would one be allowed to crowd out the other.

The Mandate Group Chair Philip Seymour, prior to closing the hui, acknowledged the work put in to the process and thanked the team. He said he was proud of the members of the Mandate Group.

Karakia by Raana Tuuta

The hui closed at 12.15pm

SCHEDULE 5 - MANDATING HUI VOTING RESULTS



Ngati Mutunga o Wharekauri Iwi Trust

2014 Deed of Mandate

FINAL DECLARATION OF RESULT

I hereby declare the result of the 2014 Deed of Mandate, which closed on Saturday 22 March 2014.

Resolution:

That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in Treaty settlement negotiations with the Crown, regarding the comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.

	Votes Received
YES/AE	205
NO/KAO	63
INFORMAL	0
BLANK VOTING PAPERS	1

The majority (being 76.21%) of those that voted, voted 'Yes/Ae' to the Resolution.

I therefore declare that the Resolution is accepted.

The voter return was 39.50%, being 269 voting papers received from 681 eligible voters, of which 59.85% voted by post or at Hui and 40.15% voted on the internet.

Dated at Christchurch this 28th day of March 2014.

Warwick Lampp
Returning Officer - Ngati Mutunga o Wharekauri Iwi Trust
0508 666 103

**SCHEDULE 6 - NGĀTI MUTUNGA O WHAREKAURI IWI
TRUST DEED**