

Ngāti Mutunga o Wharekauri Mandate Strategy

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22 February 2013

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Ngāti Mutunga o Wharekauri Mandate Strategy

- **Ngāti Mutunga o Wharekauri**

Ngāti Mutunga o Wharekauri share common lineage with their whanaunga based at Urenui. All Ngāti Mutunga whakapapa from Mutunga and Te Rerehua.

Ngāti Mutunga played a pivotal role in the migration of Northern Taranaki Iwi and Ngāti Toarangatira in the late 1820s eventually settling at Pito One (Petone) in Wellington. In 1835, Ngāti Mutunga, along with Ngāti Tama, Kekerwai and Ngāti Haumia, migrated to the Chatham Islands and established a permanent tribal base.

- **Population**

At the 2006 census estimates the Ngāti Mutunga population as follows:

- Ngāti Mutunga o Wharekauri – 1,389
- Ngāti Mutunga (Taranaki) – 2,091

The differentiation in numbers is somewhat misleading. All Ngāti Mutunga people can trace a direct lineage to each rohe. The differentiation is as potentially a product of the legal entities that reside within each rohe as opposed to any differentiation in whakapapa rights. It is likely the true population of Ngāti Mutunga lies in the 2,500 range (noting that many will tick both boxes in the census data).

The registered members of Ngāti Mutunga o Wharekauri Iwi Trust currently stands at 990.

- **Ngāti Mutunga o Wharekauri Iwi Trust**

The Ngāti Mutunga o Wharekauri Iwi Trust (“the Trust”) represents the collective interests of Ngāti Mutunga o Wharekauri (NMOW), and is a mandated iwi authority for the purposes of the Resource Management Act 1991 and the Māori Fisheries Act 2004.

- **Purpose of this Strategy Document**

The purpose of this strategy document is primarily to provide information and insight into the intentions and the process to be undertaken by the Ngāti Mutunga o Wharekauri Iwi Trust, to obtain a mandate to negotiate a Treaty of Waitangi settlement, on behalf of Ngāti Mutunga o Wharekauri. The mandate is to be achieved through a fair, open and robust process, and that is recognised by Ngāti Mutunga o Wharekauri and the Crown.

This strategy document is not for the purposes of describing specific details, part or full of the claim, nor of the settlement to be sought, as these are significant

matters to be further discussed, negotiated and communicated directly between Ngāti Mutunga o Wharekauri and the Crown.

The contents of this strategy are without prejudice, and should in no way disadvantage or jeopardise any claimant group nor be used as a reference for the process of negotiations or settlement. That is the right of each claimant group at the appropriate time, to disclose such information to the Crown themselves.

- **Claimant Definition**

The claimant group includes all individuals and whānau of Ngāti Mutunga o Wharekauri that trace descent from their tīpuna Mutunga and Te Rerehua and through the tīpuna lists described but not limited to, those in the Ngāti Mutunga o Wharekauri Iwi Trust Deed schedules one and two. This will be refined and confirmed throughout the course of negotiations.

- **Claims to be settled**

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

- All historical claims which are made on the basis of Ngāti Mutunga o Wharekauri whakapapa, whether registered or unregistered. It is likely that further research and preparation would need to be undertaken to properly present such issues of claim;
- Claims reported on by the Waitangi Tribunal, as listed overleaf:

Wai No.	Claim Title	Claimants
Wai 64	Chatham Island Claims	Maui Solomon & Others
Wai 65	Chatham Islands & Fisheries Claim	James Pohio & Others
Wai 54	Ngā Iwi o Taranaki Claim	Makere Rangiatea Ralph Love & Others
Wai 181	Kekerione No 1 – Hospital Land Claim	Ngawata Eliza Page & Others
Wai 308	Rekohu Lands & Fisheries Claims	Gary Solomon & Others
Wai 417	Chatham Island Claim	Benjian Solomon & Others
Wai 480	Chatham & Auckland Islands Claim	Albert Tuuta & Others

- **Area of Interest**

Ngāti Mutunga o Wharekauri boundaries (rohe) encompass all of the Chatham and Auckland Islands. Specifically but without limitation:

- Wharekauri / Rekohu
 - Rangiauria (Pitt Island)
 - Rangatira (South East Island)
 - Mangere (The Fort)
 - Tapuenuku (Little Mangere)
 - Motuhope (Star Keys)
 - Rangitatahi (The Sisters)
 - Motuhara (The Forty Fours)
 - Tarakoikoia (The Pyramids)
 - Maungahuka (Auckland Islands) including:
 - Adams Island
 - Enderby Island
 - Disappointment Island
 - Ewing Island
 - Rose Island
 - Chatham Rise
- **Responsibilities and Accountabilities of the Ngāti Mutunga o Wharekauri Iwi Trust**

The Ngāti Mutunga o Wharekauri Iwi Trust is ultimately responsible and accountable to Ngāti Mutunga o Wharekauri. All negotiators appointed by the mandated body administered by the Ngāti Mutunga o Wharekauri Iwi Trust will be responsible to the Ngāti Mutunga o Wharekauri Iwi via the mandated body. Responsibilities and accountabilities of the Ngāti Mutunga o Wharekauri Iwi Trust will include:

- Regular reporting to Ngāti Mutunga o Wharekauri people about the negotiation process;
- The production of regular financial accounts;
- The power to appoint negotiators via the mandate body;
- The constant review of the mandate/negotiating team and other advisors;
- The ability to engage and remove experts / specialists contracted for the purposes of negotiations;
- Approve and sign off on key negotiation milestones, including but not limited to:
 - Mandate Strategy;
 - Deed of Mandate;
 - Terms of Negotiation;
 - Agreement in Principle; and
 - Deed of Settlement;
- Presenting the initialled Deed of Settlement for ratification to the Ngāti Mutunga o Wharekauri Iwi.

Replacement, Removal and Appointment of trustees

Trustees of the Ngāti Mutunga o Wharekauri Iwi Trust will be replaced, removed and appointed in accordance with the constitution of the Ngāti Mutunga o Wharekauri Iwi Trust.

- **Meeting of the Ngāti Mutunga o Wharekauri Iwi Trust**

The trustees will meet regularly on a monthly basis. The Ngāti Mutunga o Wharekauri Iwi Trust also has the authority to call special general meetings in accordance with its Trust Deed where required.

- **Reporting Process**

The Ngāti Mutunga o Wharekauri Iwi Trust will report to the Ngāti Mutunga o Wharekauri community about the Treaty settlement negotiation and its progress, in a number of ways, including:

- Annual general meetings;
 - Regular hui
 - Regular pānui/newsletter;
 - Specific discussions with original claimants
 - Specified hui with ngā Kaumātua and the Kaunihera Kaumātua;
 - Website – www.nmow.co.nz.
- **Decision making processes**

The Ngāti Mutunga o Wharekauri Iwi Trust will make decisions by way of consensus. In addition, the wider Ngāti Mutunga o Wharekauri community can participate in the decision making process by attending and voting on resolutions put at the AGM and other hui held by Ngāti Mutunga o Wharekauri Iwi Trust and at monthly hui-a-iwi in relation to the settlement. All decisions made by the trustees in relation to settlement negotiations will be made in accordance with the provisions of their Trust Deed and Ngāti Mutunga o Wharekauri tikanga.

- **Responsibilities & Accountabilities of the Negotiators**

If the Ngāti Mutunga o Wharekauri Iwi Trust is recognised by the Crown as the mandated authority to represent Ngāti Mutunga o Wharekauri in Treaty settlement negotiations (via the mandating group), then the Ngāti Mutunga o Wharekauri Iwi Trust will formalise this interim arrangement and/or appoint or remove Negotiators on advice and direction from the mandating group as it sees necessary.

The representatives on the Ngāti Mutunga o Wharekauri Iwi Trust will have the mandate and scope of authority to manage all aspects of settlement negotiations with the Crown. They are able to appoint negotiators or can be appointed as negotiators themselves.

The negotiators, through the mandating body, are accountable to the Ngāti Mutunga o Wharekauri Iwi Trust and will be required to report at least monthly to the Ngāti Mutunga o Wharekauri Iwi Trust. The Ngāti Mutunga o Wharekauri Iwi Trust in discussion with the mandating body will provide directions and advice to the negotiators. The Ngāti Mutunga o Wharekauri Iwi Trust will report to Ngāti Mutunga o Wharekauri Iwi on progress as set out in the Trust Deed and / or as agreed at hui-a-iwi. The negotiators are fully accountable to the Ngāti Mutunga o Wharekauri Iwi Trust (the overarching mandated body) via the mandate body. The Ngāti Mutunga o Wharekauri Iwi Trust will provide direction, advice and terms of reference for the mandate body and negotiators.

Reporting process for the Negotiators

The negotiators will report to the Ngāti Mutunga o Wharekauri Iwi Trust via the mandate body on a monthly basis or as otherwise required. The negotiators will also present a progress report on Treaty settlement negotiations.

Replacement, Removal and Appointment of Negotiators

The Ngāti Mutunga o Wharekauri Iwi Trust will replace, remove and appoint mandate representatives and negotiator(s) by way of resolution at a Special General Meeting.

Decision making process of the Negotiators

The Ngāti Mutunga o Wharekauri Iwi Trust, on advice and direction of the mandate body, will also approve and sign off on all decisions undertaken by the negotiators.

- **Dispute Resolution**

If a group has a concern regarding the Ngāti Mutunga o Wharekauri Iwi Trust representation of their interests during negotiations, they would need to inform Ngāti Mutunga o Wharekauri Iwi Trust in writing. Ngāti Mutunga o Wharekauri Iwi Trust would seek all relevant information required from the group to ensure it has a clear understanding of the nature of their concern.

Once the information has been received, Ngāti Mutunga o Wharekauri Iwi Trust will then consider if the matter requires further action, if so they will meet with group in question and proceed into a dispute resolution process.

- **Information or Pre-mandate Strategy/Hui/Communications**

The Ngāti Mutunga o Wharekauri Iwi Trust understands that mandating processes involve a tripartite relationship to achieve a successful Deed of Mandate. In that respect the Ngāti Mutunga o Wharekauri Iwi Trust will undertake to work effectively with the Office of Treaty Settlements and Te Puni Kōkiri in the delivery of a Ngāti Mutunga o Wharekauri Iwi Trust Deed of Mandate and that these efforts will be reciprocated by the parties.

- **Mandating Process**

All mandating hui will be notified to members through:

- Ngāti Mutunga o Wharekauri Iwi Trust meetings
- Email lists
- Facebook and Twitter
- Newspapers (NZ Herald, Dominion Post etc)
- Website

Notification will be placed with each of these media at least 21 days prior to each hui.

The notice will clearly state the purpose of the hui. Specific mention will include reference to the need to obtain mandate for the Ngāti Mutunga o Wharekauri Iwi Trust to enter into negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims for and on behalf of Ngāti Mutunga o Wharekauri.

- **Mandating Hui**

The Ngāti Mutunga o Wharekauri Iwi Trust will be holding publicly notified mandating hui on Wharekauri and in Christchurch, Wellington, Urenui, and Auckland. The Trust may also stage meetings in Sydney and Brisbane where appropriate. The Ngāti Mutunga o Wharekauri Iwi Trust will be seeking the mandate from Ngāti Mutunga o Wharekauri to enter into negotiations with the Crown regarding the comprehensive settlement of all Ngāti Mutunga o Wharekauri historical Treaty claims.

The following resolution will be put to the hui:

‘That the Ngāti Mutunga o Wharekauri Iwi Trust is mandated to represent Ngāti Mutunga o Wharekauri in negotiations with the Crown, regarding the

comprehensive settlement of Ngāti Mutunga o Wharekauri historical Treaty of Waitangi claims.'

Mandating hui will occur in the following location:

Mandate Hui Schedule:

Location	Venue	Date / Time
Wharekauri	Whakamaharatanga Marae	September October (TBC)
Christchurch	Rēhua Marae	September October (TBC)
Wellington	Hongoeka Marae (Plimmerton)	September October (TBC)
Auckland	Waipapa Marae (Auckland University)	September October (TBC)
Urenui	Te Ruapekapeka (Urenui) Marae	September October (TBC)
Postal Ballot	Returning Officer (Electionz.com)	September October (TBC)

- All mandating hui will be advertised via the process described under ‘Mandating Process’, as well as other pānui and marae communication processes used. Minutes will be taken and attendance registers will be available for all mandate hui. This supporting information will be attached to the Deed of Mandate.
- A standard and consistent presentation will be developed for these hui outlining the context and process of the mandate process. Members will have the opportunity to discuss the proposal with the Ngāti Mutunga o Wharekauri Iwi Trust, and put any questions to members before a resolution affirming the mandate of the Ngāti Mutunga o Wharekauri Iwi Trust is sought.
- Te Puni Kōkiri will be invited to attend the hui as Crown observers. They will provide an observer report which will be made available to Ngāti Mutunga o Wharekauri, and the Office of Treaty Settlements. This is subject to the Official Information Act 1982 so could also be made available to others on request.
- **Voting Process**
 - The voting process will be way of postal ballot. Consistent with Ngāti Mutunga o Wharekauri Iwi Trust tikanga attendees will be able to post a ballot at the mandating hui. Registered Iwi Trust members, and Tuhono registrants will have postal ballot forms sent to them prior to the hui. These can either be returned by mail or deposited at the various hui.

- The resolution will also be put to general vote of all registered and Tuhono list Ngāti Mutunga o Wharekauri Iwi via postal ballot run independently by Electionz.com. The final day to receive votes will be 5:00pm Saturday September 15 2013. Crown representatives will be welcome to view the ballot count.
- Members must be of legal voting age (18 years or older) to vote.
- An attendance register will be taken at each hui and checked for eligibility against the Ngāti Mutunga o Wharekauri beneficiary register, Tuhono list, and by knowledgeable persons of the hapū. Kaumātua and kuia who are in attendance may be asked to verify whakapapa, where appropriate, to confirm eligibility.
- The Ngāti Mutunga o Wharekauri Iwi Trust acknowledges the right of all Ngāti Mutunga o Wharekauri to vote whether registered with the Iwi Trust, on Tuhono, or not at all. Those non-registered whānau will still require whakapapa verification for their ballot to be accepted. These will be noted by Electionz.com and included where it would materially impact the outcome of the ballot.

Record Keeping

- Copies of all advertisements, pānui and community notices will be kept.
- Registration forms shall be made readily available at all hui.

Register of Attendance

- A signed register of Attendance will be taken at every hui at records will be kept by Ngāti Mutunga o Wharekauri Iwi Trust for purposes of supplying evidence as required to the Crown.

• **The Deed of Mandate**

- Upon completion of the Mandate Hui, the Deed of Mandate will be written and supporting evidence collated according to the guidelines as set out by OTS and submitted to TPK and OTS for assessment, for recognition from the Minister for Treaty Negotiations and the Minister of Māori Affairs.
- The mandated body may alter or amend the Deed of Mandate document, as required.
- It is expected that information and mandating hui will be completed by September 2013 and that a Deed of Mandate is expected to be submitted by no later than October 2013.

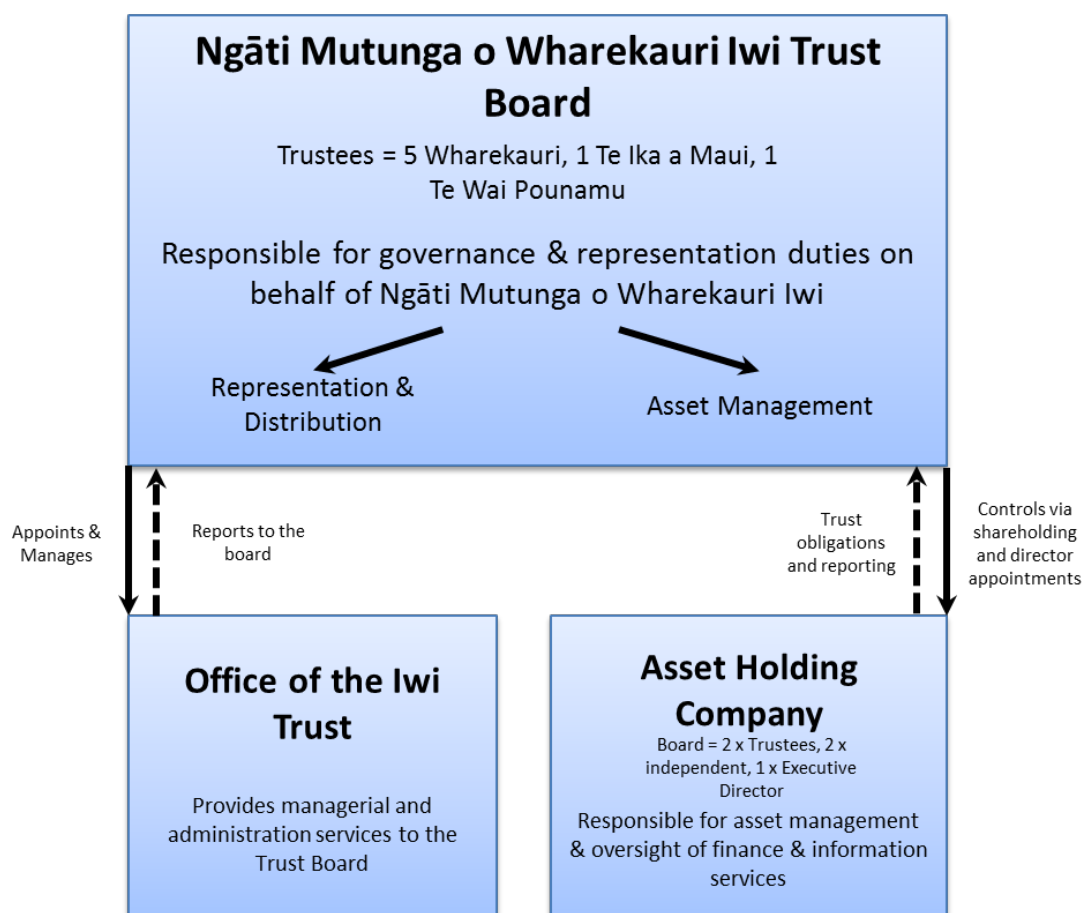
• **Alterations to the Strategy Document**

This strategy document may be altered and amended by the body of interim and mandated representatives, as required.

Appendix 1: Map



Appendix 2: Ngāti Mutunga o Wharekauri Iwi Trust Structure



Iwi Trust Board Trustees	Asset Holding Company Directors
Paula Page (Chair)	Joseph Thomas (Chair)
John Kamo (Deputy Chair)	Robin Page
Monique Croon	Tom McLurg
Melodie Fraser	Andrew Harrison (executive director)
Mark-Shane Tuuta Rurehe (Te Waipounamu Representative)	
Gail Amaru (Te Ika a Maui Representative)	
Office of the Iwi Trust	Asset Holding Company Management
Ward Kamo – Chief Executive	Andrew Harrison (Koau Capital Partners Limited)
Jo Clark – Office Administrator	Richard Coleman (Koau Capital Partners Limited)