

## Mandate Strategy and Deed of Mandate

Mandate Strategy and Deed of Mandate			
<p><b>Purpose of this document:</b> 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>Please complete all questions and return to the Office of Treaty Settlements (<b>OTS</b>) and Te Puni Kōkiri (<b>TPK</b>), collectively 'the Crown', as soon as possible and before 12 October 2012. The Crown will then contact you with any questions, comments or concerns as part of an assessment.</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 <a href="http://www.ots.govt.nz">www.ots.govt.nz</a>.</p>			
<b>Large natural group</b>	<b>Ngaitai</b>		
<b>Name of representative body</b>	<b>Ngaitai Iwi Authority</b>		
<b>What a recognised mandate is for</b>	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.		
<b>Limits to a recognised mandate</b>	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	
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Claimant definition			
		Crown guidelines	Your information
1	<b>Ancestry</b>	What are the names of common founding ancestor(s)?	Manaakiao (direct descendant of Toi te Huatahi or Toi kau Rakau) who married Torere Nui A Rua (daughter to Hoturoa – Chief of the Tainui waka)
2	<b>Iwi/Hapu</b>	What are the names of constituent iwi and hapu, both historical and contemporary?	Ngaitai
3	<b>Marae</b>	What are the marae associated with the large natural group?	Torere Marae
4	<b>Wai Claims</b>	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.	WAI 78

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<b>5</b>	<b>Rohe/Area of Interest</b>	What is the area covered by the claims? (Please either include a written description or attach a map.)	<p>Torere 63 (formed through consolidation of Torere 1B2 and part 1 and 2 of Torere 3) James William Maxwell (Bill), Kaumātua and former Chairperson of NIA described the rohe of Ngaitai as follows: “Ngaitai actually inherited their rohe from their tipuna Manaakiao who married Torerenuiārua. Manaakiao was a direct descendant of Toi te Huatahi or Toi Kai Rakau and his hapū was Te Tino o Toi and his area was from Tirohanga in the west, inland to Whitikau and beyond to Te Aitanga a Māhaki and from Te Aitanga a Māhaki back to Ngā Maunga Waru, from Ngā Maunga Waru back to Kapuarangi, from Kapuarangi back to Kaituna, from Kaituna back to Tokaroa”. As well as the land boundaries, Ngaitai identify seaward boundaries as follows: “Ngai Tirohanga I ngā toka o ngā Wekeweke raua ko Tūranganui tai atu ki Tokaroa.”</p> <p>According to Māori Land Court records: “The boundaries of Ngaitai start from Rutaia Point, the point on the other side of Opape along the foreshore to Awaawakino to Haurere Point to Te One then to Te Hanoa Point (toka-rock) around to the Waipuna Stream and that’s the foreshore boundaries of Ngaitai. Inland from Waipuna to Te Whetu, from Te Whetu to Kapuarangi and from Kapuarangi back to Pikoki, from Pikoki to Oroī, from Oroī to Tarekeha and from Tarekeha back to Rutaia Point”.</p>
<b>6</b>	<b>Overlapping Claims/Iwi</b>	Please identify overlapping groups.	Te Whānau A Apanui to the east and Whakatōhea to the West and Te Aitanga A Māhaki to the South.
<b>7</b>	<b>Previous engagement</b>	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?	Deepwater Fisheries Settlement October 2006
<b>8</b>	<b>Waitangi Tribunal</b>	Has the Waitangi Tribunal inquired into or reported on any of the claims of your large natural group? If so, please describe.	No, except as far as Ngaitai interests overlap with the Gisborne Inquiry (in relation to the shared interests of Ngaitai with te Aitanga a Māhaki). It is, however, unknown whether the Waitangi Tribunal report on Tūranganui a Kiwa refers to Ngaitai’s interests.

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The representative body			
<b>9</b>	<b>Representatives</b>	<p>What are the names of the representatives on the body? Please provide records of how these representatives were elected (ie. advertisements and minutes of relevant meetings).</p>	<p>Ngaroma Wency Rewi, Whetu Kingi and Yvette Callaghan elected via AGM 2011 Rei Mihaere, Jeanne Kerr and Christina Peters elected via AGM 2010</p>
<b>10</b>	<b>Structure</b>	<p>What kind of entity is the representative body? 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"> <li>- Private Trust</li> <li>- Incorporated Society</li> <li>- Charitable Trust</li> <li>- Committee of an existing Trust</li> <li>- Iwi Runanga</li> <li>- Working part/ non-legal entity</li> </ul>	<p><b>The Ngaitai Iwi Authority is a Charitable Trust</b> Original Deed of Trust registered as a Charitable Trust in October 1988 Registered as a Charity entity with the Charities commission January 2008 – CC20397</p> <p><b><u>10. Constitution of the Board</u></b> <b>10.1 Structure of the Rūnanga</b> The Runanga shall be administered by the Board who shall be accountable to Ngaitai. <b>10.2 Members of the Board</b> The signatories to this Deed are to be the first Board Members under the terms of this Deed and subsequently the Board Members shall be elected in accordance with clauses 10 and 12. The Board shall be maintained at 7 members, provided that the continuing members of the Board may act notwithstanding any vacancy in their number. The composition of the Board must comprise Ngaitai Uri who shall be elected at the Annual General Meeting in accordance with the terms and conditions as set out in clause 12. The term of office for elected members shall be a maximum of 3 years from the date of their election subject to clause 10.5 The Board may co-opt any person to assist the Board with specific tasks and for a specific term as the Board from time to time shall determine.</p>
<b>11</b>	<b>Key Governing Documents</b>	<p>What are the key governing documents (eg. Trust Deed, Charter or Constitution) that governs the operations of the body and its negotiators? Please attach these and provide to the Crown.</p>	<p>Ngaitai Iwi Authority Trust Deed Ngaitai Iwi Authority Board Charter Ngaitai Iwi Authority Policies and Procedures Manual</p>

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<b>12</b>	<b>Accountability</b>	<p>How will the representative body be accountable to the claimant community?</p> <ul style="list-style-type: none"> <li>- how will the body make decisions?</li> <li>- by what means and how often will the body report to the claimant community on progress?</li> </ul> <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><b><u>Ngaitai Iwi Authority Responsibilities and Accountability</u></b></p> <p><b><u>1 Meetings</u></b></p> <p><b>1.1</b> The Ngaitai Iwi Authority will meet regularly, on a monthly basis.</p> <p><b>1.2</b> The Ngaitai Iwi Authority holds an annual AGM where all members of Ngaitai Iwi are able to participate and be informed of progress.</p> <p><b>1.3</b> The Ngaitai Iwi Authority also has the authority to call special general meetings, where required.</p> <p><b><u>Reporting Processes for the Ngaitai Iwi Authority</u></b></p> <p><b>1.4</b> The Ngaitai Iwi Authority will report to the Ngaitai Iwi about the content and progress of Treaty Settlement negotiation in a number of ways. These may include:</p> <ul style="list-style-type: none"> <li>a) By Annual General meetings;</li> <li>b) By a minimum of one hui-a-Iwi annually (other than the AGM).</li> </ul> <p><b>1.5</b> The Iwi Authority will also inform its members by way of:</p> <ul style="list-style-type: none"> <li>a) Pānui and tribal newsletter;</li> <li>b) Ngaitai Iwi website;</li> <li>c) Committee meetings, and marae committee executive meetings;</li> <li>d) Other tribal forums;</li> <li>e) Reports by the Iwi Authority representatives to their respective communities.</li> </ul> <p><b>1.6</b> In addition to reporting back, the Ngaitai Iwi Authority will consult with hapū at wānanga to gain feedback about issues arising in Treaty Settlement Negotiations.</p> <p><b><u>Decision Making Process for the Ngaitai Iwi Authority</u></b></p> <p><b>1.7</b> All decisions made by the Ngaitai Iwi Authority in relation to settlement negotiations will be made in accordance with the provisions of the Ngaitai tikanga and kawa.</p> <p><b>1.8</b> The Ngaitai Iwi Authority will attempt to make decisions via general consensus amongst Authority members. Decisions taken by the Iwi Authority in relation to Treaty Settlement Negotiations will be based on consultation with iwi.</p> <p><b>1.9</b> The Ngaitai Iwi Authority will provide direction, advice and terms of reference for the negotiators.</p> <p><b>1.10</b> The Ngaitai Iwi Authority is authorised to make decisions on Treaty Settlement Negotiations up to the draft Deed of Settlement.</p> <p><b>1.11</b> The Ngaitai Iwi Authority will need to seek agreement/ratification from all members of the tribe on the draft Deed of Settlement.</p>
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<b>13</b>	<b>Tribal Register</b>	<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. Is the representative body GST registered?</p>	<p><b><u>The Ngaitai Iwi Register = 1617 Adult Members Registered with 134 under the age of 18 years.</u></b></p> <p>The Board members must have and maintain in a current state, the Register of Members that:</p> <ul style="list-style-type: none"> <li>a) Record the name, date of birth, contact details and whakapapa, verified by Te Kaunihera Pakeke o Ngaitai, of every Iwi member who applies for registration</li> <li>b) Make ongoing efforts to register all Iwi Members on the Register of members</li> <li>c) Make amendments and corrections to the Register of Member of members</li> <li>d) Ensure that each application for registration is completed on the appropriate registration application form available from the Ngaitai Iwi Authority office</li> <li>e) Ensure each Adult Registered Iwi Member is eligible to vote at General Meetings, inclusive of the election of Board members</li> <li>f) Ensure each Adult Iwi member applying for registration on the Ngaitai Uri Register personally signs the registration form before it is considered for registration.</li> </ul> <p>The Ngaitai Iwi Authority is GST registered with Inland Revenue</p>
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<p><b>15</b></p>	<p><b>Funding Management</b></p>	<p>How will the body administer funding? A separate account must be established to hold any Crown claimant funding. Please provide a system generated bank deposit slip or bank statement header showing the account name and number.</p>	<p>A separate account suffix within the Ngaitai Iwi Authority ANZ Bank account will be opened to receive claimant funding.</p> <p>Ngaitai Iwi Authority aim is to be a robust, responsive and responsible organisation. Prudent and ethical financial management and reporting is critical to the reputation of Ngaitai Iwi Authority, and forms the basis in which we operate.</p> <p><b><u>1. Financial Reporting</u></b></p> <p><b>1.1</b> The Ngaitai Iwi Authority Board ensures that effective policies and procedures are in place to ensure the integrity of NIA's financial reporting.</p> <p><b>1.2</b> The Ngaitai Iwi Authority discloses information regarding the key financial reporting functions and responsibilities in its Annual Report.</p> <p><b><u>2. Funds</u></b></p> <p><b>2.1</b> The funds vested in the Ngaitai Iwi Authority board shall be administered by the Board in accordance with the Deed of Trust.</p> <p><b>2.2</b> All monies received shall be paid to the credit of the Ngaitai Iwi Authority at such trading bank or savings bank as the board shall from time to time appoint and cheques on the bank account and other negotiable instruments shall be signed by the Chairperson and 1 other Board member or the Chairperson and Secretary.</p> <p><b>2.3</b> The board shall cause true accounts for each year to be kept in such a manner as the Board may decide of all receipts, credits, payment, assets and liabilities of the Trust Fund and all other such matters necessary for showing the true state and condition of the Rūnanga.</p> <p>An accountant is engaged to complete preparation of our yearly accounts that are then presented to be Audited by an independent Auditor that has been confirmed by the Board and these Audited accounts are presented to the Annual General Meeting as a Yearly Financial report</p>
<p><b>16</b></p>	<p><b>Removing or amending the mandate conferred by the claimant community</b></p>	<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>Please contact the Crown for examples of removal processes. The number of people participating in a removal process need not be more than the number of people who participated in conferring the mandate.</p>	<p>Should members of Ngaitai Iwi be no longer 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 Hui-a-Iwi to replace a mandated representative vote provided such application is accompanied by 20 signatures of other members of Ngaitai Iwi.</p>

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<b>17</b>	<b>Negotiators</b>	<p>How will the negotiators be accountable to the mandated body?</p> <ul style="list-style-type: none"> <li>- who will appoint the negotiators?</li> <li>- how will the negotiators be appointed and removed?</li> <li>- 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?</li> <li>- on what basis will the negotiators be chosen?</li> <li>- how will the negotiators report to the mandated body?</li> </ul>	<p><b><u>1. Appointment and/or Replacement of Negotiators</u></b></p> <p><b>1.1</b> The Ngaitai Iwi Authority will confirm, appoint, rotate and/or retire Negotiator(s) by way of resolution, in consultation with the tribal community. There will be a maximum of 3 negotiators at any one time.</p> <p><b>1.2</b> If a dispute arises in relation to the replacement, removal or appointment of Negotiator(s), the following process will be adopted by the Ngaitai Iwi Authority:</p> <ul style="list-style-type: none"> <li>a) The Ngaitai Iwi Authority shall firstly attempt to resolve the matter 'kanohi ki te kanohi ' and in accordance with the tikanga of the tribe;</li> <li>b) If the approach in a) does not resolve the dispute, the Ngaitai Iwi Authority shall suggest the appointment of a mediator to try and resolve the dispute;</li> <li>c) If the approach in b) is unsuccessful then there shall be a vote of representatives, with the Chairperson having an additional casting vote, in the event of a tied vote;</li> <li>d) If the approach in c) is unsuccessful, the Ngaitai Iwi Authority shall refer the matter to a tribal hui-a-Iwi, which will determine the outcome of the dispute. The ruling by resolution at a hui-a-Iwi will be final and binding on the Ngaitai Iwi Authority.</li> </ul> <p><b>1.3</b> The negotiators will be chosen on the basis of their skills</p> <p><b><u>2. The Negotiators: Responsibilities and Accountabilities</u></b></p> <p><b>Reporting Processes for the Negotiators</b></p> <p><b>2.1</b> The Negotiators are accountable to the Ngaitai Iwi Authority and will report to the Ngaitai Iwi Authority on a monthly basis, or more frequently as required.</p> <p><b>2.2</b> The Negotiators will also present regular progress reports on Treaty Settlement Negotiations at tribal hui.</p> <p><b>2.3</b> The Negotiators will be bound by the Ngaitai Iwi Authority Deed of Trust</p> <p><b>2.3</b> The negotiators will be bound by the separate Terms of Reference</p> <p><b>Decision Making Processes for the Negotiators</b></p> <p><b>2.4</b> The Negotiators will conduct negotiation discussions with the Crown but will not make decisions without the agreement of the Ngaitai Iwi Authority.</p>
<b>Mandate hui process</b>			



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<b>18</b>	<b>Hui Time/Location</b>	<p>Representative body to organise hui where large numbers of their claimant community reside: both nationally (eg. 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          5,000 people – 8 mandate hui          30,000 people – 12 mandate hui</p>	<p>A formal hui was held with Te Kaunihera Pakeke o Ngaitai on the 13<sup>th</sup> September 2009 where the Ngaitai Iwi Authority received the sanction of the Pakeke to advance the Treaty Claim on behalf of Ngaitai.</p> <p>A unanimous agreement was given from all those present for the Ngaitai Iwi Authority to proceed with the claim and to seek the mandate with the resolution to be voted on at the Annual General Meeting to be held on the 31<sup>st</sup> October 2009.</p> <p>Resolution was voted on and approved at that AGM 2009.</p> <p>The same resolution will be re-presented to the Ngaitai Iwi at the Annual General Meeting to be held on 19<sup>th</sup> January 2013.</p> <p>Ngaitai Iwi Authority will be part of the Crown National mandate hui to be held in the following National Centres:</p> <p>Auckland          Hamilton          Wellington</p> <p>(The dates are still to be confirmed – approx Jan 2013)</p> <p>In addition, Ngaitai will hold a mandate information hui in Torere in January 2013.</p>
<b>19</b>	<b>Hui Advertising</b>	<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"> <li>- where and when the hui will be held;</li> <li>- the purpose of the hui;</li> <li>- information on the voting process (including eligibility to vote); and</li> <li>- the resolution to be voted on at the hui.</li> </ul>	<p>Public Notices to be placed in the Opotiki News, Whakatane Beacon and the NZ Herald 20 and 25 days prior to set date of hui using the Crown advertisement template</p>

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20	<b>Hui presentation</b>	<p>The Crown will provide a template presentation for you to complete including information on:</p> <ul style="list-style-type: none"> <li>- the claimant definition and historical claims;</li> <li>- the identity of the body seeking mandate and its representatives;</li> <li>- the structure and accountabilities of the body;</li> <li>- 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</li> <li>- stating that the mandated body would present any initialled deed of settlement to the claimant community for their ratification.</li> </ul>	As per the Crown template – this will be completed at a later date
21	<b>Resolutions</b>	<p>What is the hui resolution?</p> <p>Eg. “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 the Ngaitai Iwi Authority the mandate to represent Ngaitai in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngaitai.”
22	<b>Voting Process</b>	<p>How will the claimant community vote? Eg. secret ballot or show of hands. All of these methods are acceptable to 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>The method of voting is as follows:</p> <p>Adult Iwi members may vote either in person at one of the mandate hui or by casting a postal vote. Proxies are not allowed.</p> <p>Ngaitai members (aged 18 and over) do not need to be registered to vote. Registered members will be provided with voting papers, and non registered members will be able to vote by way of a special vote. special votes will be subject to the whakapapa of the non-registered member being verified by Te Kaunihera Pakeke o Ngaitai.</p> <p>Ngaitai Iwi Authority will be inviting Crown observers and independent scrutineers to attend the hui.</p>

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Attachment checklist				
<b>Map of area of interest</b>	Have you attached this?			
<b>Advertisements and minutes from hui to elect representatives</b>	Have you attached these? YES			
<b>Key Governing Documents</b>	Have you attached these? YES			
<b>Hui advertisement</b>	Please request template from the Crown.			
<b>Hui presentation</b>	Please request template from the Crown.			
<b>System generated bank deposit slip or bank statement header showing the account name and number</b>	Have you attached this?			
Submissions on Mandate Strategy (Crown will complete this section)				
<b>Submissions period</b>	This Mandate Strategy will be placed on <a href="http://www.ots.govt.nz">www.ots.govt.nz</a> and <a href="http://www.tpk.govt.nz">www.tpk.govt.nz</a> and submissions, views and inquiries invited.			
<b>Number of submissions</b>	Total:	For:	Against:	Unclear:
<b>Summary of submissions</b>				
<b>How does the representative body intend to address any concerns raised</b>				
<b>Your Mandate Strategy is now complete</b>				

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Further information to provide to the Crown after the mandate hui to complete a Deed of Mandate:

Hui results				
<b>23</b>	<b>Results of voting</b>	What was the result of the voting? eg, number eligible to vote, number who voted, number who voted yes, number who voted no, number who abstained.		
<b>24</b>	<b>Questions/concerns</b>	Were there questions or concerns raised at the mandate hui? If yes, what was the nature of the key questions or concerns? Were these resolved at the hui? How does the representative body intend to address these questions or concerns?		
Attachment checklist				
<b>Lists of hui attendees</b>			Have you attached these?	
<b>Minutes of hui, including confirmation of the resolutions passed at the hui</b>			Have you attached these?	
Submissions on Deed of Mandate (Crown will complete this section)				
<b>Submissions period</b>			This Deed of Mandate will be placed on <a href="http://www.ots.govt.nz">www.ots.govt.nz</a> and <a href="http://www.tpk.govt.nz">www.tpk.govt.nz</a> and submissions, views and inquiries invited.	
<b>Number of submissions</b>			Total:	For:
<b>Summary of submissions</b>			Against:	Unclear:
<b>How does the representative body intend to address any concerns raised</b>				
<b>Your Deed of Mandate is now complete</b>				