

TE KOMITI NUI O NGATI WHAKAUE



RE-MANDATE STRATEGY AND DRAFT DEED OF MANDATE

February 2023



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Part One – MANDATE STRATEGY

BACKGROUND

Ngati Whakaue was recognized as a large natural grouping for settlement negotiations with the Crown via letter dated 30 January 2009 from and signed by then Minister for Treaty of Waitangi Negotiation, the Honorable Christopher Finlayson and the then Minister for Maori Development the Honorable Dr Pita Sharples. (Letter dated 30 January 2009).

- 1 Te Komiti Nui o Ngati Whakaue (Te Komiti Nui) undertook to implement its mandate strategy which included a series of mandating hui held in Auckland Thursday 18 June 2009; Hamilton Friday 19 June 2009; Rotorua Saturday 20 June 2009 and Maketu Sunday 21 June 2009.
- 2 The Te Komiti Nui Deed of Mandate was executed on Saturday 20 June 2009 which endorsed the mandate to engage with and negotiate a settlement package for Ngati Whakaue.
- 3 Considerable time and effort was expended, between the Crown officials and appointed Te Komiti Nui negotiators (Paul Tapsell, Larissa Wharepouri, Hamuera Mitchell and John Kahukiwa) , from 2011 – April 2014 to agree and sign off Terms of Negotiation.
- 4 After two (2) years of hui, discussions and negotiations between 2014 to March 2016 it became apparent there was significant disparity between Ngati Whakaue's aspirations for a settlement and the Crown's position on what was possible or perceived as the six (6) remaining and agreed redress matters.
- 5 The Crown's position was received via letter dated 10 March 2016 stating that if Te Komiti Nui were unable to agree the Crown's position then OTS would shift the Ngati Whakaue negotiations off the OTS active work programme.
- 6 Despite efforts to resolve this impasse Te Komiti Nui advertised a registered voting hui of Ngati Whakaue (September 2016) to vote on either accepting or rejecting the Crown's position.
- 7 The hui resolved to reject the Crown's position, although elements of their position/offer could have been progressed. TKN was officially removed from the



from the active Office of Treaty Settlements work programme in September 2016.

2022 RE-ENGAGEMENT WITH TE ARAWHITI/OFFICE OF TREATY SETTLEMENTS

- 8 Following Te Komiti Nui's election cycle held May 2022, induction and workshop with new and current trustees to develop a work plan, Te Komiti Nui wrote to the Minister for Treaty of Waitangi Negotiations on the 25 July 2022 seeking a process for re-engagement.
- 9 Letter received from the Minister dated 12 August acknowledging receipt of TKN letter and welcomed the opportunity for the Crown and Te Komiti Nui to re-engage but raised concern about Te Komiti Nui mandate and encouraged TKN to re-fresh its Mandate.
- 10 At the November 2022 AGM, as was a continued practice, TKN sought and received from the hui a resolution to confirm its mandate to represent Ngati Whakaue in its engagement with the Crown to settle its historical claims. (1 abstention)
- 11 Despite the support from the AGM and In an effort to address past communications to OTS challenging Te Komiti Nui mandate TKN and the Crown agreed to undertake a process to re-fresh the mandate.

2023 RE-FRESHED MANDATE STRATEGY

Executive summary

Since March 2022 TKN has a change in operations personnel and 4 new trustees from its 3 year election cycle held in May 2022. The Board of Trustees elected a new Chair and set a work plan with a priority to re-engage with the Crown.

In a letter dated 25 July 2022, to the Minister of Treaty Negotiations requesting his officials commence a process for re-engagement. In his response of 12 August 2022 the Minister responded more formal steps would need to be considered given the significant period of time since TKN received its mandate on 26 February 2010.



At a meeting with Crown officials on December 2022 it was agreed TKN would undertake a process to refresh its mandate.

Should the mandate be successful, TKN and the Crown would expect to have Terms of Negotiation reviewed and signed off.

Background

Te Komiti Nui o Ngati Whakaue was established and constituted under a common law trust in 2009. TKN representation was purposefully framed on how our tipuna organised themselves in 1870 around the 6 koromatua hapu.

TKN's 10 elected members received the mandate to represent Ngati Whakaue in negotiations with the Crown, regarding the comprehensive settlement of Ngati Whakaue historical Treaty of Waitangi claims.

Terms of Negotiation took considerable time to resolve and agree (2011) and formal negotiations took place between Dec 2014 to March 2016.

Te Komiti Nui o Ngati Whakaue (TKN) was removed from the Office of Treaty Settlements active negotiations work programme in September 2016.

TKN has the infrastructure in place including, the tribal register, financial services provider, policies and procedures, and legal advisor.

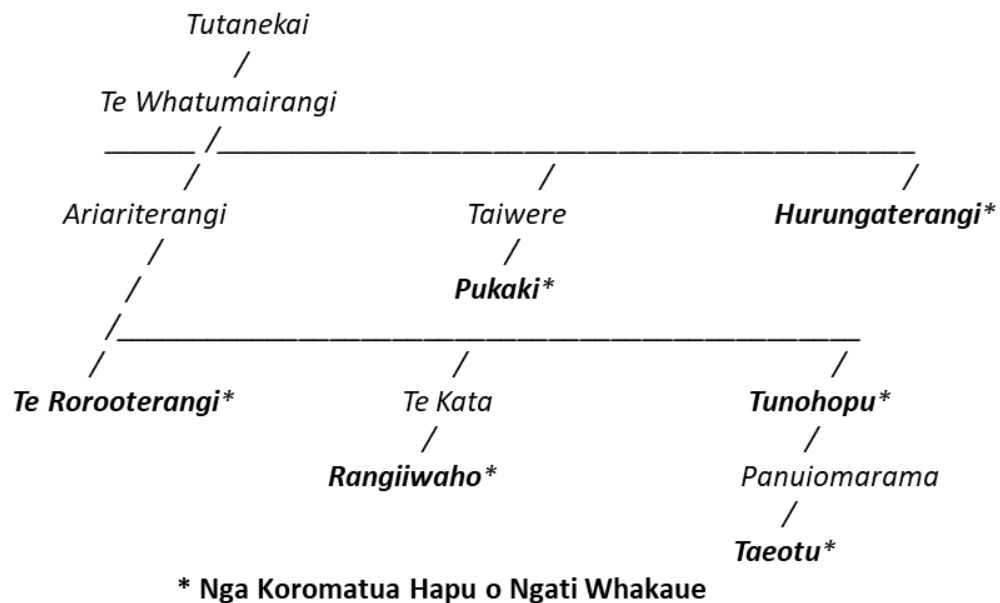
Ko wai a Ngati Whakaue?

Ngati Whakaue te iwi derives its name from the eponymous ancestor, Whakaue Kaipapa, and more accurately descend from Whakaue Kaipapa's youngest son Tutanekai and his issue.

Kei raro iho te whakapapa o Tutanekai ratou ko ona uri, araa, nga tupuna o nga hapu Koromatua o Ngati Whakaue e mohotia ana inaianei.

We, the uri of Ngati Whakaue, share common descent from the following tupuna as depicted below:

whakapapa



Focus for refreshing TKN mandate.

TKN is not necessarily starting from scratch to seek a mandate, rather, we propose to refresh the mandate by undertaking elements of the mandating process. TKN board members are adamant our people must come on this journey to settlement – Kia para ai to huarahi ki nga tau kei te tu mai, me te matauawhai I nga otinga o nga tau kua pahure atu.

Communication

TKN has engaged the services of Atawhai Creative Communications to work alongside the TKN Communications Sub-committee to guide, develop and implement a TKN Communications Strategy. (Appen 2)

TKN intend to communicates utilising a range of mediums in its efforts to gain maximum participation for this re-mandate process and to encourage Ngati Whakaue members to register, stay informed, connected and participate in the journey to settlement.

Whilst kanohi ki te kanohi is TKN preferred approach to communicating and engaging, a scan and snippet of Social Media Stats NZ (Jan – Dec 2020) showed that during COVID 19 lockdowns there was a sharp increase in Facebook Users and in particular users over the age of 65 are more likely to stay informed through this means if unable to attend in person to organised hui. This gives a level of comfort for TKN to have a dedicated Facebook Page 'Ngati Whakaue – Journey to Settlement, including our Ngati Whakaue website where regular updates will also be posted www.whakaue.org.

Further efforts to gain maximum participation TKN representative trustees are committed to organising and hosting regular hui including opportunity at their respective Marae regular



hui, request a slot in the hui to share Ngati Whakaue journey to settlement plan, strengthen awareness, understanding and support for the important role TKN is undertaking as mandated on their behalf.

TKN propose at least 2 trustees from the Communications sub-committee undertake media training to respond and front requests from Iwi Radio, Te Karere and local newspaper.

TKN has determined the messaging needs to be simple, succinct and on point.

Collaboration

From a TKN negotiations perspective there are considerable advantages to be gained through finding ways of working together with related Ngati Whakaue entities, namely Pukeroa Oruawhata Trust, Ngati Whakaue Tribal Lands Inc and Ngati Whakaue Education Endowment Board. Their resources, influence, capabilities and connectivity presents TKN with persuasive allies in devising a compelling negotiations strategy. It is apparent that the nature of the relationship among the entities is complex, notwithstanding this, unity offers a favourable position in negotiations.

Where interest in collaborating is evident, its important that an appropriate vehicle or mechanism is agreed to maximise the benefits of this. This will be canvassed once the re-mandate is achieved.

Values that underpin our focus for re-mandate

- Tau-utuutu, where everyone has a fair and equal say
- Integrity – in the way we talk to and relate to whanau
- Respect – having brave conversations, being swift to listen, slow to speak
- Mokopuna decisions – decisions we make today account for and benefit our mokopuna
- He tokatumoana matau – unfazed by the tides, wind and waves

Part two – MANDATE HUI PROGRAMME.

In preparation for mandate hui

A sub-committee of trustees supported by operations will have:

- Sought information from Census 2018 and reconcile with the Ngati Whakaue Tribal database that TKN administer to ensure messages are received far and wide
- have considered elements to be included as a standard presentation be developed
- agree who the presenters at each hui will be (but ensuring consistency in delivery).

Mandate presentation Appen 1

TKN intend to livestream the mandate hui held in our whare tipuna, Tamatekapu, as it is anticipated will give Ngati Whakaue members outside of Auckland, Waikato and Rotorua the opportunity to link in and have their whakaae heard by a moderator who will man the live stream comments.

Mandate Hui

Record of attendance

At each mandate hui an attendance register will be available. This register can also be utilised to cross reference if attendees are actually registered on the database and if not, encourage them to fill out hard copy or go to our website [www.whakaue.org/registration to register and catch up on news and events](http://www.whakaue.org/registration-to-register-and-catch-up-on-news-and-events).

Introductions

At each of the mandate hui the Chair will open with karakia, welcome everyone and provide an introduction to the re-mandate process, including the official observers of the mandate hui.

Mandate Hui Presentation Appen 1

The Mandate Hui presentation will include: the Purpose, What is a Mandate and its limits, Background and why we are this point, who the TKN Board of Trustees are, context of Ngati Whakaue's historical treaty claims, current status, our recent re-engagement with the Crown and the Resolution to be voted on. Before the voting takes place there will be opportunity for a Q&A session.

Voting

TKN have determined voting for the mandate will be by 'show of hands' at the conclusion of the Q&A session following the presentation. Ngati Whakaue members 18 years and over in attendance at each of the hui can vote. Whilst TKN would want a 100% support for the resolution TKN believe a 75% vote in favour of the resolution is reasonable and acceptable.

There will be no proxy and postal voting for this re-mandate process.



In the case where Ngati Whakaue members attend via 'live stream', all names of Ngati Whakaue members on-line will be recorded as in attendance at that particular hui, by the moderator of the live stream. Voting will follow the same process as if they were in attendance a kanohi.

Following the completion of all re-mandate hui Voting Results will be published in the Herald, the Dominion, Daily Post, Te Puke Times and on all Ngati Whakaue 'toto' Facebook pages.

Mandate hui advertisement

To achieve maximum coverage advertisements will be placed in the Herald, the Daily Post, the Dominion, the Te Puke Times and on Ngati Whakaue social media pages.

The ad will state what Te Komiti o Ngati Whakaue is seeking from the hui, who TKN representatives are; the mandate resolution to be voted on; who can vote on the mandate resolution; and date, location and time for mandate hui are to be held.

At each mandate hui presentation handouts will also be available.

Mandate hui advertisement

The advertisement needs to be in the papers 21 days before the first re-mandate hui.

Te Komiti Nui o Ngati Whakaue - Mandate refresh

Mandate Refresh for Ngati Whakaue Treaty Settlement Negotiation

Te Komiti Nui o Ngati Whakaue (TKN) is seeking to refresh its Mandate (originally given in 2010) to re-engage with the Crown to complete Treaty of Waitangi negotiations for our outstanding historical claims.

Te Komiti Nui o Ngati Whakaue invites all Ngati Whakaue members to attend a hui near you or **join livestream** to the hui held in our whare tipuna Tamatekapua Sunday 30 July 2023 to share your whakaee.

Purpose

The purpose of these hui is to re-mandate Te Komiti Nui o Ngati Whakaue to re-enter negotiations with the Crown for and behalf of Ngati Whakaue,

Presentation

Te Komiti Nui will give a presentation (including handouts) that will show Ngati Whakaue journey to date.

Following the presentation, you will have the opportunity to korero (Q&A) directly with your TKN representatives.

To conclude, all Ngati Whakaue members in attendance will be asked to vote on the mandate resolution.

Voting

All Ngati Whakaue members in attendance, 18 years or older can cast a vote

Vote will be by show of hands at the hui

Result of voting will be announced at the conclusion of each hui.

Resolution

‘that Te Komiti Nui o Ngati Whakaue is mandated to re-enter into negotiations with the Crown regarding a comprehensive settlement of all Ngati Whakaue extant historical Treaty of Waitangi claims’

Ko wai ra e Te Komiti Nui o Ngati Whakaue

Your current trustees are;

Rawiri Bhana (Chair)	]	
Mokonuiarangi Kingi (DC)	]	
Aleisha Ewa Makarita Mitchell	]	6 koromatua hapu and
Tipene (Steven Robert James)	]	central interests
Maru Tapsell	]	
Raymond Pou Poasa	]	Ngapuna and east south eastern
Selwyn Insley	]	
Karena Te Awe Bird	]	Maketu and the sea coastal interest
Hokimate Kahukiwa	]	Mamaku Horohoro and western interest

Hui dates and location

Location	Date	Time	Venue TBC
Auckland	Wednesday August 16 2023	6pm	Auckland University <i>Nga Wai o Horotiu</i> <i>Corner of Wellesley Street East</i> <i>69</i> <i>Contact</i> Michelle 09 921 9999 ex 8819 michelle.robin@aut.ac.nz <i>or</i> <i>Waipapa Marae</i> <i>16 Wynard St</i> <i>Auckland CBD</i> <i>Contact</i> <i>Moeahi</i> moeahi.kerehoma@auckland.ac.nz <i>or</i> <i>Novotel Hotel</i>

			<i>Ellerslie East Auckland</i>
Hamilton	Thurs 17 August 2023	6pm	Waikato University Name of Marae <i>Or Novotel Tainui Hotel</i>
Maketu	Saturday 19 August 2023	10am	Whakaue Marae Maketu Contact Corinne Paul
Rotorua	Sunday 20 August 2023	10am	Te Papaouru Ohinemutu And Live stream

Budget

Venue costs	Koha, if at the University Marae () OR Hotel function room hire tbc NOTE: have used the hire function room costs at hotel		
Advertising	Te Puke Times x 2 @ \$ 600.00 + gst \$1,380.00		
	Daily Post x 2	\$ 975.00 + gst	\$ 2,242.52
	Dominion Mon to Fri x 2	\$3,225.00 + gst	\$ 7,417.50
	NZ Herald Sat x 2	\$4,500.00 + gst	\$10,350.00
Accommodation	One night Tainui Novotel or Ibis 10 @ \$ per night) Meals Breakfast x 10) Conference room hire		
Travel	Petrol vouchers	\$ 400.00	

For further information contacts

Pauline Tangohau	pauline@whakaue.org	027 277 1091
Manuariki Tini	manuariki@whakaue.org	
Rawiri Bhana	rawirib@live.com	



Part Three - DRAFT DEED OF MANDATE

This Deed of Mandate formally demonstrates that Te Komiti Nui o Ngati Whakaue (“the Mandated Body”) has secured a refreshed mandate to represent Ngati Whakaue, te iwi me ona hapu, to re-engage in negotiations with the Crown for a comprehensive and final settlement of all Ngati Whakaue’s historical Treaty of Waitangi claims lodged by either individuals or a collective for and on behalf of Ngati Whakaue.

The mandate achieved by Te Komiti Nui o Ngati Whakaue was conducted in a fair, open and transparent manner as per the re-freshed mandate strategy and plan agreed with officials from Te Arawhiti/Office of Treaty Settlements and Te Puni Kokiri.

Large Natural Grouping

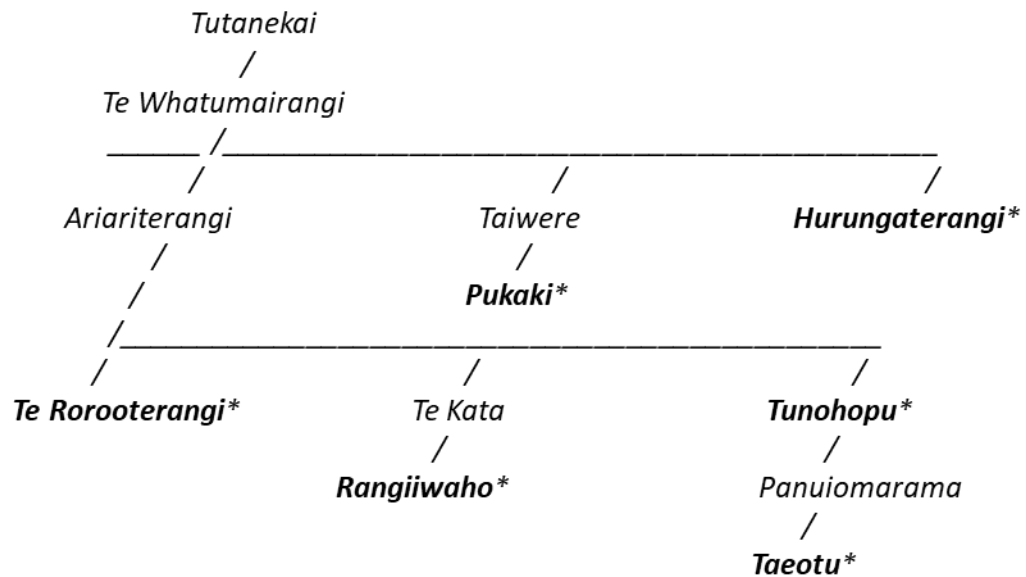
At a hui on 17 January 2009 Ngati Whakaue requested of the Minister in Charge of Treaty of Waitangi Negotiations through the TPK official present to formally recognise Ngati Whakaue iwi as a suitable large natural group for settlement negotiations with the Crown. On 30 January 2009 the then Minister for Maori Development, and the then Minister in Charge of Treaty of Waitangi Negotiations responded to our request by letter that formally recognised Ngati Whakaue as a large natural grouping.

Ko wai a Ngati Whakaue?

Ngati Whakaue te iwi derives its name from the eponymous ancestor, Whakaue Kaipapa, and more accurately descend from Whakaue Kaipapa’s youngest son Tutanekai and his issue.

We, the uri of Ngati Whakaue, share common descent from the following tupuna as depicted below:

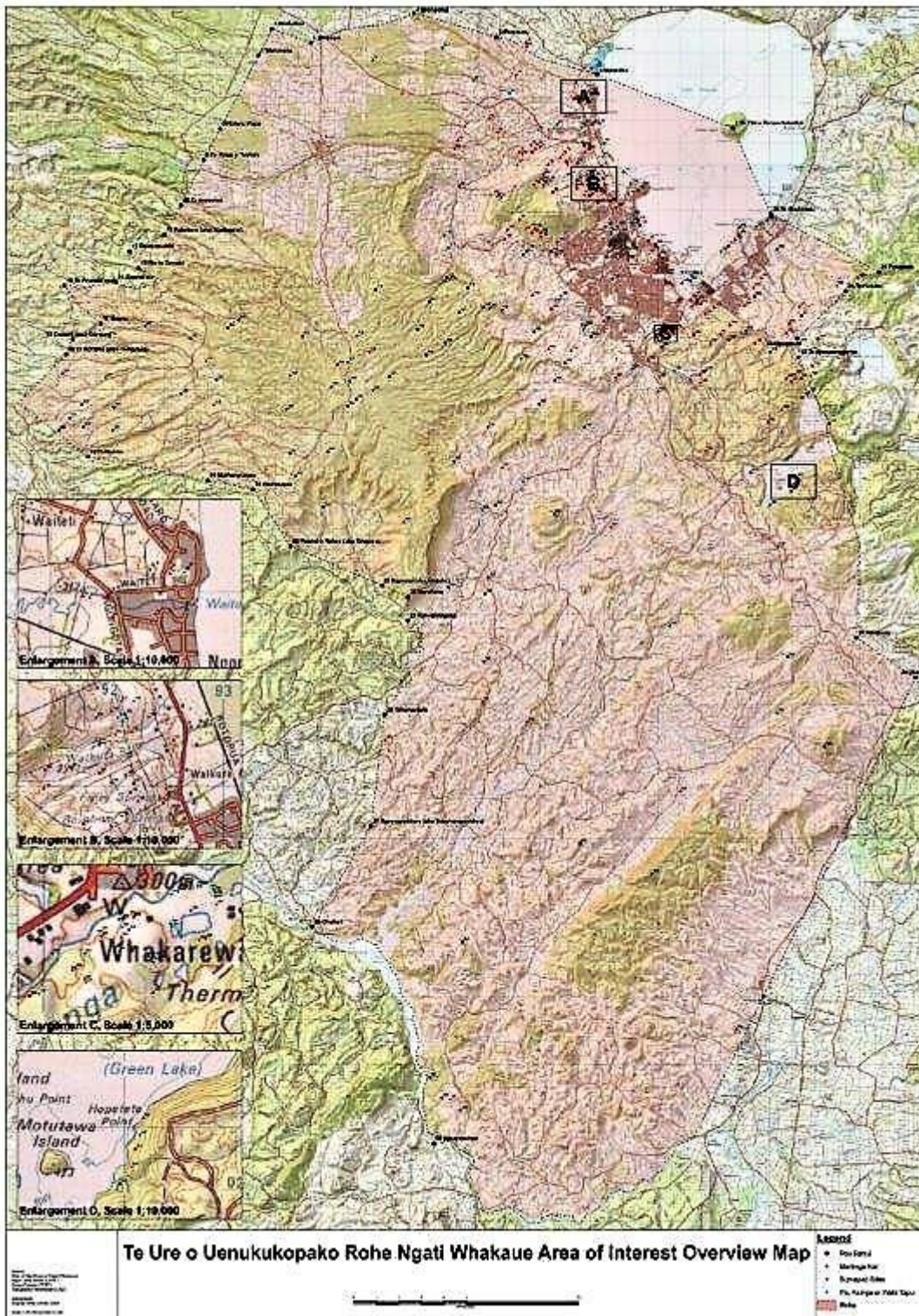
Whakapapa



*** Nga Koromatua Hapu o Ngati Whakaue**

Ngati Whakaue Area of Interest

Ngati Whakaue's wider area of interest as shown in the following map is from the eastern Bay of Plenty Coast at Maketu, inland to Ngati Whakaue traditional rohe and including the lands south to the Mihi Bridge.

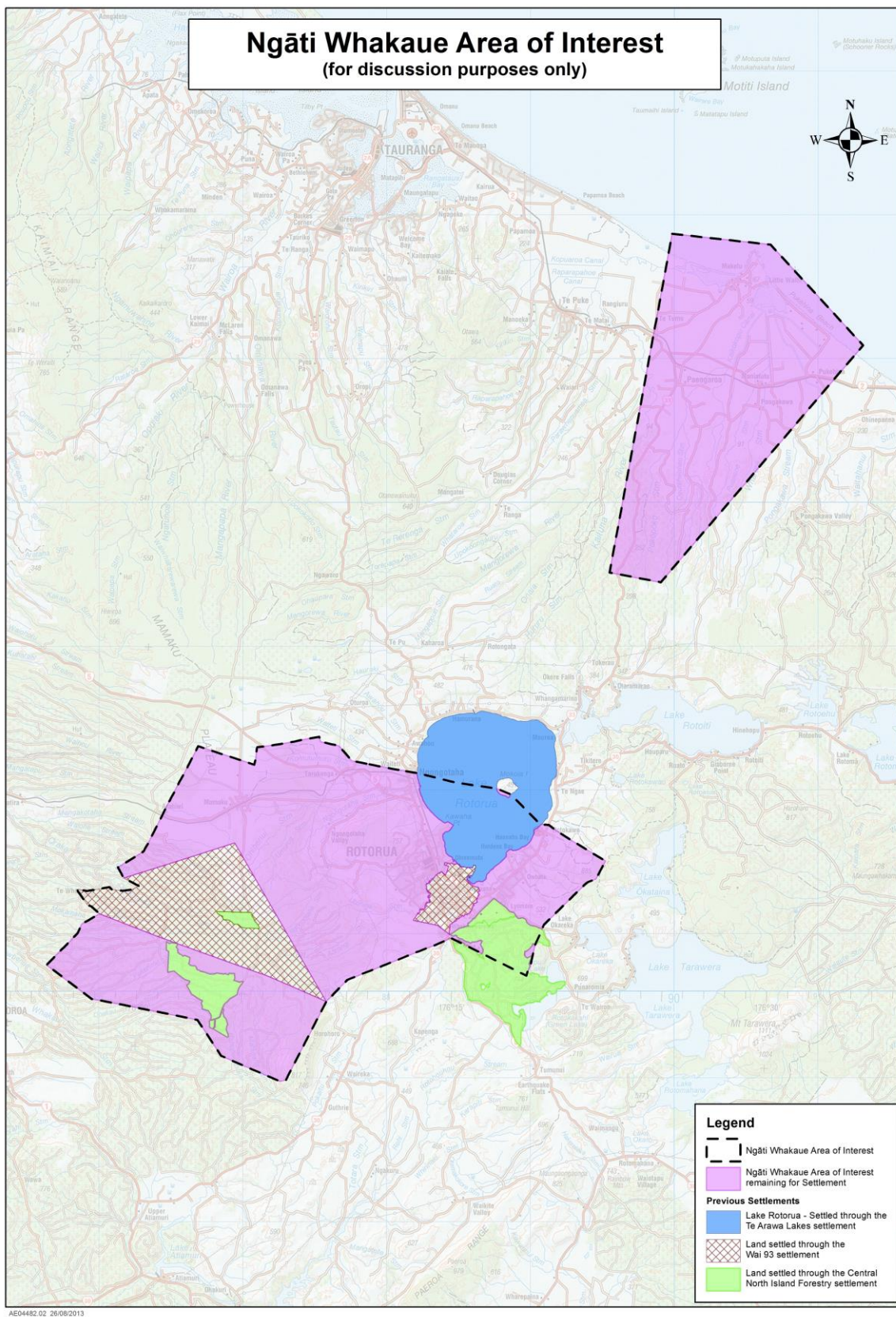


Coastal area of interest *as interpreted from Minute Book Reference: NZ Archives 1875*
MA 13.18c

“From the mouth of the Waihi, up to Kaikokopu stream thence across to Pakotore and the Kaituna River, then down the Kaituna to Te Kopua, thence in a straight line to the mouth of the Waiarakei Creek on the Coast, thence along the coast to the starting point overlaid across the blocks that are wholly or partly included in the boundary. Key features in our coastal area of interest is Maketu Peninsula, Ongatoro Estuary Te Awa o Ngatoroirangi, Bledisloe Park (Te Kahuirangi)

Inland area of interest (traditional rohe)

The extent of Ngati Whakaue’s inland domain (traditional tribal estate) is outwards from Mokoia Island west to Waimihia stream (north of Ngongotaha) and east to Waikawau Stream (Hannahs Bay) thence South to the Mihi Bridge. Ngati Whakaue traditional estate area includes key features; Rotorua nui a Kahumatemoemoe, the Waiteti, Ngongotaha, Utuhina, lower reaches of the Puarenga streams/rivers, Waipa & Hemo Fresh Water Springs, nga maunga Ngongotaha me Moerangi, the Horohoro Bluff, the Patetere Kaokao Ranges, geothermal resources.



Hapu me nga Marae Affiliation

Marae	Location	Hapu
Weriweri Marae	Waiteti	Ngati Ngararanui*
Parawai Marae	Ngongotaha township	Te Whatumairangi, Ngati Tuteaiti & others *
Tarukenga Marae	SH 3 Tarukenga	Ngati Tura and Ngati Te Ngakau *
Waikuta Marae	Waikuta	Ngati Rangitunaeke a hapu of Ngati Tunohopu
Te Koutu Marae	Te Koutu	Ngati Karenga a hapu of Ngati Pukaki
Tarewa Marae	Tarewa Rd	Ngati Taharangi, Ngati Kea Ngati Tuara *
Te Kuirau Marae	Ohinemutu	Te Kowhai/Timihou whanau of Ngati Te Rorooterangi
Paretehoata-Te Kohea Marae	Ohinemutu	Ngati Tunohopu and Ngati Whakaue
Te Papaouru Marae	Ohinemutu	The 6 koromatua hapu o Ngati Whakaue • Hurungaterangi • Te Rorooterangi • Tunohopu • Pukaki • Te Rangiiwaho • Taeotu
Hurungaterangi Marae	Ngapuna	Ngati Hurungaterangi, Ngati Taeotu & others
Owhata Marae	Owhata	Ngati Te Rorooterangi *
Whakaue Marae	Maketu	Ngati Whakaue of Maketu

*Ngati Whakaue hapu settled as affiliates within the Te Pumautanga o Te Arawa Deed of Settlement 2006.

Ngati Whakaue nga whakaharahara

According to Statistics NZ Census 2013, 8,337 people living in NZ on the 5 March 2013 affiliated with Ngati Whakaue. The 2018 iwi estimates count showed a percentage increase of 5% to 8,775 and is not to be relied on as Census responses resulting counts are too low and more likely to under-represent groups missed by the 2018 Census.

- 46.4 percent (3,867) were male and 53.6 percent (4,470) were female
- The median age 26.6 years (half are younger and half are older than this age)
- 29.5 Percent identified Ngati Whakaue as their sole iwi affiliation, while 70.5 percent were also affiliated with other iwi
- 27.3 percent could hold a conversation about everyday things in te reo Maori

Comprehensive Negotiations

Te Komiti Nui o Ngati Whakaue on behalf of Ngati Whakaue te iwi me ona hapu, wherever they may reside and can whakapapa to at least one of the six Koromatua hapu o Ngati Whakaue, seek to re-engage in direct negotiations to resolve all remaining Ngati Whakaue Treaty of Waitangi Claims, (for breaches by the Crown through acts, omissions, legislation), whether registered or not registered that occurred prior to 21 September 1992.

Historical Claims to be negotiated.

The following list of treaty claims registered by members of Ngati Whakaue or in the name of hapu affiliated to Te Komiti Nui o Ngati Whakaue (the mandated entity).

WAI CLAIM	CLAIM TITLE	CLAIMANT HAPU
WAI 268	Whaka Thermal Valley	Hurunga, Taeotu & Te Kahu
WAI 316	Mamaku Railway Endowment Rotohokahoka & Okoheriki Blocks	Pukaki, Waoku, & Rautao Te Riri, Te Hika, Karenga
WAI 317	Whaka & Horohoro Forests	Ngati Whakaue x 6
WAI 335	Geothermal Resource	Ngati Whakaue x 6
WAI 384	Ohinemutu Village Rates	Ngati Whakaue hapu x 6
WAI 410	Kouramawhitiwhiti/Rotorua Primary School	Hurungaterangi

WAI 533	Whaka Thermal Valley & Whakarewarewa Forest	Hurungaterangi, Taeotu & Te Kahu
WAI 1101	Maketu Peninsula	Nga Uri o Haerehuka & Rakitu
WAI 1204	Ngongotaha Maunga	Ngati Whakaue x 6
WAI 1357	Estate of Rotohiko Haupapa	Descendants of Rukingi Wharetutaki Haupapa
WAI 1963	Ngati Whakaue Lands & Taonga Pukeroa Hill and the Fenton Agreement of 1880	Ngati Whakaue
WAI 1475	Maketu A Sec 72 land claim	Ngati Whakaue ki Maketu & Tapsell whanau
WAI 1791	Ngati Whakaue ki Maketu Land Claim	Ngati Whakaue ki Maketu
WAI 1791	Ngati Whakaue ki Maketu Land Claim	Ngati Whakaue ki Maketu
WAI 2227	Ancestral Lands Claim	Ngati Hurungaterangi, Ngati Taeotu me Ngati Te Kaho o Ngati Whakaue
WAI 2083	Land alienation Claim	Hurungaterangi, Ngati Korouateka, Ngati Tamahika me Ngati Manawa hapu
WAI 2286	Land Claim	6 Koromatua hapu & Te Arawhata Taro whanau
WAI 2459	Land Claim	Ngati Whakaue, Ngati Pukaki & Rika Whakau

NOTE: part of some Claims are being negotiated or have been part settled outside of these comprehensive negotiations

Overlapping Interests

Ngati Whakaue is the last of the Te Arawa iwi to negotiate a settlement for their historical claims and acknowledge our area of interest overlaps with neighboring hapu and Iwi on all boundaries to our wider area of interest.

More particularly and in relations to our core areas of interest,

- Ngati Rangitihi, Ngati Whakahemo and Ngati Makino have overlapping interests in our coastal area of interest

- Ngati Rangiwehi and Tapuika have overlapping interest along our northern boundaries,
- Ngati Raukawa, Ngati Kea/Ngati Tuara have overlapping interests along our western boundaries and, in the case of Ngati Kea/Tuara have shared interests in the Horohoro Forests.
- Tuhourangi/Ngati Wahiao have overlapping interests along our southern boundaries and have shared interests in the Whakarewarewa Thermal valley lands.
- Ngati Uenukukopako and Ngati Tarawhai have overlapping interests along our eastern boundaries.

Ko wai a Te Komiti Nui o Ngati Whakaue?

Representatives

Te Komiti Nui o Ngati Whakaue is constituted under or by way of a private or common law trust. The Deed of Trust was adopted by the hui-a-iwi held on the 19 April 2009.

It's general purpose and intent is to constitute the representatives and mandated body of responsible individuals through which Ngati Whakaue may treat and engage with the Crown in respect of the Settlement Negotiations principally for the resolutions and settlement of the Ngati Whakaue Claims in accordance with the Ngati Whakaue Settlement Position. (see Clause 5. 5.1 of the Trust Deed)

The representatives on Te Komiti Nui o Ngati Whakaue following the May 2022 triennial election cycle are:

Rawiri Bhana, Chair	)	
Mokonuiarangi Kingi	)	6 koromatua reps representing NW's central interests.
Maru Tapsell		
Aleisha Mitchell	)	
Tipene James	)	
Kingi Biddle resigned	)	
Selwyn Insley	)	
Raymond Pou Poasa	)	NW's East to Southeastern interest
Karena Te Awa Bird	)	NW's Sea and coastal interest
Hokimate Kahukiwa	)	NW's western interest

NOTE; at the Board meeting of 12 September 2023 a resolution was passed: as per the Trust Deed Schedule Part 1;2.3 Vacancies, that there was no need to run an election process for



the Koromatua vacancy as the Board determined there is sufficient representation for the 6 Koromatua.

Accountabilities

Te Komiti Nui o Ngati Whakaue is accountable to Ngati Whakaue te iwi and those claimants who lodged claims on behalf of Ngati Whakaue hapu. Whilst the mandate conferred on Te Komiti Nui gives authority to re-enter into negotiations with the Crown there are limits to the mandate.

The mandate allows Te Komiti Nui to, amongst a number of other obligations, to appoint negotiators to negotiate with the Crown a draft Deed of Settlement (or an Agreement in Principle). and as such, Te Komiti Nui will undertake a haerenga with it's negotiator/s and Crown officials to meet claimants on their turf to hear their stories which will contribute to the Terms of Negotiations.

In addition Te Komiti Nui o Ngati Whakaue will need approval from Ngati Whakaue hapu claimants, and Ngati Whakaue hapu/Iwi when a draft Deed of Settlement is presented. Ngati Whakaue te iwi has the final say on whether to accept or not the draft Deed of Settlement.

Mandate Maintenance

Maintaining the mandate given to Te Komiti Nui o Ngati Whakaue at the recent re-freshing mandate hui, held in Auckland, Hamilton, Rotorua and Maketu, including by live stream is paramount.

During the negotiation process TKN will provide quarterly Mandate Maintenance reports as a requirement of the relationship between TKN and the Crown that ensures progress is being made with negotiations.

Te Komiti Nui o Ngati Whakaue have developed a Communications Strategy that seeks to inform, engage and bring our uri on this journey to settlement. We will use all social media outlets to push key messages as we traverse the negotiation pathway.

Fiduciary Obligations

These obligations are set out at Clause 9, 9.1 (a) (b) (c) of the Trust Deed. (Appen 3)

Fundamental Duty

As set out Clause 9, 9.2 – in performing their duties each trustee will act in good faith and in a manner that is consistent with Ngati Whakaue tikanga including the following principles:

- Whanaungatanga
- Mana tangata, mana whenua, mana moana and mana hapu/iwi

- Repatriating, retaining and protecting ancestral and customary hereditaments including the reversioning of any Crown or other owned land in the rightful hapu o Ngati Whakaue - whakapapa,
- principle of Trust, decision making by those whom the decision is specifically about and by hui
- Respect for mana held by others
- open communication
- cooperation,
- reciprocity
- responsibility and accountability
- Accountability

Collective Interest of Ngati Whakaue

As per Clause 9, 9.3 the trustees shall have regard to the collective interests of Ngati Whakaue

Standard of Care

As per Clause 9, 9.4 every trustee when exercising powers or performing duties, must exercise the care, diligence and skill to be reasonably expected of a person acting in like circumstances, taking in to account any special skills or experience that the trustee has.

Administration

It is important that our processes are clear as responsibilities also include; Decision Making Process Clause 14, Reporting and Communications procedures, Disputes and Mediation processes (Clause 16 Deed of Trust), Registration process, provisions to Amend the Deed of Mandate, process for Trustee Replacement (Sch Part 1 Deed of Trust).

Meetings

TKN will meet no less than monthly to discuss, co-ordinate and manage the settlement negotiation process amongst other 'take' it is mandated by the Iwi to carry out. Special General meetings (otherwise known as a Ngati Whakaue Registered Voting hui) may be called for in accordance with the provisions set out in the Deed of Trust, Clause 14; 14.7). Records of all meetings and decisions made by the trustees and resolutions from a Special General meeting will be available at the TKN offices (Unit 6 Haupapa House, 1072 Haupapa St Rotorua on request.

Decision Making

A quorum of seven trustees is required to pass minuted resolutions.

Reporting

TKN Communications Strategy incorporates elements of Clause 14 (General meeting and Reporting, 14.3, 14.6, and 14.7) how, when and what is being reported by TKN to Ngati Whakaue whanau and hapu.

In addition to Annual General Meetings the trustees are required to report to hapu claimants at least quarterly by way of hui-a-hapu.

Communications

TKN Communications Strategy Appendix 2

Appointment of Negotiator/s

TKN (as per Schedule 1 Part III 1.9; 1.9.1) is responsible, without limitation to appoint or engage a negotiator or negotiators, including professional and/or expert advisors as necessary, to conduct the Settlement Negotiations.

TKN will also assemble a Negotiation Team, with the knowledge and background of previous negotiation (2014-2016) to provide assistance and support to the current negotiator/s.

Appointments and Replacement of mandated representatives

i Trustee representation

This is covered in the Deed of Trust Schedule 1 Clauses 2, 3, 4 & 5

ii Member Hapu Claimant

This is covered in the Memorandum of Understanding signed by the individual hapu claimants as affiliates to Te Kotahitanga o Ngati Whakaue, an unincorporated body assembled for the primary purpose of participating in the Waitangi Tribunal Rotorua District Enquiry (Appen 4)

Dispute Resolution Process

TKN Deed of Trust at Clause 16 is our formal Dispute Resolution process.

However, TKN have determined mechanisms that enables a pathway for hapu to withdraw or include their claims from the Ngati Whakaue historical claims mandate. This will be available for hapu up until the signing of a deed of settlement.

Hapu Withdrawal Mechanism

The key aspect of this process is to ensure the legitimacy of those that purport to represent the hapu that wish to withdraw their claims from this mandate.

Ngati Whakaue hapu can choose to withdraw their claims by following the process set out here:

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1. Written notice of the intention to withdraw claims from this mandate on a hapu basis must be submitted by the relevant hapu mandated representative/s to TKN and Te Arawhiti.
 2. such notice must clearly identify the WAI claim numbers of the claims to be withdrawn,
 3. outline the extent and nature of the concerns or issues (if applicable) and
 4. request a meeting to discuss the concerns and/or issues.

TKN will acknowledge the request to withdraw claims to the mandated representative/s within 20 working days of receiving the written notice of intention to withdraw. A proposed hui date (within a reasonable timeframe) will be provided to meet and discuss concerns and issues.

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

In the event that the relevant hapu still wishes to withdraw their claims after meeting with TKN, the hapu representatives must follow the following process:

Hold hui (at least one, but in the event that there is disagreement further hui may be necessary) with their respective hapu members outlining and informing them of the reasons for withdrawing claims from the Ngati Whakaue Historical Claims mandate,

The hui must comply with the following requirements:

- a public notice must be published in regional print media 21 days prior to the hui
- the notice must include the purpose for the hui and outline the concerns,
- A Crown observer must be invited to attend the hui to observe and take notes on behalf of the Crown, and
- The hui must provide an opportunity for hapu members and claimants to discuss their claims issues, the consequences of withdrawal and possible alternatives to withdrawing.

At the completion of such hui, a written report must be provided (by the mandated hapu representative) setting out the process that was followed and how a final decision was reached as well as details on the above compliance requirements. This report must be submitted to TKN and Te Arawhiti.

TKN and Te Arawhiti together will review the Report against the requirements for withdrawal and provide written acknowledgement of the outcome.

Hapu Inclusion Mechanism

Like the withdrawal mechanism TKN is committed to provide a pathway for hapu o Ngati Whakaue to include their claims in the Ngati Whakaue historical claims mandate, should they decide to do so.

Ngati Whakaue hapu can choose to include their claims by following the process set out here;

1. Written notice from mandated hapu representatives of intention to include the claims of their hapu must be provided to TKN,
2. Notice must clearly identify the WI claims that are to be included,
3. Notice must outline the decision-making process undertaken by the hapu and
4. Notice must include request to meet to discuss these matters

TKN will provide a written acknowledgement of the request to include claims along with a proposed date to meet (within reasonable timeframe) to discuss any necessary details.

Requests for a contribution to fund a process of this nature may be considered by Te Arawhiti.

Authority to amend Deed of Mandate

Te Komiti Nui o Ngati Whakaue has the authority to amend the Deed of Mandate when and if changes are called for and will follow the same process as prescribed in the Deed of Trust at Clause 17, 17.1.

Availability of Deed of Mandate

The draft Deed of Mandate, together with supporting documents may be made available by the Crown for the purposes of public submissions. Once the Deed of Mandate is finalised following the submissions process and signed off by the Minister for Treaty Negotiations and Minister for Maori Development the document can be publicly available on TKN website www.whakaue.org OTS website and TKN Office.

RISK PROFILE

A principle of the trustees in this negotiation journey is to protect the interests of the claimant hapu and Ngati Whakaue at large. Most of these risks could be addressed by better communication and strong key messages.

RISK	Remedy to mitigate risk
Loss of hapu claimant confidence in TKN negotiating an outcome for their respective claims	Open and transparent communication, kanohi ki te kanohi engagement, wananga To initiate a withdrawal process in the deed of mandate
Challenges to TKN mandate	As above new risk potential Maintain strong relationships with Claimants Initiate dispute process & potential withdrawal mechanism if required
Failure to communicate with hapu claimants.	Learnings from earlier negotiations process implemented Suite of communication platforms established as per Communication Strategy
Relationships with other Iwi re: overlapping claims within respective areas of interest.	Have maintained relationships eg: Tapuika Ngati Rangiwehewhi, Ngati Rangitihi, Ngati Raukawa & Ngati Whakaue hapu settled with TPOTA – agreed parameters with Pukeroa Oruawhata
TKN Negotiator/s and Crown cannot agree on some items for redress	Strong, robust evidence based discussions to resolve and accept items in dispute
Failure to achieve an Agreement in Principle that is acceptable for TKN to present to Ngati Whakaue	Robust settlement position and TON agreed, evidence based impacts of Crown acts, omissions, legislation all part of negotiations
Failure to achieve re-mandate & implications for Ngati Whakaue claims	Have sought legal advice, although not necessarily a legal issue, on the implications if re-mandate fails - should re-mandate fail Ngati Whakaue will need to go through a whole new process to establish an entity to seek a mandate – will set Ngati Whakaue back at least 10 years



SIGNATORIES TO THE DEED OF MANDATE

NAME	CLAIMANT HAPU	REPRESENTATIVE	SIGNATURE/DATE
Rawiri Bhana	Ngati Whakaue	Koromatua	
Mokonuiarangi Kingi	Ngati Whakaue	Koromatua	
Tipene James	Ngati Whakaue	Koromatua	
Aleisha Mitchell	Ngati Whakaue	Koromatua	
Maru Tapsell	Ngati Whakaue	Koromatua	
Hokimate Kahukiwa	Taeotu/Hurunga	Mamaku/Western Interest	
Raymond Pou Poasa	Hurunga/Te Kahu	Ngapuna/Eastern Interest	
Selwyn Insley	Hurunga/Te Kahu	Ngapuna/Eastern Interest	
Karena Te Awa Bird	Ngati Whakaue	Coastal Rep	



Appendices

- 1 Mandate presentation
- 2 Communications Strategy
- 3 Te Komiti Nui o Ngati Whakaue Trust Deed
- 4 Te Kotahitanga o Ngati Whakaue MOU