

Waikato-Tainui Remaining Claims

Draft Deed of Mandate

September 2019

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Vision

***Tuuria te mata whai ariki
He tau whakatau ki te rangi e tuu
He tau whakatau ko te papa o te whenua
He tau whakatau ki te kupu kii mai o te tangata
'Tupu te toi, whanake te toi, te toi i ahu mai i Hawaiiki'***



Tainui Maaori Trust Board



Sir Robert Mahuta



Ngaa Marae Toopu

In 1987 Sir Robert Mahuta, the Tainui Maaori Trust Board and Ngaa Marae Toopu filed the Wai 30 claim in the Waitangi Tribunal. The claims concerned all historical Te Tiriti o Waitangi breaches in relation to Raupatu that occurred from 1863 where Waikato lost vast amounts of lands, people and resources at the hands of the Crown and under impossible and unbelievable odds. Consequently, Waikato were extradited from their lands and homes. The Waikato River was another key and significant aspect of the Wai 30 claim and included issues of Raupatu, ownership, mana, fisheries, desecration and pollution. The third and substantial aspect of the Wai 30 claim are the West Coast Harbours inclusive of Manukau, Whaingaroa, Aotea and Kaawhia.

In 1946 Waikato accepted a partial settlement from the Crown under the Waikato-Maniapoto Maori Claims Settlement Act, which led to the establishment of the Tainui Maaori Trust Board. In 1995 Waikato-Tainui and the Crown settled the Raupatu (whenua) claims, the culmination being the Waikato Raupatu Claims Settlement Act 1995. The cornerstone principle of the settlement in which compensation was pursued was '*i riro whenua atu, me hoki whenua mai, ko te moni hei utu mo te hara*'. The Crown acknowledged the grave injustices suffered, and the crippling impact that Crown actions have had on generations of people, their welfare, development and the Waikato economy.

Fisheries interests and issues were addressed through the Fisheries Claims Settlement Act 1992 and the Maori Commercial Aquaculture Claims Settlement in 2004 (both pan-iwi settlements).

Subsequently, the focus of negotiations turned to the River, and these claims were settled in 2010 with the passing of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 which recognises '*te mana o te awa*' and provides for '*mana whakahaere*'.

Of the interests included in the original Wai 30 claim, the West Coast Harbours, and a number of discrete and specific land blocks (Maioro/Waiuku and East Wairoa) remain unsettled and outstanding. These claims were intentionally set aside to be addressed and settled in a separate manner to those of the Raupatu and River claims.

To this end, and after a number of engagements and discussions with our Waikato hapuu and marae, through this Deed of Mandate Te Whakakitenga o Waikato seek to reaffirm the mandate to negotiate the Wai 30 Outstanding claims, and confirmation of a mandate to negotiate those Waikato-Tainui Remaining Claims that wish to come under this mandate for settlement.

We look now to the future, to what we can achieve through this Treaty Settlement for now and for the next generations to come.

He tau whakatau ki te kupu kii mai o te tangata;

‘Tupu te toi, ora te toi, whanake te toi, te toi i ahu mai i Hawaiki!’

A handwritten signature in black ink, appearing to read 'R. Papa' with a stylized flourish at the end.

Rahui Papa
Waikato-Tainui Negotiator

Overview

1. Te Whakakitenga o Waikato (formerly known as Te Kauhanganui) was established after the passing of the Waikato Raupatu Claims Settlement Act 1995, as the governance body to receive and manage the settlement redress on behalf of the Waikato iwi. Subsequently, in following years, Waikato (through Te Kauhanganui) negotiated the outstanding claims in relation to the Waikato River, and by 2010 the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act was passed, bringing closure to a second important segment of the Wai 30 claim.
2. Te Whakakitenga o Waikato is representative of 33 Waikato hapuu, and 68 affiliate marae.
3. The current Waikato-Tainui Negotiator (Rahui Papa) was appointed by Te Whakakitenga o Waikato in November 2017 and was tasked to seek reaffirmation of the Wai 30 mandate and seek a mandate for those Waikato Remaining Claims that wish to come under the mandate of Te Whakakitenga o Waikato for negotiations and settlement purposes.
4. This Deed of Mandate formally demonstrates that the Waikato-Tainui Negotiator has obtained a durable mandate to represent the hapuu and marae of Waikato and has been entrusted by its hapuu and marae to negotiate the comprehensive settlement of all historical Waikato Outstanding and Remaining Te Tiriti o Waitangi claims with the Crown.
5. The purpose of this Deed of Mandate is to provide key information about the scope of the mandate and evidence of the process undertaken by Te Whakakitenga o Waikato, and the Waikato-Tainui Negotiator to obtain this mandate.

Claimant Definition

6. The Waikato-Tainui 'claimant definition' finds its origins in the earlier Waikato-Tainui Treaty Settlements and has consistently remained the same.
7. Waikato as an iwi traces its descent from Hoturoa, the Kaihautuu of the Tainui Waka.
8. The people of Tainui originally settled at Kaawhia, where the Tainui waka was laid to rest after traversing much of the North Island. From there, and over successive generations the Waikato iwi spread and expanded to settle lands further along the Coast, both North, South and inland.
9. The name 'Waikato', as well as the identity of the people is derived from the Waikato River; 'tooku awa koiora me oona pikonga, he kura tangihia o te mataamuri'.
10. The boundaries of the Tainui waka and Tainui iwi are articulated in the following pepeha:

*Mookau ki Runga
Taamaki ki Raro
Mangatoatoa ki waenganui
Pare Hauraki, Pare Waikato
Ko Te Kaokaoroa o Paatetere
I te nehenehenui*

11. Kiingitanga forms an integral part of the Waikato identity. Kiingitanga was established in 1858 to stop warfare, stall land loss and promote Mana Maaori Motuhake and kotahitanga for Maaori. Pootatau Te Wherowhero was anointed as the first Maaori Monarch, and this mantle has been passed down successively for seven generations and some 160 years. Waikato have historically held the key role as kaitiaki of Kiingitanga.

12. As articulated throughout previous Waikato settlements (Waikato-Maniapoto Maori Claims Settlement Act 1946, Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010). 'Waikato' for the purposes of these settlements encapsulated the 33 named and listed hapuu of Waikato. These 33 Waikato hapuu therefore formed the basis of the Waikato 'claimant definition'.
13. The Wai 30 claim is inclusive of those claims and interests included in the original Wai 30 claim filed in 1987, that were intentionally set aside to be addressed, negotiated and settled separately to the Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010.
14. This settlement represents a key part of the Wai 30 claim, and is a continuation of these previous settlements, therefore the claimant definition provided here, and the hapuu and marae named below are cemented by virtue of their interests in the Wai 30 claim, and their interests and representation on Te Whakakitenga o Waikato historically, through the partial settlement of 1946, Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010.
15. Te Kauhanganui (the predecessor of Te Whakakitenga o Waikato) was established in 1998, to represent the interests of the 33 hapuu, through their 68 affiliate Waikato marae. The claimant definition provided here includes all hapuu of Waikato. The mandate, however, does not cover the claims of the hapuu listed at paragraph 25.
16. For the purposes of Treaty settlement negotiations, the current claimant definition (which remains consistent with previous Waikato-Tainui settlements as reflected above), include the collective group of individuals who descend from a Waikato tupuna and one of the following 33 hapuu:
 - a) Ngaitai, Ngaati Tamaoho, Ngaati Koheriki, Ngaati Te Ata, Te Aakitai, Ngaati Paretauuaa, Ngaati Tiipaa, Ngaati Aamaru, Ngaati Naho, Ngaati Hine, Ngaati Taratikitiki, Ngaati Pou, Ngaati Maahanga, Ngaati Tamainupo, Ngaati Wairere, Ngaati Makirangi, Ngaati Koroki, Ngaati Ruru, Ngaati Werokoko, Ngaati Paretekawa, Ngaati Ngutu, Ngaati Hikairo, Ngaati Puhiaawe, Ngaati Mahuta (ki tai, ki uta), Ngaati Te Wehi, Ngaati Whaawhaakia, Ngaati Kuiaarangi, Ngaati Tai, Ngaati Raukawa ki Panehakua, Ngaati Tahinga, Tainui-a-whiro, Ngaati Apakura, Ngaati Hauaa.

Note: The Crown has an alternate view on claimant definition. See Appendix 'A' for the Crown's position. We specifically seek feedback from the claimant community on this issue. Following submissions, the Negotiator and the Crown will have further discussions and work towards reaching agreement.

17. The 68 Waikato marae, affiliate of the 33 named hapuu above, and representative of Te Whakakitenga o Waikato are as follows:
 - a) Aotearoa, Aaruka, Hiiona, Horahora, Hukanui, Kahotea, Kai-a-te-mata, Kaitumutumu, Makaurau (Ihumatao), Maketuu, Mangatangi, Mangatoatoa, Matahuru, Maungatautari, Maurea, Mookai Kainga, Mootakotako, Ngaa Hau e Whaa, Ngaatira, Ngaa Tai e Rua, Okarea, Ookapu, Oomaero, Oraeroa, Owairaka, Poihaakena, Poohara, Pukerewa, Puukaki, Puurekireki, Raakaunui, Raungaiti, Rereteewhioi, Rukumoana, Tahunakaitoto, Taniwha, Tauhei, Taupiri, Tauranganui, Te Aakau, Te Awamarahi, Te Hoe o Tainui, Te Iti-o-Haua, Te Kaharoa (Aramiro), Te Kauri, Te Koopua, Te Kooraha, Te Kotahitanga, Te Ohaaki, Te Papa-o-Rotu, Te Papatapu, Te Poho o Tanikena (Opuatia), Te Puea, Te

Taumata (Paaraawera), Te Tihi o Moerangi (Makomako), Te Tokanganui-a-noho, Tikirahi, Tuurangawaewae, Umupuia, Waahi, Waikare, Waikaretuu (Weraroa), Waikeri, Waimakariri, Waingaro, Waipapa, Waitii, Whaataapaka.

18. The above named hapuu and marae are beneficiaries of the Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 and by default will be beneficiaries of this settlement to the extent that any Treaty settlement redress is provided to them through a settlement negotiated under this mandate.

Waikato-Tainui Remaining Claims Deed of Mandate - Historical Claims List

19. It is important to note that there are two types of 'claims' that fall under this Deed of Mandate:

- a) **Wai 30 outstanding claims** – these include those claims and interests included in the original Wai 30 claim filed in 1987, that were intentionally set aside to be addressed, negotiated and settled separately to the Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010. These outstanding claims include the West Coast Harbours being Manukau, Whaingaroa, Aotea and Kaawhia, and also include a number of discrete land blocks being Maioro/Waiuku and East Wairoa.
- b) **Waikato-Tainui Remaining Claims** – these claims have been identified by the Crown as claims that derive a Waikato whakapapa and sit within the Waikato rohe geographically but remain unsettled. These claims have been included in this Deed of Mandate by virtue of Waikato-Tainui being identified as a 'Large Natural Grouping' for negotiations and settlement purposes, and the Crown's preference to negotiate a comprehensive settlement with Waikato-Tainui in respect to their Outstanding and Remaining Claims.

20. For the purposes of this mandate, both the Wai 30 Outstanding claims, and Waikato Remaining Claims are referred to collectively as 'Waikato-Tainui Remaining Claims' to be settled under this mandate.

21. The mandate of the Waikato-Tainui Negotiator is to negotiate all the Remaining Waikato-Tainui historical Treaty of Waitangi claims, whether registered with the Waitangi Tribunal ("Wai claims") or not, arising from acts or omissions by the Crown prior to September 1992.

22. The Waikato-Tainui Remaining Claims include and encompass all claims of the following nature and/or relate to the following areas:

- a) West Coast Harbours (Manukau, Whaingaroa, Aotea and Kaawhia);
- b) Unsettled Waikato interests within Taamaki Makaurau;
- c) Waikato interests in and around Tiikapa Moana (including the Waitemataa Harbour);
- d) Raupatu claims in the Wairoa and the Waiuku blocks;
- e) All Non-Raupatu claims of Waikato-Tainui within the Waikato rohe relating to Old Land Claims, Waiver Purchasers, Crown Purchasing, Operations of the Native Land Court, Native Land Laws and Public Works Takings;
- f) Environmental issues (except those settled under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 or any other settlement legislation); and
- g) Social and cultural issues.

23. Set out in the table below is a list of Waitangi Tribunal claims (“Wai claims”) that are included in this Deed of Mandate to be settled in full or in part as far as they relate to Waikato:

Wai Claims List - Included			
No.	Wai number	Claim	Named Claimant/s
1	2	Waiau Pa (southern arm of Manukau harbour)	Noelene Rose McLarin
2	8	Manukau claim	Nganeko Minhinnick on behalf of Huakina Development Trust
3	29	State-Owned Enterprises Act 1986 claim (Kāwhia, Whaingāroa, Aotea and Manukau)	Sir Robert Mahuta, Tainui Maaori Trust Board, Ngaa Marae Toopu
4	30	Waikato-Tainui land claim	Sir Robert Mahuta, Tainui Maaori Trust Board, Ngaa Marae Toopu
5	185	Pepepe Land Claim	Mate Te Whiu Ikemoke Wirihana Trust
6	340	Newmarket Land claim (Auckland railway lands)	Te Tuhi Tauratumarū Kelly
7	426	Te Uku Landing Reserve claim	Rangiwahia Kathleen Huirama Osborne
8	441	Tainui Education Claim	Taitumu Maipi
9	530	Ngā Uri o Whawhakia claim	Patara Peremana (Nga Uri o Whawhakia)
10	614	Te Maika Land claim	Isaac Kuila, Edith Uru Dockery and Allan Rubay on behalf of Te Maika Trust
11	617	Parish of Taupiri claim	Marie Ann Zillah Nixon
12	677	Allotments 441 & 442, Ngaruwahia rating claim	Parekawhia Pickering (nee Tipene)
13	746	Rakaumanga School West Huntly claim	Agnes Katene Himiona, Shirley Himiona, Roha Himiona on behalf of Taiki Rotana Te Whiu Himiona whaanau
14	827	Oioroa Block, Aotea Heads (King Country) claim	Tumate Mahuta, Lawrence Bradshaw, Miki Apiti, Thomas Moke, Huihana Dawn Rewa, Diane Bradshaw

15	908	Manuaitu blocks (Waikato) claim	Ben Ranga on behalf of the descendants of Amoamo Ratapu & Rangiwheua)
16	1409	Lands and Resources of Ngāti Ngutu/Ngāti Hua	Marge Rameka
17	1410	Aotea Harbour and Waahi Tapu claim	Davis Apiti
18	1435	Mahuta Hapuu Lands and Resources claim	Anne Kimiora Craig nee Cribb and Anne Marie Taitoko James Craig
19	1438	Ngāti Te Patupo Kāwhia and Aotea Harbours claim	Allan Rubay
20	1439	Oparau Station Trust claim	John Pouwhare on behalf of Oparau Station Trust
21	1448	Ngāti Te Wehi Kāwhia Harbour and Resources claim	Nancy Apiti, Davis Apiti and Diane Bradshaw
22	1495	Pearl Comerford Hapuu of Te Rohe Potae Claim	Pearl Comerford
23	1499	Vernon Houppapa Ngāti Ngutu Hapuu claim	Vernon Grant Terore Houppapa
24	1501	Petunia Taylor Te Rohe Potae claim	Petunia Taylor, Miki Apiti, Ron Boss Mahara, Phillip Mahara
25	1502	Okapu F2 Land Block claim	Steve Mahara and Raymond Mahara
26	1534	Okapu C Block (King) claim	Janet Maria (Paki)
27	1587	Ngāti Mahuta (McQueen) claim	Te Amohia McQueen
28	1588	Phillip Tauri King and Verna Tuteao for and on behalf of Ngaati Mahuta	Phillip Tauri King and Verna Tuteao

29	1589	Phillip Tauri King and Verna Tuteao for and on behalf of Ngaati Mahuta	Phillip Tauri King and Verna Tuteao
30	1590	Phillip Tauri King and Verna Tuteao for and on behalf of Ngaati Mahuta	Phillip Tauri King and Verna Tuteao
31	1591	Phillip Tauri King and Verna Tuteao for and on behalf of Ngaati Mahuta	Phillip Tauri King and Verna Tuteao
32	1592	Moerangi (Descendants of Te Apiti) claim	Marge Blackie
33	1596	Forbes Whānau claim	Allan Shane Forbes
34	1603	Iwitahi Hapū Native Council Claim (Kāwhia, Aotea and Whaingāroa)	Trevor Taute Tuhakaraina, Albert McQueen and Te Amohia McQueen on behalf of Iwitahi Hapuu Native Council
35	1611	Moke Whaanau claim	James Allen Marcum, Edward Ainsley
36	1763	Ngaati Naho claim	Carolynne Lorraine Tirirangi Taylor
37	1766	Whaingaroa Claim	Lai Toy
38	1767	Te Akau B No 121 Land claim	Karen Tukiri, Renata Hiku and Sarah Rotana
39	1772	Descendants of Patara Te Tuhi claim	Wiremu Puke
40	1777	St Stephen's College (McKinnon) claim	Reweti McKinnon
41	1802	Maramarua 9D Block claim	Pahiwi Te Aho whaanau
42	1804	Descendants of Tokotahi Moke claim	Ian Shadrock
43	1826	Tekikiri Meroiti Haungurunguru Toangina Toto Whānau Trust claim	Daniel Tekikiri Toto
44	1897	Ngāti Mahanga Hourua, Ngāti Wairere, Ngāti Tai, Ngāti Paoa, Ngāti Patupo (Dixon) claim	Boyd Turongo Dixon

45	1899	Ngāti Te Wehi (Elizabeth Mahara) claim	Elizabeth Mahara
46	1900	Okapu F2 Land Block claim	Isabel Kerepa
47	1908	Wallis Whānau claim	Christine Wallis
48	1967	Ngāti Pane and Ngāti Māhanga claim	Te Whatu Barbara Te Hui Hui Puimipi
49	1974	Mokoroa, Waipuna and Awaroa Blocks (Hepi) claim	Koha Margaret Hepi
50	1992	Ngāti Māhanga, Ngāti Tamaoho and Ngāti Apakura (Tahapeehi) Lands claim	Piriwhariki Tahapeehi
51	1995	Ngāti Hikairo, Ngāti Tamainu, Ngāti Taiharuru and Ngāti Kiriwai (Jerry) Lands claim	Howard Morrison Jerry
52	1996	Ngāti Ngutu and Ngāti Hua (Toia) Lands claim	Raewyn Maria Toia
53	2035	Ngāti Naho and Te Paina (Heta) claim	Joseph Nicholson Hohepa Heta
54	2039	Ngaati Amaru and Ngaati Pou Lands Claim	Ben Katipa
55	2081	Ngāti Amaru and Ngāti Pou (Katipa) claim	Ben Katipa
56	2086	Ngāti Hua and Ngāti Mahuta (Houpapa) claim	Shirley Hemoata Houpapa
57	2087	Ngāti Kiriwai and Ngāti Mahuta Lands (Uerata) claim	Hopu David Uerata
58	2102	Descendants of Manganui Ngaamo Lands claim	Bessie Jane Thocolich
59	2103	Descendants of Hiakai Uerata and others Lands claim	Denise Mereaina Smith

60	2117	Ngāti Tahinga, Ngāti Tanetiorau, Ngāti Te Whatu and Other Lands and Resources (Walsh) claim	Steven Rewi Walsh
61	2121	Ngāti Tahinga, Ngāti Maniapoto and Other Health Issues (McKinnon) claim	Inuwai McKinnon
62	2125	Mana Wahine (Nelson) claim	Peggy Nelson
63	2126	Puketarata Block and other lands (Mahara) claim	John Mahara
64	2135	Ngāti Maniapoto and Ngāti Te Wehi Lands (Moke) claim	Karoha Moke
65	2137	Hapū rangatiratanga claim	Lorna Brennan
66	2169	Descendants of Heteraka Takapuna Lands (Heteraka) claim	Matiu Heteraka
67	2183	Ngati Hikairo, Ngati Patupo and Ngati Te Wehi Lands (Mahara) claim	Jack Mahara
68	2308	Hopuhopu Block (Hokio Tarawhiti) claim	Hokio Tarawhiti
69	2322	Ngati Naho and Mahuta Lands and Other Issues (Pumipi) claim	Te Whau Barbara Te Hui Hui Puimipi
70	2330	Tapuwaeonuku Block (Pokaia) claim	M Pokaia
71	2331	Davis Apiti claim	Davis Apiti
72	2345	The Descendants of Wetini Mahikai and Hera Parekawa (Tuteao) claim	Te Amohia McQueen
73	2346	Tanumeha te Moananui, Te Pou and other Pare Hauraki and Pare Waikato peoples (Paynter) claims	Nelson Paynter
74	2354	The Moetara Uri claim	Te Amohia McQueen and Piripi Moore

75	2401	The Ngāti Te Ahiwaru Lands (Taua) Claim	Te Warena Taua
76	2492	Ngaati Mahuta (Hotere) claim	
77	2495	Pokeno Lands (Falwasser) claim	Anthony Falwasser
78	330	Huakina Development Trust claim (in-part).	Huakina Development Trust

24. Note: In accordance with current Crown policy, the Wai 330 claim will be covered by the Waikato-Tainui Negotiator's mandate in so far as it relates to hapuu included in this mandate. Wai 330 has been settled in part, in so far as the claim relates to Ngai Tai ki Taamaki, and Ngaati Tamaoho in those respective settlements and will be settled in part again in the Te Aakitai Waiohua settlement in so far as it relates to Te Aakitai.

Excluded Claims

25. A number of Waikato hapuu and hapuu groupings have expressly asked that their claims be excluded from this Deed of Mandate for various reasons. The excluded claims are all the remaining historical Treaty of Waitangi claims, whether registered with the Waitangi Tribunal or not, arising from acts or omissions by the Crown prior to September 1992 relating to the following hapuu and hapuu groupings:

- a) Tainui-aa-Whiro;
- b) Ngaati Tahinga;
- c) Ngaati Tamainupoo;
- d) Ngaati Maahanga;
- e) Ngaati Apakura;
- f) Ngaati Wairere; and/or
- g) Ngaati Whakamarurangi.

26. In addition, Ngaati Hikairo have not yet decided on their participation in this mandate. They are undertaking a consultation process seeking the views of Ngaati Hikairo whaanau on whether to join the Waikato-Tainui Remaining Claims mandate or not.

27. It is important to note that the majority of these named hapuu of whom these excluded claims belong, are still included in the claimant definition above by virtue of their interests in the Wai 30 Outstanding Claims, that Te Whakakitenga o Waikato holds, and their interests and representation on Te Whakakitenga o Waikato historically, through the partial settlement of 1946, the Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) 2010 Settlement.

28. We note that as long as the historical Treaty claims of a hapuu remain outside or withdrawn from this mandate, its historical Treaty claims will not be settled under this mandate.

29. There is still an opportunity to have the excluded claims included in this mandate at a later stage (refer to 'withdrawal and inclusion mechanisms at paragraphs 63 to 76).

30. The following table lists the Wai claims that are currently 'excluded claims' for the purposes of this Deed of Mandate:

Wai Claims List - Excluded				
No.	Wai number	Claim	Named Claimant	Affiliate hapuu/marae
1	125	Whaingaroa Harbour claim	Haami Kereopa	Tainui-aa-whiro
2	537	Ngaati Taahinga Iwi claim	Inuwai Hauturu McKinnon	Ngaati Taahinga
3	775	Ngaati Tamainupo Claim	Edwards Parahi Wilson	Ngaati Tamainupo
4	1106	Ngaati Taahinga Foreshore and Seabed Claim	Te Inuwai McKinnon	Ngaati Tahinga
5	1112	Ngaati Hikairo Claim	Manihera Watson Forbes	Ngaati Hikairo
6	1113	Ngaati Hikairo re Sacred Compact (Te Ohaaki Tapu)	Manihera Watson Forbes	Ngaati Hikairo
7	1327	Ngaati Maahanga Claim	Maude Mori Shaw and Ken Te Rautangata	Ngaati Mahanga
8	1437	Ngaati Hikairo Claim	Aroha Norman Apirana	Ngaati Hikairo
9	1469	Ngaati Apakura claim	Jenny Charman, Jack Cunningham, Rangitiepā Huriwaka and Te Ra Wright	Ngaati Apakura
10	2067	Ngaati Wairere Claim	Kahu Sorsenson and Jeffery Puihi Wilson	Ngaati Wairere
11	2208	Ngaati Hikairo Claim	Diane Rewa Bradshaw	Ngaati Hikairo
12	2273	Manuaitu Block Claim	Heather Thompson	Ngaati Whakamarurangi
13	2291	Ngaati Apakura Claim	Raymond Anton Fenton	Ngaati Apakura

14	2351	Ngaati Hikairo Claim	Frank Thorne	Ngaati Hikairo
15	2352	Ngaati Hikairo Claim		Ngaati Hikairo
16	2353	Honerau Taihauauru Whanau Trust Lands Claim	Hinga Whiu	Ngaati Hikairo

31. It is important to note that there may be some mandate and representation issues in respect of some of the named hapuu and claims listed here. Through further engagement with Te Arawhiti and where required the Waikato-Tainui Negotiator, these issues will be addressed directly with the hapuu.
32. The Waikato-Tainui Negotiator is responsible for ensuring that continued discussion and engagement is maintained with these hapuu and that any overlapping interests are dealt with within a tikanga based process.
33. For the time being, the Waikato-Tainui Remaining Claims Deed of Mandate does not include the claims of these hapuu, however the Waikato-Tainui Negotiator will undertake further discussions with hapuu representatives to address their concerns.

Takutai Moana Applications

34. Waikato-Tainui aspire to negotiate and settle their remaining historical Treaty claims in parallel to the Crown engagement for the applicable Takutai Moana Act 2011 applications within this area of interest. Waikato-Tainui acknowledges the Crown's position that at this stage, it cannot commit to this. This Deed of Mandate is being considered by the Crown solely for the purposes of negotiating the settlement of historic Treaty claims as set out at paragraph 22. Crown engagement and mandating under the Takutai Moana Act 2011 are run separately and independently of Treaty settlement processes.

Rohe/Area of Interest

35. Te Whakakitenga o Waikato include their area of interest as set out in the map below which is also available online in high resolution as **Appendix 'B'**. This is the area in which customary rights are exercised and where redress will be sought for the purposes of this Deed of Mandate.



Oati Relationships

36. Waikato-Tainui, through the Waikato-Tainui Negotiator, have established Oati relationships with Waikato hapuu. These relationships cement and foster a partnership of good faith and collaboration, and a binding commitment to advance a relationship that recognises the shared interests of both iwi/hapuu and an intention to jointly advance these. Our current Oati partners are:
- a) Ngaati Mahuta (Oati); and
 - b) Ngaati Te Wehi (Oati Tapu).
37. The Oati relationships are guided by the values of Kiingitanga and are intended to be an ongoing commitment to work together to realise the joint aspirations of Waikato-Tainui and Waikato hapuu.
38. In respect to the advancement of this mandate specifically, the Waikato-Tainui Negotiator holds a close working relationship with both Ngaati Mahuta and Ngaati Te Wehi by virtue of these Oati partnerships.

External Oati Relationships

39. Waikato-Tainui have a number of external Oati relationships in which there is a mutual agreement to work together in good faith and honesty and communicate directly in respect of overlapping interests with an added commitment to address any potential issues within a tikanga framework for resolution. Our current Oati partners are:
- a) Ngaati Paoa (Kawenata Tapu); and
 - b) Ngaati Maniapoto (Oati Tapu).

Overlapping Groups

40. Waikato-Tainui have overlapping and shared interests with the following hapuu and iwi:
- a) Ngaati Maniapoto;
 - b) Ngaati Raukawa;
 - c) Pare Hauraki Iwi Collective:
 - i. Ngaati Hako,
 - ii. Ngaati Hei,
 - iii. Ngaati Maru,
 - iv. Ngaati Paoa,
 - v. Ngaati Porou ki Hauraki,
 - vi. Ngaati Puukenga,
 - vii. Ngaati Raahiri Tumutumu,
 - viii. Ngaati Tamateraa,
 - ix. Ngaati Tara Tokanui,
 - x. Ngaati Whanaunga,
 - xi. Te Patukirikiri;
 - d) Marutuuahu Iwi Collective;
 - e) Ngaati Paoa;
 - f) Ngaati Whaatua ki Orakei;
 - g) Ngaati Whaatua ki Kaipara;
 - h) Ngaati Hinerangi
 - i) Ngaati Ranginui
 - j) Ngai Te Rangi

- k) Te Aakitai o Waiohū;
- l) Ngaati Tamaoho;
- m) Ngaati Te Ata;
- n) Ngai Tai ki Taamaki; and
- o) Te Kawerau-a-Maki.

41. The Waikato-Tainui Negotiator is currently engaging with these groups in discussions regarding overlapping and shared interests in respect of other Treaty Settlement processes.

Previous Crown Engagement

42. Waikato-Tainui has a long history of Crown engagement and a long-standing relationship with the Crown and its various agencies.

43. In the context of Treaty of Waitangi settlements, Waikato-Tainui has engaged extensively with the Crown to reach the following Waikato-Tainui historic Treaty Settlements:

- a) Waikato- Maniapoto Maori Claims Settlement Act 1946;
- b) Waikato Raupatu Claims Settlement Act 1995;
- c) Waikato-Tainui Raupatu Claims (Waikato-River) Settlement Act 2010;
- d) Commercial and non-commercial fishing claims settled by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; and
- e) Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

44. The above listed settlements and the mechanisms, agreements, accords (and the like) contained within them has given rise to further extensive and ongoing Crown engagement over time, across Waikato-Tainui and the Crown and their various ministries and agencies.

45. This Deed of Mandate does not affect the existing mandates of Waikato hapū, which relate to:

- a) the Agreement in Principle signed between the Crown and Te Aakitai Waiohū on 16 August 2016 (see: <https://www.govt.nz/treaty-settlement-documents/te-akitai-waiohū/>);
- b) the mandate of the Ngaati Te Ata Claims Support Whānau Trust to negotiate a settlement as recognised by Ministers on 20 May 2011 (see: <https://www.govt.nz/treaty-settlement-documents/ngati-te-ata/>); and
- c) the mandate of the Ngaati Koheriki Claims Committee to negotiate a settlement as recognised by Ministers on 12 June 2012 (see: <https://www.govt.nz/treaty-settlement-documents/ngati-koheriki/>).

Waitangi Tribunal Involvement

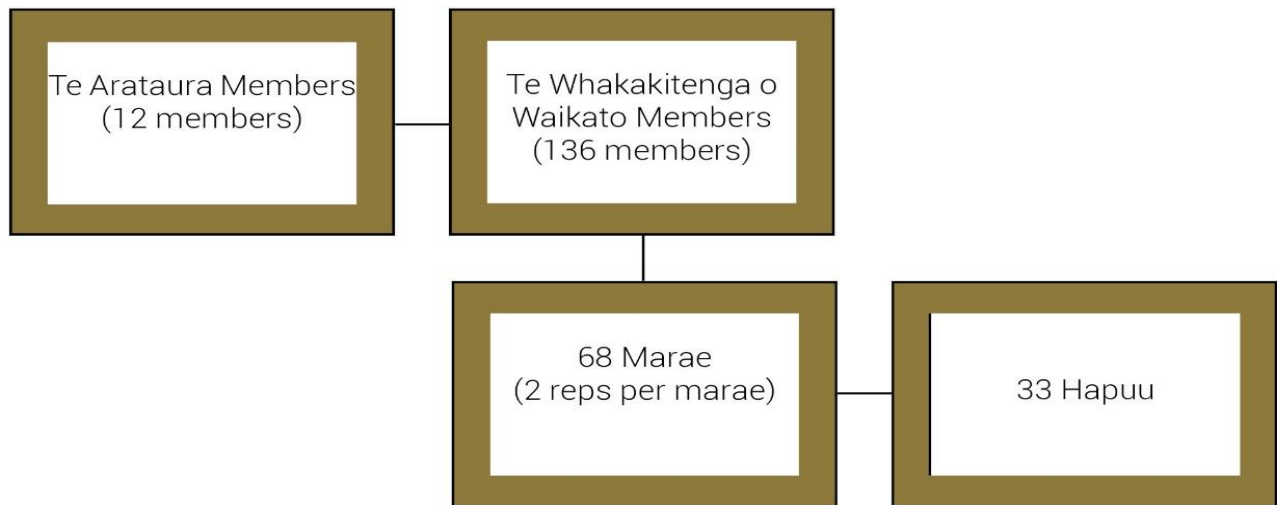
46. Historically, Waikato-Tainui have opted to pursue direct negotiations for the settlement of their claims. The Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 were both the subject of direct negotiations with the Crown and the relevant Te Tiriti o Waitangi claims were not inquired into by the Waitangi Tribunal.

47. The Waitangi Tribunal has however inquired into a number of the Waikato-Tainui Remaining Claims listed in this Deed of Mandate, through the Te Rohe Potae Inquiry (Wai 898).

48. The hearings phase of this Inquiry is complete, and the Tribunal is in the reporting phase, having released some pre-release chapters (Parts 1 and 2) of their findings in late 2018 in 'Te Mana Whatu

Ahuru: Report on Te Rohe Potae Claims'. Part 3 was released in June 2019, and Part 4 is yet to be released.

Te Whakakitenga o Waikato Structure & Representation



49. Te Whakakitenga o Waikato is an Incorporated Society under the Incorporated Societies Act 1908 and was established in 1998 following the first Waikato-Tainui historic Te Tiriti o Waitangi Settlement in 1995. Tainui Maaori Trust Board is the predecessor of Te Whakakitenga o Waikato (previously known as Te Kauhanganui).
50. Te Whakakitenga o Waikato represents the statutory rights and interests of Waikato-Tainui and serves to protect and advance the collective interests of the Waikato Iwi, which at present is made up of over 77,000 tribal members, from 33 hapuu and 68 affiliate marae.
51. Te Whakakitenga o Waikato is made up of two representatives from each of the affiliate 68 marae (as set out at para 17 – a total membership of 136.) Members sit in Te Whakakitenga o Waikato for a three-year term.
52. Te Whakakitenga o Waikato elect an Executive Board (Te Arataura) of 11 members (ten elected from Te Whakakitenga o Waikato and one Kaahui Ariki Representative appointed by Kiingi Tuheitia). Elected members sit for a three-year term in conjunction with the Te Whakakitenga o Waikato terms, however the term of the appointed Kaahui Ariki Representative is discretionary.
53. Te Whakakitenga o Waikato (also inclusive of Te Arataura) have a unique set of Incorporated Rules that guide its' operation. A copy of the Te Whakakitenga o Waikato Rules are attached as **Appendix 'C'**.

Accountability

54. Te Whakakitenga o Waikato meet on a quarterly basis. In relation to the Waikato-Tainui Remaining Claims Mandate, the Waikato-Tainui Negotiator produces a written Negotiator's Report/Progress Update prior to each meeting, with an opportunity to present the Report and answer questions from the house.
55. Te Whakakitenga o Waikato members hold decision making powers by way of both ordinary and special resolution in accordance with Rule 13.4 (Te Whakakitenga o Waikato Rules).

56. Te Arataura meet on a monthly basis, and again in respect of the Waikato-Tainui Remaining Claims Mandate, the Waikato-Tainui Negotiator produces a monthly Progress Report, with an opportunity for presentation and discussion.
57. The Waikato-Tainui Negotiator has a mandate to negotiate a deed of settlement. Te Whakakitenga o Waikato must approve by special resolution, a final Deed of Settlement as set out at Schedule 4, paragraph 9 of the Te Whakakitenga o Waikato Rules. This resolution will be taken following a ratification process agreed between the Crown and the Waikato-Tainui Negotiator. It is best practise however that Te Whakakitenga o Waikato is updated at each key milestone of the process and has an opportunity to provide feedback and advice.
58. For the purposes of progressing the mandate and settlement negotiations, Waikato-Tainui has developed a Communications Strategy specific to the Waikato-Tainui Remaining Claims Mandate. The Strategy identifies the key means by which the Settlement Protection & Claims team will inform, educate and update Waikato tribal members about mandate progress, key information, hui dates, milestones and any other relevant information.
59. Funding will be administered under the financial authority of Te Whakakitenga o Waikato. Management of funds will align to financial policies and procedures including completion of budgets, forecasts and financial monitoring, payment approval and recording.
60. The Finance, Audit and Risk Manager will oversee management of these funds and will engage external specialist expertise as required. Claimant funding will be managed as a separate project within our accounting management system. Te Whakakitenga o Waikato will set up any further funding management mechanisms as required by Te Arawhiti.

Tribal Register

61. Waikato-Tainui maintains a Tribal Register (“the Register”) of over 77,000 Waikato beneficiaries. The Register was established following the Waikato-Tainui Raupatu Claims Settlement Act 1995 and is regularly updated and monitored.
62. Waikato Tribal members who have not yet registered on the Register, can register by filling out an application online. Registration forms can be found online at <https://www.tfaforms.com/4612133> and from the Waikato-Tainui office. Waikato-Tainui is responsible for validating the registrations.

Hapuu Withdrawal Mechanism

63. Te Whakakitenga o Waikato and the Waikato-Tainui Negotiator are committed to providing a pathway for hapuu of Waikato to withdraw their claims from the Waikato-Tainui Remaining Claims Mandate.
64. One key aspect of this process is to ensure the legitimacy of those that purport to represent the hapuu that wish to withdraw their claims from this mandate.
65. Waikato **hapuu** can choose to withdraw their claims by following the process set out here:
 - a) Written notice of the intention to withdraw claims from this mandate, on a hapuu basis must be submitted by the relevant hapuu mandated representative/s to the Waikato-Tainui Negotiator;
 - b) Such notice must clearly identify the Wai claim numbers of the claims that are to be withdrawn;
 - c) Outline the extent and nature of any concerns or issues (if applicable); and

d) Request a meeting to discuss any concerns and issues.

66. Requests for a contribution to funding a process of this nature would be considered by Te Arawhiti.

67. Acknowledgment from the Waikato-Tainui Negotiator of the request to withdraw claims will be provided to hapuu representatives within 20 days of receiving the request. A proposed hui date (within a reasonable timeframe) will be provided, to meet to discuss concerns and issues.

68. The Crown (through Te Arawhiti) will also provide a letter of confirmation to the relevant hapuu representatives acknowledging their desire to withdraw their claims, and clearly setting out any (and all) consequences that this might have on the progression of their particular claims in light of any current Crown policies. Waikato-Tainui believe that the responsibility for this sits with the Crown.

69. In the event that the relevant hapuu still wishes to withdraw their claims, after meeting with the Waikato-Tainui Negotiator, the hapuu representatives must follow the following process:

- a) Hold a hui (at least one, but in the event that there is disagreement further hui may be necessary) with their respective hapuu members outlining and informing them of the reasons for withdrawing claims from the Waikato-Tainui Remaining Claims Mandate;
- b) The hui must comply with the following requirements:
 - a) A public notice must be published in regional print media 21 days' prior to the hui;
 - b) The notice must include the purpose of the hui and outline the concerns;
 - c) A Crown observer must be invited to attend the hui to observe and take notes on behalf of the Crown; and
 - d) The hui must provide an opportunity for hapuu members and claimants to discuss their claims issues, the consequences of withdrawal and possible alternatives to withdrawing.

70. At the completion of such hui, a written report must be provided (by the mandated hapuu representatives) setting out the process that was followed, and how a final decision was reached as well as details on the above compliance requirements (para 69). This report must be submitted to the Waikato-Tainui Negotiator and Te Arawhiti.

71. Waikato-Tainui and Te Arawhiti together will review the Report against the requirements for withdrawal and provide written acknowledgment of the outcome.

Hapuu Inclusion Mechanism

72. Like the Withdrawal Mechanism, Te Whakakitenga o Waikato is also committed to providing a formal pathway for hapuu of Waikato to include their claims in the Waikato-Tainui Remaining Claims Mandate, should they decide to do so.

73. Waikato **hapuu** can choose to include their claims by following the process set out here:

- a) Written notice from mandated hapuu representatives of the intention to include the claims of their hapuu must be provided to the Waikato-Tainui Negotiator;
- b) Notice must clearly identify the Wai claims that are to be included;
- c) Notice must outline the decision-making process undertaken by the hapuu; and
- d) Notice must include a request to meet to discuss these matters.

74. Requests for a contribution to funding a process of this nature would be considered by Te Arawhiti.
75. The Waikato-Tainui Negotiator will provide a written acknowledgment of the request to include claims, along with a proposed date to meet (within a reasonable timeframe) to discuss any necessary details.

Timing of the withdrawal and inclusion mechanisms

76. Based on the feedback received from the eleven mandate information hui completed earlier this year it is the Waikato-Tainui Negotiator's preference that the hapuu withdrawal and inclusion processes will be available for hapuu up until the signing of an Agreement in Principle ("AIP") with the Crown.

Note: The Crown has an alternate view on the timing of the withdrawal and inclusion mechanism. See Appendix 'D' for the Crown's position. We specifically seek feedback from the claimant community on this issue. Following submissions, the Negotiator and the Crown will have further discussions and work towards reaching agreement.

Waikato-Tainui Negotiator

77. The Waikato-Tainui Negotiator is appointed by Te Whakakitenga o Waikato for a three-year term, by ordinary resolution and in accordance with the Te Whakakitenga o Waikato Rules.
78. In the event of the Waikato-Tainui Negotiator resigning or being unable to continue in the position for any other reason, Te Arataura must propose that a new Negotiator be appointed by ordinary resolution in accordance with Te Whakakitenga o Waikato Rules.
79. The Waikato-Tainui Negotiator may be removed by Te Whakakitenga o Waikato by a special resolution in accordance with its rules, as if the Negotiator were an Officer of Te Whakakitenga o Waikato.
80. If or when a new Negotiator is appointed, Te Arataura must inform the Minister for Treaty of Waitangi Negotiations and the Minister for Maaori Development to seek the transfer of recognition of the Mandate to the new Waikato-Tainui Negotiator.
81. Rahui Papa was appointed by Te Whakakitenga o Waikato as Waikato-Tainui Negotiator on 11 November 2017. The resolution is attached as **Appendix 'E'**.

Negotiations Team Framework



82. Direct input by individual hapuu into negotiations will be through the Negotiations Team. A framework for the team is currently being developed by the Waikato-Tainui Negotiator and will be established prior to entering into a Terms of Negotiations with the Crown.
83. The Waikato-Tainui Negotiator intends to establish a Negotiations Team which will comprise seven members, made up of representatives from each of the Harbours, and each of the Oati groups as follows:
- a) Oati Partner Representative (Ngaati Mahuta);
 - b) Oati Partner Representative (Ngaati Te Wehi);
 - c) Kaawhia Harbour Representative;
 - d) Aotea Harbour Representative;
 - e) Whaingaroa Harbour Representative;
 - f) Manukau Harbour Representative; and
 - g) Waikato-Tainui Negotiator (Rahui Papa).
84. The purpose and scope of the group and members of the group at a very preliminary level is to provide advice, guidance, input and feedback throughout negotiations, and to work alongside the Waikato-Tainui Negotiator throughout negotiations representing their respective interests. An in-depth Terms of Reference will be developed to guide the Negotiations Team, and this will be completed before a Terms of Negotiations is entered into with the Crown.
85. The Negotiations Team will be supported substantively by the Waikato-Tainui Settlement Protection & Claims Team, Key Advisors and various other working groups who will assist and advise the Negotiations Team where necessary, particularly on technical issues.
86. The appointment of representatives, and the process in which they are appointed is at the discretion of each individual Harbour and their respective hapuu and marae, and in the case of Oati representatives, it is at the discretion of their particular hapuu and marae as to how they are appointed and who is appointed to sit on the Negotiations Team.

Mandate Process to Date

87. To date, the Waikato-Tainui Negotiator (alongside the Waikato-Tainui Settlement Protection & Claims Team) has undertaken an intensive process in seeking a mandate to negotiate the Waikato-Tainui Remaining Claims, set out as follows:
- a) An intensive internal engagement process undertaken –November 2017 to May 2019;
 - b) Development of a Draft Mandate Strategy – February 2019;
 - c) Waikato-Tainui Remaining Claims Mandate Strategy published, and submissions invited – March 2019;
 - d) Mandate Information Hui held throughout Aotearoa – March 2019 to May 2019;
 - e) Submissions on Mandate Strategy received and noted – February 2019 to May 2019;
 - f) Te Whakakitenga o Waikato vote to approve the Remaining Claims Mandate – 25 May 2019;
 - g) Development of a Draft Deed of Mandate – June 2019; and
 - h) Ministerial endorsement sought for Remaining Claims Mandate.

Internal Engagement

88. Since November 2017, the Waikato-Tainui Negotiator has undertaken extensive consultation and engagement with Waikato hapuu, marae and claimant groups including formal engagement hui,

and a large number of direct discussions to confirm the support of individual hapuu and marae. Engagement has also included attendance at most Poukai and Ngaa Marae Toopu hui.

89. Initial engagements were a part of an internal process prior to the commencement of a formal mandating engagement process, to provide an opportunity for robust discussion and consideration of claims issues, and the potential mandate for negotiating the Waikato-Tainui Remaining Claims.

90. Set out below is a schedule of the first round of formal engagement hui:

Mandate Information Hui

Waikato-Tainui Outstanding Claims Engagement Hui - 2018		
13 th February 2018	Kaawhia Engagement Hui	Kaawhia Community Hall
14 th February 2018	Aotea Engagement Hui	TGH Offices, Hamilton
15 th February 2018	Whaingaroa Engagement Hui	Raglan Town Hall
14 th May 2018	Manukau Engagement Hui	Res Nathan Homestead, Manurewa
15 th May 2018	Whaingaroa Engagement Hui	Raglan Town Hall
16 th May 2018	Kaawhia Engagement Hui	Kaawhia Community Hall
17 th May 2018	Aotea Engagement Hui	TGH Offices, Hamilton
27 th May 2018	Hui-aa-Iwi	Te Whakakitenga o Waikato Chambers, Hopuhopu
7 th July 2018	Taamaki Engagement Hui	Maanukanuka Marae, Taamaki Makaurau
8 th July 2018	Kaawhia Engagement Hui	Maketu Marae, Kaawhia
14 th July 2018	Hui-aa-Iwi	Te Whakakitenga o Waikato Chambers, Hopuhopu

91. Formal Mandate Information Hui, observed by Crown officials, were held following the publishing of the Draft Waikato-Tainui Remaining Claims Mandate Strategy. These hui provided an opportunity for Waikato hapuu, marae, tribal members and claimants to be informed and engage in discussions on the Waikato-Tainui Remaining Claims Mandate Strategy, and the Outstanding and Remaining claims of Waikato-Tainui. A copy of the presentation is attached as **Appendix 'F'**.

92. Set out below is a schedule of the formal Mandate Information Hui held:

Waikato-Tainui Remaining Claims Mandate Information Hui - 2019

20 th March 2019	Auckland Central Hui	Te Puea Marae, Taamaki Makaurau
24 th March 2019	Manukau Harbour Hui	Puukaki Marae, Taamaki Makaurau
27 th March 2019	Taamaki ki te Tonga & Te Puaha o Waikato Hui	Oraeroa Marae, Te Puaha o Waikato
11 th April 2019	Wellington Hui	Wharewaka Function Centre
14 th April 2019	Whaingaroa Hui	Raglan Town Hall
17 th April 2019	Hopuhopu Hui	Te Whakakitenga o Waikato Chambers, Hopuhopu
27 th April 2019	Aotea Hui	Okapu Marae, Aotea
28 th April 2019	Kaawhia Hui	Maketu Marae, Kaawhia
01 st May 2019	Christchurch Hui	Te Runanga o Ngai Tahu Offices, Christchurch
02 nd May 2019	Dunedin Hui	Distinction Hotel, Dunedin
04 th May 2019	Hui-aa-Iwi	Te Whakakitenga o Waikato Chambers, Hopuhopu

93. As a part of the Mandate Information Hui, a workshop was held for Te Whakakitenga o Waikato members (representatives) to provide information and engage with them on the Waikato-Tainui Remaining Claims Mandate Strategy and claims issues.

94. The Waikato-Tainui Negotiator also held a Livestream 'Questions & Answers' session on the Waikato-Tainui Facebook page as an opportunity to engage with tribal members who may not have had the opportunity to attend any of the Mandate Information Hui.

95. Attached as **Appendix 'G'** is a copy of the Key Themes and Outcomes from the Mandate Information Hui.

Mandate Information Hui - Advertisement

96. The Formal Mandate Information Hui were advertised twenty-one days prior to the commencement of the first Mandate Hui, using the following mediums:

- a) National and regional newspapers (Waikato Times, Press News, Dominion Post and New Zealand Herald);
- b) Waikato-Tainui website;
- c) Iwi radio station (Radio Tainui);

- d) Social Media (Waikato-Tainui Facebook page; 'Ko Waikato te Awa, Ko Waikato te Iwi'); and
- e) Dissemination to Te Whakakitenga o Waikato Representatives to inform marae whaanau.

97. Supporting documentation for public notification is attached at **Appendix 'H'**.

Te Whakakitenga o Waikato Approval of Mandate

98. A vote was held at the Te Whakakitenga o Waikato General Meeting on Saturday 25th May 2019 to approve the following resolutions in respect of the Waikato-Tainui Remaining Claims Mandate Strategy:
- a) Approves by ordinary resolution the mandate of Rahui Papa to negotiate the settlement of the Waikato-Tainui historical Treaty of Waitangi Remaining Claims; and
 - b) Supports the development of a mechanism for Waikato hapuu to withdraw and/or include their historical Treaty of Waitangi claims from the mandate.
99. Tauranganui moved the motion to approve both resolutions, which was seconded by Whatapaka Marae.
100. The results of the vote are as follows:
- a) 49 marae approved / 8 marae opposed (74%).

Waikato-Tainui Remaining Claims Communications Strategy

101. The Waikato-Tainui Communications & Engagement Plan sets out the intended communication and engagement strategy for Te Whakakitenga o Waikato to engage with Waikato hapuu, whaanau and claimants throughout the Treaty Settlement process.
102. The Communications Strategy meets the communications needs for advancing the legacies of the past through concluding the negotiations and settlement of Outstanding Waikato-Tainui Te Tiriti o Waitangi Claims.
103. Key messaging for this plan is **four-fold**, and is aimed at:
- a) **Educating** key audiences about the existing Waikato-Tainui settlements, settlement histories, mechanisms and landscapes;
 - b) **Informing** key audiences about the negotiations and settlement processes and key hui dates (and any other relevant information);
 - c) **Engaging** key audiences, and priority stakeholders to ensure that they are participating in the process, inputting and contributing as much as possible; and
 - d) **Seeking feedback** on important issues to formulate and advance a position, and to ensure the involvement and input of tribal members/groups.
104. Key messaging and messaging methods will be dependent on the stage of the negotiations/settlement process (i.e. from pre-mandate to mandate confirmation, Agreement in Principle, Deed of Settlement, to the passing of legislation).
105. Key messaging methods include:
- a) regular written paanui;
 - b) iwi radio;
 - c) print media;

- d) the tribal magazine Te Hokioi;
- e) Waikato-Tainui website;
- f) social media; and
- g) educational resources.

106. The Waikato-Tainui Negotiator will provide regular updates and inform tribal members and governors at tribal events like:

- a) Poukai;
- b) Koroneihana;
- c) Ngaa Marae Toopu hui;
- d) Te Arataura hui;
- e) Te Whakakitenga o Waikato;
- f) Claims Advisory Group; and
- g) Oati Partner Hui.

Table of Appendices

Appendix A	Claimant definition
Appendix B	Area of Interest for proposed Waikato-Tainui remaining claims mandate (high resolution)
Appendix C	Te Whakakitenga o Waikato Rules
Appendix D	Time limit for the hapuu inclusion/ withdrawal mechanism
Appendix E	Resolution appointing Rahui Papa as Te Whakakitenga o Waikato Negotiator (November 2017)
Appendix F	Mandate Information Hui Powerpoint Presentation - 2019
Appendix G	Waikato-Tainui Mandate Information Hui – Key Themes & Issues – May 2019
Appendix H	Supporting documentation for public notification of March – May 2019 mandate information engagement hui

Appendix A – Claimant definition

Crown's position on claimant definition for this mandate

1. For the purposes of Treaty settlement negotiations, the Crown says:

- a) it has recognised the mandates of seven of the 33 Waikato hapuu to negotiate settlements of their remaining historical claims;¹
- b) the historical claims of five of those seven hapuu are or will soon be settled;²
- c) the following seven hapuu currently do not wish to be included in this mandate and therefore are not included within the claimant definition at this time:
 - i. Ngaati Maahanga
 - ii. Ngaati Tamainupo
 - iii. Ngaati Wairere
 - iv. Ngaati Hikairo
 - v. Ngaati Taahinga
 - vi. Tainui-aa-whiro; and
 - vii. Ngaati Apakura
- d) therefore, the claimant definition for this deed of mandate is the collective group comprised of individuals who are descended from:
 - i. a Waikato tupuna; and
 - ii. the following 19 hapuu:

Ngaati Paretauaa, Ngaati Tiipaa, Ngaati Aamaru, Ngaati Naho, Ngaati Hine, Ngaati Taratikitiki, Ngaati Pou, Ngaati Makirangi, Ngaati Ruru, Ngaati Werokoko, Ngaati Paretekawa, Ngaati Ngutu, Ngaati Puhiaawe, Ngaati Mahuta (North and South), Ngaati Te Wehi, Ngaati Whaawhaakia, Ngaati Kuiaarangi, Ngaati Tai, Ngaati Raukawa ki Panehakua.
- e) the claimant definition for this deed of mandate may change should any hapuu complete the steps required under paragraphs 63 to 75 to be included in or withdraw from this deed of mandate.
- f) where hapuu of Waikato are included in the claimant definition of a Waikato-Tainui Remaining Claims Deed of Settlement:
 - i. all their remaining historical claims will be settled through the Waikato-Tainui Remaining Claims Settlement (except to the extent that they relate to any hapuu outside this mandate at that time); and
 - ii. they will be beneficiaries of the Waikato-Tainui Remaining Claims Settlement.

¹ Ngaai Tai ki Taamaki, Ngaati Tamaoho, Ngaati Te Ata, Ngaati Hauaa, Ngaati Koheriki, Ngaati Koroki Kahukura and Te Aakitai.

² All historical Treaty of Waitangi claims of Ngaai Tai ki Taamaki, Ngaati Tamaoho, Ngaati Hauaa and Ngaati Koroki Kahukura have been settled. Te Aakitai is currently negotiating towards a deed of settlement.

Crown comment

2. The Crown acknowledges Waikato-Tainui expression of iwi identity in the draft deed of mandate. The Crown does not endorse the section of claimant definition set out at para 16 (“For the purposes of Treaty settlement negotiations, Waikato-Tainui says...”)
3. The claimant definition is a description of those people whose claims will be settled by a settlement resulting from the negotiations proposed in this draft deed of mandate. This group of people are eligible to become beneficiaries of the settlement.
4. For the Crown, it is problematic to include all 33 hapuu in the claimant definition for this mandate when seven of the hapuu have had separate settlements or mandate recognition, and a further seven hapuu have chosen to be outside the mandate at this stage.
5. It is core to every settlement that all claims associated with the group of people described by the claimant definition are settled. This means hapuu and their claims “go together,” i.e. if hapuu are in, or out of, the mandate then so are all their claims. This also then has implications for some of the ‘Wai’ claims listed as currently included at para 23 of the draft deed of mandate, but that relate to one or more of the hapuu listed at para 30 as currently outside the mandate.

Waikato-Tainui comment

6. The Waikato-Tainui claimant definition begins at paragraph 6, page 5 of the Draft Deed of Mandate.
7. Wai 30 and the Waikato-Tainui claimant definition are an important part of the tribe’s settlement history, cemented through legislation and existing tribal structures. The Waikato-Tainui Remaining Claims are a continuation of existing Waikato-Tainui settlements since 1946, built upon the principles of Wai 30, *“collective loss, collective benefit”*.
8. The Waikato-Tainui claimant definition has a long history and is embedded consistently throughout existing Waikato-Tainui settlement’s including the 1946 Waikato-Maniapoto Maori Claims Settlement Act, the Waikato Raupatu Claims Settlement 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010.
9. Te Whakakitenga o Waikato (formerly known as Te Kauhanganui), the governing body on behalf of Waikato iwi is representative of the 33 Waikato hapuu, and 68 affiliate marae and has been operating under this structure since 1998 after the passing of the Waikato Raupatu Claims Settlement Act 1995.
10. Waikato-Tainui recognises the individual claims of Waikato hapuu as well as the overarching interests all 33 Waikato hapuu have by virtue of their interests in Wai 30. These interests are intrinsically linked to Waikato-Tainui and cannot be separated.

**Appendix B – Area of Interest for proposed Waikato-Tainui remaining claims mandate
(high resolution)**

Appendix C – Te Whakakitenga o Waikato Rules

Appendix D – Time limit for the hapuu inclusion/ withdrawal mechanism

Crown’s position on the time limit for the hapuu inclusion/ withdrawal mechanism

1. The Crown’s position is the potential for hapuu inclusion and withdrawal in this mandate needs to remain until the initialling of a deed of settlement.
2. Te Arawhiti specifically seeks submissions on the proposal for a cut-off date for hapuu to withdraw from or be included in the mandate.

Crown comment

3. Waikato-Tainui seeks a cut-off date at Agreement in Principle signing for hapuu withdrawal or inclusion in the mandate. The Crown does not. Hapuu withdrawal mechanisms in other mandates do not have a cut-off date.
4. The Crown wants to see as many claims settled as possible and not restrict the inclusion of claims by having a time limit. Equally, the Crown does not want to limit the ability of hapuu to exercise their right to choose not to have their claims settled.
5. The Crown agrees with the Waikato-Tainui Negotiator about the importance of certainty about which hapuu are included in the mandate during negotiations. A Crown offer will be made on the basis of which hapuu are in the mandate at that time. If there were any changes to which hapuu are in the mandate following that, then the Crown would discuss the implications of that with the Waikato-Tainui Negotiator.

Waikato-Tainui comment

6. The Waikato-Tainui position is at paragraph 76, page 22 of the Draft Deed of Mandate.
7. A cut-off date at Agreement in Principle (AIP) provides certainty to both the Negotiations Team and the people of Waikato over what the settlement package will cover. Allowing for hapuu to join or leave the mandate after AIP will create unfairness to those hapuu who have already agreed to come under the mandate and disrupt negotiations causing delays.
8. The Crown’s position has financial and wider resourcing implications for Waikato-Tainui. Although the Crown has agreed to contribute funding towards the process this is only a contribution and does not cover the total costs of the process each time a hapuu withdraws or comes under the mandate, leaving Waikato-Tainui to bear the remaining costs.
9. Waikato-Tainui intends to undertake extensive consultation with its people before any AIP is signed. Hapuu will therefore have sufficient certainty about the negotiated redress package at that point to make a decision confirming their position.

Appendix E – Resolution appointing Rahui Papa as Te Whakakitenga o Waikato Negotiator (November 2017)

THAT Te Whakakitenga o Waikato:

- a) Confirms that the Negotiator has the mandate to lead, on behalf of Te Whakakitenga o Waikato Incorporated, engagement with the Crown and other parties for the resolution of the outstanding claims and related settlement issues of Waikato Tainui, as set out at Appendix One.
- b) Appoints Rahui Papa as Negotiator

Moved Purekireki

Second Kai a te Mata

Note there were **57 marae** in total at the hui. **39 marae** voted for.

Appendix F – Mandate Information Hui Powerpoint Presentation – 2019

Appendix G – Waikato-Tainui Mandate Information Hui – Key Themes & Issues – May 2019

Appendix H – Copy of supporting documentation for public notification of March – May 2019 mandate information engagement hui