
Ngāti Tara- Tokanui

Mandate Strategy Document

**On behalf of Ngāti Tara-Tokanui
dated 27 May 2011**

1. Preamble

- 1.1 After a number of years of competing mandates to represent the Iwi of Hauraki in Treaty of Waitangi negotiations, in 2009 the Crown initiated a process to establish a mandated structure to negotiate the settlement of historical Hauraki Treaty of Waitangi claims. This involved the election of two interim negotiators by each of the statutory recognized iwi of Hauraki (under the Hauraki Maori Trust Board Act 1988) to form the mandated structure known as the Hauraki Collective. Ngāti Tara-Tokanui is one of those iwi.
- 1.2 In November 2009, Hauraki iwi began electing their interim negotiators. In May 2010, Ngāti Tara-Tokanui along with Ngāti Tamatera and Ngāti Hako elected their interim negotiators. Ngāti Tara-Tokanui elected Russell C. Karu and Amelia Amy Tuihana Williams as the interim mandated representatives to the Hauraki Collective to negotiate a Hauraki whānui Treaty settlement as well as a Ngāti Tara-Tokanui specific Treaty settlement.
- 1.3 On 1 October 2010, the Hauraki Collective Framework Agreement (“Framework Agreement”) was signed with the Crown. The Framework Agreement outlines process and identifies substantive areas of negotiation. The structure for the Hauraki Treaty of Waitangi Settlement entity is to be developed.

2. Purpose

- 2.1 The purpose of this strategy document is primarily to provide information and insight into the intentions and process to be undertaken by Ngāti Tara-Tokanui to obtain a mandate to negotiate a Treaty of Waitangi settlement through a fair, open and robust process that is recognised by Ngāti Tara-Tokanui and the Crown. The contents of this strategy are without prejudice.

3. Claimant Definition

3.1 *Claimant Community*

The claimant community included in this mandate strategy are the individuals whānau and hapū of Ngāti Tara-Tokanui, Ngāti Tara-Tokanui is defined as all the descendants of the eponymous ancestor Tara. Historically, the iwi of Ngāti Tara-Tokanui was formed through a marriage alliance between Te Rae of Ngāti Hako and

Te Awapu of Ngāti Tara (Te Awapu was the Great Grandson of Tara). Ngāti Tara have close kinship ties with the Marutūāhu tribes through their eponymous ancestor the Ngāti Raukawa Chief Kotare. The claimant definition may be further developed during the course of negotiations. The marae of Ngāti Tara-Tokanui is Ngāhutoitoi Marae.

3.2 *Claims to be settled*

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

- (a) all historical claims which are made on the basis of Ngāti Tara-Tokanui whakapapa, whether registered or unregistered. Currently, further research and preparation is being undertaken to properly collate Ngāti Tara-Tokanui's issues of claim; and
- (b) claims reported on by the Waitangi Tribunal which include:

Wai No.	Claim Title	Claimant
Wai 100	The substantive Wai 100 claim under taken by the Hauraki Maori Trust board in whose care Ngāti Tara-Tokanui entrusted to include Ngāti Tara-Tokanui's issues of claim	Huhurere Tukukino
Wai 714	Ngāti Koi Claimant Trust	Hone Tiwaewae Williams
Wai 686	Hauraki Comprehensive Claim	

4. Area of Interest

- 4.1 The Ngāti Tara-Tokanui rohe generally encompass Maramarua to Wai O Rongomai and Te Ure Tara Stream to Whangamatā. Ngāti Tara-Tokanui acknowledges that this area of interest may overlap with other iwi.

5. Representations and Accountabilities of the Negotiators

5.1 *Appointment of Negotiators*

Two negotiators will be appointed by one mandate hui-a-iwi of Ngāti Tara-Tokanui on **Sunday 27 February 2011, 11am at Ngāhutoitoi Marae, Paeroa**. The two Negotiators will be Ngāti Tara-Tokanui's representative on the Hauraki Collective.

5.2 *Advisory Group*

An "Advisory Group" of three or four kaumātua and/or kuia will be formed to support, advise and provide accountability for the Negotiators. The Negotiators will jointly approach kaumātua and/or kuia who are respected leaders of Ngāti Tara-Tokanui with knowledge of iwi whakapapa, history and tīkanga to join the Advisory Group. The Advisory Group will meet with the Negotiators at least once every two months and receive an update on the progress of negotiations. They will provide advice and guidance to the Negotiators especially on questions of whakapapa, history, tīkanga, kawa and the traditional rohe of Ngāti Tara-Tokanui.

5.2 *Sub-committee*

The Negotiators have established a Communications sub-committee which will continue in operation.

5.3 *Negotiators Responsibilities*

The Ngāti Tara-Tokanui Negotiators will report directly to the iwi of Ngāti Tara-Tokanui but will also keep each other up to date with progress in relation to their respective negotiation work. Their responsibilities to the iwi will include:

- regular reporting;
- appointment of advisors;
- appointment of a working group if required;
- approve and sign-off key negotiation milestones including initialling a deed of mandate; and
- other matters as necessary to complete the negotiation task.

The appointment of any advisors or working group must be approved by both Negotiators. The Negotiators will have the mandate and scope of authority to manage all aspects of settlement negotiations with the Crown.

5.4 *Reporting Process*

The Ngāti Tara-Tokanui Negotiators will report directly to the iwi Community through the holding of regular Report Back Hui regarding progress of the negotiations. This will occur in a number of ways including:

- report back hui;
- pānui or newsletter; and
- website portal.

5.5 *The Decision-Making Process*

The Mandated Negotiators will make decisions by way of consensus. In addition, the wider Ngāti Tara-Tokanui community can participate in the decision making process by attending and voting on resolutions put at regular report back hui. All decisions made by the Negotiators in relation to settlement negotiations will be made in accordance with Ngāti Tara-Tokanui tikanga.

5.6 *Scope of Mandate*

The mandate of the Ngāti Tara-Tokanui Negotiators will cover all claims, interests and groupings within the iwi. The Negotiators will seek that all parts of the iwi are accounted for in the negotiation process.

6. Dispute Resolution

6.1 If a group or individual has any concern regarding the Ngāti Tara-Tokanui Negotiators representation of their interests during negotiations, they will inform both the Negotiators themselves and the Advisory Group in writing.

6.2 If a letter of complaint or any written concerns are lodged with the Negotiators and the Advisory Group, both the Negotiators and the Advisory Group will first go about

seeking all relevant information from the group or individuals concerned to ensure they have a clear understanding of the complaint.

- 6.3 Once the information has been received, the Negotiators and Advisory Group will then consider if the matter requires further action. If the matter requires further action, the Negotiators and Advisory Group will meet with the group or individual concerned and seek to resolve the problem.
- 6.4 All disputes between the group or individuals in question and Negotiators will be resolved through mediation.

7. **Mandate Hui**

- 7.1 The mandating hui will be notified to members through the Newspapers (NZ Herald, Hauraki Herald etc).
- 7.2 Notification will be placed at least **14 days prior**.
- 7.3 The public notice will clearly state the purpose of the hui. Specific mention will include reference to the need to obtain mandate for the Ngāti Tara-Tokanui Negotiators to enter into negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims for and on behalf of Ngāti Tara-Tokanui.

The following resolution will be put to the hui:

‘That **Russell C. Karu** and **Amelia Amy Tuihana Williams** be mandated to represent Ngāti Tara-Tokanui in negotiations with the Crown regarding the comprehensive settlement of Ngāti Tara-Tokanui historical Treaty of Waitangi claims.’

7.4 Rules:

- *Voting will be by simple majority.*
- *Voting will be by show of hands with one vote for each eligible voter present.*
- *There will be no postal voting, and no proxies will be accepted.*
- *Members eligible to vote will be those who whakapapa to Ngāti Tara-Tokanui and who are 18 years or older.*

- *An attendance register will be taken at the hui. Kaumātua present at the hui may be asked to verify whakapapa, and where appropriate, to confirm eligibility.*

7.5 If the majority of the hui votes no to the above resolution or resolutions the hui will then be asked to vote for a new negotiator or negotiators. Nominations for the new negotiator or negotiators will be called from the floor, and the interim negotiators may be nominated again.

7.6 Rules for election of new negotiator or negotiators if required:

- *Nominations will be taken.*
- *Voting for nominees will occur.*
- *Voting in this instance will be by ballot with one vote for each eligible voter present.*
- *Members eligible to vote will be those who whakapapa to Ngāti Tara-Tokanui and who are 18 years or older.*
- *An attendance register will be taken at the hui. Kaumātua present at the hui may be asked to verify whakapapa, where appropriate, to confirm eligibility.*

8. Alternate Negotiator(s) “Alternates”

8.1 The Negotiators will have the option to appoint an alternate negotiator or negotiators within six months of the mandate hui on agreement by both Negotiators that this will be beneficial. A maximum of two alternate negotiators may be appointed. If appointed, the role of the alternate negotiator or negotiators (“alternates”) will be to attend negotiation meetings, hui ā-iwi or any other negotiation activity when one or both of the Negotiators cannot be present. If appointed, the alternates may undertake all of the roles and responsibilities of the Negotiators outlined in this mandate strategy when the Negotiators are unable to do so with the exclusion of any financial matters. Any alternate appointed will not be an immediate relative of either of the Negotiators.

9. Deed of Mandate

9.1 Upon completion of the Mandate Hui, the Deed of Mandate will be written and supporting evidence collated according to the guidelines as set out by the Office of

Treaty Settlements (OTS) and submitted to Te Puni Kōkiri and OTS for assessment, and for recognition from the Minister for Treaty Negotiations and the Minister of Māori Affairs.

- 9.2 The mandated body may alter or amend the Deed of Mandate document, as required.
- 9.3 It is expected that the mandating hui will be completed by February 2011 and that a Deed of Mandate is expected to be submitted by no later than May 2011.

Russell C. Karu and Amelia Williams
27 May 2011