



Ngātiwai Trust Board Mandate Strategy

On behalf of Te Iwi o Ngātiwai

Version: 6

Status of this document: Public

Date submitted to OTS: 19 July 2013

Date endorsed by OTS and TPK: 24 July 2013

Kia Tūpato!

*Ka tangi a Tūkaiaia kei te moana, ko Ngātiwai kei te moana e haere ana;
Ka tangi a Tūkaiaia kei tuawhēnua, ko Ngātiwai kei tuawhēnua e haere ana.*

Beware!

*When Tūkaiaia calls at sea, Ngātiwai are at sea;
When Tūkaiaia calls inland, Ngātiwai are inland.*

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1. PRELIMINARIES

1.1 A Word from the Chair

Tēnā kōutou katoa

Along with a good deal of other Iwi throughout Aotearoa including Iwi in Te Tai-tōkerau region our Board is now of the view that the time has come to seek a Treaty Settlement with the Crown. In doing so we have two options: the first involves going to the Waitangi Tribunal. This is a long process and arguably provides the opportunity for grievances to be thoroughly documented and publicly aired - in the Tribunal Hearings. The other is to go into direct negotiations with the Crown. By comparison this is a shorter process reducing time and costs for both Ngātiwai and the Crown. The first step in following this later path is to seek a mandate from Iwi members to represent their interests in direct negotiations. That is the purpose of this document.

However, it is a mistake to think of the two processes as competing with each other because in the end, all settlements must still be negotiated with the Crown. While the Waitangi Tribunal can present a final report to the Crown for consideration, their recommendations are not binding except in a few rare instances. At that point negotiations commence as they do in direct negotiations and each Iwi is left to fight for as much as they can get.

While an earlier DRAFT of this document suggested that a short-cut direct negotiations process alongside Tribunal hearings might be possible, neither the Crown nor the Waitangi Tribunal have followed through with a commitment to this option for Ngātiwai. For clarity it should also be mentioned that this strategy supersedes any previous Treaty settlement proposals or options put forward by the Ngātiwai Trust Board (i.e. proposals to amend the Trust Deed on 17 September 2012).

The harsh reality though is that no settlement however well founded or carefully worded and presented through the Waitangi Tribunal or in direct negotiations with the Crown will ever compensate whanau, hapu and Iwi for the full loss of land and hardship that has been suffered. Ultimately there is a fiscal “cap” on the amount of redress offered and it is debatable that if one took the Waitangi Tribunal pathway to settlement the overall result would be any different from the direct negotiations pathway.

In the end you will decide. If you give us your mandate it is possible to reach a settlement by 2014. If not, it could take up 10 or more years to reach a Settlement. However, we cannot responsibly sit back and neglect to present you with an opportunity to choose. Therefore this document does that by firstly informing you of how we propose to give you that choice – you get to vote on it - and then if we get your support it outlines how we will go about securing a settlement on your behalf.

Ngā Mihinui



Haydn Edmonds
Chairman
Ngātiwai Trust board

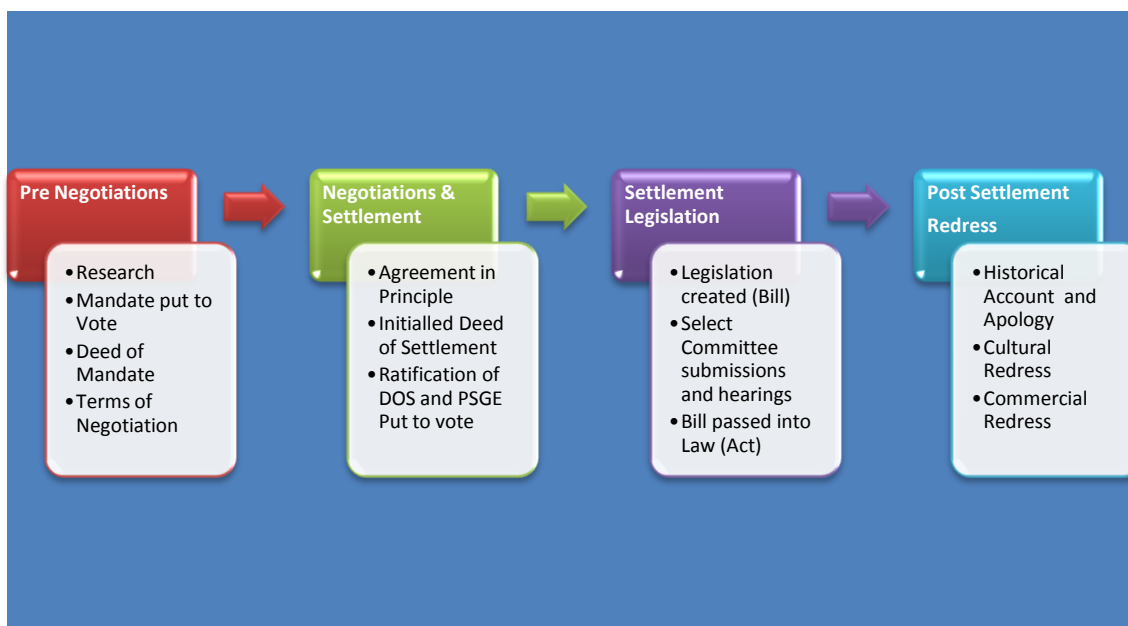
1.2 Structure of this Document

This document is prepared in two parts:

- **Part one:** provides background information and context to the Mandate Strategy (i.e. who is seeking a mandate from whom and what will be done with it if it is secured). It then describes in detail the group who will be represented by the Ngātiwai Trust Board if the mandate is secured. It also provides details about the internal structure and operations of the Ngātiwai Trust Board (who is seeking the mandate) and concludes with an update on matters the NTB will need to address in moving forward (i.e. overlapping iwi/claims, relationship building with hapu and research yet to be completed).
- **Part two:** sets out the proposed path ahead by clarifying the components of the mandate strategy including what will be done, who will do it, how will they do it, where and when it will be done etc. It provides the logistics of how a mandate is secured. Finally it sets out the next steps that will follow after the voting period has closed to confirm a mandate has been secured in a Deed of Mandate.

1.3 Overview of the Direct Negotiations Pathway

The illustration below shows the bigger picture by outlining how the Mandate is only the first step in a series of steps towards negotiating a comprehensive Settlement with the Crown on a full and final basis.



1.4 A Note about Ngāti Manuhiri and Ngāti Rēhua – Ngātiwai ki Aotea

This document is to be read on the basis of and is to apply in respect of all remaining Ngātiwai Historical Treaty claims other than those claims that have or are, with the support of the Ngātiwai Trust Board been or are being prosecuted by Ngātiwai hapū autonomously.

Throughout this document the term “remaining claims” refers to those remaining Ngātiwai claims that have not already been prosecuted or are not in the process of being prosecuted (i.e. excluding settlement or negotiations towards settlement related to Ngāti Manuhiri by the Ngāti Manuhiri Settlement Trust and Ngāti Rēhua – Ngātiwai ki Aotea by Ngāti Rēhua – Ngātiwai ki Aotea Trust).

1.5 List of Abbreviations

AGM	Annual General Meeting
AIP	Agreement in Principle
CEO	Chief Executive Officer
DOM	Deed of Mandate
DOS	Deed of Settlement
IDOS	Initialled Deed of Settlement
IPD	Iwi Planning Document
IRO	Independent Returning Officer
LNG	Large Natural Grouping
MIO	Mandated Iwi Organisation
NTB	Ngātiwai Trust Board
OTS	Office of Treaty Settlements
PSGE	Post Governance Settlement Entity
TCC	Treaty Claims Committee
TCM	Treaty Claims Manager
TON	Terms of Negotiation
TOR	Terms of Reference
TPK	Te Puni Kōkiri

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PART A: INFORMATION AND BACKGROUND CONTEXT

2. What is a Mandate Strategy and what does it do?

2.1 *The purpose of this document is to establish a strategy to secure a mandate*

This document provides all the information required for the Ngātiwai Trust Board (“NTB”) to demonstrate that it has a clear strategy to achieve a Mandate from Te Iwi o Ngātiwai to represent Ngātiwai in direct negotiations with the Crown.

The mandate must be achieved:

- Through a fair, open and transparent process that is supported and conferred by Te Iwi o Ngātiwai members and recognised by the Crown.
- In a manner consistent with key Crown Treaty settlement policies.

This document is not for the purpose of describing specific details about the claims, nor of the settlement to be sought, as these are significant matters to be further researched, discussed, negotiated and communicated between Te Iwi o Ngātiwai, the NTB and the Crown.

2.2 *Who is seeking a mandate from whom?*

This mandate strategy signals that the NTB is intending to seek a mandate to represent Te Iwi o Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of all remaining historical Treaty claims of Ngātiwai. Any such mandate must be conferred by the claimant group initially and only after that has been achieved can Ministers then recognise the mandate in a Deed of Mandate (DOM).

2.3 *What are the limits to a mandate and what is a PSGE?*

A DOM will only give NTB the authority to negotiate an initialled Deed of Settlement (IDOS) with the Crown. NTB must then present the IDOS together with a proposed Post Settlement Governance Entity (PSGE) to Te Iwi o Ngātiwai for their approval and ratification.

A PSGE is a newly established non-charitable representative entity specifically designed to receive settlement assets. Assets received by the PSGE after a settlement occurs are intended to be managed prudently for the benefit of current and future generations of the settling group (i.e. Ngātiwai).

2.4 *What happens next and how long will it take to achieve a settlement?*

This mandate strategy has been endorsed by the Crown and once implemented by the NTB the results of the mandate voting process will determine if a DOM to represent Te Iwi o Ngātiwai can be established for NTB.

The DOM if recognised by Ministers will allow the NTB to enter into direct negotiations with the Crown, agree on Terms of Negotiation (TON) and then negotiate an Agreement in Principle (AIP).

All going well NTB aim to achieve an AIP by June 2014 and present the IDOS together with a proposal for a PSGE back to Ngātiwai in late 2014 for ratification before a settlement can be finalised and a DOS established. The final step will then be up to NTB and officials to draft a settlement Bill to enact the DOS into Law following which settlement redress will be handed over to the newly formed PSGE.

3. How will the Crown assess this Strategy?

3.1 *Engagement must be Consistent with Key Crown Policies*

Over time the Crown has established a number of key policies that frame-up the context in which direct Treaty settlement negotiations take place today. Those that influence the process to achieve a DOM are outlined below.

The Crown Negotiates with Large Natural Groupings (LNG)

The Crown seeks to settle all historical Treaty claims of a Large Natural Group of tribal interests in comprehensive negotiations, whether registered or un-registered or wherever the grievances occur. Crown Settlement Policy sets out the strong preference to negotiate with a LNG of tribal interests rather than with individual claimants or whānau within a tribe. This allows the Crown to offer a wide range of redress, and reduces costs for both the mandated representatives and the Government. The Crown has recognised Ngātiwai as a suitable LNG (see Appendix A) to enter into settlement negotiations - if a Mandate is secured.

The Crown Negotiates Comprehensive Settlements

The Crown has a strong preference to negotiate comprehensive settlements so it can be sure that it can properly address all the historical claims of a claimant group at the same time. The Crown seeks to settle all the historical Treaty claims of a Large Natural Group of tribal interests in comprehensive negotiations, whether registered or un-registered and wherever the grievances are located.

Other Comprehensive Settlement Negotiations in our Rohe (tribal area)

It should be noted however that the both Ngāti Manuhiri and Ngāti Rēhua – Ngātiwai ki Aotea were given the opportunity to settle separately from Ngātiwai (with the support of NTB) because of their inclusion in the Tāmaki Makau-rau Collective Settlement along with other iwi/hapū.

The Tāmaki Makau-rau situation provided a unique set of circumstances that allowed for an exception to this key Crown Policy. Those circumstances include:

- That the rohe/area of interest for both Ngāti Manuhiri and Ngāti Rēhua ki Aotea were located within the Tamaki Makau-rau region.
- That the Tāmaki Makau-rau settlement process was primarily geographically focused on settling with multiple iwi/hapū that have a shared interest in Tāmaki Makau-rau region. It did not require all iwi/hapū to have a common tupuna or ancestor.

However, these unique circumstances do not exist for the remaining Ngātiwai hapu or their area of interest and therefore separate hapu based settlements are unlikely to be acceptable to the Crown.

3.2 *The process must be fair, open and transparent*

The proposed processes and measures outlined in Part Two of this mandate strategy such as decision making, disputes procedures, reporting requirements as well as the logistical matters such as hui time and location, advertising, voting rules and procedures must all be clearly established. This is to ensure that the strategy meets the requirements of being fair, open and transparent.

4. Who are the Crown dealing with/Claimant Definition?

4.1 Founding Tupuna/Ancestry

Te Iwi o Ngātiwai includes the many related hapū occupying the eastern coastline of the North Island between the Bay of Islands and Whangārei, and beyond southward to Pākiri, Omaha and Mahurangi, including Aotea (Great Barrier Island). Ngātiwai is unified in descent from one of the oldest descent groups in Te Tai Tokerau – Ngāti Manaia. From our ancestor Manaia and Ngāti Manaia descend our founding ancestors Manaia II and his sons Te Rauōtehuia and Tāhuhunuiōrangī.

From Manaia II comes the Ngāti Manaia lines including:

- Te Rauotehuia descending to Te Rangikapikitia. From Te Rangikapikitia comes key tupuna including Te Kura Makoha, Whāpapa and Te Wairua, Hikihi I, and Huruhurumaiterangi. From Whāpapa and Te Wairua comes Toremātao, Te Rangapū and Te Rangihokaia and his descendants known as Ngāti Wai ki te moana.
- From Tāhuhunuiōrangī and his people of Ngai Tāhuhu comes key Ngātiwai tūpuna including Tū of Ngāti Tū and his descendants Te Whiti, Mārua and Te Ahi. Also important lines stem from Te Tuatahi including Te Huaki and Te Kahuwhero whose descendants hold mana whenua of the lands of Ngāti Takapari, Ngāti Kororā and Te Waiariki O Ngunguru.

Other key tūpuna of:

- Te Akitai from Tahuhunuiorangī include Rongorongoitaua and Te Ruaki.
- Te Whānau Whero trace their ancestry to Tamati Te Maru and
- Te Whānau O Rangihwakaahu trace their ancestry to Rangitūkiwaho II.
- Te Patuharakeke trace their ancestry to Te Whakaariki.

The Ngātiwai Claimant group represents individuals, whānau, hapū and marae who trace their ancestry to these key tūpuna, hapū and are affiliated and whakapapa to the 14 Ngātiwai marae.

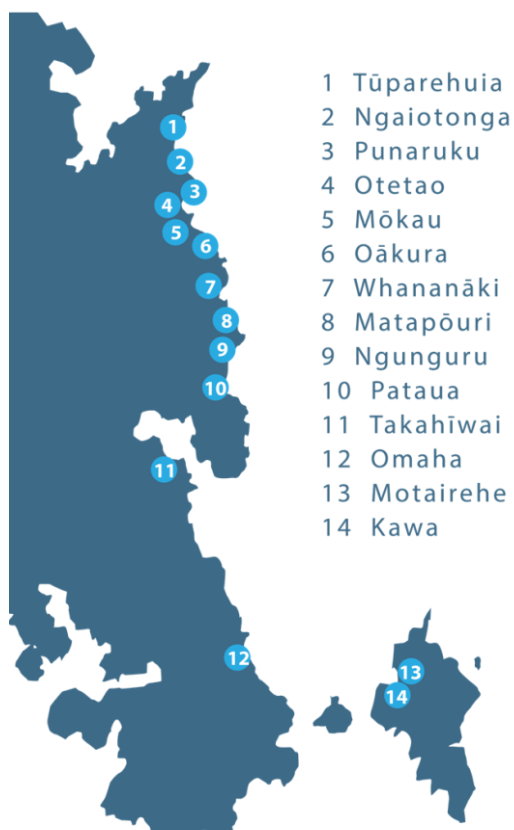
4.2 Marae and Hapū

Ngātiwai descendents include those who can whakapapa to our Marae and Hapū (including historical hapū who have since been absorbed into present day hapū). Some hapū have shared whakapapa with both Ngātiwai and other iwi. This strategy will seek to clarify and address Ngātiwai related claims only.

For clarity we acknowledge that while Ngati Manuhiri and Ngati Rehua are hapu of Ngātiwai both the Ngāti Manuhiri Settlement Trust and Ngāti Rēhua – Ngāti Wai ki Aotea Trust (with the support of Ngātiwai Trust Board) have achieved a mandate to represent these hapu in separate settlement negotiations with the Crown.

Therefore this claimant definition does not technically include Ngati Manuhiri or Ngāti Rēhua – Ngātiwai ki Aotea although members of these hapu who can whakapapa into any of the other hapu and tupuna listed above can participate in the mandating process through their wider whakapapa links to Te Iwi o Ngātiwai. Effectively this means all members of Ngātiwai can vote on the mandate. Ngātiwai hapu and marae are also listed in the claimant definition of other Large Natural Groups based on whakapapa and intermarriage. The Ngātiwai Trust Board will seek agreement to the treatment of these hapu and marae with the Crown, following discussions with the relevant groups.

Ngatiwai Marae



Ngatiwai Hapu

Present Day Ngātiwai Hapū	Historical Ngātiwai Hapū	
Ngāti Kuta	Ngāti Kahuwhero	Ngāti Te Rāhingahinga
Patu Keha	Ngāi Tāhuhu	Ngāti Toremātao
Te Kapotai	Ngāi Tamatea (iwi)	Ngāti Tū
Ngāti Tautahi	Ngāti Hei	Ngāti Tuhukea
Te Uri o Hikihiki	Ngāti Horohia	Ngāre Raumati
Te Whānau Whero- mata-mamoe	Ngāti Kahuerueru	Ngau Paiaka
Te Aki Tai	Ngāti Kahuwaeroa	Ngau Pakiaka
Te Kainga Kurī	Ngāti Kiripakapaka	Te Parupuha
Ngāti Toki ki-te-moana	Ngāti Kopae	Te Uri Ratakitahi
Te Whānau ā	Ngāti Kura	Te Uri Karaka
Rangiwhakaahu	Ngāti Manaia	Te Parawhau
Ngāti Takapari	Ngāti Mārua	Te Tāwera
Ngāti Kororā	Ngāti Paeahi	Te Irirata
Te Patuharakeke	Ngāti Pare	Te Uri O Te Ao(heiawa)
	Ngāti Raupō	Te Uri O Tai Hāruru
	Ngāti Rongo	Te Uri Whakapiko
	Ngāti Taimanawāiti	Te Uri Hakū
	Ngāti Taimango	Te Uri Papa
	Ngāti Tahuhu	Te Uri Pare
	Ngāti Tao	Te Uriōkatea
	Ngāti Taura	Te Uri Tamure
	Ngāti Tera	Te Uri Whakapiko

4.3 WAI Claims to be Settled

The Ngātiwai WAI claims include all remaining claims made at any time (whether or not the claims have been researched, registered and/or notified) by any claimant or anyone representing them that:

- are based on a claimant's affiliation to Ngātiwai and/or one of the listed hapu and marae;
- are founded on rights arising from the Te Tiriti o Waitangi/The Treaty of Waitangi, or its principles under legislation, at common law (including customary law and aboriginal title) from a fiduciary duty, or otherwise; and
- arise from or relate to acts or omissions that occurred before 21 September 1992 by or on behalf of the Crown or under legislation whether registered or not with the Tribunal.

Remaining Ngātiwai Claims¹ (in-so-far as they relate to Ngātiwai)

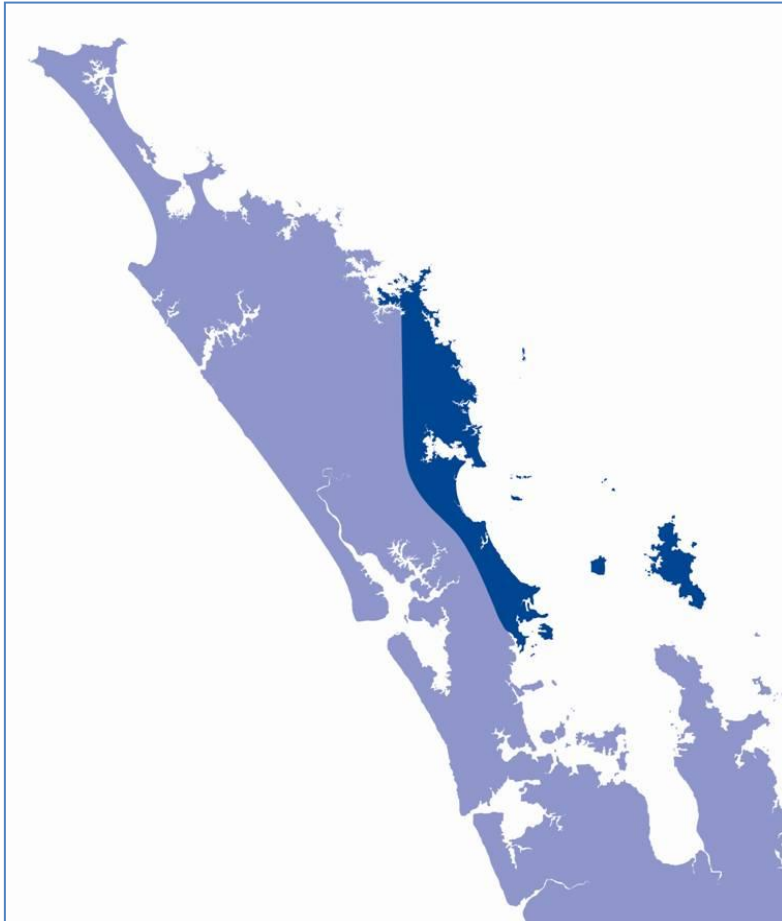
Wai No ² .	Claim Title	Claimants
67	Oriwa 1 B3	Jean Applehof & and Ors
156	Oriwa Block (Whananāki)	Marie Tautari
244	Te Iwi o Ngātiwai historical claims	Uru Palmer/Ngātiwai Trust Board
262	Flora & Fauna	Saana Murray, Te Witi McMath & Ors
343	Otetao A Block	Wayne Peters
504	South Whangārei Land & Seabed	Tamihana Paki
511	Matapōuri Bay Council sections	Chris Koroheke & Ors
745	Patuharakeke Hapū Lands & Resources	Luana Pirihi & Ors
1308	Pukekauri & Takahīwai	Grant Ngāwaka Pirihi & Ors
1384	Whāngaruru Lands	Elvis Reti & Ors
1392	Pukekauri 1A, 2A & 2B. Wiki Te Pirihi & ors	Ephie Pearly Pene
1512	Descds of Wiki Pirihi & Raiha Te Kauwhata	Michael Leulua'i
1528	Native Land Court: Te Kauwhata	Carmen Hetaraka
1529	Native Land Court: Hetaraka & Herewini	Toru Hetaraka
1530	Native Land Court: Hetaraka & Herewini	Te Rina Hetaraka
1539	Native Land Court: D Kereopa & S Pirihi	Te Aroha Going
1544	Ngātiwai Land Blocks	George Davies & Ors
1677	Orokawa 3B Perpetual Lease	Hūhana Seve
1711	Te Whānau ā Rangiwakaahu Hapū	Kris MacDonald, James Mackie & Ors
1712	Native Land Court: Toi te Huatahi & Te Mawe	Marino Māhanga
1717	Native land Court: Te Whānau Whero	Alan Moore & Takapari Waata
1719	ML Blocks: Hone & Erana Murphy	Henry Murphy
1723	Crown's Environmental Policies	John Paki
1726	Paremata Mōkau A13 Block etc	Robin Paratene
1786	Actions of the Crown: Reweti whānau	Ike Reti, Gary Reti & Ors
1954	Native Land Court: Haika & Te Kauwhata	Eta Haika
1955	Partitioning land: Patu Harakeke & Ngātiwai	Juanita De Senna
1960	Rangatiratanga: Tamihana & Kaupeka	Kapotai Tamihana
1961	Native Land Court: Pita Tunua & ors	David Carpenter
1973	Native Land Court: Hone Pita & Marara Pita	Robert Carpenter
2022	Foreshore Seabed Motokokako Island	Edina Colston (Patuone Hoskins on behalf of the Ahuwhenua Trust and owners of Motokokako)
2243	Little Barrier Is Acquisition Act	Tamihana Paki

¹ WAI244 and WAI262 are blanket or comprehensive claims lodged by the NTB on behalf of Te Iwi o Ngātiwai. As such any additional WAI claims listed here are included to assist the Crown to clarify that all Ngātiwai related claims are being settled comprehensively.

² Note: All WAI calims are subject to change following feedback on the mandate porcess.

4.4 *Rohe and Wider Area of Interest*

The core tribal estate or rohe (tribal area) of Ngātiwai includes the contiguous area from the mountains to the sea and out to the Exclusive Economic Zone. It is located in the Taitokerau region encompassing Motukōkako and Rakaumangamanga (Cape Brett) to the north and extending south to Okura river mouth south of Whangaparoa. The easterly boundary takes in Tawhiti Rahi and Aorangī (the Poor Knights), Taranga (Hen) and Maro Tiri (Chicken) Islands, Hauturu-a Toi (Little Barrier), Aotea (Great Barrier), Kawau, Tiritiri Matangi, and includes interests in Waiheke and many other offshore islands and rocks of Te Moana Nui a Toi. The western boundary generally follows State Highway 1 running from an area in the south around the Kaipara flats north and backs onto the eastern boundaries of neighbouring Iwi (as shown in the map below).



The land, rivers, ocean and islands along this coastline have a unique and special significance for Ngātiwai. They contain sites of cultural significance (i.e. traditional food sources, lanes of travel, islands sites of ancient occupation and wahi tapu).

However, the Ngātiwai area of influence extends well beyond the core tribal estate described (above) and reaches into the far-north (i.e. Cape Reinga) and south (i.e. East Cape) and north-east (i.e. Kermadec Islands) and the entirety of the Territorial Sea and Exclusive Economic Zone therein for Fisheries, Conservation, Resource Management and other relevant legislative purposes.

NOTE: A complete list of natural resources will be compiled to accompany this broad description including all lands, islands, forests (including Glenbervie, Puhipuhi and Mangawhai Forests), rivers, harbours, sands, gravel, minerals and any other natural resources that fall within the Ngātiwai rohe/area of interest.

5. The Ngātiwai Trust Board

5.1 *Structure and Key Governing Documents*

The Ngātiwai Trust Board was first formed 47 years ago on 22 November 1966 and in 1984 the NTB was constituted under the Charitable Trusts Act 1957 with the governance and management arrangements set out in a Trust Deed (see Appendix B). The Trust Deed has been developed in a manner that aims to embrace the beneficiaries of Ngātiwai irrespective of their domicile but with a clear linear relationship between the beneficiaries, Marae and the Trust Board. NTB is ultimately responsible and accountable to members of Te Iwi o Ngātiwai.

Ngātiwai Trust Board is recognised as a Mandated Iwi Organisation (MIO) under the Māori Fisheries Act (2004) and has its *Ngātiwai Iwi Environmental Plan* recognised as an Iwi Planning Document (IPD) under the Resource Management Act (1991) which must be taken into account in Council RMA plan changes. (See the Ngātiwai Trust Board's website for further information at www.Ngatiwai.iwi.nz).

5.2 *Eligibility and process to register on the Tribal Register*

The NTB has completed updating its tribal register and registration form. To date we currently have 6036 registered members, 4480 of whom are of voting age. The population of Ngātiwai is undoubtedly larger than the 2006 census estimate of 4,866 and NTB is confident it will develop an effective communications strategy and an improved registration options to enable all Ngātiwai to be enrolled on the tribal register should they wish to do so. Where members do not wish to be on the tribal register but do wish to vote a special vote option is available (see Part Two of this document).

The NTB will also undertake a registration drive during the mandate hui process. It will aim to encourage members of Ngātiwai to register and be kept informed of the Ngātiwai settlement process with the Crown. In addition the NTB have recently completed a mail out to members mailing addresses to confirm or not if our contact details for members are up to date.

The process for registration can occur either by completing a registration form (see Appendix C) and posting it to the office or by registering online at www.Ngatiwai.iwi.nz.

The online registration method is undergoing review and improvement while the registration form has recently been revised and improved. In addition NTB are developing a smart-phone application or "app" that will enable members to register using their smart phones and be kept informed of changes posted on the web-site.

After registrations are received they are entered into a database pending authentication from the NTB Trustee who was appointed by the Marae that the registration affiliates with. If the Trustee does not know the person personally they may seek confirmation from the marae Trustees of the whakapapa provided.

5.3 *Eligibility to become an Elected Trustee*

Any adult member (18 years or older) of Ngātiwai is eligible to put themselves forward for election. The next election is due to take place in February/March 2014.

5.4 Ngātiwai Trust Board Appointment and Removal Process

The NTB is governed by 14 Trustees each elected by adult registered members of one of the 14 Ngātiwai marae. Each marae may also elect one alternate. Each Trustee may hold office for a term no longer than three years without having to face re-election.

In summary a Trustee may cease to hold office if they:

- resign in writing
- fail to or neglect to attend three consecutive meetings of the Trustees without leave of absence
- have been suspended for a period exceeding three consecutive meetings of the Trustees
- have been declared of unsound mind by a medical practitioner
- is or becomes bankrupt
- is or has been convicted of a crime involving dishonesty
- dies
- is in or accepts employment with another Iwi organisation, or
- fails to meet the requirements for registration as an officer with the Charities Commission.

The Board is entitled to suspend a Trustee for any acts or omissions caused by that Trustee which are perceived by the Board to be adverse to the interests of the Trust. Suspension is effective the moment that 75% of the Trustees entitled to vote do so in favour of that suspension. Suspension can be enforced for any length of time as the Board feels appropriate in the circumstances.

5.5 Election of Current Trustees

The NTB election process was publicly notified (see Appendix D) and the NTB held its elections following which it announced the results of the elections at the Annual General Meeting (AGM) on 25th of February 2011 in accordance with the Trust Deed. There were 14 nominations received and the following Trustees were formally elected for a term of three years.

Marae	Trustees	Alternate
Tūparehuia	Kathy Pita	Dick Pene
Ngaiotonga	Merepeka Henley (Deputy Chair)	Jury Greenland
Punaruuku	Haydn Edmonds (Chair)	
Otetao	Gary Reti	Elvis Reti
Mōkau	Donna Tamaki	Adrienne Taungapeau
Oākura	Henry Murphy	
Whananāki	Allan Moore	Isha Waetford
Matapōuri	Kris MacDonald	Marion Kerepeti-Edwards
Ngunguru	Erica Wellington	Mike Rundlett
Pātaua	Hori P Mahanga	
Takahīwai	Michael Leuluai	
Pākiri	Laly Haddon QSM	
Motairehe	Andrea Munro	Jeff Cleave
Kawa	George Ngāwaka	

5.6 Meetings of the Board

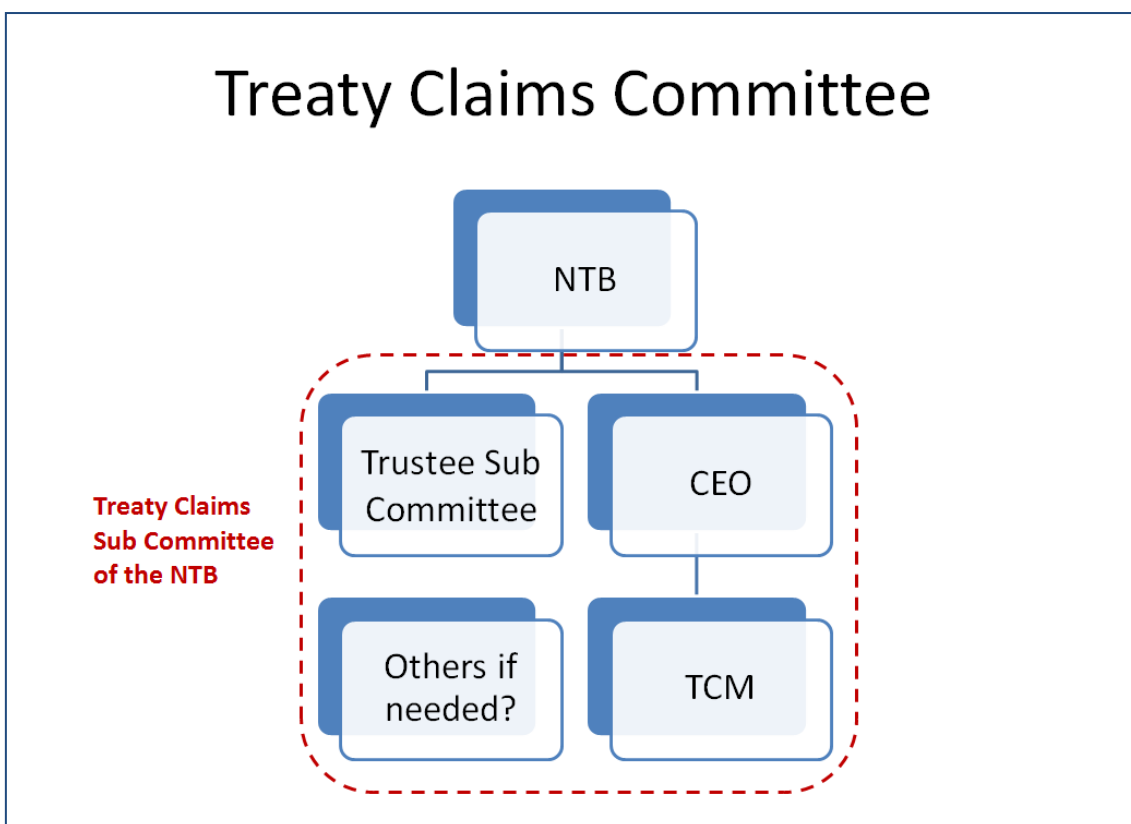
The Trustees meet regularly on a monthly basis. The NTB also has the authority to call special general meetings in accordance with its Trust Deed, where required.

5.7 Treaty Claims Sub-committee of the NTB

In accordance with the Trust Deed and from time to time the NTB may convene a sub-committee of its members to address special matters and to report back to the full Board to provide updates and make recommendations when decisions are needed.

The Board has established a sub-committee of two Trustees: Kris MacDonald (Trustee) and Merepeka Henley (Deputy Chairperson) to form the basis for a Treaty Claims committee (TCC).

In a supporting capacity the TCC is further made up of the Chief Executive Officer (CEO), the Treaty Claims Manager (TCM) and Haydn Edmonds (Chairman) as ex officio members. Further support on the TCC may be considered as the need for additional skills and or experience is identified.



6. What has happened so far?

6.1 Preparing the Claim

<i>Date</i>	<i>Events</i>
27 March 1987	Intent to Claim filed by Lucy Uru Palmer (Trustee) and Patuone Hoskins (Chairman) on behalf of Ngātiwai Trust Board. (See appendix E)
11 November 1991	<p>Claim admitted to the Register as WAI244 due to the filing of ancillary claims (See Appendix F)</p> <ul style="list-style-type: none"> • Substantive claim filed in two parts: <ul style="list-style-type: none"> ○ 30 July 2000 (see Appendix G) relating to Ngati Manuhiri and ○ 29 August 2008 (see Appendix H) relating to the remainder of Ngātiwai • This was followed by two technical amendments filed 19 October 2009 and 30 March 2012 (see Appendix I and J)
30 July 2000	<p>The amended statement of claim filed includes:</p> <ul style="list-style-type: none"> • Notice that the portion of Ngātiwai’s claims that are covered by Stage III of Kaipara Inquiry will be prosecuted on behalf of Ngātiwai by the Boards Chairperson Laly Paraone Haddon. • Ngātiwai Claimant Definition including ancestry and rohe/area of interest. • Interpretation of the Treaty of Waitangi and breaches of the Treaty by the Crown. • Particulars of land losses in Mangawhai including: <ul style="list-style-type: none"> ○ Failure to actively protect taonga (i.e. insufficient land provided for continued occupation) ○ Failure to survey or properly survey mangawhai block prior to purchase ○ Failure to pay a fair purchase price ○ Failure to provide reserves ○ Failure to pay ten percent of future sale proceeds to Ngātiwai
29 August 2008	<p>Amended statement of claim filed includes:</p> <ul style="list-style-type: none"> • Revised Claimant Definition including: <ul style="list-style-type: none"> ○ Ngātiwai marae and location ○ the governance entity being NTB ○ tupuna/ancestry back to Manaia from whom descend Tahuhuniorangi and Te Rangihokaia ○ area of interest/rohe from Rakaumangamanga to Mahurangi, across to Aotea, and returning to Rakaumangamanga by way of the many islands and waters of Te Moana Nui a Toi. • Revised statement of claim including: <ul style="list-style-type: none"> ○ Land purchases prior to 1865 ○ Alienation of land through actions which were improper

Date	Events (continued)
	<ul style="list-style-type: none"> ○ Actions of the Native Land Court and the Maori Land Court ○ Loss of land during the 20th century ○ Application of legal measures by the Crown resulting in: <ul style="list-style-type: none"> ▪ Suspension of the use of te reo Maori and some cultural practices ▪ Constraints or prohibitions on exercising customary rights ▪ Impacts on indigenous species and their habitats ▪ Failure to adequately protect the historical heritage resources of Ngātiwai ▪ Loss of property in freshwater, the air column, the coastal marine area, and the Exclusive Economic Zone. ○ Redress sought including: <ul style="list-style-type: none"> ▪ Apology by the Crown ▪ Return of Crown Forestry land or memorialised land ▪ Return of other land ▪ Financial and commercial redress ▪ Rights of first refusal over the sale of specified Crown assets ▪ Cultural redress mechanisms ▪ Statutory Acknowledgements and Deeds of Recognition ▪ Nohoanga and right of way entitlements ▪ Protocols with Ministers of the Crown and with quasi Crown agencies ▪ Confirmation of customary non-commercial marine and freshwater fishing interests ▪ A process leading to memoranda of understanding with local government agencies relevant to Ngātiwai rohe ▪ Changes to certain reserves and place names and <p>Other relief as deemed to be appropriate.</p>
2009	<p>NTB provided funding of \$225,000.00 to undertake research based on three marae clusters (northern, central and southern).</p> <ul style="list-style-type: none"> • To date research has been completed for the northern cluster and partially completed for both the central and southern cluster. • Both Ngāti Rehua and Ngāti Manuhiri who were part of the southern cluster completed their research and have progressed separate negotiations/settlements. • The remaining local areas yet to complete research include Pataua and Takahiwai. • A summary of the claims to be put to the Crown has partially been completed based on generic research and those components of the local research completed for each of the three marae clusters.
April 2013	<p>NTB undertake research gap analysis to determine the standard of research needed for negotiations and any additional research needed to meet the standard.</p>

6.2 Engagement with the Crown

Date	Events
3 June 2009	Crown present settlement proposal (including quanta and cultural redress) to claimant groups in Tamaki Makaurau, Kaipara and Hauraki (including Ngati Manuhiri and Ngati Rehua – Ngati Wai ki Aotea).
25 August 2009	NTB writes to Minister for Treaty of Waitangi Negotiations seeking to settle in parallel with Ngati Manuhiri and Ngati Rehua (see Appendix K).
12 October 2009	Minister for Treaty of Waitangi Negotiations writes to NTB advising approach is to settle Ngatiwai claims with Ngapuhi (see Appendix L).
November 2009	Ngati Rehua – Ngati Wai Ki Aotea Trust achieve a DOM.
30 November 2009	<p>NTB writes to Minister for Treaty of Waitangi Negotiations:</p> <ul style="list-style-type: none"> • Confirming NTB support for settlement of Ngati Rehua and Ngati Manuhiri claims separately first; and • Seeking settlement of balance of Ngātiwai claims separately from Ngapuhi Treaty claims, thereby excluding Ngātiwai claims from the WAI 1040 process (see Appendix M).
15 February 2010	<p>Minister for Treaty of Waitangi Negotiations declines request on the following grounds:</p> <ul style="list-style-type: none"> • Ngati Rehua- Ngātiwai ki Aotea and Ngati Manuhiri interests are geographically separate; • Ngātiwai and Ngapuhi interests overlap and therefore should be dealt with together (see Appendix N).
5 March 2010	<p>NTB writes to Minister for Treaty of Waitangi Negotiations again seeking separation of settlement of Ngātiwai claims from Ngapuhi on the grounds that:</p> <ul style="list-style-type: none"> • The level of work required to negotiate with Ngātiwai separately is similar to that which has occurred with other iwi; and • Overlapping interests should not prevent Ngātiwai from negotiating and settling its claims outside WAI 1040 if it so wishes; and • NTB in a position to achieve a mandate in an appropriate timeframe; and • Unlike Ngapuhi, Ngātiwai wish to deal directly with the Crown. <p>The letter also sought a meeting with the Minister (see Appendix O).</p>
5 May 2010	The Crown unilaterally includes Ngātiwai in the Northland Inquiry WAI 1040 with Ngapuhi (Appendix P).

<i>Date</i>	<i>Events (continued)</i>
June 2010	Meeting with Minister for Treaty of Waitangi Negotiations to discuss Ngātiwai's position.
17 June 2010	Letter from Minister for Treaty of Waitangi Negotiations inviting NTB to national Te Kokiri Ngatahi Hui (see Appendix Q).
21 October 2010	Attendance at national Te Kokiri Ngatahi Hui.
25 June 2012	Letter from Minister assuring NTB that Ngātiwai interests in Hauturu have not been extinguished and Ngati Manuhiri interests are not exclusive (see Appendix R).
June 2012	Ngati Manuhiri achieves DOS.
17 October 2012 & 10 April 2013	Letters from Minister for Treaty of Waitangi Negotiations recognising Ngātiwai as a suitable Large Natural Grouping for Settlement purposes.
January 2013	NTB employ Treaty Claims Manager
7 March 2013	NTB letter to Minister for Treaty Negotiation requesting priority in the Crowns' Settlement Work Program for 2013/14 year (see Appendix S)
3 May 2013	Letter from Minister confirming prioritise for Ngātiwai in the 2013/14 work programme as: <ul style="list-style-type: none"> • A Terms of Negotiation (ToN) by December 2013 and • An Agreement in Principle (AIP) by 2014 In addition the Minister suggests that Ngātiwai discuss an accelerated settlement process with officials (see Appendix V).
19 July 2013	NTB submit FINAL Mandate Strategy version 6: for endorsement (this document).
24 July 2013	OTS and TPK endorse version 6 of the Ngātiwai Trust Board Mandate Strategy (Appendix W).

Engagement with the Crown related to other issues

NTB has also responded to a coastal statutory acknowledgment matter raised by Ngāti Pukenga as part of their negotiations that is focused on a parcel of land within the rohe of Ngātiwai.

In addition, NTB have received notice of an application for Customary Marine Title and Protected Customary Rights under the Marine and Coastal Areas (Takutai Moana) Act 2011. NTB intend to submit on the application before the end of the submission period which closes on October 2013.

6.3 Engagement with Te Iwi o Ngātiwai

Due to the lengthy period over which the developments (described above) have taken place and before seeking a mandate the NTB decided to run a series of three “information sharing hui” to update Te Iwi o Ngātiwai on developments.

Therefore during the preparation of this mandate strategy NTB held three such hui with the notified purpose of the hui being to provide information about:

- The Ngātiwai Trust Board and its work to date on Treaty Settlement matters,
- The pros and cons of going to the Waitangi Tribunal compared with going into direct negotiations with the Crown,
- Crown settlement policy,
- The intentions of NTB to progress an Iwi wide Treaty Settlement and its preferred option for doing so, and
- Other related matters (see power-point presentation Appendix T).

No votes or resolutions were put to the floor. While debate and discussion was encouraged to help formulate ideas and build relationships the purpose of the hui was informative only. Information sharing hui were held at:

- Ngātiwai Marae, Ngaiotonga, Whangarū on Saturday the 23rd of March 2013
- Te Puna O Te Matauranga Marae, Northtech, Whangārei on Saturday the 6th of April 2013
- Waipuna Hotel & Conference Centre, Mt Wellington, Auckland on Saturday the 13th of April 2013.

6.4 Consultation on a DRAFT Mandate Strategy

At the conclusion of the information sharing hui NTB release a DRAFT Mandate Strategy version 3: dated 13 April 2013 for feedback from Te Iwi o Ngātiwai (see Appendix U). The four week submission period was extended to six weeks at the request of members and at the close of the submission period the DRAFT Mandate Strategy was revised (this document version 6) taking into account any concerns and building on constructive suggestions.

6.5 Preliminary Engagement with Some Hapu

Following feedback from the information sharing hui at which NTB were asked to make contact with specific hapu, preliminary meetings were held with:

- Ngati Rehua – Ngātiwai ki Aotea on 25 March 2013
- Patuharakeke on 11 June 2013
- While a preliminary meeting was held with the Chair and others of the Hapu Trust for Ngati Taka, Ngati Korora and Te Waiariki unfortunately the hapu wide hui scheduled for 23 June 2013 had to be postponed due to a tangi.

In all cases (above) good progress was made with re-establishing positive working relationships in so far as discussions went. A more formal and dedicated work program to continue to build relationships with all of our hapu and include them in our settlement process is set out in Part B of this document entitled Proposed Path Ahead.

6.6 Waitangi Tribunal

Ngātiwai Trust Board intends to bypass the Waitangi Tribunal process and go directly into negotiations subject to gaining a mandate.

Ngātiwai Trust Board intends to represent all the interests of Te Iwi o Ngātiwai and any WAI claims relating to the interests of Te Iwi o Ngātiwai through the direct negotiations process. This is despite any Ngātiwai WAI claimants efforts in pursuing their interests through the Waitangi Tribunal.

For clarity, it is the intention of the NTB to settle all WAI claims in-so-far as they relate to the Ngātiwai while other Iwi may settle parts of WAI claims accordingly.

6.7 Overlapping Iwi Interests

The NTB will take responsibility for engagement and interaction with neighbouring Iwi whose interests overlap or intersect with Ngātiwai settlement interests. The NTB will establish an “Overlapping Iwi Engagement strategy” to establish clear lines of communication, develop an understanding of how other Iwi are progressing their Treaty settlements and foster positive working relationships for the future.

Iwi who either border the rohe of Ngātiwai or have indicated an interest within the Ngātiwai rohe to date are shown in the table below.

Iwi	Stage of Settlement (from web-site search)
Ngāpuhi	<ul style="list-style-type: none">• Mandate Strategy endorsed Jan 2011• Crown advertises DOM and submissions invited.
Ngāti Whatua	<ul style="list-style-type: none">• DOM recognised December 2008• On hold until Kaipara, Orakei and Tamaki settlements finalised
Te Uri o Hau	<ul style="list-style-type: none">• Settled in 2002
Te Kawerau ā Maki	<ul style="list-style-type: none">• Part of Tamaki Makaurau Collective• DOS ratification hui completed awaiting results.
Marutuahu Iwi	<ul style="list-style-type: none">• Part of Hauraki and Tamaki Collectives• DOS and PSGE ratification hui completed awaiting results.
Ngāti Pūkenga	<ul style="list-style-type: none">• Part of the Tauranga Iwi Collective• DOS and PSGE ratification hui completed awaiting results.

PART B: PROPOSED PATH AHEAD

7. NTB Proposals to Secure a Mandate

7.1 Key Areas of this Mandate Strategy

In order to secure a mandate NTB propose four key measures and processes to ensure that this mandate strategy is fair, open, transparent and consistent with key Crown Treaty Settlement policies.

Note: See section 3 of this document for an outline of the Crown's Treaty Settlement policies.

In summary these key areas include:

1. **Accountability Measures** – which are designed to ensure that decisions, reporting, communications from the Board, disputes, challenges or changes to the mandate (after it is secured) and funding are all clearly and carefully detailed.
2. **Supporting Structures** – are designed to help the NTB implement this mandate strategy and progress negotiations – if a mandate is achieved.
3. **Mandate Hui Process** – are designed and appropriately planned, notified or advertised, and conducted. Also that the resolution to be put to the vote is clear, open and transparent.
4. **Voting Processes** – are established to clarify who is eligible to vote and how you can cast your vote including a postal, online, ballot box return. You can also vote even if you choose not be registered on the NTB tribal register by casting a special vote. This section also covers what to do if you do not receive voting papers or you misplace your voting papers.

7.2 Improvements made to earlier DRAFT Mandate Strategy proposals

Ngātiwai Trust Board has:

- listened to feedback at our information sharing hui and considered written feedback following the release of our earlier DRAFT of this mandate strategy,
- undertaken some preliminary meetings with hapu and intend to continue to build positive working relationships with all hapu throughout the mandating and negotiations process, and
- made specific changes to our earlier DRAFT to accommodate many requests or concerns.

Ngātiwai Trust Board has particularly worked on improving our processes for inclusiveness and communications during the mandating and negotiations stages due to the constructive feedback we received during the submission period.

8. Proposed Accountability Measures

The NTB has an established and robust set of accountability measures which are set out in a Trust Deed (see Appendix B). These measures ensure that the NTB decisions and processes are transparent and that the NTB is ultimately accountable to its members. The proposed Deed of Mandate will build on the Trust Deed by adding an additional set of rules or accountability measures that the NTB will adhere to throughout settlement negotiations.

8.1 Decision Making Process of the Trustees

In relation to Treaty settlement negotiation matters the Trustees will in the first instance seek to make decisions by consensus. Where consensus cannot be reached a simple majority vote (i.e. a vote greater than 50%) is sufficient to endorse a decision consistent with the NTB Trust Deed.

8.2 Reporting Process of the Trustees

The NTB will present a formal annual report each calendar year at a publically notified annual general meeting (AGM). The report will include (but is not limited to):

- A progress report on negotiations; and
- An annual audited set of accounts

In addition NTB will hold hui or wananga as needed to either update members on negotiations or progress particular pieces of work (i.e. information sharing hui and whakapapa wananga).

8.3 Ratification of an initialled Deed of Settlement by iwi members

Before progressing towards a settlement with the Crown the NTB will seek ratification from Te Iwi o Ngātiwai at its AGM or at a Special General Meeting on both the:

- Initialled Deed of Settlement and the
- Proposed Post Settlement Governance Entity

8.4 Communication Process with Te Iwi o Ngātiwai

The Ngātiwai website will be updated regularly during negotiations (i.e. panui and newsletters). Where members have provided NTB with their current addresses (including e-mail addresses) these mediums will also be used to disseminate information. In relation to mandate hui both newspapers and radio stations will also be utilised to inform members about the details of hui with at least 21 days notice.

8.5 Disputes Procedure

If a claimant group has a concern regarding the NTB representation of their interests during negotiations, they must inform the NTB in writing.

Ngātiwai Trust Board will seek all relevant information required to ensure it has a clear understanding of the nature of the group's concerns. Once information has been received, NTB will then consider if the matter requires further attention, and if so NTB will meet with the group concerned and, acting in good faith, endeavour to agree on a process for resolving the dispute.

Should the parties fail to reach agreement on the process to resolve the dispute an independent facilitator will be engaged, approved by both parties, to facilitate a dispute resolution process.

8.6 Mandate Amendment and Removal Process

The following process must be undertaken to achieve an amendment or withdrawal of the mandate on behalf of the whole of the claimant community from the mandated body:

- A letter must be written by the claimant community representatives to the Chair of the mandated body identifying the concerns and also seeking a meeting within a two week period to discuss these matters. The letter must be co-signed by at least 100 adult registered members on the NTB iwi register (aged 18 years and over).
- If the meeting between the claimant community representatives and the Chair of the mandated body does not resolve the concerns, then the claimant community may organise a series of publicly notified hui.
- The publicly notified hui should follow the same process and procedures that conferred the mandate including:
 - A panui must outline the kaupapa of the notified hui
 - 21 days notice of the hui must be provided in national and regional print media;
 - 9 hui must be held both nationally and within the rohe/area of interest;
 - A consistent presentation must outline the background to the concerns and the parties involved;
 - A detailed paper must be provided (similar to this one) outlining any alternative proposals or amendments
 - The resolution(s) to put to the claimant community must be consistent at each hui;
 - An independent returning officer must be employed to oversee the voting process and notify results; and
 - A Te Puni Kokiri observer must be invited to observe and record proceedings.
- Once the hui have been completed and the outcome of the voting process determined then the claimant community representatives that held the hui must inform the Office of Treaty Settlements (OTS) by way of letter about the result and to discuss next steps for settlement negotiations.
- This may involve some changes to the mandated body or another process to be undertaken as agreed with officials.

8.7 Claimant Fund Management and Accountability

The NTB has significant experience managing resources and Government funding. The NTB has established a separate bank account to administer Crown claimant funding (see Appendix W). Note that this information is exclusive to OTS.

The NTB has designated signing roles to approve the sign-off to manage funding in a transparent manner. The NTB is also GST registered and the reference number is 42-033-006.

9. Proposed Negotiations Supporting Structures and Terms of References

In order to progress the negotiations and settlement process the NTB propose that the following supporting structures are established. Note that the proposed structures are not the same as the eventual structure to be established to receive the settlement assets which is called a Post Settlement Governance Entity.

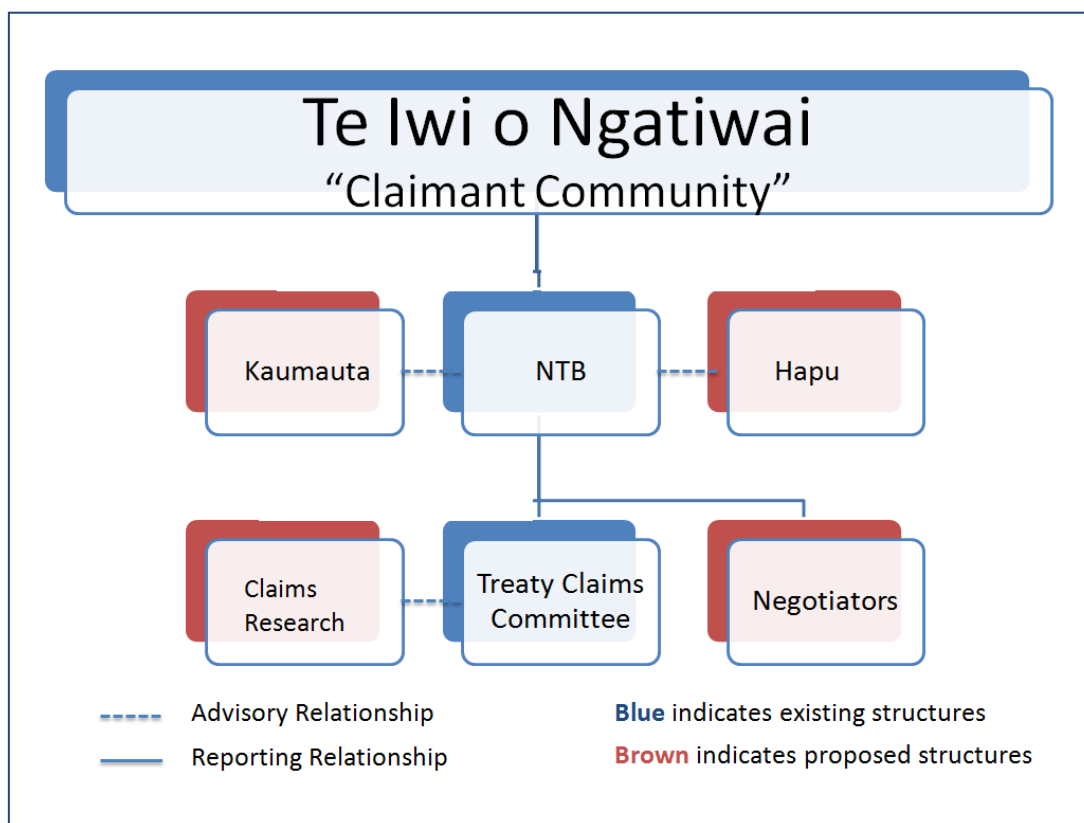
9.1 Terms of Reference Components

With the exception of the NTB and its TCC whose roles and responsibilities are clearly set out in the Trust Deed each new structure requires a clearly defined Terms of Reference (ToR).

The basic ToR components that need to be clarified include:

- **Set up and Structure:** how is the group established and how are they organised internally?
- **Purpose:** what job(s) will each group do?
- **Accountability:** who do they report or relate to and how?

Each of the above components is outlined below for each proposed new structure. In the context of describing the advisory relationships we have use the term “enable and provided for”. This term acknowledges that the NTB cannot compel people to participate but can provide an opportunity for those who are willing. Therefore “enabling” in this context means to leave the door open for participation and “providing for” means to make tangible arrangements to accommodate participation which is yet to be determined with willing participants.



9.2 Kaumatua and Kuia

While the Trust Deed provides for a Roopu Kaumatua in relation to disputes about whakapapa relating to the registration of members on the tribal register it is proposed that the NTB enables and provides for an extension of this role in relation to the Treaty settlement process.

Set up and Structure: Ngātiwai Trust Board seeks up to a maximum of four Kaumatua to form an advisory group with an equality of each gender represented.

Purpose: Provide advice, oversight, direction and guidance to the NTB while:

- Supporting the Board in progressing a settlement via direct negotiations with the Crown with the aim of an AIP in 2014 and a DOS in 2015 and
- Keep the Iwi together by ensuring accurate information is provided back to all kaumatua.

Accountability: Provide advice to NTB rather than reporting to it and will be responsible for keeping all kaumatua accurately informed of developments.

9.3 Hapu

Hapu are an important component of our Iwi and NTB would like to establish a more positive and functional relationship with hapu during the mandating process and following the completion of the settlement. Ngātiwai Trust Board will enable and provide for all Ngātiwai Hapu to provide advice to the NTB on hapu involvement in the negotiations and settlement processes.

Set up and Structure: Hapu will be invited to provide advice to the NTB on their inclusion in the settlement process over time.

Purpose: to develop positive working relationships, work through issues and find agreeable solutions.

Accountability: Provide advice to the NTB and liaise with whanau and hapu members to feed accurate information back to all members.

9.4 Negotiators

NTB will appoint all negotiators. Negotiators will have no decision making authority. The performance of the negotiators will be closely monitored by the NTB and reviewed if the need arises.

Set up and Structure: The number of negotiators will not exceed 3. The NTB may appoint one negotiator from within its membership. The remaining 2 negotiators will be appointed following a process involving:

- Developing a set of core competencies and a job description
- Advertisement of the position in major daily news media and online
- Selection via an interview panel made up of no more than 4 persons from each of the Kaumatua, Hapu, NTB governance and NTB operations.

Purpose: To negotiate the best possible settlement with the Crown for Ngātiwai consistent with NTB negotiation strategy (yet to be developed).

Accountability: Report to the NTB monthly or more frequently if the need arises and liaise with the TCC weekly (or more frequently if needed) to provide updates and seek information.

9.5 Treaty Claims Committee

Set up and Structure: NTB have already established a sub-committee of its members to serve on the Treaty Claims Committee (TCC) see page 17 of this document.

Purpose: To facilitate the settlement process by planning, implementing and following up on any matters that need attention to ensure that a settlement is secured in an efficient and effective manner.

Accountability: Report to the NTB monthly or more frequently if the need arises.

9.6 Claims Research

NTB are aware that WAI claimants may feel aggrieved due to the foreclosure of their options through the Waitangi Tribunal. It is proposed that NTB enable and provide for a Ngātiwai claims research group to become established to advance Ngātiwai claims under negotiation.

Set up and Structure: All Ngātiwai WAI claimants will be invited to attend research meetings with other WAI claimants and with members of the TCC.

Purpose: Discuss and progress Ngātiwai claims research to assist negotiations via the Treaty Claims Committee, the publication of research and presentation of claims to the Minister.

Accountability: Provide advice to the TCC and liaise with other researchers and WAI claimants to feed accurate information back to all members.

9.7 Participation of Te Iwi o Ngātiwai

Any member of Ngātiwai can put themselves forward for election to the NTB.

Members of Ngātiwai can also participate in the decision making processes by attending and voting on resolutions put at the AGM and at special general meetings.

All eligible members of Ngātiwai are encouraged to register and vote on the mandating and later settlement milestones (i.e. AIP and PSGE).

Hapu and Kaumautā as described above can meet with and provide advice to NTB as can WAI claimants discuss and provide research advice to the Treaty Claims Committee.

9.8 Independent Returning Officer

An Independent Returning Officer (IRO) has been appointed by the NTB to oversee the voting process and confirm the results. The company is Election Services based in Auckland (see www.electionservices.co.nz)

The IRO shall report to the Board within 14 working days after the election period closes to identify any procedural issues or concerns and report the results of the voting process.

9.9 Involvement of Te Puni Kokiri Observers

The NTB will invite Te Puni Kokiri to attend the mandate hui in an observational capacity. This is to ensure that an independent account of the events that take place at the hui are witnessed and recorded.

10. Proposed Mandate Hui Process

10.1 Hui Time/Location

NTB will organise hui where large numbers of the Ngātiwai claimant community reside both within the rohe of Ngātiwai and nationally. Given that the New Zealand 2006 census estimates the Ngātiwai population at 4866 we consider that the Ngātiwai population is likely to exceed 5,000 but not 30,000 people. Crown guidelines suggest that at this population level at least 8 mandating hui should be held. However, the NTB wish to hold 9 in total to ensure a robust process.

According to the 2006 census the largest Ngātiwai population densities exist within the regions shown below in descending order. Therefore six (6) hui will be held in the following regions.

	2006 Census statistics
• Northland (i.e. Whangarei)	1,830
• Auckland	1,749
• Waikato (i.e. Hamilton and Rotorua)	432
• Wellington	273
• Bay of Plenty (i.e. Tauranga)	216

While the NTB tribal register indicates the primary affiliation of our voting population by marae they do not have to reside in these local communities to be registered. However given that NTB are required to hold mandate hui within our rohe/tribal area it is logical to group our marae into clusters and hold mandate hui on at least one of the marae within each of the following three clusters.

Northern	Central	Southern
<ul style="list-style-type: none">• Mōkau• Ngaiotonga• Ōakura• Otetao• Punaruku• Tūparehuia	<ul style="list-style-type: none">• Whananāki• Matapōuri• Ngunguru• Pātaua	<ul style="list-style-type: none">• Omaha• Takahīwai• Kawa• Motairehe

The total number of mandate hui to be held will be 9 - being 6 regional mandate hui and 3 marae mandate hui held within our rohe/tribal area.

10.2 Hui Advertising

All mandating hui will be advertised with at least 21 days public notice given prior to the first mandate hui. (See mandate hui advert attached as Appendix X). National hui will be advertised in the following newspapers:

- Whangarei Northern Advocate
- Auckland NZ Herald
- Waikato Waikato Times
- Tauranga Bay of Plenty Times
- Wellington Dominion Post

Local hui will be advertised in the following newspapers:

- Northern Northern Advocate
- Central Northern Advocate
- Southern NZ Herald or Rodney Times

The advertisement will show:

- Where and when the hui will be held
- The purpose of the hui (i.e. to seek a mandate for direct negotiations)
- Where hui information can be obtained (i.e. the presentation and voting pack)
- The resolution to be voted on at the hui (see below)
- Contact details of the NTB and the IRO.

Where local rags such as the “pot-hole” or “focus” can be identified these mediums will also be used. In addition local radio stations will be provided with the advertisement information for broadcasting purposes. A short (15 second) TV commercial will run on Te Kaea for the duration of the voting period to “drive” members to our website for further information. The smart-phone app will also push information out to recipients once they have downloaded the app on to their phones.

10.3 Hui Presentation

A standardised hui presentation has been developed and will be delivered at each hui. The presentation will not change between hui. (See mandate hui presentation attached as Appendix Y). The presentation will include:

- The legal identity of NTB and its representatives (i.e. Trustees)
- The structure and governing documents of the NTB
- The claimant definition and historical claims to be settled
- A statement that the mandate sought is to represent Te Iwi o Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of all the remaining historical Treaty claims of Ngātiwai
- A statement that NTB will present any initialled Deed of Settlement along with a proposed PSGE to Te Iwi o Ngātiwai for their ratification.

10.4 Resolution to be put to the Vote

There is only one resolution to be put to the vote which shall be stated as follows:

“That the Ngātiwai Trust Board is mandated to represent Te Iwi o Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of all the remaining historical Treaty claims of Ngātiwai including registered and un-registered historical claims”

11. Proposed Mandate Voting Process

11.1 Eligibility to Vote

Eligible voters are those members who are 18 years or older who descend from the founding ancestors of Ngātiwai and affiliate with one of the Ngātiwai marae and hapu. Ngati Rehua – Ngātiwai ki Aotea and Ngati Manuhiri members are eligible to vote through their wider whakapapa to any other Ngātiwai tupuna and/or Hapu.

Where a member is already registered on the tribal register and has had their whakapapa and marae affiliation verified by their marae Trustee on the Board they will be eligible to vote.

Members who are not registered on the tribal register may vote subject to verification of their whakapapa and marae affiliation. Verification is to be undertaken by the marae Trustee on the NTB or where they do not know the individual personally after consulting with the affiliated marae Trustees.

Whangai members are eligible to vote subject to verification of their whanau whakapapa and affiliation with a Ngātiwai marae.

Spouses of eligible members are not eligible to vote.

No proxy votes will be accepted as a valid vote under any circumstances.

11.2 Voting will be by Postal Ballot

Voting will take place only by postal ballot (See Voting Pack attached as Appendix Z) .

Any of the following methods for casting a postal mandate vote is acceptable:

- A vote received through the post or
- A vote submitted in a ballot box at one of the mandating hui or
- An online vote provided on the website of the Independent Returning Officer
- A special vote (see below) received via one of the above methods

11.3 Voting at Hui

If Ngātiwai members have not already posted their postal vote to the IRO they may cast their votes at the mandate hui by placing their voting paper into the ballot box provided. This will be overseen by the Independent Returning Officer.

11.4 Voting Online

Members once in receipt of the voting pack may choose to cast their vote online by following the instructions provided in the pack.

11.5 Special Vote

Where a member has not registered with the NTB before the start of the voting period and they contact the IRO to indicate their interest in voting - they will be sent a voting pack and mandate hui information.

The voting papers must be marked with a provisional number for voting purposes. These numbers must be easily distinguishable from existing voting and registration numbers and recorded on a register of special votes by the IRO.

The members must then post their voting form to the IRO, place it in a ballot box provided at the mandate hui or cast their vote online. Special votes will not be counted unless the voting form is received on or before the last day for receipt of voting papers. Special votes will be subject to verification that the voter fits within the criteria for eligibility (see section 11.1 of this document above).

Voters must complete a special voting form if they:

- do not wish to be registered on the tribal register but still wish to cast their vote
- have registered on the Ngātiwai tribal register during the voting period but before the closing date for voting,
- did not receive a voting pack in the mail or via e-mail, or
- do not have their voting paper they received in the mail but want to cast their vote at a mandate hui.

11.6 Voting Process

An Independent Returning Office (IRO) will carry out a postal ballot process within a four week voting period. It will open on **17 August 2013** and close on **15 September 2013**. One week prior to the opening date the IRO will send voting information to all eligible members including a postal ballot voting pack (See Appendix Z) this will include:

- their voter identifier number,
- the mandate information provided at mandate hui,
- instructions for how to vote online, and
- a freepost return envelope.

It is the iwi member's responsibility to ensure that any changes to their contact details are notified to the NTB to ensure that the tribal register is up to date prior to the distribution of voting information. NTB have made strenuous efforts to ensure that all registered members have had the opportunity to update their contact details.

11.7 Replacement Voting Papers

Replacement voting papers may be requested by contacting the IRO who will keep a record of the replacement papers on a voting register. The replacement voting paper shall be marked "replacement".

11.8 Declaration of Postal Voting Results

In accordance with a standard postal ballot process, the results of the NTB mandate process will be notified in national and regional news media including the New Zealand Herald, the Northern Advocate and the Dominion Post.

The advert declaring the results of the postal ballot process will be notified by the IRO to the NTNB within 14 working days after the postal ballot process has closed.

12. How is the Mandate Achieved?

12.1 Communicating Voting Results

After the close of the official voting period the votes will be counted by the IRO and communicated to the NTB within 14 days of the close of the voting period. NTB will then make those results available to the Crown and will announce the results via an advertisement in national newspapers (described above). The results will also be placed on the NTB web-site.

12.2 Submissions Analysed and Responded to

Following the mandate voting process (assuming a successful result) a Deed of Mandate will be drafted and publically notified inviting submissions. Any such submission will be provided to the Crown who will summarise them and where warranted request that NTB respond to them (i.e. Submissions must address if the process was fair, open, transparent and consistent with key Crown policies).

12.3 Deed of Mandate Recognised by Ministers

Provided that the vote returns a majority and no substantive submissions objecting to the process are outstanding after NTB have been given the opportunity to respond to them the Minister in charge of Treaty of Waitangi negotiations will endorse the mandate officially in a Deed of Mandate.

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