

December 2013 – Ngāti Maru Draft Mandate Strategy

Mandate Strategy and Deed of Mandate			
<p>Purpose of this document: to collect all the information required for your representative body to demonstrate it has a mandate to represent your large natural group in Treaty settlement negotiations.</p> <p>A copy of this Mandate Strategy (excluding bank account details) and the subsequent Deed of Mandate will be posted on the OTS and TPK websites and submissions, views and inquiries will be invited. We will provide you with copies of any relevant submissions received for your consideration and response. Your application will be subject to the Official Information Act 1982. For information on the process to seek a Crown recognised mandate please see www.ots.govt.nz.</p>			
Large natural group	Ngati Maru ki Taranaki		
Name of representative body	Te Runanga o Ngati Maru		
What a recognised mandate is for	To represent your large natural group in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of your large natural group.		
Limits to a recognised mandate	The mandated body must present an initialled deed of settlement and proposed Post Settlement Governance Entity to the claimant community/large natural group for their ratification.		
Contact details for the person who will answer questions about this document		Contact details for the representative body	
Name	Holden Hohaia	Postal address	Te Runanga o Ngati Maru
Role	Ngati Maru Interim Working Group		Mahoe School - Stratford
Phone	0296500759	Phone	0221563252
Email	holden.hohaia@clear.net.nz	Email	mtokotaua@bmaru.xtra.co.nz

December 2013 – Ngāti Maru Draft Mandate Strategy

Claimant definition			
		Crown guidelines	Your information
1	Ancestry	What are the names of common founding ancestor(s)?	Maruwharanui
2	Wai Claims	What are the historical Wai claims associated with this large natural group? Please note that the representation sought is for all claims, whether registered or un-registered.	Claims to be settled in full: Wai 136, Wai 1609 Claims to be settled so far as they relate to Ngāti Maru (Taranaki): Wai 54, Wai 126, Wai 131, Wai 139, Wai 583, Wai 889 (historical aspects only)
3	Rohe/Area of Interest	What is the area covered by the claims? (Please either include a written description or attach a map.)	See attached map (Appendix 1)
4	Iwi/Hapu	What are the names of constituent iwi and hapu, both historical and contemporary?	While there are a number of historical hapu of Ngati Maru, these hapu are not active today. It is possible that a revival of Ngati Maru hapu identity may occur in the future. However for the time being, we see ourselves collectively as te iwi o Ngati Maru.
5	Marae	What are the marae associated with the large natural group?	<p>Ngati Maru has one active marae – Te Upoko o te Whenua, also known as Pukehou or Tarata Marae. While we also have close associations with neighbouring iwi marae such as Kohangamoa and Whakaahurangi, these are not recognised as Ngati Maru marae.</p> <p>There were numerous historical marae, pa sites and settlements, particularly along the Waitara river. These include, but are not limited to:</p> <p>Te Whakaurunga; Ngamataniho; Pohokura; Kaito; Waikauwia; Mataiwhetu; Kaiwhakauka; Tahoraparaoa; Tahereaka; Mangaone; Piwaenui; Maireriki; Mangaotuku; Te Toke; Te Arapoto; Whitianga; Pitawa; Tukehu; Tukituki; Paiaka; Manutangihia; Whaititanga; Tarakihi; Makahikatea; Mangawhata; Takanganui; Otikope; Puketapu; Purangi; Moeahuru; Ngakorako; Pukemahoe</p>

December 2013 – Ngāti Maru Draft Mandate Strategy

6	Overlapping Claims/Iwi	Please identify overlapping groups. We encourage you to list all neighbouring groups here, both settled and yet-to-settle.	Whanganui Iwi, Te Atiawa, (Taranaki), Ngaruahine, Ngati Tama, Ngati Mutunga, Taranaki Iwi, Ngati Ruanui, Ngā Rauru Kītahi, Ngati Maniapoto
7	Previous engagement	Has your large natural group/representative body had any previous engagement with the Crown, such as engagement due to overlaps with other groups in negotiations or a previous on-account settlement?	Te Rūnanga o Ngāti Maru Taranaki Trust was established in 2010. The previous trustees had some dealings with the Crown and expended considerable effort attempting to progress the claim before being asked by the Maori Land Court to step down for breach of trustee obligations.
8	Waitangi Tribunal	Has the Waitangi Tribunal inquired into or reported on any of the claims of your large natural group? If so, please describe.	The Taranaki Tribunal's Kaupapa Tuatahi Report (WAI 143) covered aspects of Ngati Maru's claims. We also agree that the Whanganui Tribunal (WAI 903) has inquired into aspects of Ngati Maru's claims through the inclusion of WAI 1609.
The Representative Body			
9	Representatives	What are the names of the representatives on the body? Please provide records of how these representatives were elected (i.e. advertisements and minutes of relevant meetings).	<p>Election processes are outlined in the Second Schedule of the Runanga Trust Deed. See sections 6.1, 6.3(b) 7.2 and 7.3</p> <p>There is one elected trustee – Tamzyn Pue, and four Court Appointed Interim Trustees (Holden Hohaia, Jan Matuku, Tom Rangihaeata and Maioha Tokotaua)</p> <p>Eddie Ngeru was asked by the court if he wished to be a court appointed trustee, but declined.</p> <p>Tamzyn Pue was elected in 2011 and so does not need to stand for re-election again until 2014</p> <p>Elections for the Rūnanga will take place once work on the tribal register and claimant definition has been advanced to a standard acceptable to the Runanga</p> <p>The Court orders appointing Tamzyn Pue and the previous trustees, and subsequently removing five trustees and appointing five interim trustees, are attached as Appendix 2.</p> <p>As outlined in clause 10.2 of the second schedule of the Trust Deed, the Maori Land Court will formally appoint the elected trustees</p>

December 2013 – Ngāti Maru Draft Mandate Strategy

10	Structure	<p>What kind of entity is the representative body?</p> <p>Briefly describe the structure of the body, particularly the relationship between constituent iwi/hapu/marae and the body. The following types of bodies have previously been recognised by the Crown as mandated bodies:</p> <ul style="list-style-type: none"> - Private Trust - Incorporated Society - Charitable Trust - Committee of an existing Trust - Iwi Runanga - Working part/ non-legal entity 	<p>Te Runanga o Ngati Maru is an Iwi Runanga. It has been constituted as a Whenua Topu trust under Te Ture Whenua Maori 1993. Clause d (i) of the trust deed outlines that the trust is established to: "...Act as the representative entity for the iwi of Ngati Maru..."</p> <p>Clause 2(b)(ii) of the trust deed also states that the object of the trust is to represent the interests of Ngati Maru:</p> <p>(ii) in negotiations with the Crown in relation to settlement of the Treaty of Waitangi claims of Ngati Maru (Taranaki).</p>
11	Key Governing Documents	<p>What are the key governing documents (e.g. Trust Deed, Charter or Constitution) that govern the operations of the body and its negotiators? Please attach these and provide to the Crown.</p>	<p>A copy of the trust deed is attached for information as Appendix 3. This deed has also been examined by the Office of Treaty Settlements and endorsed as an appropriate entity to seek mandate on behalf of the people of Ngati Maru to negotiate the claim.</p>
12	Accountability	<p>How will the representative body be accountable to the claimant community?</p> <ul style="list-style-type: none"> - how will the body make decisions? - by what means and how often will the body report to the claimant community on progress? <p>Please refer to the key governing documents as applicable.</p> <p>Mandated bodies must present an initialled deed of settlement to the claimant community for their ratification.</p>	<p>The Runanga interim trustees are required to review the membership register and hold proper elections.</p> <p>See the Third Schedule of the Trust Deed – sections 1.1 and 5.1</p> <p>Once elected, it is proposed that the trustees report to the claimant community on a quarterly basis through publicly advertised hui-a-iwi, as well as provide newsletter updates (also on a quarterly basis) to the people of Ngati Maru to keep them informed on progress of their claim.</p> <p>See also the AGM report disclosure and reporting requirements at sections 7.3 and 8.1 of the Trust Deed.</p>

December 2013 – Ngāti Maru Draft Mandate Strategy

13	Tribal Register	<p>Is there a tribal register or a beneficiary list that identifies members of the claimant community? What is the process by which potential members of the claimant group can register and be verified as tribal members?</p> <p>It is important that the representative body establishes a tribal register or beneficiary list (if one does not already exist) and encourages registrations.</p>	<p>When the Interim Trustees were appointed to the Runanga in November 2012, the key tasks the judge assigned the new trustees was to review the membership register and hold fresh elections.</p> <p>Register of Membership of Ngati Maru is covered under sections 1.1, 3.1 and 4.1 of the First Schedule of the Trust Deed. These provisions require the Runanga to maintain a register of the members of Ngati Maru and to follow a process for applications to become a member (including the establishment of a whakapapa validation committee)</p> <p>The hui a iwi on the 13th April agreed that ongoing wananga were required to further develop our claimant definition.</p> <p>Wananga were held on</p> <p>May 10 – 12th</p> <p>July 12- 14th</p> <p>Sept 6th – 8th</p> <p>At a hui a iwi held on 10 August 2013, the Runanga was directed to fund historical research on Ngāti Maru whakapapa in order to complete the claimant definition work.</p> <p>This historical research will aid the work on the register of membership and will be completed prior to Runanga elections being held.</p> <p>The historical research proposal is attached as Appendix 4.</p>
----	-----------------	---	--

December 2013 – Ngāti Maru Draft Mandate Strategy

14	Crown Policy regarding Financial accountabilities	<p>Claimant funding is managed by the mandated representatives on behalf of the claimant group. The onus is on the mandated representatives to be accountable to its claimant group.</p> <p>This includes: seeking the claimant group's approval of the claimant funding management policy and disclosing the manner in which the claimant funding is being managed and reported to the claimant group, i.e. by providing financial reports to hui-a-iwi and/or including financial reports in regular newsletters.</p> <p>Mandated representatives are required to undertake an annual independent review of negotiation related financial statements and provide the review results to the Office of Treaty Settlements. The submission of an annual review and supporting documentation provides assurance to both the Office of Treaty Settlements and claimant groups that the funding released to the mandated representatives has been used appropriately.</p> <p>The Crown requires that claimant representatives maintain a separate back account for the claimant funding receipts and negotiations expenses. Any change of bank account must be notified immediately. Other sources of funding, such as Crown Forestry Rental Trust funding, must be kept in a different account from the Crown negotiations and claimant funding account. Expenses claimed against Crown claimant funding must not also be claimed against other sources of funding (and vice versa).</p> <p>The mandated representatives must develop a transparent and accountable claimant funding management process that describes who will control the funding, how it will be controlled and how the funds will be used. For example, the mandated representatives should prepare a claimant funding management plan that sets out:</p> <ul style="list-style-type: none"> i. the process to approve invoices and payment of 	We agree to these requirements
----	--	--	--------------------------------

December 2013 – Ngāti Maru Draft Mandate Strategy

		<p>invoices;</p> <ul style="list-style-type: none"> ii. a reporting mechanism for all incoming revenue/receipts and expenses/payments (i.e. an income statement that lists transactions of all incoming receipts and payments, their purpose and cost category); and iii. when and how the annual review of the mandated representatives negotiation related financial statements (bank account and transactions) will take place. <p>It is the Crown's experience that mandates are challenged if claimant groups feel that their funding is being used inappropriately. Please confirm that the representative body will comply with Crown policy.</p>	
15	Claimant funding	<p>The Crown determines its contribution towards a claimant group's negotiation expenses once a claimant group has had its mandate recognised by the Crown. This is done by assessing the specific features of a claimant group and the claim or claims to be negotiated. Based on the assessment, officials write a report to the Minister for Treaty of Waitangi Negotiations, who makes a decision on the upper limit of claimant funding that the Crown will provide to a claimant group and how much is to be allocated to each milestone. The Minister for Treaty of Waitangi Negotiations then writes to the mandated representatives advising them of the Crown's total claimant funding contribution. Once this has been provided, the mandated representatives should prepare a claimant funding management plan that sets out:</p> <ul style="list-style-type: none"> i. the basis/limits on financial spending including negotiators' fees, hourly rates for employees, travel and accommodation allowances; and ii. a budget that sets out where the funds will be needed to ensure that the claimant funding lasts for the duration of negotiations (take into account that 	We agree to these requirements

December 2013 – Ngāti Maru Draft Mandate Strategy

		the latter end of the process is generally more costly).	
16	Removing or amending the mandate conferred by the claimant community	<p>How can the claimant community remove or amend the mandate? Is the process for removing or amending the mandate clearly set out?</p>	<p>If no resolution is reached through initial discussions with the Rūnanga, a special meeting can be called for the purpose of amending or removing the mandate.</p> <p>A quorum of 30 registered members is required in order to call a special meeting for this purpose.</p> <p>Notice of this meeting will be sent to all registered members as well as advertised in a national and two provincial papers.</p> <p>Voting will for all registered and non-registered Ngāti Maru members who are over 18 years of age.</p> <p>A 75% majority is needed in order to remove or amend the mandate.</p> <p>A returning officer will issue voting papers at the hui, which can be completed on the spot, or posted back to the returning officer. These votes will only become valid once whakapapa has been confirmed by the whakapapa committee.</p>
17	Negotiators	<p>How will the negotiators be accountable to the mandated body?</p> <ul style="list-style-type: none"> - who will appoint the negotiators? - how will the negotiators be appointed and removed? - will the negotiators be bound by the mandated body's charter and/or a specific 'terms of reference' and what are they authorised to do? - on what basis will the negotiators be chosen? - how will the negotiators report to the mandated body? 	<p>There will be between 3 and 5 negotiators appointed and specialist advisors may be brought in as required</p> <p>The negotiators will be accountable to the Runanga and will update the Runanga on a quarterly basis.</p> <p>Once the Runanga has gained mandate to progress the claim on behalf of the people, negotiators could be appointed or removed at a hui-a-iwi advertised for that purpose. Appointment or removal of negotiators will require a 50% majority at a hui a iwi advertised for that purpose.</p> <p>Trustees may also be appointed as negotiators. However they must be appointed in accordance with the</p>

December 2013 – Ngāti Maru Draft Mandate Strategy

			<p>above process</p> <p>If a question of performance of a negotiator does arise, then prior to seeking removal in accordance with the above hui a iwi process, the Runanga must first attempt to resolve the issue through the use of an independent mediator.</p> <p>For any other conflicts or disputes arising regarding the negotiators or the negotiation process, the Runanga must first attempt to resolve the issue through independent mediation before referring the matter to the hui a iwi process.</p> <p>Negotiators could be bound by “terms of reference” which clearly set out the parameters within which they are authorised to negotiate.</p> <p>The Runanga will outline the skills required of the negotiators and allow the people to put forward negotiators on that basis</p> <ul style="list-style-type: none"> - Negotiators will report through advertised quarterly hui-a-iwi to be organised by the Runanga
Mandate hui process			
18	Hui Time/Location	<p>Representative body to organise hui where large numbers of their claimant community reside: both nationally (e.g. Auckland, Wellington) and inside iwi rohe. The Crown may support the mandate hui process by organising some national hui. The Crown may also be funding specified venue and advertising costs in a number of national centres for representative bodies to host hui to seek confirmation of their mandate.</p> <p>When and where will these hui be held?</p> <p>Precedents for different sized groups:</p> <p>1,800 people – 3 mandate hui</p> <p>5,000 people – 8 mandate hui</p> <p>30,000 people – 12 mandate hui</p>	<p>Mandating hui will be held in late February/early March at Stratford, Te Upoko o Te Whenua Marae and Waiwhetu. These hui will be publicly advertised in newspapers at least 21 days prior to the first hui.</p> <p>The Runanga elected representatives will be appointed after these mandating hui take place and once the work on the claimant community and membership register is completed. This will rely on the historical research referred to in para 13 being completed.</p>

December 2013 – Ngāti Maru Draft Mandate Strategy

19	Hui Advertising	<p>How will the hui be advertised? Will at least 14 days public notice given for each hui?</p> <p>The representative body needs to advertise the mandate hui at least 14 days in advance in local/national newspapers. The Crown will provide an advertisement template for you to complete.</p> <p>It is important that advertisements show:</p> <ul style="list-style-type: none"> - where and when the hui will be held; - the purpose of the hui; - information on the voting process (including eligibility to vote); and - the resolution to be voted on at the hui. 	Runanga will comply with all Crown requirements in regard to Hui advertising
20	Hui presentation	<p>The Crown will provide a template presentation for you to complete including information on:</p> <ul style="list-style-type: none"> - the claimant definition and historical claims; - the identity of the body seeking mandate and its representatives; - the structure and accountabilities of the body; - stating that the mandate sought is to represent your large natural group in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of your large natural group; and - stating that the mandated body would present any initialled deed of settlement to the claimant community for their ratification. 	Tautoko
21	Resolutions	<p>What is the hui resolution?</p> <p>E.g. "This hui gives the [representative body] the mandate to represent the [large natural group] in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of [large natural group]."</p>	"This hui gives Te Rūnanga o Ngāti Maru Taranaki Trust the mandate to represent Ngāti Maru ki Taranaki in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngāti Maru ki Taranaki."
22	Voting Process	How will the claimant community vote? E.g. secret ballot or show of hands. All of these methods are acceptable to	Postal ballot with info packs and forms will be sent to all registered members when mandate hui are advertised.

December 2013 – Ngāti Maru Draft Mandate Strategy

		<p>the Crown. For each method the representative body will need to have a way to check that people do not vote more than once. Please invite Crown observers and independent scrutineers to attend the hui.</p>	<p>Voting can be by postal ballot, online or in person at the hui.</p> <p>An opportunity will be provided for any unregistered Ngāti Maru iwi member to vote in person. This would involve registering to vote and depositing a postal form in the ballot box at the hui.</p> <p>A whakapapa validation committee and returning officer would be present at all three hui or: the returning officer will issue special votes at the hui, which can be completed on the spot, or posted back to the returning officer, and will only become valid once whakapapa has been confirmed by the whakapapa committee.</p>
--	--	---	--