



NGAITAI

IWI AUTHORITY

Deed of Mandate

*Ko Tainui te Waka
He iti tāku iti, tāku puku i āhua, ko Rangiahua
Ko Rangiahua te Maunga, kei uta ko Kapuarangi
Ko te wai tapu o Wainui e rere ana ki te moana nui o Toi
Ko Tōrerenuiarua te tūpuna
Ko Manaakiao, te uri o Toi te Tangata Whenua
Ko Ngaitai te Iwi
Tīhei Mauriora
Ki te Wheiao ki te Ao mārama
Tena Koutou katoa*

Ngaitai Iwi Authority

2/10/2013

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1. Introduction

1.1. This Deed of Mandate (the Deed) formally demonstrates that the Ngaitai Iwi Authority has obtained a durable mandate to represent Ngaitai people in negotiations with the Crown for a comprehensive and final settlement of all Ngaitai historical Treaty of Waitangi claims. The mandate achieved by the Ngaitai Iwi Authority was conducted in a fair, open and transparent manner.

2. Comprehensive Negotiations

2.1. The Ngaitai Iwi Authority on behalf of Ngaitai Iwi, situated in and around the Eastern Bay of Plenty region, seeks to enter into direct Treaty settlement negotiations for the comprehensive and final settlement of all Ngaitai historical Treaty of Waitangi claims. We seek to resolve all the Treaty of Waitangi claims of Ngaitai whether registered or not registered with the Waitangi Tribunal concerning Treaty breaches that occurred prior to 21 September 1992.

3. Definition of Ngaitai – Who we are

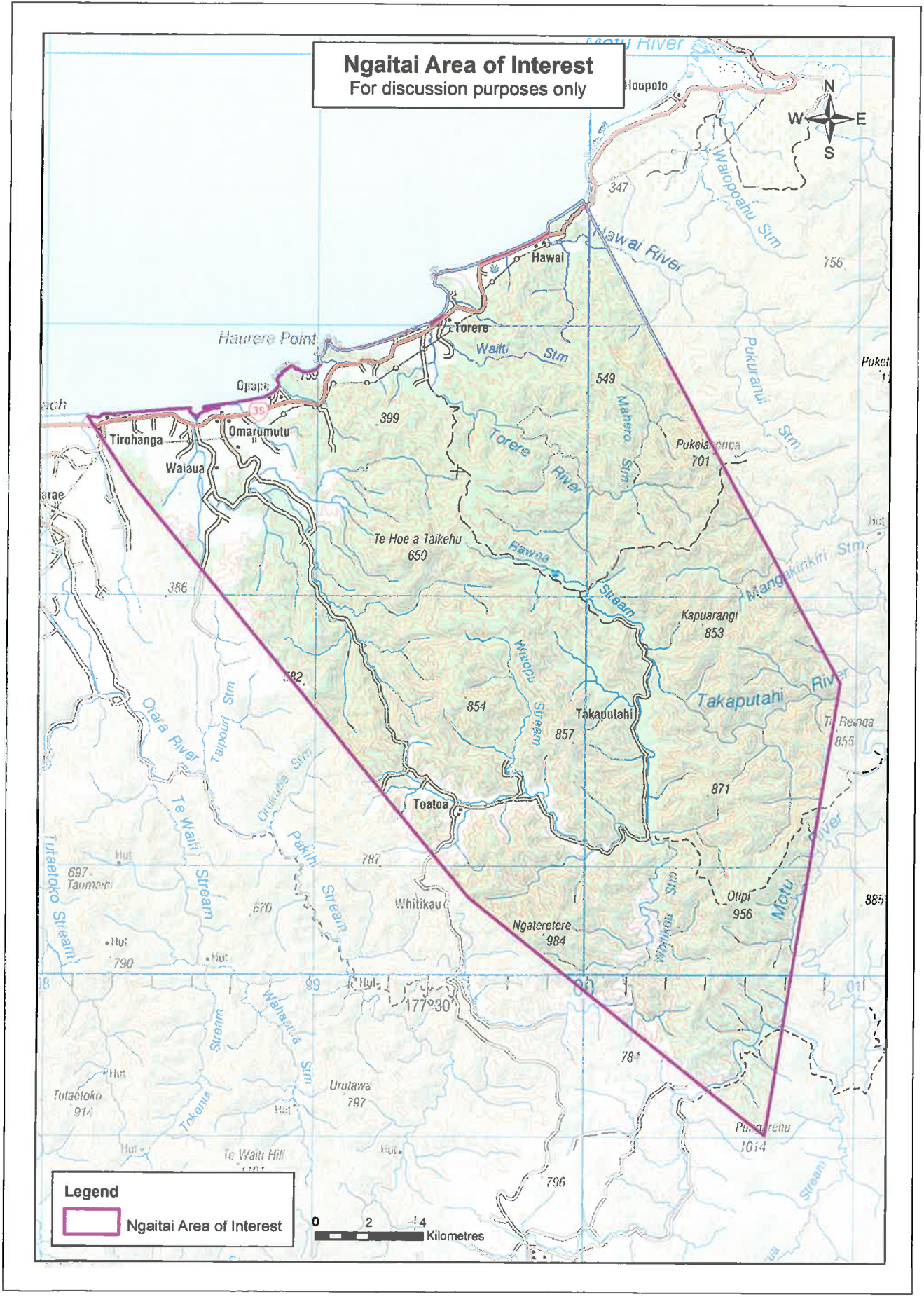
3.1. The claimant group includes all individuals and whānau that trace descent from their tīpuna Manaakiao and Tōrerenuiarua. The Iwi is called Ngaitai, a resident Iwi in the Eastern Bay of Plenty.

3.2. Manaakiao, tangata whenua, was a direct descendant of Toi te Huatahi or Toi Kai Rakau and his hapū was Te Tino o Toi. Manaakiao married Tōrerenuiarua, the first born of Hoturoa, chief of the Tainui waka, and his principal wife, Whakaotirangi. Tōrere derives her name from her father's sister, Hinetorere, who died in Hawaiki prior to the migration of the waka Tainui to Aotearoa. The later part of her name is in memory of where Hinetorere was buried, an historic site on the island of Maui, Hawaii.

4. Proposed Area of Interest for Negotiations – Our Rohe

4.1. Located in the heart of the Ōpōtiki District, Tōrere is the ancestral home of the Ngaitai Iwi. Tōrere is the tūrangawaewae tūturu o Ngaitai. Our ancestral homelands are the remote coastal lands and foreshore and the sea that has nurtured our many generations.

- 4.2. The Ngaitai boundary commences at its most eastern seaward point named Tokoroa, thence moving inland to Te Paku, Peketutu, Taungakakariki and Kaitaura. The boundary then turns towards the coast at Taumatakareti following Te Rewa Rangi, Onukuroa to the Tahunatoroa range, Papamoa, Mangakakaho, Tairanga-huata, Te Kopiha, Haingai, Tirohanga to the two rock formations Tokangawekeweke and Turanga-a-nui and following the coastal line to the point of commencement.
- 4.3. The area of interest is within the purple boundary line. Ngaitai also have interests in the takutai moana which are not listed on this map. Ngaitai will be pursuing our claim to this through the Marine and Coastal Act.



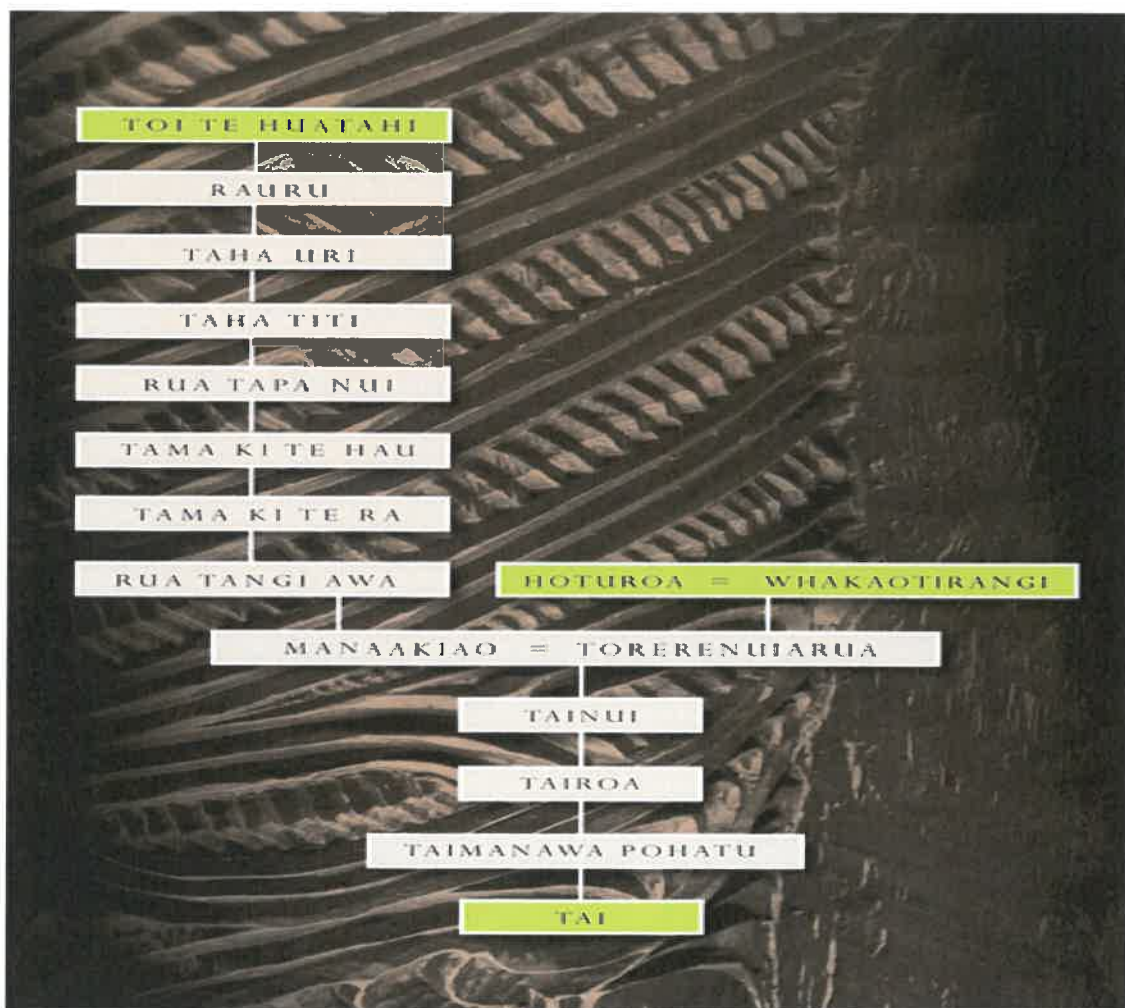
5. Hapū and Marae affiliations

5.1. Ngaitai is captured by Ngaitai te Hapū, Ngaitai te Iwi. Tōrerenuiarua is the sole Marae of Ngaitai. There are historical hapū such as Ngāti Ririwhenua and Ngā Pōtiki, however, the identity for Ngaitai is through Ngaitai te Iwi.

6. Distinct and cohesive

6.1. Ngaitai derives its whakapapa from the Tainui waka. The genealogical table below shows Tai as descending from Tōrere and Manaakiao. It is from this tipuna that Ngaitai gets its name. The Ngaitai claimant community is clearly identified as individuals that descend from the tipuna Manaakiao and Tōrerenuiarua.

6.2. The Ngaitai Iwi Authority has been working on behalf and for the benefit of Ngaitai members for many years and no other entity claims to represent Ngaitai in Treaty settlement negotiations with the Crown.



6.3. Ngā Ahi kaa of Tōrere keep the “home fires burning”. They work tirelessly and on a voluntary basis, to keep the Ngaitai kawa and tikanga alive today so that future generations will be able to stand proud within the ancient knowledge of their tipuna.

6.4. The Ngaitai Iwi Authority was established in November 1987.

6.5. Over the years, the Ngaitai Iwi Authority has driven a number of projects for the benefit of the Ngaitai community, including the Te Hinahina O Te Rangi Marie Housing Project in 1998 which was a tri-partite agreement with the Crown, Habitat for Humanity and the Ngaitai Iwi Authority, and the purchase in 2000 of a 500-hectare block of land for inclusion in the Takaputahi block which totals over 28,000 hectares.

6.6. Following a series of Hui ā-Iwi, an Annual General Meeting and several mandate hui in 2006, the Ngaitai Iwi Authority was confirmed as the Recognised and Mandated Iwi Organisation to progress the Deep Sea Fisheries claim on behalf of the Ngaitai Iwi.

6.7. No other group claims to represent Ngaitai in Treaty settlement negotiations with the Crown.

7. Historical Claims for Negotiation

7.1. The Ngaitai Iwi Authority will negotiate for the comprehensive settlement of all Ngaitai historical Treaty of Waitangi claims. This includes the following historical Treaty claim lodged by members of Ngaitai:

Wai No.	Claim Title	Claimants
78	Tōrere 63	Hone Maxwell on behalf of the Ngaitai Iwi

8. Overlapping and shared interests

8.1. The Ngaitai Iwi Authority acknowledges that the proposed settlement area of interest overlaps and in some instances is shared with other neighbouring tribal groups along our eastern, western and northern boundaries.

8.2. Te Whānau ā Apanui have overlapping interests over our eastern border, Te Whakatōhea have overlapping interests over our western boundaries and Te

Aitanga ā Māhaki have overlapping interests over our southern boundaries.
Ngāti Porou have overlapping interests over our south eastern boundary.

8.3. The Ngaitai Iwi Authority has implemented a process to keep the overlapping parties informed about negotiations with the Crown.

9. Mandated Body and its representatives

9.1. Following a Hui ā-Iwi in November 1987, the Ngaitai Iwi Authority was established to represent the Ngaitai people and to operate under the mana of the Iwi to further the well-being of the Iwi, socially, culturally and economically, which includes the scope for historical Treaty settlement negotiations with the Crown.

9.2. Registered as a Charitable Trust in October 1988 and then registered with the Charities Commission in 2008, the Ngaitai Iwi Authority is administered by the Board of Trustees who is accountable to Ngaitai Iwi. There are seven Trustees on the Board. The Board exercises strategic Governance over the Ngaitai Iwi Authority and its asset holding companies and subsidiaries.

9.3. Trustees are elected by Ngaitai adult Iwi members at an Annual General Meeting held at Tōrere Marae, (Refer section 12 of the Trust Deed). The term of office is a maximum of three years with retiring Board members being eligible for re-election.

9.4. The Board must maintain the Iwi Register, which is currently maintained by the Secretary. At present there are approximately 1800 Iwi members registered, inclusive of tamariki.

9.5. The mandated body and its representatives will seek the mandate to negotiate a draft / initialled Deed of Settlement that will be ratified by the Ngaitai people through a robust ratification process. The current Trustees of the Ngaitai Iwi Authority are as follows:

Name of Mandated Representative	Official Position
Ngaroma Wency Rewi	Secretary
Christina Peters	Treasurer
Whetu Kingi	Vice Chairperson

Yvette Callaghan	Chairperson
Jeanne Kerr	Trustee
Hohepa Maxwell	Trustee
One Vacancy to fill	Trustee

10. Mandated Body and its Accountabilities

- 10.1. The accountabilities set out the open and transparent processes that the mandated body and its representatives will adhere to, throughout settlement negotiations. The role and responsibilities of the Ngaitai Iwi Authority and its representatives include the responsibility for decision making processes, reporting and communication procedures, disputes and mediation processes, registration processes, provisions to amend the Deed of Mandate, and processes for tribal representatives to be replaced, removed and appointed.
- 10.2. The Ngaitai Iwi Authority holds Annual General Meetings where all members of Ngaitai Iwi are able to participate in and be informed of progress.
- 10.3. The Ngaitai Iwi Authority also has the authority to call Special General Meetings, where required.
- 10.4. The Ngaitai Iwi Authority will confirm, appoint, rotate and/or can retire its Treaty Negotiator(s) by resolution, in consultation with Ngaitai Iwi at a Special General Meeting.
- 10.5. Negotiators are accountable to the Ngaitai Iwi Authority and will report monthly.
- 10.6. Should members of Ngaitai Iwi be no longer satisfied with the performance of the Ngaitai Iwi Authority, a dispute resolution process will be followed.

11. Replace, Removal and Appointment of Trustees

- 11.1. Should members of Ngaitai Iwi no longer be satisfied with the performance of the mandated representatives and the dispute resolution process outlined below has not resolved the dissatisfaction, a member of Ngaitai Iwi may apply in writing to the mandated representatives to call a Special General Meeting to replace a mandated representative vote provided such application is accompanied by 20 signatures of other members of Ngaitai Iwi.

12. Meeting procedures

- 12.1. The Ngaitai Iwi Authority will meet on a monthly basis to discuss, co-ordinate and manage the settlement negotiation process. Special General Meetings can be called for in accordance with the provisions set out in the Ngaitai Iwi Authority Trust Deed. Records will be kept on file of all meetings and

decisions made by the representatives, and will be available on request from the Secretary.

- 12.2. Any Ngaitai Iwi member can attend the monthly Board of Trustees hui held at the Ngaitai Iwi Authority office, Tōrere.

13. Decision making process

- 13.1. The Ngaitai Iwi Authority will make decisions by way of consensus. In addition, the wider Ngaitai Iwi community can participate in the decision making process by attending and voting on resolutions put at the Annual General Meeting held by Ngaitai Iwi Authority and at monthly hui ā-iwi.
- 13.2. All decisions made by the trustees in relation to settlement negotiations will be made in accordance with the provisions of their Trust Deed and Ngaitai tikanga and kawa.
- 13.3. The Ngaitai Iwi Authority will provide direction, advice and terms of reference for the negotiators.

14. Reporting process

- 14.1. The Ngaitai Iwi Authority will present a formal annual report, each calendar year at a publicly notified Annual General Meeting. Included will be a Treaty Negotiators Progress report. In addition, the Ngaitai Iwi Authority and its representatives will report to the Ngaitai people by way of:
- Annual General Meeting
 - Hui ā-iwi (a minimum of one Hui ā-iwi annually, other than the Annual General Meeting)
 - Special general meeting
 - Website update
 - Newsletters
 - Committee meetings and marae committee executive meetings
 - Other tribal forums
- 14.2. The Ngaitai Iwi Authority, as the mandated organisation, will have overall responsibility for reporting back to its constituent claimant community to ensure its mandate is kept current. The Ngaitai Iwi Authority will report back to the claimant community on the progress of the Treaty settlement process

including updates and information at key Treaty settlement progress milestones such as:

- achieving Crown recognition of mandate;
- Terms of Negotiation;
- Agreement in Principle;
- Deed of Settlement;
- Post-Settlement Governance Entity (PSGE) structuring;
- ratification of the settlement package and the PSGE (which will require hui) and an approved ratification and voting process); and
- progression of research activity and timing of other opportunities for Ngaitai Iwi Authority to tell the Ngaitai story.

15. Communication Strategy

- 15.1. The Ngaitai Iwi Authority will implement a communication strategy that informs all members about Treaty settlement negotiations progress. Profiles of the mandated representative's and the negotiators, important matters for consideration regarding negotiation milestones, brief summaries of the histories about the people and the Treaty of Waitangi breaches and grievances will be placed on our website.
- 15.2. The communication strategy will also include:
- Hui ā-iwi / Wānanga reporting on negotiation progress;
 - Pānui / Newsletter by Mandated representatives and Negotiators; and
 - Ngaitai Iwi Authority Website negotiation updates and information section.
- 15.3. The aim of the strategy is to put in place open and transparent communication process for iwi members.

16. The Treaty Negotiators

- 16.1. The negotiators will be accountable to the Ngaitai Iwi Authority throughout Treaty settlement negotiations. The Treaty negotiators will also consult with the Ngaitai Iwi Authority prior to any decisions being made.
- 16.2. There will be a maximum of three Treaty negotiators at any one time. The Treaty negotiators will meet on a monthly basis and will report to Ngaitai Iwi Authority every month, or when key decisions need to be made.

17. Decision making process of the Treaty Negotiators

- 17.1. The Ngaitai Iwi Authority will also approve and sign off on all decisions undertaken by the Treaty negotiators. Consultation will be ongoing with Ngaitai Iwi members.
- 17.2. Once a draft Deed of Settlement is agreed with the Crown, a ratification process will take place to seek approval of the draft Deed of Settlement and proposed Post-Settlement Governance Entity by the wider claimant community.
- 17.3. Ngaitai Iwi Authority will hold a series of information hui and wānanga with members to discuss issues relevant to Treaty negotiations and seek input from Ngaitai Iwi members about the issues that will be covered in Treaty negotiations.

18. Dispute Resolution

- 18.1. If a group has a concern regarding the Ngaitai Iwi Authority representation of their interests during Treaty negotiations, they would need to inform Ngaitai Iwi Authority board of Trustees in writing. Ngaitai Iwi Authority Trustee's would seek all relevant information required from the group to ensure it has a clear understanding of the nature of their concern.
- 18.2. Once the information has been received, the Ngaitai Iwi Authority will then consider if the matter requires further action. Should the group with concerns disagree with the decision of the Ngaitai Iwi Authority not to take any further action, they may seek the views of Te Kaunihera Pakeke. Should the matter require further action, the Ngaitai Iwi Authority will meet with the group in question and proceed into the dispute resolution process outlined below. The dispute resolution process will be held at Tōrere Marae or at an agreed venue, and claimants will be publicly notified to attend.

Resolution Process

- 18.3. Dispute resolution must be achieved kano ki te kano and in accordance with the tikanga of the tribe.
- 18.4. If no resolution is reached, a mediator will be appointed by agreement between the parties.

- 18.5. If no resolution is reached following the appointment of a mediator, the matter will be referred to Te Kaunihera Pakeke o Ngaitai.
- 18.6. If the approach in 19.5 is unsuccessful, the Ngaitai Iwi Authority shall refer the matter to a tribal hui ā-iwi, which will determine the outcome of the dispute.
- 18.7. The ruling by resolution at the hui ā-iwi will be final and binding on the Ngaitai Iwi Authority.

19. Authority to amend Deed of Mandate

- 19.1. The Ngaitai Iwi Authority will have the authority to amend the Deed of Mandate when changes have occurred. These provisions will allow the mandated representatives to amend the Deed to make the management of Treaty negotiations more effective. If changes are of a significant nature, the Crown will need to agree and a publicly notified hui will be held to inform Ngaitai Iwi members.

20. The Mandate Process

- 20.1. The Ngaitai Iwi Authority developed a Mandate Strategy in conjunction with Te Puni Kōkiri and the Office of Treaty Settlements for presenting its mandate proposal to the people of Ngaitai.
- 20.2. The location of the mandate hui were in areas where there are large populations of Ngaitai Iwi members and in national centres. The mandate hui were held in Wellington, Hamilton, Auckland and Tōrere.

Location	Venue	Date / Time	Attendees*
Wellington	Brentwood Motor Inn	25 January 2013	21
Hamilton	Comfort Inn	29 January 2013	11
Auckland	Gateway Hotel	31 January 2013	13
Torere	Torere Marae	2 February 2013	35
TOTAL			80

* Attendee numbers are approximate and exclude TPK observers, NIA Trustees and team, returning officers and people under 18 years.

Mandating Hui Purpose

20.3. The purpose of the hui was to seek a mandate from Ngaitai Iwi members for the Ngaitai Iwi Authority to enter into direct negotiations with the Crown on their behalf for the comprehensive settlement of all historical Treaty of Waitangi claims of Ngaitai.

Pre-Hui Communications

20.4. All hui were publicly notified. A copy of the notification is included in **Appendix A**. The first hui notification occurred on 19 December 2012.

20.5. The hui were notified through a range of media:

- All mandating hui were advertised in the New Zealand Herald.
- Regional newspapers – Ōpōtiki News, Whakatāne Beacon and Dominion Post.
- Marae Hui
- Kanohi ki te Kanohi
- Mail out to Registered Ngaitai members

20.6. The following resolution was put to the hui:

“That the Ngaitai Iwi Authority has the mandate to represent Ngaitai in negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims.”

20.7. Ngaitai Iwi Members had the opportunity to discuss the proposal with the Ngaitai Iwi Authority, and put any questions to members before a resolution affirming the mandate of the Ngaitai Iwi Authority was sought.

20.8. Te Puni Kōkiri attended the hui as Crown observers. The Crown observer reports are attached as **Appendix B**.

21. Voting on Resolutions and Eligibility

21.1. The voting process was run by Mr John Tapiata, as an independent Returning Officer. A voting pack was sent to all registered iwi members. An election hotline number was available for further information and for non-registered members to obtain a voting pack. The voting pack included:

- Letter from Ngaitai Iwi Authority Chairperson
- Ballot / Voting form
- Information booklet

- Schedule of Mandating Meetings
- Self address envelope replied paid envelopes

21.2. Voting on the resolution was either in person at the hui or by postal ballot. All adult members of Ngaitai (whether or not registered with Ngaitai Uri register) were eligible to vote. These voting processes were reaffirmed by the presenters of the hui, including the eligibility of the voter:

21.3. Members must be of legal voting age (18 years or older) to vote.

21.4. Non-registered members were eligible to vote, subject to confirmation of their whakapapa by a Ngaitai Pakeke.

21.5. An attendance register as **Appendix C** was taken at each hui and checked for eligibility by knowledgeable persons of the hapū.

21.6. An indicative vote was called for at each of the mandate hui.

LOCATION	ATTENDED	YES	NO	ABSTAIN
Wellington	21	21	0	0
Hamilton	11	8	0	1
Auckland	12	11	0	0
Torere	35	- ¹	0	2

22. Summary of Voting

22.1. The results of the voting process for the Ngaitai Iwi Authority are set out below. A total of 1529 voting packs were mailed out to Iwi members and 12 special votes were provided at the hui or upon request to the Returning Officer. A total of 374 votes were received. Of the total number of valid votes, 353 voted yes to the resolution, 1 voted no, and 0 abstained. 20 invalid votes were received.

Voted YES	Voted NO	Voted ABSTAIN
353	1	0

¹ No actual figure is available for this hui, but it was observed that a majority of attendees supported the resolution.

22.2. The above table shows overwhelming support in favour of the Ngaitai Iwi Authority being the mandated body to represent Ngaitai Iwi for the purposes of entering into negotiations with the Crown regarding the comprehensive settlement of all Ngaitai historical Treaty claims.

23. Availability of the Deed of Mandate

- 23.1. The Deed of Mandate, together with the supporting material, may be made available by the Crown to anyone from the claimant community who requests this information under the Official Information Act 1982.
- 23.2. Therefore, we, the representatives of the Ngaitai Iwi Authority agree to the Crown making the Deed of Mandate known through a public notification process, and to provide the Deed of Mandate, together with the supporting information, to members of the claimant community who requested it.
- 23.3. The representatives of the Ngaitai Iwi Authority also acknowledge that the Deed of Mandate with the supporting material may be released under the Official Information Act. We request that the Ngaitai Iwi Authority Board of Trustees are informed and included in all correspondence.

24. Supporting Material to the Deed of Mandate

- 24.1. Copies of the list of documents attached to the Deed of Mandate as supporting material is as follows:
- Mandate hui Notices and Pānui (**Appendix A**)
 - Crown Observer Reports (**Appendix B**)
 - Mandate Hui Attendance Registers (**Appendix C**)
 - Letter of Endorsement for Mandate Strategy (**Appendix D**)
 - The Ngaitai Iwi Authority Trust Deed (**Appendix E**)
 - Mandate hui Presentation (**Appendix F**)
 - Ngaitai Iwi Authority Trust Structure (**Appendix G**)

25. Signatories to the Deed of Mandate

25.1. Set out below are the names and signatures of the mandated representatives formally executing the Deed of Mandate for the Ngaitai Iwi Authority.

Name: Hohepa Maxwell - Trustee

Date:

Signature:

Name: Jeanne Kerr – Trustee

Date:

Signature

Name: Christina Peters - Treasurer

Date:

Signature:

Name: Ngaroma Wency Rewi - Secretary

Date:

Signature:

Name: Yvette Callaghan - Chairperson

Date:

Signature:

Name: Whetu Kingi – Vice Chairperson

Date:

Signature:

- APPENDIX A: Mandate Hui Notices and Pānui**
- APPENDIX B: Crown Observer Reports**
- APPENDIX C: Mandate Hui Attendance Registers**
- APPENDIX D: Letter of Endorsement for Mandate Strategy**
- APPENDIX E: Ngaitai Iwi Authority Deed of Trust**
- APPENDIX F: Mandate hui Presentation**
- APPENDIX G: Ngaitai Iwi Authority Trust Structure**