

13 March 2013 – preliminary OTS comments
Mandate Strategy and Deed of Mandate

Mandate Strategy and Deed of Mandate			
Purpose of this document: to collect all the information required for your representative body to demonstrate it has a mandate to represent your large natural group in Treaty settlement negotiations.			
Please complete for the Office of Treaty Settlements (OTS) and Te Puni Kokiri (TPK), collectively 'the Crown', as soon as possible and before Friday 15 March 2013. OTS GSO, SX10111, Wellington 6140. Email: ots_gso_enquiries@justice.govt.nz The Crown will then contact you with any questions, comments or concerns as part of an assessment.			
A copy of this Mandate Strategy (excluding bank account details) and the subsequent Deed of Mandate will be posted on the OTS and TPK websites and submissions, views and inquiries will be invited. We will provide you with copies of any relevant submissions received for your consideration and response. Your application will be subject to the Official Information Act 1982. For information on the process to seek a Crown recognised mandate please see www.ots.govt.nz .			
Large natural group	Ngati Maru ki Taranaki		
Name of representative body	The Name - Options to be discussed at the Hui A Iwi*		
What a recognised mandate is for	To represent your large natural group in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of your large natural group.		
Limits to a recognised mandate	The mandated body must present an initialled deed of settlement and proposed Post Settlement Governance Entity to the claimant community/large natural group for their ratification.		
Contact details for the person who will answer questions about this document		Contact details for the representative body	
		* According to the outcome of Hui A Iwi	
Name	Chris Manukonga	Postal address	25 Bulteel Street
Role	Interim Working Group Member		New Plymouth 4310
Phone	Mobile: 0277155065	Evenings: 06 758 0449	
Email	nehamanu@xtra.co.nz		

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Claimant definition				
		Crown guidelines	Your information	Preliminary OTS comments
1	Ancestry	What are the names of common founding ancestor(s)?	The commonly recognised tupuna of Ngati Maru are: Tume, Puata, Whakaruru, Tokotaua, Te Ikatere, Te Ikamatawhero, Te Ika Haehaekupenga, Pue, Patuwairua, Waingarunui, Tuihu	Thank you for providing this information. At this stage we do not have a view on these ancestors. As discussed previously, OTS prefers that all Ngāti Maru (Taranaki) are covered by the definition, and that non-Ngāti Maru are not included unintentionally. Any further assistance or source material you can provide to help OTS understand Ngāti Maru ancestry would be appreciated (we thank you for supplying the Wai 1609 brief of evidence).

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2	Iwi/Hapu	<p>What are the names of constituent iwi and hapu, both historical and contemporary?</p>	<p>The Iwi o Ngati Maru (Taranaki) Incorporated constitution lists 12 hapu as follows: Ngati Kui, Ngati Kehu, Ngati Teika, Ngati Te Arei, Ngati Rongonui, Ngati Hinemokai, Ngati Mihi, Ngati Kopua, Ngati Takahi, Ngati Rautao, Ngati Wharanui and Ngati Kura ki Uta. Several other hapu references possibly relating to Ngati Maru can also be found historical documents – these include Ngariki, Ngati Tamatapui and Tuhikitea.</p> <p>The above hapu are largely historical. While many Ngati Maru know the hapu groups from whom they descend, many do not.</p> <p>Currently the strength of Ngati Maru lies in the fact that each whanau has a widely recognised Ngati Maru tupuna name from whom they descend. This instantly identifies them as Ngati Maru, and these whanau are as large as, if not larger than our historical hapu. Many of these whanau are several hundred strong in their own right.</p> <p>For a more detailed description of the historical Ngati Maru hapu, see evidence of Karl Burrows and Holden Hohaia for the Ngati Maru claim to the Waitangi Tribunal (WAI 1609) attached as Appendix 1.</p>	<p>As discussed previously, OTS considers it to be the claimant group's decision whether or not to list historical hapū in the claimant definition. Ultimately, OTS's strong preference is for ancestry-based claimant definitions in which any lists of hapū (be they active/contemporary or historical) are illustrative but not exhaustive.</p> <p>As with the ancestor component of the claimant definition, OTS desires to understand how hapū listed in the claimant definition relate to the claimant group and would appreciate any further source material you are able to provide.</p> <p>OTS would also like to minimize overlapping claimant definitions between neighbouring groups. Could you please clarify if Ngati Kura ki Uta is distinct from the Ngāti Kura included in the Ngāti Mutunga Deed of Settlement?</p> <p>OTS would also like to clarify whether Ngati Teika is the same as Ngati Te Ika?</p>
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3	Marae	What are the marae associated with the large natural group?	Ngati Maru has one active marae – Te Upoko o te Whenua, also known as Pukehou or Tarata Marae. While we also have close associations with neighbouring iwi marae such as Kohangamoia and Whakaahurangi, these are not recognised as Ngati Maru marae.	Some iwi include historical marae in their mandate strategy. Do you intend to include this level of detail?
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<p>4</p>	<p>Wai Claims</p>	<p>What are the historical Wai claims associated with this large natural group? Please note that the representation sought is for all claims, whether registered or un-registered.</p>	<p>WAI 136 (Tainui Tokotaua and others) for Ngati Maru WAI 583 (Pono Whakaruru and others) for Ngati Maru WAI 1609 (Karl Burrows and Holden Hohaia) for Ngati Maru</p>	<p>Wai claims are typically categorised as claims to be settled in full, or claims to be settled in part (so far as they relate to the settling group).</p> <p>Wai 136 and Wai 1609 have not been included in any previous settlements and so may be included in the Ngāti Maru claimant definition as claims to be settled in full.</p> <p>Wai 583 was included in the Ngāti Mutunga settlement as a claim to be settled in part, and so OTS considers that the parts of that claim that relate to Ngāti Mutunga (may be very small) are settled. The claim can still be included in the Ngāti Maru claimant definition as a claim to be settled in part, and the parts of that claim that relate to Ngāti Maru will be settled on the conclusion of a Ngāti Maru settlement.</p> <p>OTS previously identified other Taranaki region claims which may have aspects that relate to Ngāti Maru. We will review the statements of claim and provide further information in the near future. You may then wish to discuss the inclusion of these Wai claims with the Wai claimants (as claims to be settled in part).</p> <p>We suggest that you contact all Wai claimants whose claims are included to discuss the inclusion of their claim at an early stage. OTS may be able to provide contact details and advice on OTS policy if required.</p>
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5	Rohe/Area of Interest	What is the area covered by the claims? (Please either include a written description or attach a map.)	Please see attached map (Appendix 2) which was submitted by Pono Whakaruru as evidence for the claim WAI 583. Also included is a written description provided by Mr Whakaruru as part of the claim evidence.	Thank you, no OTS comments at this stage.
6	Overlapping Claims/Iwi	Please identify overlapping groups.	There are no overlapping claims or groups that the writer is aware of. (nb – find out about Ngati Ruanui statements about Te Wera forest)	We encourage you to list all neighbouring groups here, both settled and yet-to-settle.
7	Previous engagement	Has your large natural group/representative body had any previous engagement with the Crown, such as engagement due to overlaps with other groups in negotiations or a previous on-account settlement?	Te Runanga o Ngati Maru was established in 2010. The previous trustees had some dealings with the Crown and expended considerable effort attempting to progress the claim before being asked by the Maori Land Court to step down for breach of trustee obligations.	Thank you, no OTS comments at this stage.
8	Waitangi Tribunal	Has the Waitangi Tribunal inquired into or reported on any of the claims of your large natural group? If so, please describe.	No	Do you consider that the Taranaki Tribunal's <i>Kaupapa Tuatahi</i> (Wai 143) report covered aspects of Ngāti Maru's claims? In addition, would you consider that the Whanganui Tribunal (Wai 903) has inquired into aspects of Ngāti Maru's claims through the inclusion of Wai 1609?

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The representative body		
9	Representatives	<p>What are the names of the representatives on the body? Please provide records of how these representatives were elected (ie. advertisements and minutes of relevant meetings).</p> <p>There is one elected trustee – Tamzyn Pue, and five Court Appointed Interim Trustees (Holden Hohaia, Jan Matuku, Tom Rangihaeata, Maioha Tokotaua and Eddie Ngeru).</p> <p>The Court orders appointing Tamzyn Pue and the previous trustees, and subsequently removing five trustees and appointing five interim trustees, are attached as Appendix 3.</p> <p>Our preference would be to include cross-references to election process set out in the Second Schedule of the Trust Deed e.g.6.1, 6.3(b), 7.2, 7.3</p> <p>Because Tamzyn Pue is an elected trustee, we suggest you attach records showing how she was elected</p>
10	Structure	<p>What kind of entity is the representative body? Briefly describe the structure of the body, particularly the relationship between constituent iwi/hapu/marae and the body. The following types of bodies have previously been recognised by the Crown as mandated bodies:</p> <ul style="list-style-type: none"> - Private Trust - Incorporated Society - Charitable Trust - Committee of an existing Trust - Iwi Runanga - Working part/ non-legal entity <p>Te Runanga o Ngati Maru is an Iwi Runanga. It has been constituted as a Whenua Topu trust under Te Ture Whenua Maori 1993. Clause d (i) of the trust deed outlines that the trust is established to: "...Act as the representative entity for the iwi of Ngati Maru..."</p> <p>Clause 2(b)(ii) of the trust deed also states that the object of the trust is to represent the interests of Ngati Maru:</p> <p>(ii) in negotiations with the Crown in relation to settlement of the Treaty of Waitangi claims of Ngati Maru (Taranaki).</p> <p>This description complies with Crown requirements.</p>

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11	Key Governing Documents	What are the key governing documents (eg. Trust Deed, Charter or Constitution) that govern the operations of the body and its negotiators? Please attach these and provide to the Crown.	A copy of the trust deed is attached for information as Appendix 4. This deed has also been examined by the Office of Treaty Settlements and endorsed as an appropriate entity to seek mandate on behalf of the people of Ngati Maru to negotiate the claim.	Trust Deed complies with Crown requirements.
12	Accountability	<p>How will the representative body be accountable to the claimant community?</p> <ul style="list-style-type: none"> - how will the body make decisions? - by what means and how often will the body report to the claimant community on progress? <p>Please refer to the key governing documents as applicable.</p> <p>Mandated bodies must present an initialled deed of settlement to the claimant community for their ratification.</p>	<p>The Runanga interim trustees are required to review the membership register and hold proper elections.</p> <p>Once elected, it is proposed that the trustees report to the claimant community every 4 – 6 weeks through publicly advertised hui-a-iwi, as well as provide newsletter updates to the people of Ngati Maru to keep them informed on progress of their claim.</p>	<p>Our preference would be to include cross-references to the Third Schedule of the Trust Deed outlining the proceedings of trustees e.g.1.1, 5.1</p> <p>The proposal for trustees to report to the claimant community every 4 - 6 weeks is beyond the Crown requirements. You may wish to reduce this to quarterly publicly advertised hui-a-iwi to reduce costs.</p> <p>Cross reference to AGM and reporting requirements in the Trust Deed could also be included here (7.3, 8.1)</p>

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<p>13</p>	<p>Tribal Register</p>	<p>Is there a tribal register or a beneficiary list that identifies members of the claimant community? What is the process by which potential members of the claimant group can register and be verified as tribal members?</p> <p>It is important that the representative body establishes a tribal register or beneficiary list (if one does not already exist) and encourages registrations.</p>	<p>When the Interim Trustees were appointed to the Runanga in November 2012, the key tasks the judge assigned the new trustees was to review the membership register and hold fresh elections.</p> <p>Progress on the membership register is steady. Once competing mandate claims are resolved, and it agreed that the Runanga be the entity that seeks mandate, the Runanga will be able move quickly to validate the register and progress elections. Once new trustees are elected, the Runanga could move immediately to seek mandate of the people to progress the claim.</p> <p>The Runanga should be in a position to hold new elections by 30 April</p>	<p>Our preference would be to also include cross-references to the First Schedule of Trust Deed relating to membership of Ngāti Maru (Taranaki) register e.g. 1.1, 3.1, 4.1</p>
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14	Funding Management	<p>How will the body administer funding? A separate account must be established to hold any Crown claimant funding. Please provide a system generated bank deposit slip or bank statement header showing the account name and number. Is the representative body GST registered?</p>	<p>The Runanga can provide account details on request</p>	<p>Could you please include a statement that the Runanga would undertake an annual audit as this is a Crown requirement.</p> <p>Before receiving any Crown funding could you please:</p> <ul style="list-style-type: none"> - provide a system generated bank deposit slip or bank statement header showing the account name and number of a separate account to receive Crown funding - Could you please also provide information as to whether the Runanga is GST registered or not.
15	Removing or amending the mandate conferred by the claimant community	<p>How can the claimant community remove or amend the mandate? Is the process for removing or amending the mandate clearly set out?</p> <p>Please contact the Crown for examples of removal processes. The number of people participating in a removal process need not be more than the number of people who participated in conferring the mandate.</p>	<p>Mandate to progress the claim would be sought by the newly elected Runanga. The people can, at any time, advise the Crown that the Runanga has lost their support to progress the claim.</p>	<p>We would encourage you to include more detail as to how the process to remove or amend the mandate is to be undertaken.</p> <p>We have attached an example of a process to remove mandate</p>

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<p>16</p>	<p>Negotiators</p>	<p>How will the negotiators be accountable to the mandated body?</p> <ul style="list-style-type: none"> - who will appoint the negotiators? - how will the negotiators be appointed and removed? - will the negotiators be bound by the mandated body's charter and/or a specific 'terms of reference' and what are they authorised to do? - on what basis will the negotiators be chosen? - how will the negotiators report to the mandated body? 	<ul style="list-style-type: none"> - Once the Runanga has gained mandate to progress the claim on behalf of the people, negotiators could be appointed or removed at a hui-a-iwi advertised for that purpose. - Negotiators could be bound by "terms of reference" which clearly set out the parameters within which they are authorised to negotiate. - The Runanga will outline the skills required of the negotiators and allow the people to put forward negotiators on that basis - Negotiators will report through advertised 6 weekly hui-a-iwi to be organised by the Runanga 	<p>You may wish to include that the Negotiators will report directly to the Trustees.</p> <p>We would encourage you to include more detail in regard to the process of appointing and removing negotiators at hui-a-iwi e.g. voting.</p> <p>The proposal for negotiators to report to the claimant community every 4-6 weeks is beyond the Crown requirements. You may wish to reduce this to quarterly publicly advertised hui-a-iwi to reduce costs.</p>
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Mandate hui process				
17	Hui Time/Location	<p>Representative body to organise hui where large numbers of their claimant community reside: both nationally (e.g. Auckland, Wellington) and inside iwi rohe. The Crown may support the mandate hui process by organising some national hui. The Crown may also be funding specified venue and advertising costs in a number of national centres for representative bodies to host hui to seek confirmation of their mandate.</p> <p>When and where will these hui be held?</p> <p>Precedents for different sized groups: 1,800 people – 3 mandate hui 5,000 people – 8 mandate hui 30,000 people – 12 mandate hui</p>	<p>Mandating hui need to be will be held in: Taranaki (New Plymouth / Tarata/ Hawera / Taumarunui) Auckland Wellington</p> <p>If the new Runanga members can be elected by the end of April, all necessary mandating hui within Taranaki and elsewhere could probably be completed by October/November 2013.</p>	<p>5 hui would ensure a robust mandate process. 5 hui, however, is more than the usual Crown requirement for an iwi of Ngāti Maru's size and 3 hui would meet Crown requirements</p>
18	Hui Advertising	<p>How will the hui be advertised? Will at least 14 days public notice given for each hui?</p> <p>The representative body needs to advertise the mandate hui at least 14 days in advance in local/national newspapers. The Crown will provide an advertisement template for you to complete.</p> <p>It is important that advertisements show:</p> <ul style="list-style-type: none"> - where and when the hui will be held; - the purpose of the hui; - information on the voting process (including eligibility to vote); and - the resolution to be voted on at the hui. 	<p>Runanga will comply with all Crown requirements in regard to Hui advertising</p>	<p>OTS advertisement template has been attached</p>

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19	Hui presentation	<p>The Crown will provide a template presentation for you to complete including information on:</p> <ul style="list-style-type: none"> - the claimant definition and historical claims; - the identity of the body seeking mandate and its representatives; - the structure and accountabilities of the body; - stating that the mandate sought is to represent your large natural group in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of your large natural group; and - stating that the mandated body would present any initialled deed of settlement to the claimant community for their ratification. 	Tautoko	
20	Resolutions	<p>What is the hui resolution? E.g. "This hui gives the [representative body] the mandate to represent the [large natural group] in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of [large natural group]."</p>	Yes	Just to clarify - does 'yes' mean that the Runanga agree to use template resolution listed in Crown guidelines?
21	Voting Process	<p>How will the claimant community vote? E.g. secret ballot or show of hands. All of these methods are acceptable to the Crown. For each method the representative body will need to have a way to check that people do not vote more than once. Please invite Crown observers and independent scrutineers to attend the hui.</p>	Voting will be on the basis of the Ngati Maru membership register which is currently being updated by the Runanga.	<p>Do you intend to use a postal ballot, secret ballot, or a show of hands?</p> <p>Voting needs to be open to all members of Ngāti Maru, whether they are registered with the Runanga or not.</p>

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

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

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