Ngāti Hāua Iwi Trust

Mandate Strategy

11 February 2017

Prepared by the Ngāti Hāua Iwi Trust

‘Unuunu te puru o Tūhua mā ringiringi te wai o puta’.

Tōpine Mamaku

‘If you withdraw the plug of Tūhua,

You will be overwhelmed by the flooding hordes of the North.’

or:

‘If you withdraw the plug of Tūhua,

You empty the Whanganui River’.

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1. INTRODUCTION

1.1 The Ngāti Hāua rohe is a vast estate with many natural resources. Though the rohe was shared with other iwi and hapū Ngāti Hāua maintained its own distinctness. The tribal estate was communally held. Its boundaries were in large part determined by Ngāti Hāua kāinga, awa, and maunga geographical features.

1.2 Ngāti Hāua practices of kaitiakitanga, rāhui, and tapu tikanga ensured the sustainability of the tribal estate. All authority and decision making processes pertaining to lands and resources were conducted according to Ngāti Hāua tikanga through the authority of tribal rangatira.

1.3 Tragically, the imposition of a foreign land tenure system via Crown acts and legislation destroyed tribal land tikanga and rangatira authority by redefining the tribe's estate and replacing traditional decision making processes.

1.4 In July 2014, the Crown recognised Ngāti Hāua as one of four Large Natural Groups (LNG) in the Whanganui River District.

1.5 On 2 July 2016, at a Ngāti Hāua Iwi Trust hui-ā-tau (AGM), it was agreed that the Ngāti Hāua Iwi Trust seek a mandate to represent ngā uri o Ngāti Hāua in Treaty settlement negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Ngāti Hāua (see Appendix 1 Ngāti Hāua Iwi Trust Hui a Tau, AGM, meeting minute).

2. NGĀTI HĀUA IWI OVERARCHING PRINCIPLES

2.1 In seeking a mandate the Ngāti Hāua Iwi Trust decided Ngāti Hāua Iwi principles would provide guidance for the Ngāti Hāua LNG mandating process. The principles would form the foundation for the work to be carried out.

2.2 The Ngāti Hāua Iwi principles are:

a. To work on behalf of all Ngāti Hāua and ngā uri o Ngāti Hāua;

b. To be inclusive with an open-door policy and to build and foster relationships; that enhance our purpose;

c. To observe Ngāti Hāua tikanga and kawa to enhance our purpose; and

d. To adopt a consensus decision making/ tikanga based approach

Mana	• act appropriately together
Ukaipōtanga/ Mana Whenua	• Whānau, hapū and iwi-place of nourishment and wairua
Whakapapa	• connected by Papatuanuku
Tikanga	• correct customary action
Whānaungatanga	• Recognising and respecting relationships
Rangatiratanga	• Marae/hapū/ iwi based leadership
Kotahitanga	• Unified under an agreed method
Te Reo	• use of appropriate language for the occasion
Wairuatanga	• respecting origins and kaitiaki roles and responsibility
Pūkengatanga	• Culturally accountable for financial guardianship
Kaitiakitanga	• repository tikanga and knowledge
Manaakitanga	• providing timely support for each other: Hospitality
Tāngata	• Past- Present- Future

3. NGĀTI HĀUA IWI TRUST

3.1 The Ngāti Hāua Iwi Trust was established in 2001 following early discussions in 1990 amongst Ngāti Hāua about the need to co-ordinate and manage iwi affairs and progress the settlement of Ngāti Hāua Treaty grievances. Particularly, in relation to Ngāti Hāua land and Tongariro National Park maunga matters

3.2 Key Ngāti Hāua kaumātua and Wai claimants, with the endorsement of Ngāti Hāua and the Whanganui River Māori Trust Board, were instrumental in the establishment of the Ngāti Hāua Iwi Trust.

4. NGĀTI HĀUA IWI TRUST MANDATE STRATEGY

4.1 This mandate strategy sets out the process Ngāti Hāua Iwi Trust will follow to seek a mandate from the uri, whānau and hapū of Ngāti Hāua to represent Ngāti Hāua in Treaty settlement negotiations with the Crown for the comprehensive settlement of all historical Treaty of Waitangi claims for Ngāti Hāua.

4.2 A Crown recognised mandate enables the Ngāti Hāua Iwi Trust to negotiate an initialled Ngāti Hāua Deed of Settlement with the Crown on behalf of ngā uri o Ngāti Hāua. The Ngāti Hāua Iwi Trust would present the initialled Ngāti Hāua Deed of Settlement to the Ngāti Hāua claimant community for consideration and ratification.

4.3 In addition to the ratification of a Ngāti Hāua Deed of Settlement the Ngāti Hāua Iwi Trust would present the Ngāti Hāua claimant community with a Post-Settlement Governance Entity (PSGE) proposal for Ngāti Hāua ratification.

4.4 In seeking a mandate to represent ngā uri o Ngāti Hāua in Treaty settlement negotiations with the Crown the Ngāti Hāua Iwi Trust recognises its responsibility to:

a. Seek out and meet the aspirations of ngā uri o Ngāti Hāua; and

b. work through the Crown's processes and requirements

5. NGĀTI HĀUA CLAIMANT DEFINITION

5.1 For the purpose of Treaty Settlement negotiations Ngāti Hāua means the collective group of individuals who descend from one or more of the following Ngāti Hāua Ngā Tūpuna/common ancestors and or any of the other Ngāti Hāua hapū recognised ancestors.

5.2 Ngā Tūpuna/common ancestors:

- Paerangi
- Ruatupua Nui
- Hāua

Ngāti Hāua hapū recognised ancestors:

- Te Hoata
- Whakaneke
- Hinengakau and her husbands Auroa and Tamahina
- Te Rangipuhia
- Hauaroa
- Hekeāwai
- Tū Te Mahurangi
- Te Pikikotuku I

5.3 The detail of ngā uri o Ngāti Hāua claimant definition may be developed further over the course of settlement negotiations.

6. NGĀTI HĀUA HAPŪ

Current Hapū	
Ngāti Hāua	Ngāti Te Awhitu
Ngāti Hauaroa	Ngāti Wera
Ngāti Reremai	Ngāti Hinewai*
Ngāti Tū	Ngāti Poutama*
Ngāti Hekeāwai	Ngāti Rangitengaue
Ngāti Keu*	Ngāti Tama-o-Ngāti Hāua
Ngāti Kura*	Ngāti Ruru*
Ngāti Whati	Ngāti Hira
Ngāti Onga	

6.1 The current active Ngāti Hāua hapū that descend from these tūpuna are:

6.2 Ngāti Hāua Iwi Trust acknowledges hapū that have shared interests with other iwi (as marked with an asterisk).

6.3 Ngāti Hāua, Whanganui Iwi, Ngāti Tūwharetoa, Ngāti Maru and Ngāti Maniapoto share strong historical links. By virtue of their whakapapa many Whanganui iwi, Ngāti Tūwharetoa, Ngāti Maru and Ngāti Maniapoto iwi members also affiliate to Ngāti Hāua rohe, marae and whenua.

6.4 This claimant definition may be developed further during the course of the mandate and the Treaty settlement negotiations processes.

7. NGĀTI HĀUA MARAE

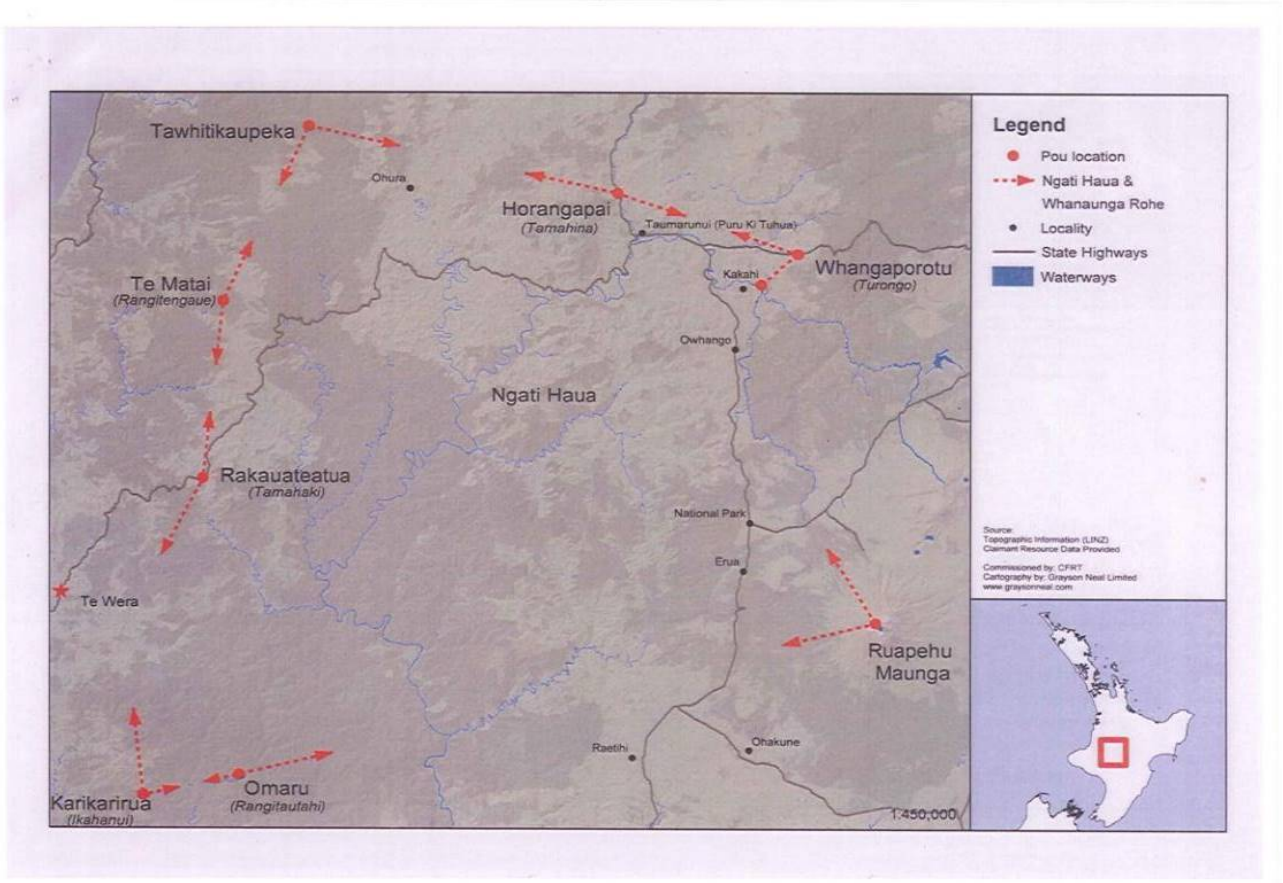
7.1 There are seventeen (17) active marae in the Ngāti Hāua rohe. Some of these marae have dual affiliations to both Ngāti Hāua hapū and other hapū in the Whanganui, Tūwharetoa, Ngāti Maru and Ngāti Maniapoto rohe (as marked with an asterisk).

Marae	Current Hapū
NGAPUWAIWAHA MARAE	Ngāti Hāua Ngāti Hāuaroa
WHARAUROA MARAE	Ngāti Wera Ngati Hāua Ngāti Hinewai
MORERO MARAE	Ngāti Hauaroa Ngāti Reremai
TAWHATA MARAE	Ngāti Tū, Ngāti Rangitengaue
TE PEKA MARAE*	Ngāti Hekeāwai
OHURA	Ngāti Wera
MATUA KORE	Ngāti Hinewai Ngāti Poutama
MANIAITI	Ngāti Hekeāwai, Ngāti Hāua
MARAEKOWHAI	Ngāti Hāua/ Ngāti Tama
RURUMAIAKATEA	Ngāti Hāua
WHANAU MARIA	Ngāti Hāua
HIA KAITUPEKA*	Ngāti Hira
PAKAITORE*	Ngāti Hāua
KIRIKIRIROA*	Ngāti Hāua/ Ngāti Ruru
TIEKE*	Ngāti Hāua
WHITIANGA*	Ngāti Hāua
KAIWHAKAUKA*	Ngāti Hāua

7.2 Note the marae listing is not an exhaustive list

8. NGĀTI HĀUA ROHE AREA OF INTEREST MAP

8.1 The following map provides a pictorial view of the Ngāti Hāua rohe/area of interest. Ngāti Hāua does not claim this as an exclusive rohe/area of interest. The map is indicative only and may be further refined through the mandate and Treaty settlement negotiations.



9. NGĀTI HĀUA WAI CLAIMS

9.1 The Ngāti Hāua Waitangi Tribal claims included in this mandate strategy, whether registered or unregistered, arise from Crown actions and omissions that occurred prior to 21 September 1992 in so far as they relate to the ancestors and hapū listed in the Ngāti Hāua claimant definition, including but not limited to the claims listed below.

9.2 The Wai claims to be settled in full that relate to the ngā uri o Ngāti Hāua claimant community are as follows:

WAI CLAIMS	
WAI 764	Uri of Tānoa Te Uhi and Te Whiutahi- Cedric Tānoa, Irene Harvey, Michael Le Gros and Grace Le Gros
WAI 1203	Uri of Tūtemahurangi and Waikura and the descendants of Te Tarapounamu- Lois Tūtemahurangi, Īhāia Te Ākau, and Piripi Tūtemahurangi
WAI 1299	Ngāti Hekeāwai- Inuhaere (Lance) Rupe, Te Poumā Rupe, and Albion Para Bell

9.3 The following Wai claims relate to Ngāti Hāua in part only. Only the parts of these Wai claims that relate to the Ngāti Hāua rohe will be included in a Ngāti Hāua Treaty settlement with the Crown.

10. NGĀTI HĀUA OVERLAPPING CLAIMS

WAI CLAIMS	
WAI 48	Ngāti Hāua-Kevin Amohia
WAI 50	Rangitoto Tuhua 55A Block Claim
WAI 81	Ngāti Hāua-Kevin Amohia
WAI 146	Ngāti Hāua-Kevin Amohia
WAI 167	A claim made by Hikaia Amohia, Archie Te Atawhai Taiaroa, Rūmātiki Linda Henry, Kevin Amohia, Hoana Joan Akapita, Te Turi Julie Ranginui, Brendon Puketapu, Michael Potaka, John Maihi and Rangipō Metekingi
WAI 1029	Ngāti Hinewai and Ngāti Hotu – Monica Mātāmua
WAI 1097	Ngāti Hira and Ngāti Hari- Terry Turu, Ngaku Rangitonga
WAI 1147	Uri of Tānoa Te Uhi and Te Whiutahi -Ohura South Claim- Michael Le Gros, Grace Le Gros, Cedric Tanoa and Tahuri Te Ruruku
WAI 1191	Ngāti Hinewai – Eleanor Taiaroa, Margaret Edwards and Matiu Haitana
WAI 1229	Ngāti Uenuku-Selwyn Brown, Tāhiwi Peni, Karina Williams, Thomas & Margaret Waara, Rex Peni, Gloria King, Rangi Bristol, Wayne Waara, Michael Marumaru, Paul Marumaru, Lance Ruke, Brian Ruke and David Wiari

10.1 Neighbouring iwi with potential overlapping interests in the Ngāti Hāua rohe/area of interest are:

a. Whanganui Iwi;

b. Ngāti Rangi;

c. Ngāti Uenuku;

d. Taranaki;

e. Ngāti Maru;

f. Ngāti Tūwharetoa; and

g. Ngāti Māniapoto.

The Ngāti Hāua Iwi Trust will engage with these iwi groups as is deemed necessary or required by the Crown.

11. NGĀTI HĀUA IWI TRUST

11.1 The Ngāti Hāua Iwi Trust is a Charitable Trust and represents ngā uri o Ngāti Hāua, Ngāti Hāua hapū, and Ngāti Hāua marae.

11.2 The Ngāti Hāua Iwi Trust is governed by its Deed of Trust. Amendments have been made to the Deed of Trust. A copy will be available at the Ngāti Hāua iwi website. On 2 July 2016, at the Ngāti Hāua Iwi Trust hui-ā-tau (AGM), the Ngāti Hāua Iwi Trust's current trustees were elected (see Appendix 1 Ngāti Hāua Iwi Trust hui-ā-tau, AGM, meeting minute). The trustees elected were:

a. Eugene Topine, chair;

b. Teresa Hall, vice chair/secretary;

c. Iulia Leilua, (since resigned)

d. James Anderson, treasurer;

e. Rūmātiki Linda Henry

f. Lois Tūtemahurangi;

g. William Huch.

The election of Ngāti Hāua Iwi Trust trustees is governed by the Ngāti Hāua Iwi Trust's Deed of Trust available from the Ngāti Hāua Iwi Trust's website www.ngatihaua.iwi.nz.

ACCOUNTABILITY AND REPORTING PROCESS

11.3 The Ngāti Hāua Iwi Trust will meet monthly, or as required, according to the needs of the Ngāti Hāua Iwi Trust trustees and will appoint administrative staff to assist it manage mandate and Treaty settlement negotiations as required. The Ngāti Hāua Iwi Trust will report to the Ngāti Hāua claimant community via:

a. Bi-monthly hui-ā-Iwi commencig from 5 December 2016;

b. Hui-ā-Tau (AGM);

c. email and social media;

d. newsletters; and

e. a Ngāti Hāua Iwi Trust Board website (with links to other iwi websites).

11.4 Ngāti Hāua Iwi Trust decisions will be made according to the Ngāti Hāua Iwi Trust's Deed of Trust. This states that decisions will be made by a majority vote of the trustees and passed accordingly. Where an issue before the Ngāti Hāua Iwi Trust is of significant concern, or directly affects Ngāti Hāua marae and/or environment, the Ngāti Hāua Iwi Trust will hold a hui-ā-iwi to allow the Ngāti Hāua claimant community to consider the issue(s) and advise the Ngāti Hāua Iwi Trust on their thoughts of an appropriate course of action.

FINANCIAL MANAGEMENT

11.5 Ngāti Hāua Iwi Trust finances will be managed under the current financial policies and procedures of the Ngāti Hāua Iwi Trust. XERO is the Accounting Package the Ngāti Hāua Iwi Trust uses to assist financial decision making. Specialist Accountancy advice will be sought as and when required.

11.6 The Ngāti Hāua Iwi Trust will be responsible for the production of regular financial accounts in accordance with the Ngāti Hāua Iwi Trust's Deed of Trust. The Ngāti Hāua Iwi Trust will act in a prudent and diligent manner in all financial matters.

TREATY SETTLEMENT NEGOTIATORS

11.7 The Ngāti Hāua Iwi Trust will be responsible for the appointment, close monitoring, performance management and review of Ngāti Hāua's Treaty settlement negotiators (**Ngāti Hāua Negotiators**).

11.8 The Ngāti Hāua Negotiators' key task is to negotiate the best possible Treaty settlement with the Crown for Ngāti Hāua Iwi Trust consideration.

11.9 Ngāti Hāua Negotiators are accountable to the Ngāti Hāua Iwi Trust and will report to Ngāti Hāua Iwi Trust on a monthly basis or as required.

11.10 Ngāti Hāua Negotiators will have no authority to accept or to sign a Deed of Settlement with the Crown on behalf of Ngāti Hāua.

12. MANDATE PROCESS

12.1 The Ngāti Hāua Iwi Trust's Mandate Strategy documents the process the Ngāti Hāua Iwi Trust will follow to achieve a Crown recognised mandate to represent Ngāti Hāua in Treaty settlement negotiations with the Crown.

12.2 The mandate process includes the following key steps:

a. Draft Mandate Strategy notification and submissions period;
b. Mandate hui; and
c. Draft Deed of Mandate publication and submissions period.

MANDATE HUI

12.3 The Ngāti Hāua Iwi Trust will hold five (5) mandate hui in locations where large numbers of Ngāti Hāua members are concentrated.

12.4 The mandate hui will provide an opportunity for members of the Ngāti Hāua claimant community to find out about the proposed mandate strategy and the proposed settlement negotiation process. It is intended that mandate hui will be held in the following locations:

- 1 hui in Taumarunui;
- 1 hui in Whanganui;
- 1 hui in Auckland;
- 1 hui in Hamilton; and
- 1 hui in Christchurch;

12.5 Attendance registers will be kept at each mandate hui. Attendees will be asked to list their Ngāti Hāua hapū and marae affiliations. A minute of each mandate hui will be kept.

12.6 A member of the Ngāti Hāua Iwi Trust will chair each hui.

12.7 The mandate resolution will be voted on at each mandate hui (see section 14 Voting).

12.8 Independent observers will be invited to attend each hui.

MANDATE HUI PRESENTATION

12.9 There will be a PowerPoint presentation at each hui. The presentation will cover:

a. the purpose of the hui;

b. Ngāti Hāua Iwi Trust's structure;

c. the Treaty settlement process; and

d. Ngāti Hāua's claimant definition noting claims to be settled.

12.10 The mandate hui voting process will be explained at each hui so the Ngāti Hāua claimant community are well informed about the voting process.

13. MANDATE RESOLUTION

13.1 The Ngāti Hāua claimant community will be asked to vote on the following resolution:

"The Ngāti Hāua Iwi Trust is mandated to represent Ngāti Hāua in negotiations with the Crown for the comprehensive settlement of all historical Treaty of Waitangi claims of Ngāti Hāua".

13.2 The Ngāti Hāua claimant community will be notified of mandate hui 21 days in advance through a range of media, including:

a. appropriate national and local newspapers;

b. radio - Bulletin Boards on Māori radio stations;

c. public notices placed in key locations such as marae and TPK Offices;

d. pānui emailed to Ngāti Hāua Iwi members on the Ngāti Hāua Iwi Tribal database housed at the Ngāti Hāua Iwi Trust office; and
e. social media and Māori media.

13.3 The advertisements will clearly state the purpose of the mandate hui and specifically note the resolution to be voted on.

14. VOTING

ELIGIBILITY TO VOTE

14.1 To be eligible to vote, you must:

a. descend from the eponymous ancestors, as stated in the Ngāti Hāua claimant definition; and

b. be 18 years of age or older.

14.2 Special voting will be available for those who meet the claimant definition but are not registered or who do not wish to register on the Ngāti Hāua Tribal Register but wish to vote.

VALIDATION OF VOTING ELIGIBILITY

14.3 Those who are eligible to vote and are not registered with Ngāti Hāua will be able to make a provisional vote subject to the validation of their whakapapa to the Ngāti Hāua claimant definition. Those who are not registered on the Ngāti Hāua Tribal database and who wish to vote will either need to fill in a Ngāti Hāua registration form, if they wish to register with Ngāti Hāua or complete a whakapapa validation form if they do not wish to register. Both the registration form and whakapapa validation form will be provided prior to mandate hui and will be available at mandate hui.

14.4 Ngāti Hāua Iwi Trust has a Ngāti Hāua Kāhui Kaumātua committee to review Ngāti Hāua registration applications and whakapapa validation forms for those who wish to vote but do not wish to register with Ngāti Hāua. The Ngāti Hāua Kāhui Kaumātua committee's role is to determine in respect of any application by any person who wishes to be a registered member of Ngāti Hāua and/or who wishes to vote that the person descends by whakapapa from ngā uri o Ngāti Hāua or is a whangai of an iwi member.

14.5 The Ngāti Hāua Iwi Tribal Registrar will refer all completed new registration forms and whakapapa validation forms to the Ngāti Hāua Kāhui Kaumātua committee for validation enabling a vote to be counted.

14.6 If a registration application is declined all appeals on the decision should be directed in the first instance to the Chairperson of Ngāti Hāua Iwi Trust who will ensure all available information on the registration applicant has been made available before recommending to a Ngāti Hāua Iwi Trust trustees' meeting, in consultation with the Kāhui Kaumātua Committee, that the appeal be upheld or rejected. The Ngāti Hāua Iwi Trust will make the final decision on whether to uphold or reject the registration application.

VOTING PROCESS

14.7 The Ngāti Hāua claimant community will be sent voting packs at the beginning of the voting period. The packs will include a cover letter and voting information sheet.

14.8 Eligible voters enrolled on the Ngāti Hāua Iwi Tribal database will be sent a voting pack and email (if they have provided an email address) containing mandate information, their voting identifier number for online voting and/ or a voting pack at the beginning of the voting period. Each voting pack will contain a free post envelope through which the voter can submit their vote. Voters will also be able to vote online, with details provided on the voting form.

14.9 Ngāti Hāua voters will be able to vote on the mandate resolution by one of three methods:

a. postal voting using prepaid return envelopes;

b. online voting using a unique identifier; and

c. at mandate hui.

14.10 The voting period will be open for a period of five weeks beginning from the date of posting out voting papers. Postal voting papers will be posted to each registered adult member of Ngāti Hāua.

14.11 Eligible members of Ngāti Hāua are entitled to a single vote.

14.12 New Zealand's leading election management company, Electionz.com, will manage the process. Ngāti Hāua Iwi Trust has benefited from Electionz.com management expertise in

past elections and has found that they provide a cost efficient, secure, transparent and proven method of voting.

14.13 Eligible voters who wish to vote but whom do not wish to register with the Ngāti Hāua Iwi Tribal Register may place a special vote. They must fill out a whakapapa validation form to determine their eligibility to vote.

RESPONSIBILITIES OF RETURNING OFFICER

14.14 An Independent Returning Officer (Electionz.com) will be responsible for receiving and counting all votes. The Independent Returning Officer will forward a declaration in writing stating:

a. the number of ballot papers received;

b. the number of internet votes received;

c. the number of votes rejected; and

d. the number of valid votes in favour of the proposed resolution and the number of valid votes against the resolution.

VOTING AT MANDATE HUI

14.15 If the eligible voters have not already submitted a vote through other voting methods, they will be able to cast their vote at any of the Ngāti Hāua Iwi Trust's mandate hui.

14.16 All voters have identification details and a voting paper identifier number recorded on a voting register.

14.17 At mandate information hui, a secure ballot box will be at all mandate hui for the purposes of voting. Electionz.com will be present at all mandate information hui to oversee the casting of votes.

14.18 Voters will complete their numbered voting paper and cast it in a ballot box. People that wish to vote but who do not wish to register with the Ngāti Hāua Iwi Trust (refer to sections 14.13 and 14.15) will attach a completed registration form to their special vote voting paper.

14.19 The contents of the ballot box along with the Voting Register will be transferred to a courier bag under observation (an independent observer will be present at the hui) and couriered to Electionz.com.

14.20 Electionz.com will check ballot papers against the Ngāti Hāua Iwi Tribal database, held at the Ngāti Hāua Iwi Trust Office and scan and email registration forms from new registrants to Ngāti Hāua iwi Trust for validation (refer to sections 14.4 and 14.5).

14.21 Independent observers will be invited to attend all mandating hui.

SPECIAL VOTES

14.22 Where eligible voters have not registered before the start of the voting period they can contact the Independent Returning Officer (Electionz.com) to be sent a voting pack and a registration form or a whakapapa validation form to determine eligibility. Alternatively, an allocated person under the supervision of Independent Returning Officer (Electionz.com) will provide these at the mandate hui.

14.23 Special voting papers must be marked with a provisional number and this will be their voting identification number. These numbers should be easily distinguishable from the voting identification numbers for registered voters. A register of all special voters cast will be prepared.

14.24 The applicant must send their registration form together with the special voting form or vote as provided at the mandate hui.

14.25 Special votes will not be counted unless the registration form or whakapapa validation form and special voting form have been received on or before the last day of the voting period.

14.26 Special votes will be subject to verification that the voter fits within the criteria for eligibility (refer to section 5, Claimant Definition).

14.27 Voters must also complete a special voting form if they:

a. enrol on the Ngāti Hāua Iwi Tribal database during the voting period but before the closing date of voting;
b. did not receive their voting pack in the mail; and
c. do not have their voting paper they received in the mail but want to cast their vote at the mandate hui.

REPLACEMENT PAPERS

14.28 Replacement voting packs can be requested from the Independent Returning Officer (Electionz.vom). The Independent Returning Officer (Electionz.com) will send out a new voting paper and record that they have done so on the voting register.

VOTING RESULTS

14.29 Upon receipt of the voting results declaration from the Independent Returning Officer, the Ngāti Hāua Iwi Trust shall give public notice of the result of the ballot within 10 business days of the date of the declaration.

14.30 The results will be announced via local and national newspapers, websites and pānui.

15. TRIBAL REGISTER

15.1 Ngāti Hāua Iwi Trust is developing a new Ngāti Hāua Iwi Trust – Iwi Register which will be located at the Ngāti Hāua Iwi Trust office at 153 Hakiaha Street, Taumarunui.

15.2 The Ngāti Hāua Iwi Trust will enter into a formal arrangement with Ngā Tāngata Tiaki for Ngāti Hāua Iwi information and share utilisation of its tribal register to assist the development of a new Ngāti Hāua Iwi register. The Ngāti Hāua Iwi Trust will also seek the assistance of Tūhono in the development of a register.

15.3 Ngāti Hāua Iwi Trust – Iwi Registration forms are available from the Ngāti Hāua Iwi Trust office and will be on the Ngāti Hāua Iwi Trust website. A copy of the registration form is attached as Appendix 2. The Ngāti Hāua Iwi Trust

will be actively encouraging the Ngāti Hāua claimant community to register themselves and their whānau with the Ngāti Hāua Iwi Trust.

15.4 In addition, Ngāti Hāua Iwi Trust – Iwi Registration forms will be available at all mandate hui.

15.5 Developing the register and increasing the number of registered members remains a priority. As part of this ongoing process the Ngāti Hāua Iwi Trust will be investing considerable resource into the development and maintenance of a Ngāti Hāua Iwi Trust – Iwi Register.

15.6 All Ngāti Hāua Iwi Trust registration applications will have Ngāti Hāua whakapapa verified by the Ngāti Hāua Iwi Trust's Kāhui Kaumātua/ Whakapapa Experts group.

16. DISPUTE RESOLUTIONS PROCEDURES

16.1 The dispute resolution procedures adopted by Ngāti Hāua Iwi Trust aligns with Ngāti Hāua's overarching principles (see section 2 of the mandate strategy).

16.2 The Ngāti Hāua Iwi Trust will in good faith, take all reasonable steps to resolve any internal or external Ngāti Hāua Iwi Trust disputes that may arise.

Internal Ngāti Hāua Iwi Trust Disputes

16.3 In the case of disputes that may arise between the Ngāti Hāua Iwi Trust and the Ngāti Hāua Iwi Trust's Kāhui Kaumātua Committee. The disputing party is to submit the dispute(s) in writing to the Ngāti Hāua Iwi Trust's secretary specifying:

a. The matter(s) in dispute;
b. The nature of any claims or allegations; and
c. The action sought by the disputing party (if any) to resolve the issue(s) in dispute.

16.4 The responding party, within 10 business days of receiving notice of a dispute(s), will provide a response to the disputing party:

a. Responding to the claims or allegations made in the dispute; and
b. Setting out what actions it will take in response to the disputing party's request in the notice of dispute (if any).

16.5 If after employing good faith resolution mechanisms, such as negotiation or mediation, the dispute remains unresolved between the parties the consensus of the Ngāti Hāua Iwi Trust will be taken.

External Ngāti Hāua Iwi Trust Disputes

16.6 In the case of disputes that may arise from individuals/groups within the Ngāti Hāua LNG claimant community against the Ngāti Hāua Iwi Trust. The dispute is to be submitted to the secretary of the Ngāti Hāua Iwi Trust in writing. The Ngāti Hāua Iwi Trust will acknowledge receipt of the dispute in writing within 10 business days of the date of receipt.

16.7 In order to consider the dispute(s) the Ngāti Hāua Iwi Trust will appoint a Dispute Committee. The Dispute Committee will consist of three Ngāti Hāua Iwi Trust trustees and two Ngāti Hāua Iwi Trust Kāhui Kaumātua Committee members.

16.8 Where a dispute relates to registration, the members of the Disputes Committee must not have been involved in the consideration of the registration application.

16.9 Ngāti Hāua Iwi Trust may remove and replace members of the Disputes Committee at their discretion.

16.10 The role of the Disputes Committee is to facilitate the resolution of, or failing resolution, make findings on the relevant matter(s) in dispute.

16.11 Agreed actions to address concerns raised in the dispute will be documented

16.12 Where the Dispute Committee is unable to resolve the dispute then the Ngāti Hāua Iwi Trust will call a Special Hui A Iwi of the Ngāti Hāua claimant community, where appropriate, to resolve the matter.

16.13 Decisions at the Special Hui A Iwi will be made by consensus. Resolution(s) from the Special Hui A Iwi will be referred to the Ngati Hāua Iwi Trust for consideration.

17. MANDATE AMENDMENT AND REMOVAL PROCESS

17.1 Any issue(s) or concern(s) regarding Ngāti Hāua's mandate, that propose the amendment or removal of Ngāti Hāua Iwi Trust's mandate, are to be addressed through the Ngāti Hāua Iwi Trust's disputes resolution process section 16.6 – 16.13 of this mandate strategy.

17.2 In the case of a proposed amendment(s) to Ngāti Hāua Iwi Trust's mandate or the removal of Ngāti Hāua Iwi Trust's mandate a letter, signed by 51% of adult members of Ngāti Hāua (aged 18 years and over) must be sent to the Chairperson of the Ngāti Hāua Iwi Trust stating the issue(s) and concern(s). In the case of mandate amendment or mandate removal dispute(s) acknowledgement of the receipt of the dispute may take up to 20 business days in order to verify that those who have signed the letter were registered adult members of Ngāti Hāua at the time of signing.

17.3 Once verification of signatories is confirmed the Ngāti Hāua Iwi Trust will appoint a Dispute Committee to facilitate the resolution of the proposed amendment(s) to Ngāti Hāua Iwi Trust's mandate or the removal of mandate.

17.4 Where the Dispute Committee is unable to resolve these matters then the Ngāti Hāua Iwi Trust will call a Special Hui A Iwi of the Ngāti Hāua claimant community to assist in resolving the matter(s) raised.

17.5 A vote will be held at the meeting on whether or not to amendment or remove Ngāti Hāua Iwi Trust's mandate. Voting will be for registered and unregistered members of Ngāti Hāua (aged 18 years and over).

17.6 An opportunity to vote by special vote will be provided for any unregistered Ngāti Hāua member(s) and will be subject to meeting the requirements of the Ngāti Hāua Kāhui Kaumātua Committee.

17.7 A 75% majority vote is required in order to commence the process to amend or remove Ngāti Hāua Iwi Trust's mandate.

17.8 If a 75% majority vote is not reached but there remain concerns or issues with the mandate, Ngāti Hāua Iwi Trust will consult with the Office of Treaty Settlements and address the issues that have been raised.

Appendix 1

Consultation

Tū Ake Whakatōhea Collective Hapū Consultation Meetings and Correspondence

DATE: 25th September 2015

This document has been developed to list dates of meetings and correspondence between the Tū Ake Whakatōhea Collective (TAWC), Hapū, the Working Party (WP) and Te Upokorehe Treaty Claims Trust (TUTCT). These documents follow on from discussions started in 2007.

The document demonstrates the consultation undertaken to form a single mandated body for Whakatōhea. It highlights the level of activity between hapū and the Tū Ake Whakatōhea Collective.

Hapū / Group	Date	Detail
Whakatōhea Working Party	1 May 2012	Working Party & Collective
	17 May 2011	Working Party & Collective
	5 Nov 2011	Working Party & Collective
	11 April 2012	Working Party & Collective
	27 April 2012	Working Party & Collective
	28 May 2012	Working Party & Collective
	10 Oct 2012	Working Party & Collective
	3 Nov 2012	Working Party & Collective
	11 Nov 2012	Working Party & Collective
	2 Dec 2012	Working Party & Collective
	2 Nov 2013	Working Party & Collective meeting
	16 Nov 2013	Working Party & Collective meeting
	9 Dec 2014	Letter to Working Party from Ngāti Ira RE: Ngāti Ira support to TAWC
	21 Feb 15	Working Party & Collective Meeting
	21 March 15	Working Party & Collective Meeting
	13 April 15	Discussions with Working Party

Hapū / Group	Date	Detail
Te Upokorehe Hapū	4 April 1991	Motion signed by Charlie Aramoana (Te Upokorehe) on behalf of Whakatōhea regarding Boundaries for Whakatōhea and Ngāti Awa
	19 June 2011	TUTCT & Whakatōhea Taumata Kaumātua Hui minutes
	27 July 2011	Documents sent by TUTCT (Kahukore Baker) regarding Whakatōhea position; Opposition by Toby (Jim) Wikotu and Kahikatea Marae (Rongopopoia) of position presented by Kahukore
	14 Aug 2011	TUTCT & Collective
	28 Jan 2013	Letter Received from TUTCT to TAWC; RE: Whakatōhea meeting with Tuhoe – disapproval of meeting
	8 March 2013	Response from TUTCT to TAWC (Letter) – TUTCT Decision not to engage with TAWC, WMTB or Whakatōhea Taumata Kaumātua
	22 July 2013	Upokorehe letter to TAWC declined to meet with TAWC (following TAWC request to meet). No explanation given.
	17 Nov 2013	Presentation by TAWC to Kutarere Marae Committee – Mandate Strategy and Representation Structure
	19 April 2015	Kutarere Marae - Hapū to Hapū korero – Do you want to be represented by Whakatōhea? If so, how do you want to be represented?
	26 July 2015	Maromahue Marae - Hapū to Hapū korero – Do you want to be represented by Whakatōhea? If so, how do you want to be represented?
	3 Aug 2015	Meeting request letter sent to Roimata Marae

Hapū / Group	Date	Detail
	Sept / Oct 2015	Email Correspondence between TUTCT and TAWC – TUTCT declined to meet with TAWC regarding Whakatōhea Mandate
Ngai Tama Hapū	19 April 2013	2 x Invitation letters from TAWC to Ngai Tama Hapū / Opape Marae Committee – to show presentation
	19 August 2013	Invitation from TAWC to Ngai Tama – to show presentation
	6 July 2014	Presentation to Ngai Tama from TAWC – Mandate Strategy
	23 March 2015	Letter received by Ngai Tama – presented by Tracy Hillier, disapproval of mandate strategy at TAWC hui
	3 August 2015	Letter to Ngai Tama – Request to Meet
Hui with Neighbouring Iwi	10 Oct 2012	Whakatōhea & Tuhoe Hui – discussions around shared interests and boundaries
	14 Nov 2012	Collective, Tuhoe Meeting – discussions around Tahora block, shared interests, boundaries and Tuhoe Settlement
UPDATE REPORTS	6 Dec 2012	TAWC Update Report #1
	22 Feb 2013	TAWC Summary Report
	25 Feb 2013	Roadshow Panui
	12 Mar 2013	TAWC Update Report #2
	10 Apr 2013	Roadshow Report
	12 Jul 2013	Activity Report to OTS
	25 Nov 2014	Activity Report to OTS

Appendix 2

Whakatōhea WAI Claims

WAI Claims within Te Rohe o te Whakatōhea

The Trust Board lodged a historical claim against the Crown in 1989 for the unjustified confiscation of Whakatōhea land in 1867. The Crown has acknowledged that it treated Whakatōhea unjustly and wishes to settle the grievance of Whakatōhea and build an enduring Treaty relationship with Whakatōhea.

A number of claims have been made to the Waitangi Tribunal that relate to or include historical Treaty claims of Whakatōhea. The following are the historical Treaty claims filed with the Waitangi Tribunal that would be settled should a mandate be conferred on the Pre-Settlement Trust.

The following are the historical Treaty claims filed with the Tribunal that would be settled to the extent that they relate to Whakatōhea should a mandate be conferred to the Pre-Settlement Trust.

1	WAI 87	Whakatōhea Raupatu Claim	The Late Claude Augustus Edwards
2	WAI 203	Mokomoko whanau claim	The Late Tuiringa Mokomoko
3	WAI 287	School History	Ariana Delamere
4	WAI 339	Hiwarau Block	The Late Tuiringa Mokomoko
5	WAI 558	Ngāti Ira o Waioweka Rohe	John Hone Kameta
6	WAI 864	Moutohora quarry	Russell Hollis, John Hata, Len Brown and the Maori Trustee for and on behalf of the owners of Whakapaupakihi 2
7	WAI 1092	Upokorehe Claim	The Late Charles Aramoana
8	WAI 1433		Nepia Whānau Trust
9	WAI 1511	Ngai Tamatea	Keita Hudson
10	WAI 1758	Roimata marae, Upokorehe hapu, Ngati Raumoa Roimata Marae Trust	Wallace Aramoana, Lance Reha, Gaylene Kohunui, W Aramoana, S Aramoana
11	WAI 1775	Ngāti Patu	John Hata
12	WAI 1781	Ngai Tamahaua	Biddle Claim
13	WAI 1782	Ngāti Rua	Paruru Claim
14	WAI 1787	Rongopopoia ki Upokorehe	Hinehou Leef, Mekita Te Whenua, Richard Wikotu, Rocky Ihe, Kahukore Baker
15	WAI 1794	Turangapikitoi hapū	Muriwai Wehi
16	WAI 1795	Ngāti Rua	Tawhirimatea Williams
17	WAI 1884	Ngāti Ngāhere	The Late Tarati Carrington
18	WAI 2006	Upokorehe and Whakatoia hapu	Priscilla Pihitahi Sandys
19	WAI 2008	Pākowhai	Peter Warren
20	WAI 2055	Ngai Tama of Opape	Dr Guy Naden

21	WAI 2066	Ngati Ruatakenga	Takaparae Papuni
22	WAI 2107	Ngati Ngahere, Ngati Ira	Lee Ann Martin, descendant of Kurei Tamaipaoa and Tuku Maaka, Mokomoko, Te Manawa o Kimohia, Mererua Wahine, Karaitiana Ruru, Horikerei
23	WAI 2160	Whakatōhea / Ngāti Muriwai	Theresa McMurtie
24	TBC	Kahika Claim	Hohepa Kahika

Disclaimer

The Pre-Settlement Trust have taken reasonable care to ensure the list of WAI claims is accurate and complete. Should further information come to light indicating additional Whakatōhea related claims that have not been included in this list, the Collective reserve the right to include them as appropriate.

Appendix 3

Whakatōhea Consultation Report

WHAKATOHEA CONSULTATION REPORT

Tū Ake Whakatōhea Collective – September 2016

ABSTRACT

This report has been prepared to summarise the key consultation events held with the Whakatōhea iwi, between 2011 and 2016

Graeme Riesterer

Chairman

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Introduction

This report has been compiled by the Tū Ake Whakatōhea Collective (The Collective) to summarise some of the key consultation activities undertaken between 2011 and 2016.

The Collective has met with a number of groups, whanau, hapū, and the iwi to structure and design a comprehensive Mandate Strategy that would incorporate all hapū, marae, and claimants into a single entity. This entity is called the Whakatōhea Pre-Settlement Claims Trust, which in June 2016 was mandated by 91.6% of Whakatōhea voters to represent Whakatōhea in direct negotiations with the Crown.

However, the journey for The Collective has been significant to get to this point. When the group was formed the members set three clear values – to be transparent, inclusive and honest. This has remained the case from 2011 up to now. Throughout the consultation The Collective has provided leadership, while at the same time has taken on board the views and opinions of others within the iwi. As a result, the Mandate Strategy draft was amended numerous times to accommodate the different views. The Collective feels the Mandate Strategy is a fair representation of the wider iwi population.

It was decided that this work required a considerable amount of time by volunteers. Therefore, over the past 5 years The Collective have met every Monday (apart from holidays) at the Whakatōhea Māori Trust Board, from 5pm onwards. This has ensured that the work streams over the years had remained steady and that we continued to uphold the core values in consultation with the Iwi.

The summaries below will give you an insight into some of the key activities The Collective has undertaken as a part of its obligation to consult with the Whakatōhea iwi. Detailed information is available in the minutes and other documents held by the Collective.

Consultation in 2012

The Tū Ake Whakatōhea Collective had initially formed in 2011 and had started to work towards drafting a Mandate Strategy. In the initial stages the strategy was very broad and comprehensive, and was designed with consideration of the iwi's make up in mind.

In 2012 The Collective held a number of hui with the Marae and Hapū of Whakatōhea. The intention of these meetings was to present the first draft, but also to start asking hapū and claimants what their views were in relation to establishing a Mandate Strategy for the iwi to move forward into Treaty Negotiations. Suffice to say, there were a lot of changes made to the first draft as a result of hapū consultation and input.

The Collective also engaged with the Whakatōhea Working Party and Te Upokorehe Treaty Claims Trust to discuss options to move forward together. Meetings were also held with Tuhoe to discuss their settlement and overlapping interests.

Three Summary Reports are enclosed in this report:

- 6th December 2012
- February 2013
- 12 March 2013

Information Hui 2013

Following the first example of a Mandate Strategy the Collective made a significant amount of changes to the second draft. It was then decided that the wider iwi should be invited to learn about Treaty Settlements and the draft Mandate Strategy. There was also an opportunity to capture the views and aspirations the iwi had for the future. A team from the Collective then set up meetings with whanau around Aotearoa.

Enclosed is the Summary Report of the Information Hui:

- Roadshow Report – 10 April 2013

Draft Mandate Strategy Submissions 2014

Following numerous meetings with other parties, hapū and the iwi, it was decided to "test the waters" to see if the updated Mandate Strategy would be of consideration. This submission process, facilitated exclusively by The Collective was held between 22 December 2014 and 13 February 2015.

Overall, the majority of the submissions presented to the Collective were in support of the Mandate Strategy.

In summary, the following numbers reflected the views of the iwi following the submission:

Number of feedback forms received:	133
Number in support:	129
Number in opposition:	2
Oppose in part:	3
Not indicated support or oppose:	3
Number of Submissions with feedback to analyse:	14

Enclosed in this report is the Summary of Proposed Drafts – Request for Feedback.

Whakatōhea Working Party

The Whakatōhea Working Party has met with the Collective a number of times over the past five years, with the intention to build a relationship moving forward. The Whakatōhea Pre-Settlement Claims Trust Mandate Strategy was amended in an attempt to accommodate the differing views between the groups. The key differences have included:

- Claimant Definition
- Representation

Two key changes as a result of discussions with the Working Party include the following:

- Marae representation – Marae committees now have their own representation
- Claimant Committee – all claimants now have the ability to construct their strategies together within the Claims Committee

Enclosed in this report (as an example of consultation with the Working Party):

- Minutes - 21 March 2015

Te Upokorehe Treaty Claims Trust

Te Upokorehe Treaty Claims Trust has also met with the Collective several times. However, it may be noted that Te Upokorehe has been trying to obtain their own mandate. They had also offered to Whakatōhea to work side by side towards settlement. However, given the Crown's Large Natural Grouping policy, they have not been successful in doing this.

The Collective has always acknowledged Upokorehe as a hapū of Whakatōhea, as they continue to hold hapū representation of the Whakatōhea Maori Trust Board. All other hapū of Whakatōhea will ensure they have representation in the Mandated Entity.

The key change to the Mandate Strategy as a result of Upokorehe's Multi-Marae hapū was to include the Marae to hold separate representation to their matua hapū. Therefore, currently the Mandate Strategy recognises three marae within Upokorehe, and the hapū representative.

It was also clarified to Upokorehe that the Mandate Strategy allows for other hapū to follow a process to be recognised independently if they currently are not. This was also added as a result of consultation with Upokorehe hapū members.

Enclosed is a copy of the Meeting Notes from a hui held with Te Upokorehe, 26th July 2015, a an example of the consultation with Te Upokorehe.

Overlapping Interests with Iwi

The Collective has met with Tuhoe and Ngai Tai over the past few years.

Tuhoe – As Whakatōhea was not in a position to negotiate shared interests at the time Tuhoe were working through the negotiations, it was agreed between the two tribes that the shared land interest, Tahora, would be held in abeyance until Whakatōhea was into negotiations. When the time comes Whakatōhea will meet with Tuhoe directly to discuss options around that shared area.

Ngai Tai – This iwi presented their mandate strategy. It was decided that further discussions would be held in the future when both iwi are in a better position to discuss overlapping interests.

Draft Mandate Strategy Submission 2015

Given the level of engagement the Collective had with hapū, claimants and the wider iwi, it was decided that a final draft Mandate Strategy would be sent to Te Puni Kokiri for consideration and submission. Te Puni Kokiri supported the Collective to test the Mandate Strategy, and in November 2015 had publicly made the draft document available for submissions.

The following is a summary of the numbers of submissions received:

294 Number of submissions were received (included the group submissions)
202 Number of submissions in support
93 Number of submissions that opposed

This was a good response from the Iwi. There were also a number of submissions that required a response. It was then decided a meeting would be held with submitters to discuss their views on the Mandate Strategy.

Submissions Meeting – 19-20 March 2016

Four meetings were organised by Te Puni Kokiri and the Office of Treaty Settlements with groups that provided a submission to the draft Mandate Strategy. It was an opportunity for those groups to discuss their views with the crown. The Collective attended to listen to their submissions.

The four key groups included:

1. Ngai Tamahaua
2. Te Upokorehe Treaty Claims Trust
3. The Working Party
4. Other Submitters

Most of the opposition came as a result of the Crowns policies, and in particular the Large Natural Grouping policy. It was therefore important for the Crown to have direct conversation with these groups on those points.

Mandate Vote

After making final amendments as a result of the submissions period, a final draft Mandate Strategy was submitted to the iwi for consideration. As discussed in other reports, 91.6% of the iwi that voted agreed to the following resolution:

"The Whakatōhea Pre-Settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"

This essentially showed that the iwi was in support of moving into negotiations with the Crown, and therefore The Collective set about establishing the new Whakatōhea Pre-Settlement Claims Trust.

Social & Other Media

The Collective has to the best of its ability used all media sources to promote consultation and informed the iwi of upcoming hui and events. The Collective has been well supported by the Whakatōhea Maori Trust Board, which has used its website to have draft documents viewable. A facebook page was also established and was actively used over the past five years.

With its relationship with the Whakatōhea Maori Trust Board, the Collective took the opportunity to send update reports via mail to those that are registered on the Tribal Database. This became an essential element for communication over that period

Supporting Documents

The following is a list of supporting documents for this report:

1. Summary Report – 6th December 2012
2. Summary Report – February 2013
3. Summary Report – 12 March 2013
4. Roadshow Report – 10 April 2013
5. Summary of Proposed Drafts – Request for Feedback
6. Working Party Minutes – 21st March 2015
7. Meeting Notes – Upokorehe and Ngai Tamatea Hapū with the Other Hapū of Whakatōhea

Update Report #1

Tu Ake Whakatohea Collective.
122 St Johns Street
PO Box 207
Opotiki
07 3156150

DATE: Thursday, 6 December 2012

TO: WMTB Board of Trustees

FROM: Graeme Riesterer, Chairman

Purpose: To provide an update of the activities of the Tu Ake Whakatōhea Collective; the four hapū of Whakatōhea (Ngati Ira, Ngati Patu, Ngati Rua and Ngati Ngahere). The TAW Collective is supported by the Whakatōhea shared management services and Whakatōhea Maori Trust Board; to progress its Treaty Settlement process. This support arises from a direct request from the TAW Collective to the WMTB to facilitate the Treaty Settlement process with them.

Update:

1 The Collective consists of the majority of the hapū within Whakatōhea and considers its grouping to be a Large Natural Grouping (LNG).

2 The Collective seeks to enter into direct negotiations with the Crown for the settlement of historical Treaty of Waitangi claims of Whakatōhea.

3 The treaty claims project is a special project that exists between the Collective and the WMTB. The WMTB is taking a leadership role alongside of the Collective to obtain a mandate from nga Uri o Whakatōhea to negotiate and settle Whakatōhea historical claims.

4 The role of the WMTB is to provide support and assistance on all claim matters and to manage and mitigate risk, reporting and accountability of the Board and the Collective.

5 There are two other groups who also seek mandate to negotiate the settlement of the historical claims being Whakatōhea Working Party (WP) and Te Upokorehe Treaty Claims Trust (TUTCT).

6 Ngai Tama hapū currently sit outside the process while they consider their options. Ngai Tama representatives have attended some hui as an interested party, as has representatives from Te Pakowhai.

7 Hui have been held with the Whakatōhea Working Party to strengthen relationships and consider if the two groups will be able to alignment their mandate strategies to allow a collaborative mandate process.

8 Ngai Tuhoe and OTS have met with the WMTB and TAWC to provide information and clarification on the historical treaty claim, overlapping boundaries and negotiations with the Crown. The relationship with our neighbouring Iwi has been strengthened and discussions continue in relation to overlapping boundary areas.

VISION

TU AKE WHAKATŌHEA

Stand up and be Proud 'Rise up and stand strong as Whakatōhea

MISSION STATEMENT

TE MANA MOTUHAKE O TE WHAKATŌHEA

Whakatōhea Self Determination

9 Ngai Tuhoe will be meeting with the whānau of Ngati Ira to provide information and clarification on the 'shared' boundary area. An offer has been made to Ngati Ira to put the management of the Tahora Block under the Te Urewera Act. This offer will be considered on 9 December 2012 following discussion with Ngai Tuhoe and Whakatōhea.

10 The Collective seeks to meet with TUTCT to see if there can be alignment between groups to allow for a collaborative mandate process.

11 The Collective has developed a work programme and strategy towards achieving a Deed of Mandate.

12 TAWC has appointed two sub committees. The work groups meet on a regular basis and provide update reports to the wider Collective Group. These sub committees will seek to meet with other parties to build further the specific historic 'stories' of Whakatōhea:

i. Research & Tikanga Committee: To research whakapapa, early history, and historical claim information of Whakatōhea;
ii. PSG Committee: To develop the pre-settlement trust entity structure and Deed documents.

13 TAWC has met with the Working Party with the aim of bringing all parties together, improving relationships and finding alignment on mandate strategy. There appears to be similarities in t strategies and a will to work together however further discussion is required to determine if the parties are able to work successfully together to achieve mandate.

14 A Te Puni Kokiri offer to facilitate a Hui with other parties has been accepted and a tentative date of Sunday 16 December 2012 to be confirmed. Invitations will be coordinated by TPK out to TUTCT, WP.

15 TAWC maintains an inclusive open door policy and will make all endeavours to bring all parties together.

16 A tender process was undertaken for the provision of specialist advice services relating to the settlement of Whakatōhea Treaty Claims, with Kahui Legal being the successful provider. Kahui Legal has met with the Collective and provided a legal opinion on a Draft Trust Deed, Draft Mandate Strategy and Deed of Mandate. Further legal advice will be sought as matters arise and as the Collective moves through its work programme.

17 MEETING SCHEDULE

Tu Ake Whakatōhea Collective	Tikanga & Research Committee	Pre-Settlement Entity Committee
Weekly	Weekly	Weekly
Mondays	Wednesdays	Thursdays
Time: 4.30 pm-7.00 pm	Time: 4.30 pm-7.00 pm	Time: 4.30 pm-7.00 pm

CHAIR; GRAEME RIESTERER
TU AKE WHAKATŌHEA COLLECTIVE

SUMMARY REPORT

February 2013

VISION

TU AKE WHAKATŌHEA

Stand and be Proud 'Rise up and stand strong as Whakatōhea

MISSION STATEMENT

TE MANA MOTUHAKE O TE WHAKATŌHEA

Whakatōhea Self Determination

Email:
wmtb.board@whakatohea.co.nz
Website:
www.whakatohea.co.nz

ABOUT US

Tu Ake Whakatōhea Collective was established and is supported by the following hapū of Whakatōhea;

- Ngāti Ira
- Ngāti Ngahere
- Ngāti Patu
- Ngāti Rua
- Turangapikitoi
- Maromahue

Tu Ake Whakatohea Collective.

122 St Johns Street
PO Box 207
Opōtiki
07 3156150

TAWC comprise 70% of the Whakatōhea tribal database; and is representative of 'ALL URI' of Whakatōhea; An open door policy is maintained and an invitation has been extended to all uri to work with the Collective on behalf of their hapū.

PURPOSE AND OBJECTIVE

Tu Ake Whakatōhea Collective purpose and objectives are:

1) To unite our people

2) To educate, communicate and consult with our people

3) To seek support and approval to lead historical Treaty of Waitangi negotiations with the Crown

4) To provide a strategic vision for ngā uri of Whakatōhea

WHAT WE DO

Tu Ake Whakatōhea Collective meets on a weekly basis to discuss strategies, to achieve a Deed of Mandate, and establish structures and mechanisms to manage the mandate process.

Subcommittee's report on their work programmes around the foundation research being undertaken for the Claim;

- Research & Tikanga (whakapapa; early history; historical claim information)
- Pre / Post Settlement (pre-settlement entity structure; Deed documents, strategic pathways)

EDUCATION & CONSULTATION HUI

Tu Ake Whakatōhea Collective has held hui to provide information and educate hapu on the mandate process and to build awareness and understanding of Stage 1 of the Te Ara Tono document. These will continue to be held to build the capacity of nga uri o Whakatōhea to have a clear understanding and awareness about the Whakatōhea Mandate and Settlement processes, and to promote participation and strengthen their role in decision making and planning.

Consultation has been held with;

- Neighbouring Iwi
- Other Parties
- Hapū / Whānau / Uri
- Taumata Kaumatua
- Crown

The purpose of the consultation has been to;

- Assist decision making
- Enhance transparency and accountability
- Effectively provide information about all key issues
- Ensure beneficiaries understand the objectives and their role in the process
- Promote awareness, participation and strengthening their role in decision making and planning processes
- Build and achieve mutual understanding
- Enable different stakeholders to express their particular interests and points of view
- Gain acceptance of goals and strategies, collaboration and consensus
- Receive feedback on the draft mandate strategy that Tu Ake Whakatōhea Collective has developed

WHAT WE HAVE DEVELOPED

Tu Ake Whakatōhea Collective has developed the following;

- Vison, Purpose, Pepeha, Waiata
- Strategy to achieve a Deed of Mandate
- Structures and mechanisms to manage the process
- Draft Trust Deed for pre-settlement entity
- Alignment of the current strategies of the Whakatōhea Maori Trust Board to a future entity structure
- Draft policies for negotiations
- Strategy for the use of existing Board policies for pre-settlement structures;
  - Finance
  - HR
  - Communications
  - Tribal Database

Acknowledgement - The strategy work has been developed by 'ahi kā' of Whakatōhea, and the Whakatōhea Maori Trust Board and has been aligned to Te Ara Tono (2007).

VISION

TU AKE WHAKATŌHEA

Stand up and be Proud 'Rise up and stand strong as Whakatōhea

MISSION STATEMENT

TE MANA MOTUHAKE O TE WHAKATŌHEA

Whakatōhea Self-Determination

PANUI

INVITATION

Nau mai haere mai nga uri o te Whakatōhea ki tetahi hui o te huarahi e pa ana.

Tu Ake Whakatōhea Collective and the Whakatōhea Māori Trust Board invite all whanau to attend a Road Show hui to inform you of the opt s available to move our Treaty Settlement Process forward.

90% of our people live outside of the Whakatohea rohe, so we are coming to a town near you.

Contact:

PO Box 207
122 St John Street
OPOTIKI
T: 07 315 6150
E: reception@whakatohea.co.nz
W: www.whakatohea.co.nz

Tu Ake Whakatohea Collective.

122 St Johns Street
PO Box 207
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07 3156150

Whakatōhea Treaty Settlement Consultation Hui

PURPOSE

1. To enable you to understand and participate in the decisions required to progress Whakatohea Claims
2. To provide an update on treaty matters to uri, whanau, hapu and Iwi members of Whakatohea
3. To outline the options available for you to make informed decisions
4. Informing you of what the Iwi been up to in the past three years

You can attend one of the following hui:

TOWN	DATE	VENUE	TIME
Whakatane	Thursday, 14 March 2013		6.00 pm-8.00 pm
Gisborne	Monday, 18 March 2013		
Tauranga	Tuesday, 19 March 2013		
Rotorua	Wednesday, 20 March 2013		
Auckland	Thursday, 21 March 2013		
Hamilton	Monday, 25 March 2013		
Whangarei	Tuesday, 26 March 2013		
Wellington	Wednesday, 27 March 2013		
Christchurch	Wednesday, 3 April 2013		

If you cannot attend a hui, please contact us for details on the presentation. Please let all of your whanau know about these hui so we can get as many people attending as possible.

Note that Tu Ake Whakatōhea Collective is supported by the Whakatōhea Māori Trust Board.

E te Iwi, mauri ora!

Graeme Riesterer
Chairman

25 February 2013

Whakatōhea

Information Hui

"Nau mai haere mai ngā uri o te Whakatōhea
ki tetahi hui o te Iwi"

Tu Ake Whakatōhea Collective and the Whakatōhea Māori Trust Board invite all whānau to attend an information hui to inform you of the options available to move our Treaty Settlement Claim forward.

The presentation will include:

- Update on Treaty matters
- Understanding and participating in the Claim process
- Update of Iwi activities

Hui dates and venues include:

TOWN	DATE	VENUE	TIME
Whakatane	Thursday 14 March 2013	Te Manuka Tutahi Marae	5.30 - 8.00 pm
Gisborne	Monday 18 March 2013	The Rose Room, Lawson Field Theatre	5.30 - 8.00 pm
Tauranga	Tuesday 19 March 2013	Maungatapu Marae	5.00 - 8.00 pm
Rotorua	Wednesday 20 March 2013	Waiariki Polytechnic Marae	5.00 - 8.00 pm
Auckland	Thursday 21 March 2013	TBC	7.00 - 9.30 pm
Hamilton	Monday 25 March 2013	Te Kohinga Marama Marae, Waikato University	5.00 - 8.00 pm
Whangarei	Tuesday 26 March 2013	Toll Stadium	5.30 - 8.00 pm
Wellington	Wednesday 27 March 2013	TBC	TBC
Christchurch	Thursday 3 April 2013	TBC	TBC

We urge you and your whānau to attend. Information is available on our website.
Tu Ake Whakatohea!

Contact: Danny Paruru
Iwi Development Manager
07 3156 150
danny.paruru@whakatohea.co.nz
www.whakatohea.co.nz

UPDATE REPORT

March 2013

VISION

TU AKE WHAKATŌHEA

Stand up and be Proud 'Rise up and stand strong as Whakatōhea

MISSION STATEMENT

TE MANA MOTUHAKE O TE WHAKATŌHEA

Whakatōhea Self Determination

Email.
wmtb.board@whakatohea.co.nz
Website:
www.whakatohea.co.nz

Update Report #2

Tu Ake Whakatohea Collective.

122 St Johns Street
PO Box 207
Ōpōtiki
07 3756150

TO: Board Trustees WMTB, Ōpōtiki

FROM: Graeme Riesterer, Chairman

DATE: 12 March 2013

The purpose of the report is to provide an update of activities to the Whakatōhea Māori Trust Board for the period December 2012 to March 2013.

Purpose and Objective

Tu Ake Whakatōhea Collective purpose and objectives are:

1) To unite our people
2) To educate, communicate and consult with our people
3) To seek support and approval to lead historical Treaty of Waitangi negotiations with the Crown
4) To provide a strategic vision for ngā uri of Whakatōhea

Activities

Tu Ake Whakatōhea Collective continues to meet on a weekly basis to discuss strategies, to achieve a Deed of Mandate, and establish structures and mechanisms to manage the mandate process. Subcommittee's report on their work programmes around the foundation research being undertaken for the Claim;

- Research & Tikanga (whakapapa; early history; historical claim information)
- Pre / Post Settlement (pre-settlement entity structure; Deed documents, strategic pathways)

Education & Consultation Hui

Tu Ake Whakatōhea Collective has held hui to provide information and educate hapu on the mandate process and to build awareness and understanding of Stage 1 of the Te Ara Tono document. These build the capacity of nga uri o Whakatōhea to have a clear understanding and awareness about the Whakatōhea Mandate and Settlement processes, and to promote participation and strengthen their role in decision making and planning. Consultation has been held with: Neighbouring Iwi, Other Parties, Hapū / Whānau / Uri, Taumata Kaumatua, Crown.

The Collective will now communicate with those whānau that are located out of the rohe by holding 'Information Hui' in late March/early April 2013 at the

following locations: Whakatane, Gisborne, Tauranga, Rotorua, Auckland, Hamilton, Whangarei, Wellington, Christchurch.

Two Te Puni Kokiri facilitated hui have been held in Ōpōtiki, facilitated by Rauru Kirikiri regarding the process for Whakatōhea mandate with the Crown. A major element has been to achieve te kotahitanga between all parties. TPK held individual discussion sessions with all parties. What arose in those discussions were:

1. A desire to come together;
2. That there were past difficulties with systems, process, history;
3. It appears from TPK's viewpoint that parties are quite close;
4. To consider how to reconcile with other groups.

TPK have asked for further clarity around: Models; Hapu / Uri; Inclusive / Exclusive; Te Ara Tono.

Ngai Tuhoe Deed of Settlement

Tuhoe have approached the Tu Ake Whakatohea Collective and Ngati Ira Hapu in relation to the Tahora Block and Tuhoe's claimed eastern boundary. Ngati Ira have supported the Tuhoe Claim for "Manamotuhake" of their lands, however discussions are continuing with Tuhoe over the current Tuhoe Area of Interest with Whakatohea. Tuhoe will sign their deed of settlement on 25th March 2013 but the Tu Ake Whakatohea Collective have been advised to hold this discussion in abeyance until a mandated group can effectively negotiate the shared interest area.

Work Programme

Tu Ake Whakatōhea Collective has developed the following;

- Vison, Purpose, Pepeha, Waiata
- Strategy to achieve a Deed of Mandate
- Structures and mechanisms to manage the process
- Draft Trust Deed for pre-settlement entity
- Alignment of the current strategies of the Whakatōhea Maori Trust Board to a future entity structure
- Draft policies for negotiations
- Strategy for the use of existing Board policies for pre-settlement structures;
    - Finance
    - HR
    - Communications
    - Tribal Database

Acknowledgement

Shared management services of the Whakatōhea Maori Trust Board continue to provide support as per the Terms of Reference for Hapu and Management Services (May 2011). The Collective have gained good momentum with their work programme and continue to progress in a positive manner.

FINAL

REPORT

April 2013

Roadshow Report

TO: Tu Ake Whakatohea Collective

FROM: Graeme Riesterer, Chairman

DATE: 10 April 2013

Tu Ake Whakatohea Collective.

122 St Johns Street
PO Box 207
Opōtiki
07 3156150

The purpose of the report is to provide an update of road show activities for the period March 2013 to April 2013.

Purpose and Objective

The purpose of the roadshow was to:

1) To educate, communicate and consult with our whānau that work and live away from home; noting that only 10% reside within Whakatōhea – 90% live outside the rohe.
2) To seek support and approval for the work undertaken by the Tu Ake Whakatōhea Collective.
3) To provide a strategic vision for ngā uri of Whakatōhea.

Roadshow Activities

Tu Ake Whakatōhea Collective undertook 'roadshow' information hui to eight locations. A nineth presentation to be held in Hamilton was postponed due to tangi and will be rescheduled in April to allow our whānau time to regather following their loss.

- Whakatane, 14 March 2013
- Gisborne, 18 March
- Tauranga, 19 March
- Rotorua, 20 March
- Auckland, 21 March
- Whangarei, 26 March
- Wellington, 27 March
- Christchurch, 3 April

Good representation from the Collective supported the roadshow hui at the various locations. This was very much appreciated and demonstrated the unity, understanding and support within the Collective. The presence of representatives from Maromahue and Turangapikitoi must be acknowledged as their support confirmed our relations with our whānau whom have 'shared interests' within Whakatōhea and Tuhoe. They have also provided welcome guidance to Whakatōhea following their experience with Ngai Tuhoe settlement process.

VISION

TU AKE WHAKATŌHEA

Stand up and be Proud 'Rise up and stand strong es Whakatōhea

MISSION STATEMENT

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The hui were facilitated by Tunoa Rapata and the presentation was given in two parts;

- Thomas Tawhiri – Whakapapa,Tipuna, Tohu Whenua, Rohe Whenua and historical background to the Treaty and process;
- Danny Paruru – Pre-Settlement structures, integrated Iwi strategies, mandate and representation option.

Further support was provided by Collective members together with Robert Edwards (Chairman of the Whakatōhea Maori Trust Board), Dickie Farrar (CEO).

The Tu Ake Whakatōhea Collective team that travelled to all of the hui were privileged and humbled by the whole experience of presenting, meeting, discussing and being apart of the 'whanaungatanga' that followed each event, where they were able to meet, talk and share information, thoughts, aspirations and ideas.

Overall, contact was made with 107 of our whānau members through these hui. Although there were small numbers attending at some hui, those that attended advised that they would build momentum through their whānau contacts in each of these regions.

It is envisaged that further communications can be more directive through the important contact details that were collected.

It is acknowledged that the lines of communication need to remain open and for information to continue to penetrate outwards to the whānau. Therefore, it will be beneficial to revisit our communication strategy to discuss improvements and new strategies. A future goal will be to impassion our whānau to come along and become part of this kaupapa through tekotahitanga. Also a lot of interest has been generated and we anticipate continued support and discussion from attendees.

Feedback

Following feedback from each information hui, the presentation team were able to 'tweak' the presentation, its facilitation and information. Overall, the presentation was well delivered and well received. The information presented was clear and informative, and guided strongly by tikanga and kawa.

These hui were successful in enabling our whānau to become informed and to build their awareness and understanding not only of the historical background and pathway forward towards settlement but acknowledging the alignment of strategic development with the current work being done by the Whakatōhea Maori Trust Board. It has raised awareness and encouraged korero in many forms.

There is strong support for Tu Ake Whakatōhea Collective; and the work that has been done. To settle Whakatōhea raupatu claim was recognised an important key driver to the future development of our Iwi. The majority of whānau appreciated and thanked Tu Ake Whakatōhea Collective for communicating outside the rohe and acknowledging the fact that the majority of Whakatohea do not reside at home.

Whānau has questioned if there are sufficient resources to undertake the job; as they can see that it is a big job still ahead to be done. The major response that we could take from these hui, is that whānau want to see the Raupatu settled and that they want to be informed of what is happening at home as reminaing 'connected' is very important to them.

After each presentation, whānau were given the opportunity to ask questions, and we have included these.

Whānau also were asked to write down their "aspirations" for Whakatōhea onto a strip of paper that would eventually be woven together. The aspirations were grouped into 'themes' as there were obvious similaries for what our whānau wanted as aspirational ideals. This was important to find out what our whānau thought was important to our Iwi.

There was an overwhelming desire from our whānau to connect with and be informed of what was happening at home. There is a passion to learn more about whakapapa, whenua, historical boundaries, treaty matters and

marae. The connectiveness that our whānau have with home is very strong and they are proud of their whakapapa links to Whakatohea.

Feedback forms from 103 whānau members were analysed and are recorded in the following graphs. From those responses only two responses were in the negative.

Facebook / Website

"Facebook and the website bring connectiveness to Whakatōhea"

The Whakatōhea Maori Trust Board used social media to communicate out to the wider whānau, the dates and information for each of the scheduled information hui.

The 'Total Reach' to our whānau was huge 6,405 (total reach is the number of whānau who accessed the information on facebook). In fact, the notices about the hui started a roller coaster effect in that whānau then began to access other information that we were placing on Facebook such as waiata, other events and message updates.

A huge number of our whānau accessed the waiata and moeteatea sections – and commented that they wanted more. This again demonstrates that desire for connectiveness that our whānau hold, they live away but they want to sing our waiata, teach their mokopuna our waiata, to be informed of what is happening at home, and to maintain their identity and whakapapa links.

Summary

The three main objectives of the road show information hui were achieved:

1) To educate, communicate and consult with our whānau that live and work away from home √
3) To seek support and approval for the work undertaken by the Tu Ake Whakatōhea Collective √
4) To provide a strategic vision for ngā uri of Whakatōhea √

Other benefits derived from the roadshow:

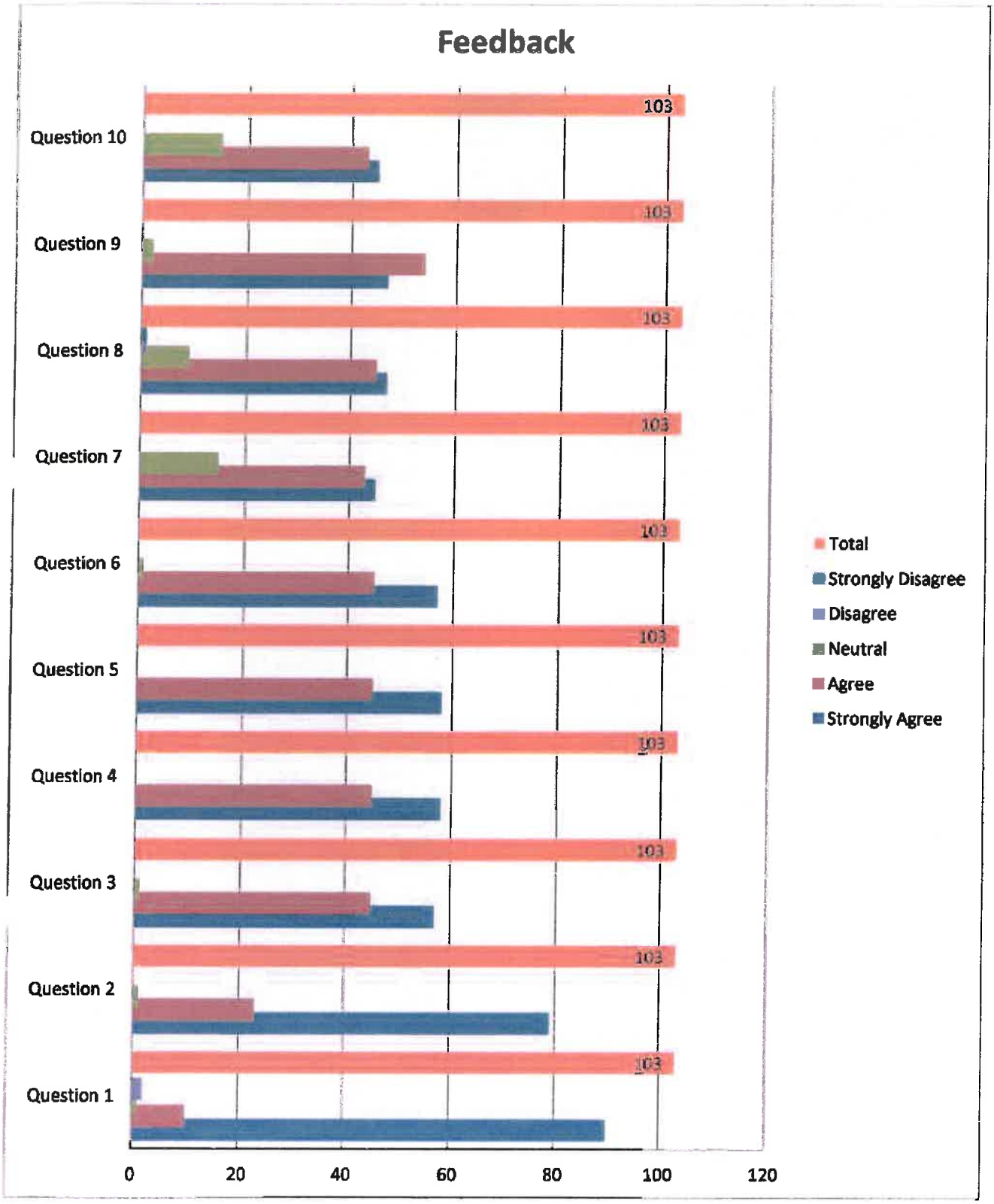
Whānau were able to check and update their details on the Whakatōhea Tribal Database.

They gave us their feedback and thoughts...and we listened to their voice. Because of the surveys done at home, it enabled us to compare what they were saying with what the whānau at home were saying.

Whānau provided their 'aspirational' ideas / dreams for our Iwi, hapu, marae, mokopuna.

Feedback Forms

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Total
1. My overall view of the presentation was good, and I would support the kaupapa to settle the Raupatu Claim.	90	10	1	2	0	103
2. I support Tu Ake Whakatohea Collective.	79	23	1	0	0	103
Presentation						
3. The presentation information was clear and informative.	57	45	1	0	0	103
4. It built my awareness and understanding of the Whakatohea Settlement process.	58	45	0	0	0	103
5. I understand why Whakatohea is seeking settlement for Raupatu.	58	45	0	0	0	103
6. I have a better understanding of the mandate and potential issues.	57	45	1	0	0	103
Additional Information						
7. Does the mandate strategy align with Te Ara Tono process?	45	43	15	0	0	103
8. Do you agree with the strategic vision of Whakatohea as presented?	47	45	9	1	1	103
Communication						
9. I will be able to participate in the process appropriately.	47	54	2	0	0	103
10. I will be able to receive updated information as the claim progresses.	45	43	15	0	0	103


Feedback
Question 10
Question 9
Question 8
Question 7
Question 6
Question 5
Question 4
Question 3
Question 2
Question 1
103
0
20
40
60
80
100
120
Total
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Aspiration Themes

Education

- Education will help us realise our potential dreams & aspirations
- Provide Whakatohea curriculum for our pepi, tamariki, rangatahi
- Fully support our youth with their education at all levels
- Ongoing education opportunities; create academia from Whakatohea
- Increase Te Reo fluency
- Support for our rangatahi studying at University

Economic

- Maori business development and investment opportunities
- Meaningful and sustainable employment for our whanau
- Rebuild Whakatohea economic base and strength
- Self sustaining marae that have an income
- Control of our own resources, infrastructure and assets
- Mana Motuhake

Health

Healthy uri, whanau, hapu, iwi; physically, spiritually, mentally

Uplift the welbeing of Whakatohea

Social services to support our whanau

Self-sufficient whanau

Culture

Wananga and celebrate who, what and why we are Whakatohea

Whakapapa, identity, connectiveness is important

Sustainable marae

Achieveing Te Kotahitanga

Support Kapahaka at all levels

Raupatu
Achieve settlement and everything will fall into place
Complete Raupatu for the future of our tamariki
Will assist our economic development; self sufficiency, self reliance
Stand together as one and move forward
Environment
Sustainable use of our resources
Kaitiaki of the land, rivers, maunga, sea shore and ngahere
Our land is important to us
Ecological infrastructure for Whakatohea
Reclaim our resources;

Education will help us realise our potential dreams & aspirations

Aspirations

- Settlement of our claim is the answer – most things will fall into place
- Whakatōhea Land – How can Ngati Rua land be returned to them
- Whakakotahitanga – Kati te tautohetohe! → Settlement of Raupatu → Strengthen our Iwi through Education, Economic Initiativea and Hauora.
- To become self-sufficient, self-reliant as Whakatōhea people.
- To be healthy in body , mind and economically.
- Tu tangata mo nga mokopuna o te whakatohea.
- Complete our Raupatu, future for my tamariki.
- Mana Motuhake
- Kotahitanga
- Whakatōhea, E Tu!
- Mana Motuhake
- To have an education for our people. To have a good economy for Whakatōhea.
- Unting Whakatōhea people. Grow together as people Educating our people, Invisioning a strong Whakatōhea.
- Educated and healthy whānau / hapu / iwi!
- Te Mana Motuhake o Te Whakatōhea xxxxx
- A united group to progress Te Whakatōhea Raupatu to improve the well being of our Iwi and create a strong economic base and most of all to have control of our resources and assets. Kia kaha tatou Te Whakatōhea.
- Own Whakatōhea Bank, Provide financial mortgages, banking, savings, budgeting. A strong education base with high levels. To generate our own electricity power by solar, wind. To grow our own food (sea – water). To study in Whakatōhea by on-line computer – so I dont have to leave home.
- Hauora (physical, spiritual, mental) – Pakeke, Tuakana, Tema; Matauranga (identity, whakapapa, knowledge) – Te Reo, Mana Whenua, Whakapapa; Wananga (employment, education, economic development) – Tikanga, Tapu, Noa, Kawa, Historic Grievances, History.
- Kotahitanga o Whakatōhea.
- Prosperity for the Whakatōhea land and ownership of traditional resources. Uplifting the welfare of the Whakatōhea people.
- Kokiri nei te ara kei mua ote aro hei whai hua nga uri whakatipu.
- Good education for our children starting from primary, intermediate, secondary, university – which will lead to an excellent job!
- Supporting our whānau and directing our whānau who have problems with drugs, alcohol and abuse.
- Tautoko 100% Te Raupatu – This is the key to move forward in all areas maori. Passion, Dream Big, Zeal Hapahaka, Whakapapa, Korero, Tu Ake Te Taumata Te Whānau Hapu Iwi
- Self sustaining marae – economic development. Maori Business Facilitation (TPK currently funds this). Access to education; preschool, primary, secondary, tertiary and Kip McGrath eg this is free for Ngai Tahu (something similar)
- Toi ora, Youth, Education, Whakapapa, Employment, Hauora, Matauranga, Manaakitanga
- To be informed; to be and stay registered; For the Board and Tu Ake to work together for the interest of the iwi / hapu; My mokopuna to be informed; For the shared iwi to work together / unity.
- Wahi rawa with a trickle down effect.
- To encourage our people living and working overseas to return home to Aotearoa bringing any knowledge they have gained with them.
- Unity, ongoing education for iwi, hapu, whānau; Ongoing or full time employment in Ōpōtiki.
- The flourishing of our children; Achieving our potential and being leaders intellectually economically and through natural resources; Nga moemoea ma te Whakatōhea Whānau Whanui; Unity, Whakaotahitanga kei roto i te rangimarie; Te pua Waitanga mo nga tamariki mokopuna; Whaia te rangathiratanga mo nga matauranga, putea, nga taonga o te Ao turou.
- Greater presence in tertiary studies, academia from Whakatōhea. This will enable our people to have an influence in education, policy, health etc from the unique and vital Whakatōhea voice.
- More celebration/acknowledgement of Whakatōhea history in the curriculum.

- More information
- All whānau in business together.
- For Whakatōhea as an Iwi and as a people in Te Ao Hurihuri to return to the multi faceted creatness that was origin i nga ra o mua and pre raupatu, and to go avoe and beyond this for the betterment of ourselves, our children, grandchildren through to the wider hapu, iwi and te ao maori whanui.
- That every member of our hapu know where they come from, have access to ongoing education; reminders of who we are, where we are from, taught by our own whānau. That we succeed in achieving the integrated iwi strategies envisioned in this presentation.
- Kia eke ano a Te Whakatōhea ki tona ake Tapuhipuhitanga – A whenua, a maoana, a rangi, a papa.
- Sustainable living / eco living.
- Moemoea – Tu ake Whakatōhea for our future – Our past is acknowledge so that our present and future generation are confident, strong, culturally sound, employed, successful, health, knowledgeable, educated, know who they are and have a positive future and participate fully in this world (Te Ao Pakeha me Te Ao Maori).
- A positive outcome for all Whakatōhea decendents.
- Unity of all hapu in Whakatōhea – Education of all youth – jobs – strong marae support.
- Stand together as one – work as one for our mokopuna.
- To be able to work together!
- Poutama (stairway) – Start with the seed planted and to grow our people through education, that will lead them into jobs, security, finance to support whānau, whānau ora – well being, a structure that is going to walk along our people, using the right people to walk that journey.
- Whaia te matauranga Kia pupuri te reo o te whakatohea ake.
- Kia anga whakamua tatou, kia poipoi i nga uri whakatipu, kia mohio (t) ratou ki to tatou Whakatoheatanga. Moke ake: kia hoki au ki te kainga ki te koha i oku matauranga hei tautoko i toku iwi. Te Whakatōhea Maurua!
- Be one People, more opportunities for rangatahi in our rohe; Kia pumautia to matou reo maori. Ngati Rua – Whakatōhea do it.
- Tu Ake Whakatōhea – Priministers – Next Generation.
- Tu Ake Whakatōhea govern our whenua, people, taxes, education, social services, housing, national trade, international trade, health, assets, resources, culture, tikanga, employment, trade, rehabilitation, te reo maori.
- Whanaungatanga; kotahitanga - To be one, to work through the barriers and stand tall, proud with dignity, Mana tangata Mana hapu, Mana iwi.
- For all out rangatahi back home to be inspired through education, leadership, role models, whanaungatanga.
- Pulling the threads of the weave for our moko and future of our people and employment opportunities for our people.
- Xx:
- Te Reo, korero, history, tikanga a hapu o te Whakatōhea – Moving foward, creating employment opportunities.
- Kia tu tika ai te mana o Te Whakatōhea.
- Kia ora, awesome presentation, enjoyed everything whanaungatanga (Ngati Ira Waioeka)
- Ki te whakanui i toku iwi
- Proud to be Te Whakatōhea – 12,000 Whakatōhea – 10% te hou kainga, raupatu, kotahitanga, Nga uri katoa Whakatōhea, Whānau tautoko Ōpōtiki Treaty Claims, Whakapapa, Tu Ake Whakatōhea Hardcore. Mokomoko
- All hapu unite as one, access to our karakia, waiata on internet.
- Owners of our mahi ie kiwifruit, farms, fishing, trade training ie car painters, sparkies, plumbers, businessees etc. Wananga, Moteatea, Mau Rakau, tikanga, Maara Kai; Hauora – Rongoa – maori, mahi to do with our resources ie whare, kai, fishing, hunting, farming, agriculture, horticulture.
- Whakatōhea – Toi te reo, toi te mana, toi te whenua.
- Kotahitanga, Health, Clean Waterways, Education, Look after future resources.
- To ensure our mokopuna are cared for ie as in mahi mo nga whānau. Whakarongo ki nga rangatahi, ki te tu ki te korero.
- Mahi tahi; kotahi.

- Kia maurua, kia hereherengia tatou ki a tatou, ahakoa kei tatou e noho ana i te mata o te whenua; Na tena, me anga whakamua nei e tatou me pehea tatou e anga whakamua i nga kereme tiriti me nga kaupapa, nga take, nga moemoea o nehe ra, hei painga, hei para i te huarahi mo nga uri katoa o te whakatohea. Mai i reira, puawai tonu te iwi, ka pae ki te angitu mo nga reanga kei te heke mai nei. Kotahitanga = whakapapa Whai rawa mo nga reanga kei te haere mai nei.
- Keep our marae in Whakatōhea as an economic working base, educational base and health centre for our people. Bring our people home – annually to achieve an economic outcome for hapu therefore iwi.
- Bring our people, reclaim our resources, work together for a great future inside our whakatohea boundaries.
- Support youth education; Build economic base;.
- Develop education.
- Te Reo for our tamariki, good health and well being for all whakatohea, education for all iwi whakapapa, te reo, health, education, sports.
- Sustainability within Whakatohea whānau whanaui; so that we can stand up and be counted as Tu Ake Whakatōhea.
- Whakatōhea to have more control re rivers, maungas, sea shore and ngahere: First – Unite all hapu; Retain all our whenua and increase more acreages, Our people to be helped to get into business; keep our people healthy, keep our rivers healthy, keep our seashores healthy.
- Investment opportunities; economic sustainability for both those at home and those who live away; Education opportunities for my moko – educate our kids; well being as a people; Kotahitanga; Forward thinking – forward moving.
- Come together as one with a clear direction toward bettering our peoples health, education and economic position within NZ.
- Jobs for the whānau.
- To learn whakatohea mita.
- To have rental properties available for students (WHĀNAU) STUDYING AT Waikato University and BOP Polytechnic.
- Retention of te reo; full settlement of raupatu; employment opportunities (working with nature not against); health / education (rongoa).
- Everything is set up for our children of tomorrow so they can just walk in to any place.
- Kapai keep up the good mahi.
- We have to keep moving forward as a people. Remember history, learn from it, move on. We have an opportunity – use it!
- Uri should be the focus of all this claim, without it you'd have no hapu or iwi. We are all from this uri.
- Te Kotahitanga – We are one in Whakatōhea!
- Mahi Tahi Tatou Tu Ake
- Strong leadership with a commitment to succession planning where younger generations of Whakatōhea are mentored and inducted into leadership roles.
- Relationship – Survey the people, who are the prople – Crown, detail – Option 4
- Wairua Te Kinga Karakia – We all come together as one.
- Self sustaining finance for each marae – Reo & whakapapa wananga.
- More United Iwi.
- For Whakatōhea to govern there own (kia kaha) – Police / Kura / Shops / Doctors
- Whakatōhea Mourua, Ka tutuki, tu tangata
- Kotahitanga

Questions

- Connections to other hapu need to be recognised in the voting process.
- If you are both Ngati Rua and Ngai Tama then you should join in this process through your Ngati Rua whakapapa – if Ngai Tama sit outside.
- Who / where is Turangapikitoi?
- Resents being asked to vote for one hapu when I belong to two hapu.
- A mandate – A person – Likes this idea better than hapu.
- Wants us to all vote as Whakatōhea – be able to vote for all Whakatōhea candidates – not just hapu.
- Has the Research Committee considered the impact on Iwi following confiscation particularly for the road through the Gorge. Whole economic base confiscated.
- Will census information provide more Whakatōhea beneficiaries.
- In the previous election One envelope – two whānau votes enclosed that were not counted. What will be the process for the next vote?
- Can each hapu can go down to Wellington to put their claim in?
- Will the new entity be the Trust Board or a new body?
- The Mokomoko whānau are trying to go out alone for their claim, have you communicated with Karen Mokomoko?
- If Ngai Tama representation is needed for our hapu on Tu Ake Whakatōhea then I will put my name or my son forward for our whānau. When I first saw that Ngai Tama was not part of Tu Ake Whakatōhea I was whakama and wondered if I should walk out.
- If everyone goes forward together – does this include Ngai Tama?
- Option 2 – There are challenges and benefits to this option. Has hapu selected and discussed these options? Have they chosen the "best" representatives to put forward – this could be a threat! Even if Ngati Rua has a higher representation if all are rowing the same boat, what difference would there be if all parties had the one kaupapa.
- Presentation was left wanting. Too much smiling like a cheshire cat left me wondering about the true kaupapa behind the korero – transparency is the key – not 'sweetened' words.
- I think that the aim to unite as an iwi is a great idea but there needs to be more information and better communication for those that can't understand a two hour long powerpoint presentation. There are many kinks that need to be worked out but the overall goal is great.
- How long to get to the final settlement stage?
- Will Claimants clarify who they are – Hapu / iwi claims?
- Do you provide a platform for teaching whānau whakapapa?
- What happens if the settlement occurs? Who looks after that?
- Is pre- work being done at present for the new entity?
- Have you thought about post settlement and what needs to be done?
- It looks like a lot of work; will you ask for volunteers and will you have enough resources?
- How will the settlement be used if the claim is successful?
- We recommend that Whakatōhea invest in laying UFB cables in our rohe. It is a huge investment with lots of financial gain to our people. It will create jobs (Telco) and there is little risk to the environment.
- Want Whakatōhea to get back on top and own our own businesses.
- Education representation higher for Whakatōhea at University.
- Passing on our knowledge – generations are being lost. Sustainability of kaumatua on marae.
- Option 4 – What if a hapu does not get representation on the proposed Trust? What would happen.
- Clarification of whakapapa representation for the whole of Whakatōhea.
- Regarding Tuhoe DOS – Would like more detail from Tamati Kruger and it is unacceptable for Tuhoe to make claim on ours: 'confiscation by our relations'; Wants to hear that our boundaries and interests in Ohiwa are protecting.
- Given the Tuhoe DOS has been initialled what recourse is there, if any to address our issues; our whakapapa whenua interests in Ohiwa?
- If I can hear "our" voice loud and proud it would be good.
- Does not want to see Tuhoe celebrating at the cost of Whakatōhea.
- What is the Crown's perspective of this?
- We buy into the Crown's narrative when we describe Volkner as "murdered" – can we not refer to him as murdered but for us, only Mokomoko was murdered – Volkner met with an untimely demise.

ACTIVITY REPORT

March 2013 - July 2013

VISION

TU[illegible]E WHAKATŌHEA

Stand up and be Proud 'Rise up and stand strong as Whakatōhea

MISSION STATEMENT

TE MANA MOTUHAKE O TE WHAKATŌHEA

Whakatōhea Self Determination

Email:
wmtb.board@whakatohea.co.nz
Website:
www.whakatohea.co.nz

DATE: 12 July 2013

TO: Hon Minister Finlayson
Office of Treaty Settlements

FROM: Graeme Riesterer, Chairman
Tu Ake Whakatohea Collective

Tu Ake Whakatōhea Collective

The purpose of the report is to provide a briefing of activities undertaken by the Tu Ake Whakatohea Collective.

Purpose and Objective

Tu Ake Whakatōhea Collective purpose and objectives are:

1) To unite our people
2) To educate, communicate and consult with our people
3) To seek support and approval to lead historical Treaty of Waitangi negotiations with the Crown
4) To provide a strategic vision for ngā uri of Whakatōhea

Activities

Tu Ake Whakatōhea Collective meets on a weekly basis to discuss strategies, to achieve a Deed of Mandate, and establish structures and mechanisms to manage the mandate process. Subcommittee's report on their work programmes around the foundation research being undertaken for the Claim;

- Research & Tikanga (whakapapa; early history; historical claim information)
- Pre / Post Settlement (pre-settlement entity structure; Deed documents, strategic pathways)

Education & Consultation Hui

Tu Ake Whakatōhea Collective has held hui to provide information and educate hapu on the mandate process and to build awareness and understanding. These build the capacity of nga uri o Whakatōhea to have a clear understanding and awareness about the Whakatōhea Mandate and Settlement processes, and to promote participation and strengthen their role in decision making and planning. Consultation has been held with: Neighbouring Iwi, Other Parties, Hapū / Whānau / Uri, Taumata Kaumatua, Crown.

Two Te Puni Kokiri facilitated hui were held in Ōpōtiki, facilitated by Rauru Kirikiri regarding the process for Whakatōhea mandate with the Crown. A major element was to achieve te kotahitanga between all parties. However, TPK are now of the opinion that further facilitated hui will not be advantageous.

Work Programme

Tu Ake Whakatōhea Collective has developed the following;

- Vison, Purpose, Pepeha, Waiata
- Strategy to achieve a Deed of Mandate
- Structures and mechanisms to manage the process

- Draft Trust Deed for pre-settlement entity
- Alignment of the current strategies of the Whakatōhea Maori Trust Board to a future entity structure
- Draft policies for negotiations
- Strategy for the use of existing Board policies for pre-settlement structures;
    - Finance
    - HR
    - Communications
    - Tribal Database

Acknowledgement

Shared management services of the Whakatōhea Maori Trust Board continue to provide support as per the Terms of Reference for Hapu and Management Services (May 2011). The Collective have gained good momentum with their work programme and continue to progress in a positive manner.

Roadshow Activities

Tu Ake Whakatōhea Collective undertook 'roadshow' information hui to share information with the whānau that live outside the rohe. The aim of these hui were to:

1) To educate, communicate and consult with our whānau that work and live away from home; that only 10% of Whakatōhea whānau reside within Whakatōhea – 90% live outside the rohe.
2) To seek support and approval for the work undertaken by the Tu Ake Whakatōhea Collective.
3) To provide a strategic vision for ngā uri of Whakatōhea.

A presentation team travelled to Whakatane, Gisborne, Tauranga, Rotorua, Auckland, Whangarei, Wellington, Christchurch, Hamilton, Turangi and Hastings. Information hui were also held within the rohe to share information and keep the whānau at home informed.

Good representation from the Collective supported the roadshow hui at the various locations. This was very much appreciated and demonstrated the unity, understanding and support within the Collective. The presence of representatives from Maromahue and Turangapikitoi must be acknowledged as their support confirmed our relations with our whānau whom have 'shared interests' within Whakatōhea and Tuhoe. They have also provided welcome guidance to Whakatōhea following their experience with Ngai Tuhoe settlement process.

Feedback

The information presented was clear and informative, and guided strongly by tikanga and kawa.

These hui were successful in enabling our whānau to become informed and to build their awareness and understanding not only of the historical background and pathway forward towards settlement but acknowledging the alignment of strategic development with the current work being done by the Whakatōhea Maori Trust Board. It has raised awareness and encouraged korero in many forms.

There is strong support for Tu Ake Whakatōhea Collective; and the work that has been done. To settle Whakatōhea raupatu claim was recognised as an important key driver to the future development of our Iwi. The majority of whānau appreciated and thanked Tu Ake Whakatōhea Collective for communicating outside the rohe and acknowledging the fact that the majority of Whakatohea do not reside at home.

The major response that we could take from these hui, is that whānau are waiting and want to see the Raupatu settled; that they want to be informed of what is happening at home as remaining 'connected' is very important to them.

After each presentation, whānau were given the opportunity to ask questions, and we responded directly to all questions.

Whānau were also asked to write down their "aspirations" for Whakatōhea. The aspirations were grouped into 'themes' as there were obvious similaries for what our whānau wanted as aspirational ideals. This was important to find out what our whānau thought was important to Whakatōhea.

Facebook / Website

The Whakatōhea Maori Trust Board used social media to communicate out to the wider whānau, the dates and information for each of the scheduled information hui.

The 'Total Reach' to our whānau was huge 6,405 (total reach is the number of whānau who accessed the information on facebook). In fact, the notices about the hui started a roller coaster effect in that whānau then began to access other information that we were placing on Facebook such as waiata, other events and message updates.

Summary

The three main objectives of the road show information hui were achieved:

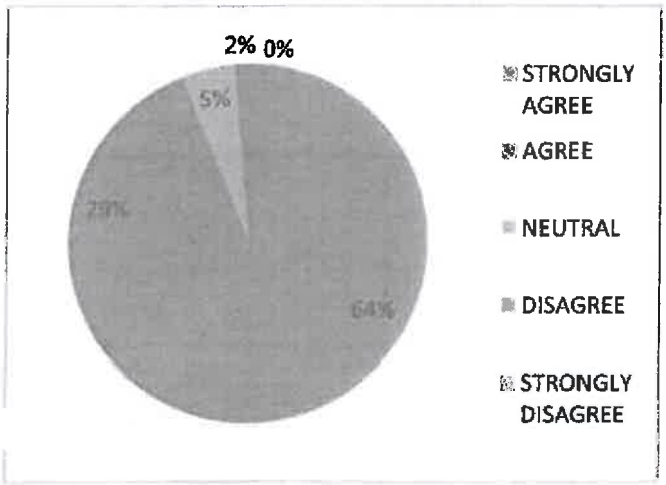
1) To educate, communicate and consult with our whānau that live and work away from home; √
3) To seek support and approval for the work undertaken by the Tu Ake Whakatōhea Collective; √
4) To provide a strategic vision for ngā uri of Whakatōhea; √
5) Other benefits:

→Whānau were able to check and update their details on the Whakatōhea Tribal Database;

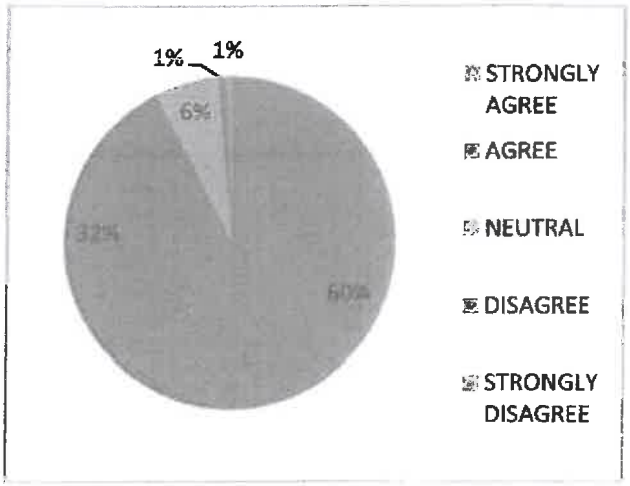
→Whānau gave us their feedback and thoughts;

→Whānau provided their 'aspirational' ideas / dreams for our Iwi, hapu, marae, mokopuna.

93% support settling Raupatu



92% support the Collective



SUMMARY OF PROPOSED DRAFTS

WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST:
MANDATE STRATEGY
AND TRUST DEED

22 December 2014

Tu Ake
Whakatōhea
Collective

www.whakatohea.co.nz
Email wmtb.board@whakatohea.co.nz
facebook.com/tawcwhakatohea

FEEDBACK

Must be received no later than 4 pm, Friday 13 February 2015

The feedback form must state your name, hapū affiliations and contact details, address etc.

Your feedback is important to us and we may wish to contact you to discuss your feedback further.

Summary of Key Points

Tu Ake Whakatōhea proposes:

A. **that a new entity be established to seek the mandate of Whakatōhea to negotiate with the Crown for the settlement of the historical claims of Whakatōhea; and**

B. **the adoption of a mandate strategy setting out the process and details by which this new entity will seek and maintain the mandate of Whakatōhea and negotiate with the Crown on behalf of Whakatōhea.**

Whakatōhea Pre-Settlement Claims Trust

1) This new entity is to be called the "Whakatōhea Pre-settlement Trust", or the 'Pre-settlement Trust." The Pre-settlement Trust will be separate from, but supported by, the Whakatōhea Māori Trust Board.

2) The Pre-settlement Trust will consist of 7 (seven) trustees consisting of:

   (a) one trustee to be elected by each of the 6 hapū currently represented within the Whakatōhea Māori Trust Board structure; and

   (b) one trustee to be appointed by the Whakatōhea Māori Trust Board.

3) The trust deed for the Pre-settlement Trust will include a process by which hapū that are not currently represented within the Whakatōhea Māori Trust Board structure may be added and be separately represented by an elected trustee on the Pre-settlement Trust.

4) Trustees will be elected for 3 year terms and voting will be open to those adult members of Whakatōhea recorded on the iwi register/roll of beneficiaries maintained by the Whakatōhea Māori Trust Board. There will also be provision for voting by those people that do not wish to be recorded on the iwi register/roll of beneficiaries but can show (through whakapapa evidence) their eligibility to be enrolled.

5) The trust deed sets out the duties and powers (including limits) of the Pre-settlement Trust. In particular, the Pre-settlement Trust will not be able to conclude a final settlement of the historical claims of Whakatōhea without bringing the agreement back to Whakatōhea for ratification. In addition, the Pre-settlement Trust <u>will not</u> be the entity or body that ultimately receives any settlement agreed with the Crown that has been endorsed by Whakatōhea (a new Post-Settlement Governance Entity will be established for that purpose).

6) The role of the Pre-settlement Trust will be to seek the mandate of Whakatōhea (and the Crown's recognition of this mandate) to negotiate with the Crown for the settlement of the historical claims of Whakatōhea.

7) A committee will also be set up to provide advice to the Pre-settlement Trust, the Whakatōhea Claims Committee. Membership of the Whakatōhea Claims Committee will consist of representatives of:

   a) hapū;

   b) Kaumātua Kaunihera; and

   c) registered Waitangi Tribunal claimants.

FEEDBACK

Must be received no later than 4 pm, Friday 13 February 2015

Post to:

Tu Ake Whakatōhea Collective

PO Box 207

Ōpōtiki 3122

Hand Deliver to:

Whakatōhea Māori Trust Board Reception

122 St John Street

Ōpōtiki

Fax to:

07 315 7968

Email to:

Wmtb.board@whakatohea.co.nz

Summary of Key Points continued

Whakatōhea Draft Mandate Strategy:

8) sets out the traditional history, origins, rohe and definition of Whakatōhea;

9) summarises previous efforts of Whakatōhea to reach a settlement with the Crown;

10) sets out the establishment of the Tu Ake Whakatōhea Collective and its work to engage and consult with Whakatōhea to identify the most appropriate process by which Whakatōhea could provide a mandate to a representative entity to negotiate the settlement of the historical claims;

11) sets out the process by which a mandate will be sought from Whakatōhea, maintained (including through regular communications and elections of trustees) and withdrawn.

Process from Here

12) Tu Ake Whakatōhea is seeking feedback on the mandate strategy and the draft trust deed for the Pre-settlement Trust from Whakatōhea. Tu Ake Whakatōhea proposes to meet with hapū and groups within Whakatōhea in January 2015 to discuss these documents. Tu Ake Whakatōhea will review any feedback received and make any changes necessary.

13) The mandate strategy and trust deed for the Pre-settlement Trust will be provided to the Office of Treaty Settlements (OTS) to advertise publicly for submissions. This is currently proposed for mid-February 2015. Once any submissions are received by OTS and reviewed, further changes may be made.

14) Tu Ake Whakatōhea then proposes to invite nominations for election of trustees to the Pre-settlement Trust, conduct an election for trustees as well as a vote on the mandate. These steps will occur alongside a series of publicly advertised mandating information hui. At present these steps are tentatively scheduled for April-May 2015.

15) Once trustees are elected and, if there is sufficient support to mandate the Pre-settlement Trust, a Deed of Mandate will be submitted to the Crown (tentatively scheduled for late May-June 2015) to consider whether the Pre-settlement Trust has the broad support of Whakatōhea. At this time OTS will again advertise publicly for submissions.

16) Depending on steps set out above and the nature of the submissions received, at this stage the tentative timetable is for Ministers to consider and make a decision on the Pre-settlement Trust's mandate in mid-2015.

PROCESS AND TIMEFRAMES

We are here

FINALISE DRAFT MANDATE STRATEGY AND TRUST DEED – BY 18 DECEMBER 2014

Tu Ake Whakatōhea Collective to confirm Draft Mandate Strategy and Trust Deed with TPK / OTS.

SEEK FEEDBACK – BY 13 FEBRUARY 2015

Opportunity for nga uri o Whakatōhea to provide feedback on what has been included in the Proposed Draft Whakatōhea Mandate Strategy and Trust Deed.

FEEDBACK REPORT PREPARED – BY 16 FEBRUARY 2015

All feedback analysed and considered for inclusion in the Draft Whakatōhea Mandate Strategy and Trust Deed.

PROPOSED DRAFT WHAKATŌHEA MANDATE STRATEGY AND TRUST DEED PUBLICLY NOTIFIED – 17 FEBRUARY 2015

Public notification of proposed Draft Whakatōhea Mandate Strategy and Trust Deed to start the period for formal submissions.

SUBMISSIONS - 17 FEBRUARY 2015 – 4 PM 23 MARCH 2015

Opportunity for nga uri o Whakatōhea to make submissions supporting or opposing what has been included in the Draft Whakatōhea Mandate Strategy and Trust Deed. The submissions process will be co-ordinated by Office of Treaty Settlements.

DECISIONS – 23 MARCH 2015 – 7 APRIL 2015

Substantive issues raised in submissions will be considered and addressed. This may involve meeting with submitters and / or making changes to the Draft Whakatōhea Mandate Strategy and Trust Deed.

FINALISE MANDATE STRATEGY – 8 APRIL 2015 – 12 MAY 2015

Following the finalisation of the Whakatōhea Mandate Strategy and Trust Deed, the mandate process will be deployed. Nominations invited for election of Trustees to the Pre-settlement Trust. Mandate hui and postal voting will be held together with an election for trustees.

FEEDBACK FORM

FULL NAME:	
HAPŪ AFFILIATIONS:	
ADDRESS:	
TEL:	
FAX:	
MOBILE:	
EMAIL:	

Reference to Document, Section, Page Number etc	State whether you SUPPORT or OPPOSE the documents	Changes Sought	Reasons

You must sign and date your feedback form (unless it is being sent electronically, in which case a signature is not required).

SIGNATURE:	**DATE:**

FEEDBACK

Must be received no later than 4 pm, Friday 13 February 2015.

Post to:
Tu Ake Whakatōhea Collective
PO Box 207
Ōpōtiki 3122

Hand Deliver to:
Whakatōhea Māori Trust Board, Reception
122 St John Street
Ōpōtiki

Fax to:
07 315 7968

Email to:
Wmtb.board@whakatohea.co.nz

HOW DO I PROVIDE FEEDBACK?

Your feedback can be provided in writing (handwritten, typed or printed is acceptable) and follow the form set out within this information pack.

A feedback form is included on page 5 of the information pack and further copies can be obtained from the website www.whakatohea.co.nz

This form sets out all the required information that your feedback needs to contain. You should answer each part of the form. You can use your own form, but you need to follow the same format.

In providing your feedback, it is critical that you identify:

- The specific parts of the Proposed Draft documents that your feedback relates to (state these in as much detail as possible and refer to the relevant section and page number):
- Whether you support or oppose the documents;
- What amendments you want to see to the documents;
- The reasons why you would like to see these changes;

You must sign and date your feedback form (unless it is being sent electronically, in which case a signature is not required).

Provide your full name, address, telephone, fax and mobile numbers, email address (or if you have asked someone to act on your behalf – and their contact details).

To write a clear and effective feedback paper:

- **Stick to the facts – facts supported by evidence, is what will be considered when making decisions;**
- **Be specific and provide examples;**
- **Focus on the positive and negative effects;**
- **Tell us what outcome you want – don't leave it to us to guess;**
- **Write in clear, simple, everyday language; and**
- **If handwriting, please write clearly.**

WHERE TO FIND MORE INFORMATION

The Draft Whakatōhea Mandate Strategy and Trust Deed can be viewed during office hours at the Whakatōhea Māori Trust Board, Reception.

Online | www.whakatohea.co.nz

Email | wmtb.board@whakatohea.co.nz

Tel | 07 315 6150

Meeting Minutes

Tu Ake Whakatōhea Collective

PARTIES:	**Tu Ake Whakatohea Collective Working Party**
PRESENT:	**Graeme Riesterer, Robert Edwards, Tunoa Ratapu, Arihia Tuoro, Tahu Taia, Julie Williams, Danny Paruru, Louisa Erickson, Dickie Farrar, Nora Moore (TAWC) Adriana Edwards, Veronica Tawera, Josie Mortensen, Muriel Kelly-Smith (Working Party)**
VENUE:	**Whakatōhea Māori Trust Board, Board Room, 122 St John St, Ōpōtiki**
DATE:	**21 March 2015**
TIME:	**10.00 am-4.00 pm**
CO-CHAIR:	**Graeme Riesterer / Adriana Edwards**
SCRIBE:	**Nora Moore**

---

1) Karakia / Mihi – Tunoa Ratapu, Danny Paruru, Robert Edwards

2) Apologies - Dean Flavell, Barry Kiwara, Nepia Tipene, Larry Delamere, Joe Williams, Te Riaki Amoamo, Jozie Karanga, Pare Mafi, Thomas Tawhiri, Julie Lux, Ramari Edwards, Mana Pirihi

Motion:

That the apologies be received.

Moved: Muriel Kelly-Smith / Louisa Erickson / Carried

3) Presentation by Working Party -

4) Adriana Edwards gave a presentation on a proposed representation model containing 13 representatives:

- 5 marae at Ohiwa: Kutarere, Maromahue, Roimata, Turangapikitoi, Rongopopoia
- 5 hapū: Ngati Rua, Ngati Patu, Ngati Ngahere, Ngati Ira, Ngai Tama
- 3 other parties – Mokomoko Whanau, Ngati Muriwai, Pakowhai
- Upokorehe TUTCT was not included in the representation model as they seek to manage their own claim.

(a) The above groupings included those whom had a right to be represented, and had the whakapapa / lineage connection to Whakatōhea.
(b) All whanau are considered to be hapū.
(c) Crown modified the Ohiwa marae into Upokorehe hapū.
(d) Maromahue has been classed as both a marae and a hapū.
(e) Muriwai and Pakowhai whakapapa into hapū.
(f) Roimata and Rongopopoia marae are represented by TUTCT.
(g) The right to be represented will not be questioned by the Working Party, whether they are a whanau group or otherwise.
(h) Mokomoko Whanau whakapapa to Ngati Patu.
(i) Each hapū of Whakatohea suffered, and all hapū are included in the representation model.

(j) Values:
- Whakawhaungatanga
- Mauri ora
- Mana
- Manaakitanga
- Kaitiakitanga
- Aroha
- Koha
- Ahurutanga

(k) It was agreed if the whakapapa lineage existed, then they are 'Whakatohea'.
(l) It was agreed to accept the differing opinions regarding tipuna.
(m) To consider formalising the relationship between the Working Party and Tu Ake Whakatohea Collective.
(n) Agreed that 'everyone should be in the waka together'.
(o) Agreed that there is a place for all uri, whanau, hapū that can occur with the combining of research.
(p) To meet weekly hui on Monday's with the Working Party
(q) To hold <u>hapū to hapū hui</u> for the purpose of asking:
  (i) Who are We – as hapū?
  (ii) How would you like to be represented?
  (iii) Eg. on Te Korowai Mātua <pre-settlement Trust>
(r) Hold a Hui-a-Iwi "Nga hapū katoa, nau mai haere mai". Facilitator ??

5) Risk Factors in Representation Structure:
(a) Nil engagement from others, lethargy re engagement
(b) Lack of leadership
(c) Groups lack research
(d) Lack of representation from Te Korowai Mātua <only one rep – why not 3-4 reps for this group?>
(e) 26 hapū, noting that pepeha is the same for some hapū
(f) Ngati Muriwai – Ngati Rua
(g) Ngati Muriwai-Rua

6) For inclusiveness and transparency it was recommended that marae and hapū should be represented if there were to be discussions on whakapapa.

7) There could be a process to recognise representation on Te Korowai Mātua and the pre-settlement entity.

8) Marae already have structures and committees in place.

9) Thanks to all for attending.

10) Kua mutu 4.00 pm

11) Karakia

Meeting Notes

Tū Ake Whakatōhea - Hapū ki te Hapū Hui

Maromahue Marae, Ngai Tamatea Hapū, Upokorehe Hapū

Sunday 26th July 2015

Hapū in attendance:

- Ngai Tama
- Ngāti Rua
- Ngāti Patu
- Ngāti Ngahere
- Ngāti Ira
- Ngai Tamatea
- Upokorehe

Time: 12pm – 2pm

SUMMARY:

The hui was arranged between the hapū of Whakatōhea and Maromahue Marae / Ngai Tamatea Hapū. The meeting was arranged with a whakaaro of giving the people of Ngai Tamatea an opportunity to answer the following questions:

1. Do you want to be represented under Whakatōhea (with Raupatu)?
2. If so, how do you want to be represented under Whakatōhea?

Certain members of Upokorehe Hapū, which some might consider to be the matua hapū, were also in attendance. Members of the Te Upokorehe Treaty Claims Trust presented a korero about their stance regarding iwi status, that Upokorehe had since the 1920's being recognised as an Iwi, as indicated by Sir Apirana Ngata. Upokorehe also purports to represent all of the other 4 marae and hapū, and therefore gives them the ability to state they are an iwi.

Te Riaki Amoamo (Ngāti Rua) explained the history going back as far as 1840 when their Upokorehe tipuna signed te Tiriti o Waitangi on behalf of Upokorehe under Whakatōhea. Upokorehe were also recognised as one of the six main hapū of Whakatōhea being placed in the Opape Native Reserve after the 1865 confiscations. Te Riaki also reminded the hui that Upokorehe were represented alongside the other hapū in the petitions to the crown for the 1st settlement, and also one of the six founding hapū for the Whakatōhea Maori Trust Board in 1947, of which Upokorehe still has representation.

Some of the Upokorehe hapū members had strong opinions on the mana whenua and kaitiakitanga of the lands west of the Waioweka River, and that they purport to have the mana now. The stance of Upokorehe is that it is willing to walk side by side with Whakatōhea into negotiations.

A member of the Ngai Tamatea Hapū, which may be consumed by the Upokorehe matua hapū, was disappointed that other members of the hapū did not have a chance to korero, and that they did not support the stance given by Upokorehe. Josie Mortenson, a kuia of Kutarere Marae within

Upokorehe, also opposed the stance laid down by the members of Te Upokorehe Treaty Claims Trust.

As an observation the opinions of the hapū of Upokorehe, and other hapū they purport to represent, were not unified in their response.

The visiting hapū of Whakatōhea attended i roto i te ahua rangimarie, nā te mea ko te tūmanako ki te whakarongo ki ta rātou hiahia, wawata hoki e pā ana ki te Raupatu. Na te kaumātua a Te Riaki i whakatakotohia ngā whakaaro o te Whakatōhea.

An invitation to meet was given by Roimata / Upokorehe hapū / Te Upokorehe Treaty Claims Trust with the other hapū of Whakatōhea to continue building whanaungatanga with a desire to whakakotahi ai te iwi, mo te kaupapa taumaha o te Raupatu.

Therefore the response of Ngai Tamatea wasn't clearly heard, however Te Upokorehe hapū have taken a stance to represent their marae / hapū in the region. At this stage the hapū have not answered whether they will sit within Whakatōhea for Raupatu yet, but discussions will continue with Upokorehe and Ngai Tamatea.

Hui Closed at 2pm, followed with a kai.

Ngā mihi atu ki ngā ahi kaaroa me ngā ringawera o te marae o Maromahue.

Appendix 4

Whakatōhea Pre-Settlement Claims Trust – Trust Deed

WHAKATŌHEA

PRE-SETTLEMENT CLAIMS TRUST

TRUST DEED

April 2016

Contact Name	Address	Contact Details
Graeme Riesterer Chairperson **Tū Ake Whakatōhea** Collective	122 St John Street, **Ōpōtiki** PO Box 207, **Ōpōtiki**	E: graeme.riesterer@gmail.com M: (027) 6869362

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TRUST DEED OF THE **WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST**

DATED THIS DAY OF 2016

PREAMBLE

A. **Whakatōhea** filed an historical claim with the Waitangi Tribunal against the Crown in 1989 for the unjustified confiscation of Whakatōhea land in 1867. The claim was registered by the Waitangi Tribunal as Wai 87. That claim was amended in 1999 to include claims for loss of rivers, harbours and foreshore and seabed. The Crown has acknowledged that it treated **Whakatōhea** unjustly and wishes to settle the Historical Claims of, and build an enduring Treaty relationship with, the Iwi of **Whakatōhea.**

B. The **Iwi of Whakatōhea wish to establish an entity to obtain a mandate to negotiate with** the Crown a full and final settlement of all Historical Claims of **Whakatōhea.** This Deed establishes the **Whakatōhea** Pre-settlement Claims Trust (to be known as the **Pre-settlement Trust**), which is intended to be the mandated entity to negotiate with the Crown for the full and final settlement of all Historical **Claims of Whakatōhea.**

C. The beneficiaries of the Pre-settlement Trust are **ngā** uri who affiliate to **hapū o Whakatōhea.** The Pre-settlement Trust will be supported by the **Whakatōhea** Claims Committee.

D. The Pre-settlement Trust will operate until such time as a new post-settlement governance entity is established for the **Iwi of Whakatōhea.**

E. The Pre-settlement Trust will seek a mandate to enter into direct negotiations with the Crown for the settlement of Historical Claims through a robust ratification process involving **ngā uri o Whakatōhea.**

F. This Deed establishes the Pre-settlement Trust and sets out the terms on which the Pre-settlement Trust will operate.

1. DEFINITIONS AND INTERPRETATIONS

1.1 Defined Terms:

In this Deed, unless the context otherwise requires:

Adult Member of Whakatōhea means a member of Whakatōhea who is 18 years of age or over;

Adult Registered Member means an Adult Member of Whakatōhea who is identified on the roll of beneficiaries maintained by **the Whakatōhea Māori Trust Board;**

Balance Date means 30 June or any other date adopted from time to time by the Trustees;

Business Day means any day on which registered banks are open for business in **Ōpōtiki;**

Chairperson means the chairperson from time to time of the Pre-settlement Trust elected by the Pre-settlement Trustees in accordance with clause 6.6;

Chief Returning Officer means, as the context requires:

(a) the person appointed from time to time as chief returning officer for the purposes of Trustee elections in accordance with *rule 10.1* of the Second Schedule; or

(b) The person appointed as chief returning officer for the purposes of a Members Resolution in accordance with *rule 6.1* of the First Schedule;

Claimant means:

For the purposes of settlement, the Whakatōhea claimant group encompasses the whakapapa of:

a. The descendants of Muriwai and Tūtāmure and;

b. Affiliate to one or more of the hapū and marae o Whakatōhea, listed at page 5 and 6 of this document.

Completion Date means the date on which:

(a) a Post Settlement Governance Entity (PSGE) is established for Whakatōhea; and

(b) the objects set out in clause 3.2 have been:

(i) achieved by the Pre-Settlement Trust; or

(ii) assumed by the PSGE;

Deed means this deed of trust and includes the Preamble and the schedules to this deed of trust;

Deed of Settlement means a deed between Whakatōhea and the Crown setting out the terms on which Whakatōhea and the Crown will settle the Historical Claims;

Financial Year means the period of 12 consecutive months ending on the Balance Date;

Hapū means:

(a) Ngāti Rua;

(b) Ngāi Tamahaua;

(c) Ngāti Patumoana;

(d) Ngāti Ngāhere;

(e) Ngāti Ira; and

(f) Te Upokorehe;

Hapū ahi mātao means the hapū o Whakatōhea, other than the hapū ahi kāroa, that existed from time to time;

Historical Claims means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Whakatōhea, or a representative entity of Whakatōhea, had at, or at any time before, the Settlement Date, or may have at any time after the Settlement Date, and that:

(a) is, or is founded on, a right arising:

(i) from the Treaty of Waitangi/Te Tiriti o Waitangi or its principles; or under legislation; or

(ii) at common law, including aboriginal title or customary law; or

(iii) from fiduciary duty; or

(iv) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992:

(i) by, or on behalf of, the Crown; or

(ii) by or under legislation; and

(c) includes the claims listed in the Third Schedule;

Iwi means the collective of hapū who represent the interests of uri o Whakatōhea.

Kaumātua Kaunihera means the unincorporated collective of individuals that operate from time to time as the council of elders of Whakatōhea, as recognised by the Trustees;

Marae o Whakatōhea

Whakatōhea has a number of marae within its tribal boundary. The following eight marae are active and functional. Marae means:

(a) Omarumutu
(b) Opape
(c) Waiaua
(d) Terere
(e) Opeke
(f) Roimata
(g) Kutarere
(h) Maromahue

Members Resolution means a resolution passed by Adult Members in accordance with the First Schedule;

Minute Book means the written record of the administration of the Trust maintained by the Trustees in accordance with clause 8.6;

Operational Date means the date on which the results of the first election of Trustees are concluded in accordance with the Second Schedule and the Chief Returning Officer has certified the results to the Initial Trustee;

PSGE means a post settlement governance entity that has been ratified by Whakatōhea uri to receive redress in settlement of any Historical Claim;

Settlement Date means the date on which the Historical Claims are settled;

Special Meeting means a meeting called by Trustees or 5% Adult Registered Members and held pursuant to clauses 7.6 and 7.7.

Trust means the trust created by this Deed which is to be called the Whakatōhea Pre-settlement Claims Trust;

Trustees means the trustees of the Pre-settlement Trust from time to time;

Trust Fund has the meaning given to it in clause 2.2;

Whakatōhea means:

(a) the collective group, composed of uri who descend from one or more Whakatōhea Ancestors;

(b) every whānau, hapū or group to the extent that it is comprised of individuals referred to in paragraph (a) of this definition, including hapū:

(c) every individual referred to in paragraph (a) of this definition;

Whakatōhea Ancestors means:

(a) Tūtāmure; and

(b) Muriwai;

Whakatōhea Uri means every individual referred to in paragraph (c) of the definition of Whakatōhea.

1.2 Interpretation:

In this Deed, unless the context otherwise requires:

(a) Words importing the singular include the plural and vice versa;

(b) Words importing one (1) gender include the other genders;

(c) References to a person include corporations and unincorporated bodies of persons, governments or other public bodies or agencies whether or not having a separate legal personality;

(d) References to a statute shall be deemed to be references to that statute as amended, re-enacted or substituted from time to time;

(e) References to a clause, recital or a schedule shall be to a clause, recital or a schedule to this Deed;

(f) The schedules to this Deed shall form part of this Deed;

(g) Headings appear as a matter of convenience only and shall not affect the interpretation of this Deed;

(h) References to a company are references to a company incorporated pursuant to the Companies Act 1993; and

(i) References to a subsidiary or subsidiaries shall be references to a subsidiary or subsidiaries as defined by the Companies Act 1993.

2. ESTABLISHMENT OF TRUST

2.1 Name of the Trust: The Trust shall be known as "The Whakatōhea Pre-settlement Claims Trust" or the "Pre-settlement Trust".

2.2 Trust Fund: The Trustees declare that they will hold $100.00 settled upon trust for those purposes referred to in clause 3 of this Deed together with all other money and property which may be added to it by way of capital or income (the **Trust Fund**).

2.3 Office of the Trust: The registered office of the Trust shall be situated at the Whakatōhea Māori Trust Board, 122 St John St, Opōtiki, or such other address as may be determined by the Trustees from time to time.

2.4 Limitation: The objects of the Trust extend only to any matters or things which are for a charitable purpose as defined in the Charities Act 2005.

2.5 Administration of the Trust: The Trust shall be governed by the Trustees elected from time to time in accordance with clause 6.

3. PURPOSE, OBJECTS AND FUNCTIONS

3.1 Purpose:

(a) The primary purpose of the Trust is to negotiate the settlement of the Historical Claims for Whakatōhea and to advance the objects in clause 3.2 (the **Primary Charitable Purpose**).

(b) In addition to the Primary Charitable Purpose, the purposes of the Trust shall include to carry out any charitable purpose in New Zealand relating to the relief of poverty, the

advancement of education, the advancement of religion, and any other purpose beneficial to the community.

(c) The purposes of the Trust shall not include or extend to any purpose which is non-charitable within the laws of New Zealand and the powers of the Trustees and activities of the Trust shall be restricted accordingly and limited to New Zealand.

3.2 Objects: The objects of the Trust (the Objects) are:

(a) To develop and implement a process for the Trust to obtain a mandate from Whakatōhea members to negotiate with the Crown for the settlement of the Historical Claims.

(b) To develop a Deed of Mandate to submit to the Crown in order for the Trust to obtain a mandate to negotiate the settlement of the Historical Claims.

(c) To prepare for and enter into negotiations with the Crown for the settlement of the Historical Claims.

(d) To communicate widely with Whakatōhea Uri, whānau, Hapū and marae.

(e) To successfully negotiate a Deed of Settlement with the Crown.

(f) To present an initialled Deed of Settlement to the Adult Members of Whakatōhea for ratification.

(g) To develop and initiate a Post Settlement Governance Entity (PSGE) structure.

3.3 Objects independent: The Trustees shall be empowered to carry out any one or more of the objects of the Trust independently of any other object of the Trust.

3.4 Functions: The Trust will:

(a) Inform Whakatōhea Uri of the process undertaken by the Trust to obtain a comprehensive full and final settlement of all Historical Claims.

(b) Appoint and manage negotiators (who will not be Trustees) to act for and on behalf of Whakatōhea to negotiate the settlement of the Historical Claims.

(c) Communicate with Members of Whakatōhea at Hapū, marae and hui-a-iwi, smaller local hui and through website, pānui and hui in other areas where Whakatōhea Uri reside.

(d) Provide Treaty settlement education and awareness about the settlement process to enable informed decisions to be made by Whakatōhea Uri.

(e) Facilitate, and initiate legal or specialist advice in relation to the settlement of the Historical Claims, including representation matters, overlapping claims and any other specialist matters as required.

(f) Work with the Whakatōhea Māori Trust Board or other suitably qualified organisation to provide financial, payroll, HR, Information systems, Whakatōhea Uri database, policy, and communication services to the Trust.

(g) Provide monthly reports on the activities of the Pre-settlement Trust to Whakatōhea Uri.

(h) Do all such other things as may be required in furtherance of the Objects.

3.5 **Roles and responsibilities:** In order to achieve the Objects, and in addition to the functions of the Trust, the Trust will:

(a) maintain the highest level of trust and integrity by acting in the best interests of Whakatōhea;

(b) maintain a robust and widely consultative process in relation to the settlement of the Historical Claims with Whakatōhea Uri, Hapū and marae of Whakatōhea;

(c) report to and engage with Whakatōhea Uri, Hapū and marae of Whakatōhea at hui in locations at which they reside in significant concentrations and ensure that all hui are advertised as widely as practicable;

(d) report to Whakatōhea Uri monthly or as required to ensure Whakatōhea Uri are well informed of the operations of the Trust;

(e) provide clear processes for appointment of negotiators to negotiate with the Crown for the settlement of the Historical Claims;

(f) oversee and co-ordinate all aspects of negotiations including the contracting of specialist advice when required;

(g) ensure that ratification processes are transparent, and accountable to Whakatōhea Uri and Hapū;

(h) guide and make strategic governance decisions relating to negotiations including the approval of key milestones and documents such as the mandate and negotiations strategies, Terms of Negotiations, Agreement in Principle or other similar non-binding agreements and the Deed of Settlement;

(i) monitor and report regularly on all financial matters relating to the Historical Claims negotiations process;

(j) provide strategic oversight and strategic development to the Claimants of Whakatōhea; and

(k) work in conjunction with the Whakatōhea Māori Trust Board to provide financial oversight for the Historical Claims negotiations process.

4. POWERS OF THE TRUSTEES

4.1 **General:** The Trustees shall exercise their powers jointly in pursuit of the general administration of the Trust. In addition to all other powers conferred by the law, the Trustees shall have the same powers as a natural person acting as a beneficial owner of the Trust Fund. Such powers shall not be limited or restricted by any principle of construction or rule of law or statutory power or provision, except to the extent set out in this Deed.

4.2 **Promotion of objects:** The Trustees shall promote the Objects of the Trust. The Trustees shall act on behalf of and in the interests of the Trust and Whakatōhea Uri.

4.3 **Advertise and Inform:** The Trustees shall have the power to make known and further the Objects of the Trust by advertising the manner in which the Trust Fund or any part of it has been, is being or will be applied, through established media and by advertising in any medium. The Trustees may also disseminate information of any nature relating to the Trust by written publication or otherwise.

4.4 **Collect Funds:** The Trustees shall have the power to collect funds and raise money by all lawful means and receive, accept, encourage and enlist financial and other contributions, subscriptions, sponsorships, donations, legacies, endowments or bequests from any source. The Trustees may also conduct fundraising campaigns in order to further the exclusively charitable objects of the Trust.

4.5 **Receive Grants and Subsidies:** The Trustees shall have the power to receive from the New Zealand Government or any council, board, territorial authority, or body under the jurisdiction of such Governmental authority or from any national or international organisation, any grant, subsidy or payment of any kind in order to further the Objects of the Trust.

4.6 **Specified Trust:** The Trustees shall have the power to carry out any specified trust attaching or relating to any contribution, subscription, sponsorship, donation, legacy, endowment, grant, bequest, subsidy or payment received to the extent such specified trust conforms with the objects of the Trust.

4.7 **Apply Funds:** The Trustees shall have the power to apply any money forming part of the Trust Fund to the promotion and advancement and development of the Objects of the Trust.

4.8 **Invest Funds:** The Trustees shall have the power to invest any money forming part of the Trust Fund in any of the ways authorised by law for the investment of trust funds including (if the Trustees think fit) on mortgage of land either by the Trustees alone or together with any person or persons as a contributory mortgagee.

4.9 **Acquire property:** The Trustees shall have the power to acquire any real or personal property or interest in such property (whether in New Zealand or elsewhere) whether by purchase, lease, hire, exchange or otherwise and on such terms and conditions as the Trustees think fit.

4.10 **Pay Debts:** The Trustees shall have the power to apply any income or capital of the Trust Fund, for, or towards payment of any fees, costs, disbursements, debts or other liabilities or any part of such liabilities, owing by or in respect of the Trust or incurred in connection with the Trust or Trust entities. Such power shall apply whether or not the liabilities are charged upon the Trust Fund or on any part of it, and whether or not the Trustees are contractually or otherwise legally liable for the payment of the fees, costs, disbursements, debts or other liabilities.

4.11 **Establish Reserve Fund:** The Trustees shall have the power to establish and subscribe to any depreciation or reserve fund for any purpose the Trustees deem advisable and to determine in their discretion whether that fund is income or capital.

4.12 **Maintain Property:** The Trustees shall have the power generally to maintain, manage, repair, improve or develop any real or personal property, or any interest, which forms part of the Trust Fund in such manner as the Trustees think fit.

4.13 **Settle Accounts:** The Trustees shall have the power to agree and settle accounts with all persons liable to account to the Trustees and to compromise questions relating to the Trust Fund and to grant receipts, discharges and releases from such accounts.

4.14 **Appoint Agents:** The Trustees shall have the power to instruct and pay any person to transact all or any business or do any act required to be transacted or done in the execution of the trusts of this Deed including the receipt and payment of money. The Trustees shall not be responsible for any default of any such person appointed in good faith or for any loss occasioned by such person's instruction.

4.15 **Delegate:** The Trustees shall have the power to delegate any of its powers to any Trustee or Trustees, or person or persons (including a committee or an employee), provided that such delegation shall be recorded in writing by the Trustees.

4.16 **Make Policies, Rules etc.:** The Trustees shall have the power to make policies, rules, guidelines and other determinations in governing the Trust.

4.17 **Bank Accounts:** The Trustees shall have the power to open or maintain such current or other accounts at such banks or other institutions and in such manner as the Trustees from time to time determine.

4.18 **Insure:** The Trustees shall have the power to insure against loss or damage by any cause of any insurable property forming part of the Trust Fund, and to insure against any risk or liability against which it would be prudent for a person to insure if they were acting for themselves, for such amounts and on such terms as the Trustees may from time to time think fit.

4.19 **Statutory Authorisation:** The Trustees shall have the power to do all or any of the things which they are authorised to by the Trustee Act 1956.

4.20 **General:** The Trustees shall have the power to do all such other things as in the opinion of the Trustees are incidental or conducive to the attainment of the Objects of the Trust.

5. DUTIES OF TRUSTEES

(a) The Trustees must always act, collectively and individually in accordance with their fiduciary duties and obligations.

(b) In performing their duties, each Trustee will act in good faith.

(c) The Trustees must not, collectively and individually, act or agree to act in a manner which contravenes this Deed.

(d) Every Trustee, when exercising powers or performing duties as a trustee, must exercise the care, diligence and skill to be reasonably expected of a person in like circumstances and in accordance with the Trustee Act 1957 and clauses 3 and 4.

(e) Every Trustee must not act in a manner that brings the Trust into disrepute.

6. TRUSTEES

6.1 Period prior to the Operational Date: Despite any other provision in this Deed, for the period from the date of this Deed to the Operational Date:

(a) the sole trustee of the Trust shall be [insert name of independent Trustee] (the **Initial Trustee**);

(b) the purposes and functions of the Initial Trustee are to:

(i) fulfil the obligations and duties of the Trustees for the first election of Trustees held pursuant to clause 6.2(a); and

(ii) receive and hold the Trust Fund and hold office as Trustee in a custodian capacity until the first Trustees are elected or appointed (as the case may be) in accordance with clause 6.2;

(c) the Initial Trustee will have no authority to exercise any powers of the Trust, except to the extent required to transfer the Trust Fund to the Trustees elected or appointed in accordance with clause 6.2 and on the trusts of this Deed; and

(d) the Initial Trustee must not hold office as a Trustee following the Operational Date.

6.2 Election or appointment of Trustees: On and from the Operational Date, the Trustees shall be elected or appointed as follows:

(a) each Hapū is entitled to elect one (1) Trustee to the Trust, in accordance with the process set out in the Second Schedule; and

(b) each of the eight (8) functioning Marae of Whakatōhea is entitled to appoint one (1) Trustee to the Trust, in accordance with clause 6.4(b); and

(c) the Whakatōhea Māori Trust Board is entitled to appoint (1) Trustee to the Trust, in accordance with clause 6.4(c).

6.3 Number of Trustees: The Trust shall comprise:

(a) as at the date of this Deed, the Initial Trustee;

(b) on and from the Operational Date;

(i) six (6) Trustees being elected in accordance with clause 6.2(a), provided that if the definition of Hapū is amended in accordance with clause 15 the number of Hapū Trustees shall also be amended accordingly;

(ii) eight (8) marae Trustees being appointed in accordance with clause 6.2(b); and

(iii) one (1) trustee being appointed in accordance with clause 6.2 (c).

6.4 Election, Appointment and Removal process: The process for the election of Trustees referred to in clause 6.2(a) is set out in the Second Schedule.

(a) The six Hapū of Whakatōhea, may elect and remove their Hapū Trustee as referred to in clause 6.2 (b) by notice in writing to the Trust outlining the date of Hapū trustee meeting held and providing the minutes of meeting outlining the motion for the election or removal of their Trustee.

(b) The trustees of each eight (8) functioning Marae of Whakatōhea, may appoint and remove their Trustee referred to in clause 6.2(b) by notice in writing to the Trust outlining the date of marae trustee meeting held and providing minutes of meeting outlining the motion for the appointment or removal of their Trustee.

(c) The Whakatōhea Māori Trust Board may appoint and remove their Trustee referred to in clause 6.2(c) by notice in writing to the Trust outlining the date of the Whakatōhea Māori Trust Board meeting held and providing the minutes of meeting outlining the motion for appointment or the removal of their Trustee.

6.5 Term of Office: Subject to clause 6.1(d) the term of office of every Trustee shall be three years, unless he or she resigns or is removed from office in accordance with this Deed.

6.6 Chairperson: The Trustees shall annually determine from amongst their number who shall be the chairperson of the Trust. The chairperson shall hold office for a period of one (1) year from his or her appointment, or such other period as determined by the Trustees.

6.7 Eligibility to be a Trustee: The following persons shall not be eligible for appointment, or to remain in office, as a Trustee:

(a) **Bankrupt:** a person who has been adjudged bankrupt who has not obtained a final order of discharge or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled, or to any order under section 299 of the Insolvency Act 2006;

(b) **Conviction**: a person who has been convicted of any offence punishable by a term of imprisonment of two or more years unless that person has obtained a pardon or 5 years has passed since the person was convicted and they have served the sentence or otherwise suffered the sentence imposed on them;

(c) **Imprisonment:** a person who has been sentenced to imprisonment for any offence unless that person has obtained a pardon or 5 years has passed since the person has served the sentence or otherwise suffered the sentence imposed on them;

(d) **Disqualified Director:** a person who is prohibited from being a director or promoter of or being concerned or taking part in the management of a company under section 382 or section 383 or section 385 of the Companies Act 1993;

(e) **Property Order:** a person who is subject to a property order made under section 30 or section 31 of the Protection of Personal and Property Rights Act 1988; and if any of the above events occur to an existing Trustee, they shall be deemed to have vacated their office upon such event;

(f) **Charities Act:** a person who is disqualified from being an officer of a charitable entity pursuant to section 16 of the Charities Act 2005; and

(g) **Employee:** a person who is a paid employee of the Trust or a paid employee of any council, trust or other organisation which provides funds to the Trust.

6.8 **Resignation:** Any Trustee may resign from the Trust by giving no less than 30 days' written notice to the remaining Trustees and such notice shall take effect from the date specified in the notice or, if there is no date specified, upon the expiry of 30 days from the date the notice was received by the remaining Trustees.

6.9 **Failure to Attend:** A Trustee who fails to attend three consecutive meetings of the Board of Trustees without prior written notice and reasonable explanation (as determined by the other Trustees) shall be deemed to have vacated their office.

6.10 **Death:** Upon the death of a Trustee their position shall be deemed to be vacant.

6.11 **Trustee may be censured:** Any Trustee that acts in a manner that brings or is likely to bring the Trust into disrepute may, by a resolution passed by 75% of all other Trustees, be formally censured.

6.12 **Censure to be notified:** The censure of a Trustee in accordance with clause 6.11 shall, together with reasons, be reported within five (5) Business Days of such censure to either:

(a) the Hapū that elected him or her in accordance with clause 6.2(a) and the Second Schedule; or

(b) the marae that appointed him or her in accordance with clause 6.2(b) and 6.4(b); or

(c) the Whakatōhea Māori Trust Board in the case of the Trust appointed in accordance with clause 6.2(c).

6.13 **Vacancies of Trustees:** Where a Trustee ceases to hold office in accordance with this Deed, the remaining Trustees may fill that vacancy as follows:

(a) Where the vacancy occurs in relation to a Trustee elected by a Hapū (clause 6.2(a)):

(i) the vacancy shall be filled by the next highest polling candidate in the most recent election for that Hapū ; or

(ii) in the event that there were no other candidates in the most recent election, or the next highest polling candidate does not wish to take up the position, then the vacancy shall be filled by an election for that Trustee position, in accordance with the process set out in the Second Schedule.

(b) Where the vacancy occurs in relation to a Trustee appointed by a marae (clause 6.2(b)) the appointing marae is to advise the Trust as soon as reasonably practicable in writing of the individual appointed to fill the vacancy.

(c) Where the vacancy occurs in relation to the Trustee appointed by the Whakatōhea Māori Trust Board (clause 6.2(c)) the Whakatōhea Māori Trust Board is to advise the Trust as soon as reasonably practicable in writing of the individual appointed to fill the vacancy.

(d) The term of office for a Trustee appointed or elected under this clause 6.13 shall be the remainder of the term of the Trustee being replaced.

6.14 Recording: Upon every appointment, reappointment, removal or cessation of office of any Trustee, the Trustees shall record such fact in the Minute Book of the Trust.

7. MEETINGS OF THE TRUSTEES AND ANNUAL REPORT

7.1 Time and Place for Meetings: The Trustees shall meet at such places and times, and in such manner, as they determine. The Chairperson shall chair Trustee meetings, or in his/her absence any other Trustee as determined by the Trustees.

7.2 Facsimile/Email Resolutions: A resolution in writing signed or assented to by facsimile or other form of visible or other electronic communication by the Trustees shall be as valid and effectual as if it had been passed at a meeting of the Trustees. Any such resolution may consist of several documents in like form each signed by one or more Trustees.

7.3 Meetings by Tele-Conference etc.: A meeting of the Trustees may be held where one or more of the Trustees are not physically present at the meeting, provided that:

(a) all persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or other form of communication; and

(b) notice of the meeting is given to all the Trustees in accordance with the procedures agreed from time to time by the Trustees and such notice specifies that Trustees are not required to be present in person at the meeting.

7.4 Annual Report: The Trust must, within five (5) months after the end of each Financial Year, prepare an annual report on the affairs of the Trust for that Financial Year, which includes:

(a) a summary of the activities of the Trust for that Financial Year; and

(b) the audited financial statements of the Trust for that Financial Year.

7.5 Annual General Meeting: The Trust will, in each calendar year after the date of this Deed, hold an Annual General Meeting in addition to any other meetings held in that year.

(a) The Annual General Meeting must be held within 9 calendar months of the end of the Financial Year and in no event is more than 15 months to elapse between the date of one Annual General Meeting and the next.

(b) The purpose of the Annual General Meeting will be:

(i) To report on the operations of the Trust.

(ii) To provide an update on Treaty Settlement related matters.

(iii) To present and review the Annual Report for the most recently completed Financial Year, the Chairperson's report and the audited financial statements of the Trust for that Financial Year.

(iv) To undertake all other notified business.

(c) At least 21 Business Days before the date of any Annual General Meeting the Trustees will provide written notice of the Annual General Meeting:

(i) In writing and posted (including, by electronic form where available) to all Adult Registered Members at the last address shown for each such Adult Registered Member of on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board; and

(ii) in any major metropolitan newspapers circulating in New Zealand and in any provincial newspapers circulating in regions where the Trustees consider that a significant number of Whakatōhea Uri reside.

(d) All notices given pursuant to clause 7.5(c) shall contain:

(i) The date, time, venue and agenda of the Annual General Meeting.

(ii) information regarding where copies of any relevant information may be obtained, including the details of any Members Resolution proposed to be put to the Annual General Meeting and the reasons for it.

(iii) Such other information as may be required.

7.6 Special Meeting: In addition to the Annual General Meeting of the Trust, the Trustees shall:

(a) convene a Special Meeting at the written request of:

(i) the Chairperson and Deputy Chairperson for the time being of the Trust; or

(ii) the majority of the Trustees then in office; or

(iii) 5% of the Adult Registered Members;

(b) give notice of such a Special meeting in the same manner as for a notice of the Annual General Meeting under clause 7.5(c) and 7.5(d) and those requesting the Special Meeting must provide a statement to the Trustees setting out the purposes for which the Special Meeting has been requested and the specific agenda items proposed for such a Special Meeting; and

(c) not be required to give notice calling the Special Meeting until such a statement with agenda items has been received.

(d) Where a Special Meeting is called by either the Chair or Deputy Chair, for which the only

resolutions do not include a Members Resolution, then the trustees shall vote on such resolutions,

7.7 **Special Meeting limited to notified business:**
No business shall be transacted at any Special Meeting other than the business expressly referred to in the notice calling that Special Meeting.

8. ADMINISTRATION

8.1 **Quorum:** A quorum of one more than half of the total number of the Trustees is required for all meetings of the Trustees.

8.2 **Voting:** Each Trustee present at a meeting shall be entitled to one (1) vote.

8.3 **Majority Decisions:** Except as otherwise provided in this Deed, all resolutions passed at a meeting of the Trustees shall be by a majority of Trustees present at the meeting and any such resolution shall be binding on all Trustees. The Chairperson shall have a deliberative (or original) vote as well as a casting vote in the event of a tie or equality of votes.

8.4 **Conflicts of Interest:** A Trustee who has or may have a conflict of interest (as determined by the Trustees) must immediately disclose the interest to the registered office and to the Chairperson. The interest must be recorded in the Minute Book. The conflicted Trustee may participate in the deliberations affecting the matter but s/he shall not vote on such matter and shall leave the meeting for any such vote, unless there is a unanimous resolution of the other non-conflicted Trustees approving the vote by the conflicted Trustee.

8.5 **Minutes:** A Minute Book shall be provided and kept by the Trustees. Minutes of the proceedings of all meetings of the Trustees shall be prepared and entered in the Minute Book, and if confirmed at a subsequent meeting of the Trustees, shall be signed by the Chairperson as a true and correct record. The Minute Book and all other books and records of the Trust shall be held at the Registered Office of the Trust.

8.6 **Bank Accounts:** The Trustees shall keep an account or accounts at such bank or banks or financial institutions as they shall from time to time determine. Cheques and other debits from the account or accounts shall be signed by such person or persons as the Trustees shall from time to time authorise in writing.

8.7 **Accounts and Audit:** The Trustees shall keep full and correct records and accounts of all of their receipts, credits, payments, assets, liabilities and transactions and all other matters necessary for showing the true state and condition of the Trust. As soon as practicable after the end of each Financial Year, the Trustees shall ensure that financial statements are prepared including a statement of position, a statement of financial performance and notes to those statements giving a true and fair view of the financial position of the Trust for that Financial Year. Such financial statements may be audited by a chartered accountant appointed for that purpose by the Trustees, as the Trustees determine.

8.8 **Execution of Documents:**

(a) If the Trustees are not incorporated as a Board under the Charitable Trusts Act 1957 documents to be executed by or for the Trust shall be signed by any two of the Trustees, one signatory to be the chairperson.

(b) If the Trust is incorporated as a Board under the Charitable Trusts Act 1957, documents to be executed by the Board shall be executed under its common seal and attested by any two of the Trustees, one of whom shall be the Chairperson.

8.9 **Common Seal:** If incorporated, the Board shall have a common seal that shall be kept at the Registered Office of the Trust or in the custody and control of a Trustee nominated by the board. When required, the common seal will be affixed to any document following a resolution of the Board and will be attested by any two of the Trustees, one of whom shall be the Chairperson.

8.10 **Other procedures:** Subject to the provisions of this Deed, the Trustees may otherwise regulate their procedure as they see fit.

8.11 **Tax Returns:** The Trustees shall ensure that all necessary tax accounts, returns, reports, declarations, notices, certificates, reconciliations and other information required by the Inland Revenue Department are prepared and filed so as to allow the Trust to retain its agreed status for taxation purposes.

9. STAFF

9.1 **Appointment:** The Trustees may employ such staff as they consider appropriate to work for the Trust on such terms as they consider appropriate.

9.2 **Attendances at Trustees' Meetings:** Staff employed under clause 9.1 may be required to attend meetings of the Trustees but shall not be entitled to vote.

10. TRUSTEES' LIABILITY

10.1 **Liability for Loss:** No Trustee shall be liable for any loss to the Trust Fund arising:

(a) **Investment:** by reason of any improper or imprudent investment made by any Trustee in good faith;

(b) **Agent:** from the negligence or fraud or delay of any agent instructed by any Trustee in good faith;

(c) **Mistake:** by reason of any mistake or omission made by any Trustee in good faith;

(d) **Delay:** by reason of any delay caused by any Trustee;

(e) **Deposit of Funds:** by reason of all or part of the Trust Fund being lawfully deposited in the hands of any banker or solicitor;

(f) **Security:** by reason of the insufficiency or deficiency of any security upon which all or part of the Trust Fund may be invested;

(g) **General:** by any other act of any Trustee; unless attributable to that Trustee's own dishonesty or to the wilful commission or omission of any act known by that Trustee to be in breach of trust.

10.2 Trustee Act 1956: Subject to clause13, the care, diligence and skill to be exercised by the Trustees shall not be that required by sections 13B or 13C of the Trustee Act 1956 but shall at all times be the care, diligence and skill required that a prudent person of business would exercise in managing the affairs of others, even though the Trustees may from time to time include persons whose profession, employment or business is or includes acting as a trustee or investing money on behalf of others.

10.3 Proceedings: No Trustee shall be bound to take, or be liable for their failure to take, any proceedings against another Trustee or Trustees for any breach or alleged breach of trust committed by such other Trustee or Trustees.

11. TRUSTEES' REMUNERATION AND EXPENSES

11.1 Professional Remuneration: Subject to clause 11.2 any Trustee being a lawyer, accountant or other person engaged in any profession, business or trade shall be entitled to be paid all usual professional, business and trade charges for business transacted, time expended and all acts done by him or her or any of their employees or partners in connection with the Trust, including acts which a Trustee not being in any profession, business or trade could have done personally.

11.2 General Remuneration: Each Trustee other than a Trustee remunerated under clause 11.1 or 4.14 (to the extent that such remuneration covers the services to which that clause applies) may be entitled to such remuneration for their services as a Trustee, as determined by the Trustees, as may be reasonable having regard to their duties and responsibilities as Trustees.

11.3 Expenses: Each Trustee shall be entitled to be indemnified against, and reimbursed for, all travelling, accommodation and other expenses properly incurred by them in attending to and returning from meetings or in connection with the trusts of this Deed as determined by the Trustees.

11.4 Proviso: No Trustee receiving any remuneration referred to in clauses 11.1 or 4.14 shall take part in any deliberations or proceedings relating to the payment or otherwise of that remuneration nor shall that Trustee in any way determine or materially influence (directly or indirectly) the nature or amount of that payment or circumstance in which it is to be paid. Such remuneration must be determined by the remaining Trustees on the basis of the current market rate for that type of work.

11.5 Not employed: For the purposes of this Deed, the remuneration referred to in clauses 11.1 or 4.14 is not considered as employment.

12. LIABILITY, INDEMNITY AND INSURANCE

12.1 Limitation of liability: No Trustee is liable for the consequence of any act or omission, or for any loss, unless the consequence or loss is attributable to his or her dishonesty, or to the wilful commission by him or her of any act known by him or her to be in breach of trust, or to the wilful

omission by him or her of any act when the omission is known by him or her to be a breach of trust.

12.2 **General indemnity:** Each Trustee shall be indemnified out of the Trust Fund for and in respect of any loss or liability which such Trustee may sustain or incur by reason of the carrying out or omission of any function, duty or power of the Trustees under this Deed, unless such loss or liability is attributable to such Trustee's dishonesty or to the wilful commission or omission by such Trustee of an act known by such Trustee to be a breach of trust.

12.3 **Action by Trust:** The Trust may provide insurance for any person who is a Trustee in respect of any costs incurred by that person in any proceedings:

(a) brought by the Trust against any person in his or her capacity as Trustee; and

(b) In which judgment is given in that person's favour, or he or she is acquitted, or relief is granted to him or her by the Court.

12.4 **Action by a third party:** The Trust may provide insurance for any person who is a Trustee in respect of any costs incurred by that person in any proceedings:

(a) brought by any person other than the Trust against any person in his or her capacity as Trustee; and

(b) which do not result from a failure by that Trustee to act in good faith.

12.5 **Record of indemnity and insurance:** The Trustees will ensure the particulars of any indemnity given or insurance provided for any person under clauses 12.3 to 12.4 are recorded in the minutes of the meeting at which that indemnity or insurance is approved.

12.6 **Meanings:** In this clause:

(a) Trustee includes a former trustee;

(b) indemnity includes relief or excuse from liability; and

(c) proceedings includes civil, criminal and administrative proceedings.

13. NO PRIVATE PECUNIARY PROFIT

Nothing expressed or implied in this Deed shall permit the activities of the Trustees, or any business carried on by or on behalf of or for the benefit of the Trustees upon the trusts of this Deed, to be carried on for the private pecuniary profit of any individual.

14. WHAKATŌHEA CLAIMS COMMITTEE

14.1 **Whakatōhea Claims Committee to be established:** The Trustees shall establish a sub-committee, to be called, the Whakatōhea Claims Committee to provide non-binding advice and recommendations to the Trustees on any matters relating to the settlement of the Historical Claims that the Whakatōhea Claims Committee sees fit.

14.2 **Composition of Whakatōhea Claims Committee:** The Whakatōhea Claims Committee will comprise:

(a) representatives of Hapū;

(b) representatives of marae;

(b) representatives of the Kaumātua Kaunihera; and

(c) Whakatōhea Wai Claimants.

14.3 **Hapū representatives:** Each Hapū may appoint member(s) to the Claims Committee. The Hapū will inform the Trust in writing of the appointment, removal and replacement of representatives on the Whakatōhea Claims Committee. The eligibility criteria for Trustees, as set out in clause 6.7, will apply to appointments made by Hapū to the Whakatōhea Claims Committee.

14.4 **The Kaumātua Kaunihera:** The Kaumātua Kaunihera may appoint as many representatives as it wishes to the Whakatōhea Claims Committee. The Kaumātua Kaunihera will inform the Trust in writing of the appointment, removal and replacement of representatives on the Whakatōhea Claims Committee. The eligibility criteria for Trustees, as set out in clause 6.7 will apply to appointments by the Kaumātua Kaunihera to the Whakatōhea Claims Committee.

14.5 **The Whakatōhea Wai Claimants:** Each Claimant may each appoint one representative (per WAI claim) to the Whakatōhea Claims Committee. The Claimants are to inform the Pre-settlement Trust in writing of the appointment, removal and replacement of such representatives. Each WAI claim will be limited to one (1) representative on the Whakatōhea Claims Committee, per WAI claim. The eligibility criteria for Trustees, as set out in clause 6.7, will apply to appointments by the Claimants to the Whakatōhea Claims Committee.

14.6 **Whakatōhea Wai Claimants:** Each appointed representative will have the right to assist with the negotiations of their claim.

14.7 **Costs:** Members of the Whakatōhea Claims Committee and their respective electors and/or appointers will be responsible for their own costs and expenses.

15. REQUIREMENTS TO AMEND HAPŪ IN THE TRUST DEED

15.1 **Hapū ahi mātao:**

(a) The Trustees shall in negotiation with the Whakatōhea Māori Trust Board maintain a register of Hapū ahi mātao.

(b) The Trustees may recognise a hapū that is no longer functioning as a Hapū by including that hapū on the register maintained pursuant to clause 15.1(a) if the Trustees are satisfied (acting reasonably) that the hapū existed historically as a hapū of Whakatōhea.

15.2 **Hapū:**

The Trustees may add a group to the definition of Hapū in clause 1.1 if:

(a) a request to amend the definition of Hapū in clause 1.1 has been submitted to the Trustees in writing; and

(b) the Trustees are satisfied (acting reasonably) that the group:

(i) descends from a Whakatōhea Ancestor;

(ii) has active, functioning marae;

(iii) belongs to, or associates with, a maunga (mountain) and awa (river); and

(iv) is recognised as a functioning hapū of Whakatōhea by other Hapū and neighbouring iwi; and

(c) the Trustees have consulted with the Kaumātua Kaunihera on the issue; and

(d) the Trustees by a seventy-five per cent (75%) majority support the request to add the group to the definition of Hapū; and

(e) a Members Resolution to amend the definition of Hapū has been passed in accordance with the First Schedule.

16. DISPUTES PROCESS

16.1 Notice of disputes

In the event that a dispute arises relating to the operations of the Trust, the dispute shall be referred in the first instance by the person raising the dispute (the **Petitioner**) giving notice in writing to the Trust setting out full particulars of the nature of the dispute (a **Dispute Notice**). The Trust shall acknowledge receipt in writing within 10 Business Days of the date of receipt of the Dispute Notice.

16.2 Process

(a) Any dispute regarding membership of Whakatōhea or otherwise in connection with the tikanga, reo, kawa, whakapapa and kōrero of Whakatōhea shall be referred by the Trust to the Kaunihera Kaumātua. The Kaunihera Kaumātua may provide non-binding advice to the Trust on the manner in which the dispute should be resolved.

(b) In relation to all other disputes, the Chairperson (or a delegated member) shall attempt to resolve the dispute amicably by bona fide discussion including meeting with the Petitioner within 10 (ten) Business Days of receipt of the Dispute Notice, seeking relevant information where required from the Petitioner, person(s) or group(s) involved in the complaint or dispute and report-back to the Trust.

(c) Following the provision of non-binding advice (if any) pursuant to clause 16.2(a) or the report-back to the Trust from the Chairperson (or a delegated member) pursuant to clause 16.2(b) the Trust shall make a decision on the dispute and inform the Petitioner.

16.3 Mediation

If a Petitioner is not satisfied with the Trust's decision pursuant to clause 16.2, the Petitioner may refer the dispute by written notice to the other (a **Mediation Notice**) to mediation.

16.4 Other avenues

If a dispute is not resolved pursuant to clause 16.2 or clause 16.3, the Trust and the Petitioner shall be free to pursue other avenues to resolve the dispute, including by pursuing legal proceedings.

17. AMENDMENT

17.1 Clauses that cannot be changed: No resolution is to be of any effect if:

(a) it is designed to vary, or would have the effect of varying, the definition of Whakatōhea so as to:

(i) exclude persons who affiliate, by whakapapa, to the iwi of Whakatōhea; or

(ii) include persons who do not affiliate, by whakapapa, to the iwi of Whakatōhea; or

(b) the consequence is to amend the Deed in a manner that prejudices in a material manner the Trust's entitlement to charitable status under the laws of New Zealand, or its entitlement to an income tax exemption.

17.2 Changes to the Deed: Subject to clause 17.1, the Trustees have the power to amend, revoke or add to the provisions of this Deed, provided that:

(a) the amendment is put to, and agreed to by a resolution of 75% of the Trustees; and

(b) in the case of an amendment that amends the clauses listed in clause 17.3, the amendment is approved by a Members Resolution.

17.3 Certain amendments require approval by a Members Resolution

The clauses for the purpose of clause 17.2 are: 3.1, 5, 6.1, 6.2, 6.3, 6.4, 6.5, 7.4, 7.5, 7.6, 14, 15, 17 and 18.

18. LIQUIDATION/DISSOLUTION

18.1 Windup: The Trust will be wound up or dissolved as soon as reasonably practicable after the Completion Date.

18.2 Early wind-up: The Trust may only be wound up or dissolved prior to the Completion Date upon a unanimous resolution of all the Trustees at a meeting of the Trustees called for that purpose. There shall be no less than thirty (30) days' notice given of such a meeting to the Trustees.

18.3 Surplus Property: On the winding-up of the Trust or its dissolution by the Registrar of the High Court under the Charitable Trusts Act 1957, all surplus assets after the payment of costs, debts and liabilities shall be given to such exclusively charitable organisation within New Zealand as the Trustees decide, or, if the Trustees are unable to make such decision, shall be disposed of in accordance with the directions of the High Court under section 27 of the Charitable Trusts Act 1957.

19. GOVERNING LAW

19.1 **This Deed** and the Trust shall be construed in accordance with and governed by the laws of New Zealand.

19.2 **The Courts** of New Zealand have exclusive jurisdiction to decide all claims, actions or other proceedings in connection with the Trust or this Deed.

20. EXECUTION

Executed as a Deed this..... day of..... .....

By: **For:**

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FIRST SCHEDULE

PROCEDURE FOR PASSING A MEMBERS RESOLUTION

1. THIS SCHEDULE TO APPLY

A Members Resolution shall only be passed as set out in this Schedule.

2. MEMBERS RESOLUTIONS TO BE CONSIDERED AT ANNUAL GENERAL MEETINGS OR SPECIAL MEETINGS

A Members Resolution can only be considered and passed at an Annual General Meeting or a Special Meeting. No other business may be transacted at a Special Meeting.

3. VOTING

Voting on a Members Resolution shall occur by placing voting forms into a secret ballot box in person at the Annual General Meeting or Special Meeting held for the purposes of considering the Members Resolution.

4. VOTING THRESHOLD

In order for a Members Resolution to be passed it must receive the approval of not less than 75% of those Adult Members who validly cast a vote in respect of the proposed resolution in accordance with this Schedule.

5. VOTING INFORMATION AND PROCESS

5.1 **Other details to accompany vote:**
Each voting form must contain sufficient information to identify the voter and the voting documents issued to that voter.

5.2 **Manner in which votes may be cast**
A vote on a Members Resolution may be cast by:

(a) delivery to the Chief Returning Officer at the Annual General Meeting or Special Meeting; or

(b) by placing voting forms into a secret ballot box in person at the Annual General Meeting or Special Meeting or

(c) by electronic means (if voting by such means is available).

5.3 **Eligibility to vote:**
Each Adult Member is eligible to vote on a Members Resolution, provided that:

(a) Each such Adult Member will only be eligible to cast one (1) vote;

(b) Subject to *rule 5.4 (c)* of this Schedule each Adult Member must, at the date of the Annual General Meeting or Special Meeting, be recorded on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board;

(c) Where an Adult Member is not recorded on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board but wishes to vote on a Members Resolution, that Adult Member must:

(i) complete an application for registration on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board, including sufficient information for registration, and submit this completed application form with a completed voting form;

(ii) if the application for registration is validated by the Whakatōhea Māori Trust Board operating in accordance with its usual procedure:

(A) the voting form will be counted by the Chief Returning Officer in accordance with *rule 7* of this Schedule;

(B) that Adult Member will be added to the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board unless he or she has indicated on the application for registration that he or she does not wish to be added to this roll.

(d) Where, in accordance with *rule 5.4(c)(ii)(B)* of this Schedule, an Adult Member has indicated on the application for registration that he or she does not wish to be added to the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board, then:

(i) the application form and any contact details for that Adult Member will not be retained by the Trust; and

(ii) the Adult Member in question will be required to complete the steps in *rule 5.4(c)* of this Schedule in order to participate in voting on any future Members Resolutions.

6. APPOINTMENT OF CHIEF RETURNING OFFICER

6.1 Appointment of Chief Returning Officer:
For the purposes of a Members Resolution, the Trustees shall appoint a Chief Returning Officer who shall not be a Trustee or employee of the Trust.

6.2 Chief Returning Officer to receive voting forms:
Voting forms must be addressed to the Chief Returning Officer.

6.3 Chief Returning Officer to be present at Annual General Meeting or Special Meeting to consider a Members Resolution:
The Chief Returning Officer must be present at the Annual General Meeting or the Special Meeting to consider a Members Resolution. The Chief Returning Officer will be available to collect any completed voting forms at the Annual General Meeting or the Special Meeting. The

Chief Returning Officer shall also ensure that additional voting forms are available at the Annual General Meeting or the Special Meeting.

6.4 Only one vote to be cast:
The Chief Returning Officer must ensure that appropriate measures are in place to ensure that only one (1) vote is cast by each Adult Registered Member.

6.5 Recording of votes:
A record shall be kept by the Chief Returning Officer of all votes received.

7. COUNTING OF VOTES

7.1 All votes to be counted:
Upon the expiry of the date for the receipt of votes, the Chief Returning Officer shall record and count all votes validly cast.

7.2 Certification and notifying result:
Once all votes have been counted and the result of the Members Resolution determined by the Chief Returning Officer, the Chief Returning Officer shall certify the result of the Members Resolution and communicate the result to the Trustees.

8. OUTCOME OF A MEMBERS RESOLUTION

If the Chief Returning Officer advises the Trustees, in accordance with *rule 7.2* of this Schedule, that a Members Resolution has been approved by not less than 75% of the votes validly cast, in accordance with *rule 3.1* of this Schedule, then the Trustees are to give effect to that Members Resolution.

SECOND SCHEDULE

ELECTIONS OF HAPŪ TRUSTEES

1. PROCEDURE

1.1 This Schedule to apply:
The Trustees referred to in clause 6.2(a) (in this Second Schedule referred to as "Hapū Trustees") shall be elected in accordance with the rules and procedures set out in this Schedule.

1.2 Election to be by Hapū
Each Hapū shall be entitled to elect one Hapū Trustee.

1.3 Hapū Trustee elections to be held at same time
The elections for each Hapū Trustee shall be held at the same time, so that the elected Hapū Trustees for each Hapū take office on the same date, being the day immediately following the day on which the terms of office of the incumbent Hapū Trustees expire.

2. ELIGIBILITY FOR APPOINTMENT

2.1 Nominee:
To be elected, a nominee for election as a Hapū Trustee must, as at the closing date for nominations:

(a) not be otherwise disqualified in accordance with clause 6.7; and

(b) either:

(i) be recorded in the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board as an Adult Registered Member; or

(ii) if not recorded in the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board as an Adult Registered Member:

(A) complete an application for registration on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board, including sufficient information for registration, and submit this completed application form with a completed nomination form as set out in *rules 6.5* and *6.6* of this Schedule; and

(B) if the application for registration is validated by the Whakatōhea Māori Trust Board operating in accordance with its usual procedure and satisfies the other criteria of this Schedule, then:

(AA) that nomination will be accepted; and

(BB) that Adult Member will be added to the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board unless the Adult Member in question has indicated on the application for registration that he or she does not wish to be added to this roll;

2.2 Adult Member not registered on the roll

Where, in accordance with *rule 2.1(b)(ii)(B)(BB)* of this Schedule, an Adult Member has indicated on the application for registration that he or she does not wish to be added to the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board, then:

(a) the application form and any contact details for that Adult Member will not be retained by the Trust; and

(b) the Adult Member in question will be required to complete the steps in *rule 2.1(b)(ii)* of this Schedule in respect of seeking a nomination for election as a Hapū Trustee in any future election of Hapū Trustees in which that Adult Member wishes to be nominated.

2.3 Nominee may stand for election in one Hapū

No person may stand as a nominee in any Hapū Trustee election for more than one Hapū.

2.4 Trustees Roles:

A Trustee may not be an employee of the Trust.

3. ELECTION OF HAPŪ TRUSTEES

3.1 The top polling nominee in each Hapū election will be elected as the Hapū Trustee for that Hapū.

3.2 If there are an equal number of votes for the top two or more polling nominees in a Hapū election, then the Hapū Trustee will be determined by lot.

4. ELIGIBILITY OF RETIRING HAPŪ TRUSTEES:

Retiring Hapū Trustees shall be eligible for re-election.

5. MAKING OF NOMINATIONS

5.1 Nominations

All Adult Registered Members of the Hapū for which elections are held are entitled to be nominated for election as a Hapū Trustee.

5.2 Notice for nomination:

Nominations from all Adult Registered Members for the election of a Trustee position on the Pre-settlement Trust will be open for a period of twenty one (21) business working days. Such notice shall specify the method of making nominations, the requirement in *rule 2.1* of this Schedule in terms of Trustee eligibility and the latest date by which nominations must be made and lodged with the Trustees or such other persons as the notice directs.

5.3 Timing for nominations:

Nominations for Trustee positions will close at 12 noon on the last day of the nomination period.

5.4 Form of notice:

All notices given under this rule shall be given in the following manner:

(a) By newspaper advertisement published on at least two (2) separate days and inserted in appropriate major metropolitan newspapers and/or any provincial newspaper circulating

in regions where the Trustees consider that a significant number of members of Whakatōhea reside; and

(b) By such other means as the Trustees may determine.

5.5 Nomination to be in writing:
The nomination of a candidate for election as a Hapū Trustee shall be in writing signed by not less than five (5) Adult Registered Members that list the same Hapū as their primary affiliation on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board.

5.7 Consent of nominee:
The consent of each candidate to his or her nomination shall be endorsed on the nomination paper, provided that a candidate may at any time, by notice to the Trustees, withdraw his or her nomination.

6. HOLDING OF ELECTIONS

6.1 Mode of Voting at Elections:
Subject to *rule 7.2* of this Schedule, voting at all elections shall be by way of secret ballot. Voting forms may be delivered to the Chief Returning Officer by post or by electronic form where available.

6.2 No elections where only one or no nominee:

(a) In the event that only one nomination is received in respect of the election of a Hapū Trustee for a Hapū, no election shall be necessary and the person so nominated shall be deemed to have been duly elected.

(b) In the event that no nominations are received in respect of the election of a Hapū Trustee for a Hapū, no election shall be necessary and the position shall remain vacant until the next election held in accordance with this Schedule.

6.3 Eligibility to vote in elections:
Each Adult Member is eligible to vote in an election of Hapū Trustees, provided that:

(a) Each such Adult Member will only be eligible to cast one (1) vote listing their preferred Trustee; and

(b) Subject to *rule 6.3 (c)*of this Schedule each Adult Member must, at the date fixed as the latest date for making and lodging nominations, be recorded on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board.

(c) Where an Adult Member is not recorded on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board but wishes to vote in an election of Trustees, that Adult Member must:

(i) complete application for registration on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board, including sufficient information for registration, and submit this completed application form with a completed voting paper;

(ii) if the application for registration is validated, the voting paper will be counted by the Chief Returning Officer in accordance with *rule 9.2* of this Schedule; and

(iii) if the application for registration is validated that Adult Member will be added to the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board unless the Adult Member in question has indicated on the application form for registration that they do not wish to be added to this roll;

(d) Where, in accordance with *rule 6.3(c)(iii)* of this Schedule, an Adult Member has indicated on the application for registration that he or she does not wish to be added to the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board, then:

(i) the application form and any contact details for that Adult Member will not be retained by the Trust; however, will be retained by the Chief Returning Officer for validation by Kaumātua and Hapū delegate(s);

(ii) the Adult Member in question will be required to complete the steps in *rule 6.3(c)* of this Schedule in respect of any future election of Trustees in which that Adult Member wishes to vote.

7. NOTICE OF ELECTIONS

7.1 Notice to be given:
Immediately after the closing date for nominations, the Trustees shall, where an election is required fix a closing date for the election (being the last day upon which a vote may be validly cast in the election).

7.2 Period of notice:
Voting for the election of Trustees will be open for a period of twenty one (21) business working days. The method by which votes may be cast as set out in *rule 6.1* of this Schedule.

7.3 Voting will close at 12 noon on the last day of the voting period.

7.4 Method of giving notice:
Notice under *rule 7.2* of this Schedule shall be given by:

(a) Posting notice (including, by electronic form where available) to each Adult Registered Member shown on the roll of beneficiaries maintained by the Whakatōhea Māori Trust Board as entitled to vote at the election. If notice to an electronic address fails, and the Trustees are aware of the failure, then the notice must be sent to the Adult Registered Member's last known physical address;

(b) Inserting an advertisement on at least two (2) separate days in major metropolitan newspapers and in any provincial newspapers circulating in regions within the area of Whakatōhea's customary interests;

(c) Advertising on a radio station or radio stations broadcasting in the district or districts where the Trustees consider that a significant number of Whakatōhea Uri reside; and

(d) Posting notice on the Trust's website (if one is functioning).

7.5 General content of notices:
Every notice given in accordance with *rule 7.3(a)* and *(b)* of this Schedule shall contain:

(a) A list of the nominees for election as Hapū Trustees for the relevant Hapū; and

(b) The mode by which votes may be cast as set out in *rule 6* of this Schedule.

7.6 Additional content of notice:
Each notice given in accordance with *rule 7.3(a)* of this Schedule shall also contain:

(a) A voting form that complies with *rule 8.1* of this Schedule; and

(b) Details of the procedure to be followed in making a vote by post or by electronic form, including the date by which the voting form must be received by the Chief Returning Officer.

7.7 Additional information in other notices:
Each notice given in accordance with *rule 7.3(b), 7.3(c)* and *7.3(d)* of this Schedule shall also give details about how voting forms may be obtained.

8. VOTING

8.1 Other details to accompany vote:
Each voting form must contain information that is sufficient to identify the Adult Member who will be voting.

8.2 Voting for the election of Trustees will be open for a period of twenty one (21) business working days. The method by which votes may be cast as set out in *rule 6.1* of this Schedule.

8.3 Voting will close at 12 noon on the last day of the voting period.

8.4 Manner in which votes may be cast
A vote may be cast by:

(a) placing voting forms into a secret ballot box in person where this option is made available; or

(b) post addressed to the Chief Returning Officer; or

(c) by electronic means (if voting by such means is available).

8.5 Timing of Votes:
Votes must be made no later than the closing date for the election of the Hapū Trustees to which the postal vote relates. Votes otherwise validly cast are valid and able to be counted if they are received by the Chief Returning Officer no later than three (3) days after the closing date for the election, but only, in the case of postal votes, if the envelope containing the voting form is date stamped on or before the closing date for the election.

9. APPOINTMENT OF CHIEF RETURNING OFFICER

9.1 Appointment of Chief Returning Officer:
For the purposes of elections the Trustees shall appoint as required a Chief Returning Officer who shall not be a Trustee or employee of the Trust. The Chief Returning Officer shall be responsible for coordinating Trustee elections.

9.2 Chief Returning Officer to receive voting forms:
All voting forms must be addressed to the Chief Returning Officer.

9.3 Only one vote to be cast:
The Chief Returning Officer shall ensure that appropriate measures are in place to ensure that only one (1) vote is cast by each Adult Member.

9.4 Recording of votes:
A record shall be kept by the Chief Returning Officer of all votes received.

10. COUNTING OF VOTES

10.1 All votes to be counted:
Upon the expiry of the date for the receipt of postal votes, the Chief Returning Officer shall record and count all votes validly cast.

10.2 Certification and notifying election result:
Once all votes have been counted and the result of the election determined by the Chief Returning Officer, the Chief Returning Officer shall certify the result of the election and communicate the result of the election to the Trustees. The Trustees shall thereafter advise the candidates of the result and give notice of the same on the Trust's website within a month of notification. Notifying results also in appropriate newspapers.

11. RETENTION OF ELECTION RECORDS

11.1 Compiling and sealing voting records:
The Chief Returning Officer shall, as soon as practicable after he or she has certified the result of the election, place all voting forms and other voting records into a sealed packet. The Chief Returning Officer shall endorse upon the sealed packet a description of the contents of that packet together with the final date for voting in that election. The Chief Returning Officer shall then sign the endorsement and forward the sealed packet to the Trustees.

11.2 Retention and disposal of packets:
The sealed packets received from the Chief Returning Officer shall be safely kept unopened by the Trustees for a period of one (1) year from the closing date for making votes in the election to which the packet relates. At the expiry of that one (1) year period the packets shall be destroyed unopened.

THIRD SCHEDULE

REGISTERED HISTORICAL CLAIMS

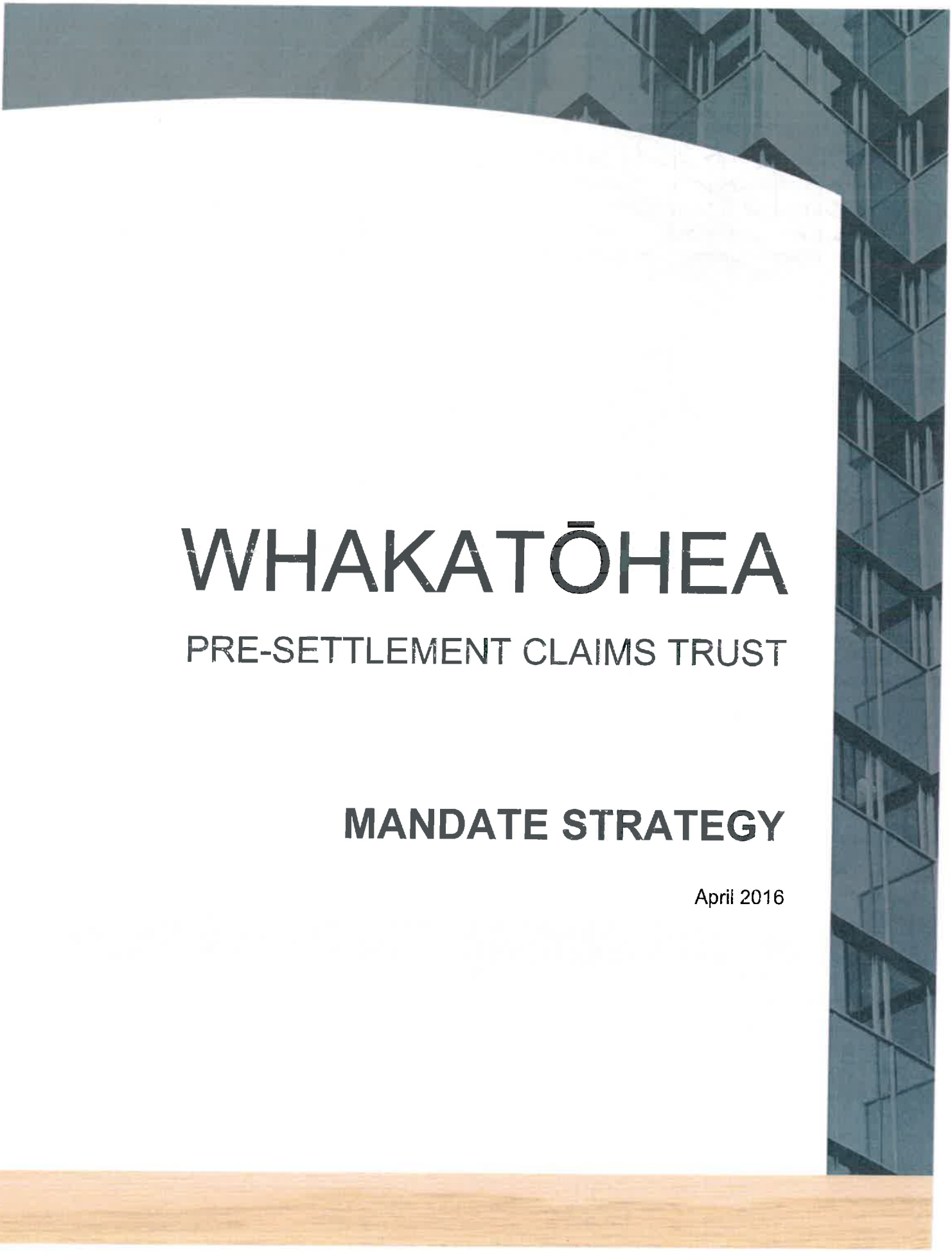
1	WAI 87	Whakatōhea Raupatu Claim	The Late Claude Augustus Edwards
2	WAI 203	Mokomoko whanau claim	The Late Tuiringa Mokomoko
3	WAI 267	School History	Ariana Delamere
4	WAI 339	Hiwarau Block	The Late Tuiringa Mokomoko
5	WAI 558	Ngāti Ira o Waioweka Rohe	John Hone Kameta
6	WAI 864	Moutohora quarry	Russell Hollis, John Hata, Len Brown and the Maori Trustee for and on behalf of the owners of Whakapaupakihi 2
7	WAI 1092	Te Upokorehe Claim	The Late Charles Aramoana
8	WAI 1433		Nepia Whānau Trust
9	WAI 1511	Ngai Tamatea	Keita Hudson
10	WAI 1758	Roimata marae, Te Upokorehe hapū, Ngāti Raumoa Roimata Marae Trust	Wallace Aramoana, Lance Reha, Gaylene Kohunui, Wayne Aramoana, Sandra Aramoana, Roimata marae, Te Upokorēhē Hapū Ngāti Raumoa Roimata Marae Trust
11	WAI 1775	Ngāti Patumoana	John Hata
12	WAI 1781	Ngai Tamahaua	Biddle Claim
13	WAI 1782	Ngāti Rua	Paruru Claim
14	WAI 1787	Rongopopoia ki Te Upokorehe	Hinehou Leef, Mekita Te Whenua, Richard Wikotu, Rocky Ihe, Kahukore Baker
15	WAI 1794	Turangapikitoi hapū	Muriwai Wehi
16	WAI 1795	Ngāti Rua	Tawhirimatea Williams
17	WAI 1884	Ngāti Ngāhere	The Late Tarati Carrington
18	WAI 2006	Te Upokorehe and Whakatoia hapū	Priscilla Pihitahi Sandys
19	WAI 2008	Pākowhai	Peter Warren
20	WAI 2055	Ngai Tama of Opape	Dr Guy Naden
21	WAI 2066	Ngāti Ruatakenga	Takaparae Papuni
22	WAI 2107	Ngāti Ngāhere, Ngāti Ira	Lee Ann Martin, descendant of Kurei Tamaipaoa and Tuku Maaka, Mokomoko, Te Manawa o Kimohia, Mererua Wahine, Karaitiana Ruru, Horikerei
23	WAI 2160	Whakatōhea / Ngāti Muriwai	Theresa McMurtie

Disclaimer:

The Collective have taken reasonable care to ensure the list of WAI claims is accurate and complete. Should further information come to light indicating additional Whakatōhea related claims that have not been included in this list, the Collective reserve the right to include them as appropriate.

Appendix 5

Whakatōhea Pre-Settlement Claims Trust – Mandate Strategy



WHAKATŌHEA

PRE-SETTLEMENT CLAIMS TRUST

MANDATE STRATEGY

April 2016

ACKNOWLEDGEMENT:

The Tū Ake Whakatōhea Collective with the support of the Whakatōhea Maori Trust Board have prepared this comprehensive draft Mandate Strategy and Trust Deed for the proposed Whakatōhea Pre-Settlement Claims Trust to progress treaty negotiations for Te Whakatōhea. This is an acknowledgement to ngā uri, kaumātua, whanau, and hapū who have contributed to the development of these documents to benefit ngā uri katoa o Te Whakatōhea.

Tu Ake
Whakatōhea
Collective

Whakatōhea
Māori Trust Board

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1.1 INTRODUCTION

1.1.1. **Te Tiriti o Waitangi** – On 27 May 1840 seven (7) Whakatōhea chiefs signed Te Tiriti o Waitangi in Ōpōtiki. Those chiefs were Tauatoro, Takahi, Aporotanga, Rangimatanuku, Rangihaerepo, Ake, and Whakia. This strategy upholds the mana and significance of Te Tiriti o Waitangi, and provides a pathway for Whakatōhea to address historical claims of Crown breaches against Whakatōhea and Te Tiriti o Waitangi.

1.1.2. It is widely acknowledged and accepted that Whakatōhea has suffered significantly as a result of various Crown acts or omissions since 1840. "The Whakatōhea Iwi, centred on Ōpōtiki, have claimed that they were prejudicially affected by the actions of the Crown in confiscating their lands in 1860"[1] (Gillings, 1994, p.1).

1.1.3. Whakatōhea first attempted to settle the historical Whakatōhea raupatu claims against the Crown in 1996. Since then, for nineteen (19) years hapū have lead a hapū driven process aimed at settling with the Crown, once and for all, the historical Treaty of Waitangi claims (the **Historical Claims**) of Whakatōhea.

1.1.4. In August 2003 an interim working party developed a process report known as the Te Ara Tono mō te Raupatu. This report set out a process by which Whakatōhea could re-engage with the Crown to negotiate a settlement of the Historical Claims. This report was adopted by Whakatōhea at a Hui-ā-Iwi on 26 August 2007.

1.1.5. Following the adoption of Te Ara Tono mō te Raupatu, a second group known as the Whakatōhea Raupatu Working Party (**WRWP**) began the work of preparing Whakatōhea to grant a mandate to a representative entity to negotiate the settlement of the Historical Claims. However, the WRWP was not able to finalise a mandating process before Ngāti Ngāhere, Ngāti Rua, Ngāti Patumoana, Ngāti Ira and Ngai Tamahaua hapū withdrew their representatives from the WRWP.

1.1.6. In 2010, Ngāti Ira, Ngāti Ngāhere, Ngāti Rua and Ngāti Patumoana regrouped to consider the next steps. This grouping of hapū became known as the Tu Ake Whakatōhea Collective (the **Collective**). The Collective sought assistance from the Whakatōhea Māori Trust Board (**Trust Board**) to engage with Iwi members of Whakatōhea (**Whakatōhea uri**) to identify the most appropriate process by which Whakatōhea could provide a mandate to a representative entity to negotiate the settlement of the Historical Claims. The Trust Board agreed to provide reasonable assistance in accordance with the terms of its governing legislation.

1.1.7. The Collective, with the support of the Trust Board, supported a collective approach, where whānau and hapū were encouraged to work together as Iwi in the context of the settlement of the Historical Claims. Through a robust consultation process which is detailed further in this document, the Collective sought to educate Whakatōhea uri, marae and hapū on the settlement process and options available to Whakatōhea to settle the Historical Claims.

[1] Gillings, - Te Raupatu o te Whakatōhea: The Confiscation of Whakatōhea Land 1865-1866.

1.1.8. The Collective, with support from the Trust Board, held twenty three (23) education and consultation hui within the Whakatōhea rohe and around the country in order to ascertain the views of Whakatōhea uri and hapū on these important issues. The overall feedback from participants at those hui was that the information presented gave them a better understanding of the Treaty settlement process, Whakatōhea history, and the options available to Whakatōhea to settle the Historical Claims.

1.1.9. As a result of these extensive consultations with Whakatōhea uri, marae and hapū, the Collective has a detailed understanding of how our people wish to proceed to settle the Historical Claims. Consultation meetings and correspondence is detailed further in Appendix 1.

1.2 A FRESH APPROACH

1.2.1. A number of groups and associated organisations have, since 1996, sought to engage with Whakatōhea uri and hapū with the ultimate purpose of seeking a mandate from Whakatōhea uri to negotiate the settlement of the Historical Claims.

1.2.2. Through extensive consultation undertaken by the Collective, it is clear that Whakatōhea uri are seeking the timely settlement of its Historical Claims. It is also clear that the establishment of a new organisation, for the sole purpose of negotiating a settlement of these Historical Claims, is supported by Whakatōhea uri.

1.2.3. Accordingly, the Collective has proposed that a new entity, to be called the Whakatōhea Pre-settlement Claims Trust (the **Pre-settlement Trust**), should be established to seek a mandate from Whakatōhea uri. The Collective believes that a new entity, which is appropriately representative of and accountable to Whakatōhea uri, hapū and marae, will be supported by Whakatōhea as the most appropriate entity to pursue negotiations with the Crown.

1.3 TE ARA TONO MO TE RAUPATU

1.3.1. As mentioned in 1.1.3 The Te Ara Tono Mo Te Raupatu Document (Te Ara Tono) was adopted by Whakatōhea at a Hui-a-Iwi on 26 August 2007. The Tū Ake Whakatōhea Collective has aligned its work program to the best of its ability to Te Ara Tono.

2 TE KAUPAPA

2.1 THE PURPOSE

2.1.1. This document sets out:

a. the basis on which the Pre-settlement Trust is proposed to be established; and

b. outlines the process by which the Pre-settlement Trust will seek a durable mandate from Whakatōhea uri, hapū and marae to negotiate the comprehensive settlement of all Whakatōhea Historical Claims.

2.2 THE MANDATE STRATEGY

2.2.1. This Mandate Strategy is set out in four parts. Part A, entitled "*He Kōrero mo Whakatōhea*", explains who we are, the traditional areas of interest and the nature of the Historical Claims. Part B, entitled "*Te Tirohanga Whakamuri*", explains the story so far for the Collective and the nature and extent of consultation undertaken by the Collective with Whakatōhea and neighbouring Iwi. Part C, entitled "*The Pre-settlement Trust*", explains how the Pre-settlement Trust will be established, how it will operate and how it will be accountable to, and representative of, all Whakatōhea uri, hapū and marae. Part D, entitled "*The Proposed Mandate Process*", explains how the Pre-settlement Trust will seek a mandate from Whakatōhea uri to settle the Historical Claims with the Crown.

2.2.2. More specifically, Part A of this Mandate Strategy:

a. describes Whakatōhea history as an Iwi;

b. names the hapū and marae of Whakatōhea;

c. describes present-day characteristics of Whakatōhea, including population size and associated demographics; and

d. describes Whakatōhea's traditional boundary and settlement area.

2.2.3. Part B of this Mandate Strategy:

a. sets out the story so far for the Collective;

b. details the consultation that the Collective has undertaken with Whakatōhea Uri, hapū, marae and other Whakatōhea groups; and

c. details the consultation and engagement between the Collective and neighbouring Iwi.

2.2.4. Part C of this Mandate Strategy:

a. describes the Pre-settlement Trust, including how hapū and marae members will be represented on the Pre-settlement Trust;

b. describes how additional Whakatōhea hapū within the Pre-settlement Trust structure can be identified;

c. outlines the nomination and election process for trustees of the Pre-settlement Trust (the **Trustees**);

d. describes the Pre-settlement Trust's roles, accountabilities, decision making processes, monitoring and reporting requirements to claimants, hapū and Iwi;

e. outlines the purpose of the Whakatōhea Claims Committee, together with its functions and accountabilities;

f. outlines the Treaty settlement negotiations framework and how the Pre-settlement Trust will appoint negotiators to negotiate with the Crown for the settlement of the Historical Claims; and

g. outlines the relationship of the Collective and the Trust Board.

2.2.5. **Part D of this Mandate Strategy:**

a. describes the proposed mandate process to enable Whakatōhea to vote on whether to accept the Pre-settlement Trust as the mandated body to negotiate the settlement of the Historical Claims.

PART A: HE KŌRERO MO WHAKATŌHEA

3 WHAKATŌHEA TE IWI

3.1 ŌKU TIPUNA - OUR ANCESTORS

3.1.1. Ko Tūtāmure rāua ko Muriwai ngā tīpuna. Whakatōhea members derive their whakapapa through Tūtāmure of the Nukutere waka and Muriwai of the Mataatua waka. "*The union between Tūtāmure and Hineīkauīa laid the foundation for the Iwi of Whakatōhea on the mana whenua (territorial authority) of Te Panenehu and the mana ariki (chiefly authority) of the Mātaatua waka. Over succeeding generations the names Te Wakanui and Te Panenehu were submerged by the new Iwi of Whakatōhea*"[2](Walker, 2006,p.25).

3.1.2. On the eastern boundary at Te Rangi where the Nukutere Waka landed around 1250AD our ancestor **Tauturangi** disembarked to form one of the original inhabitants of the area, the **Te Wakanui** people. These were the ancestors of **Tūtāmure** and his people, the **Panenehu**. It is said that Tūtāmure's influence extended to the Motu, however it is evidenced that the eastern and south eastern boundaries of the Whakatōhea rohe were established during the time of Tūtāmure and the Panenehu people. Tūtāmure was responsible for defining the mana whenua (territorial authority) of the eastern and southern boundaries of Te Panenehu.

3.1.3. The **Ngāi Tū people** are descendants of **Taarawa** and settled much of the southern, central and northern regions of the Whakatōhea rohe, including the current Ōpōtiki Township. A number of hapū descend from Ngāi Tū, namely, Ngāti Ngāhere, Ngāti Patumoana, and Ngāi Tamahaua. Amongst some of the well-known descendants of Taarawa were Tamakōmutumutu, Hauoterangi, Tahu and Ruamoko.

3.1.4. On the western Whakatōhea boundary the Mataatua Waka arrived approximately eight generations after Nukutere. It is here our ancestor **Muriwai** disembarked and stayed in her cave below Kohi Point in Whakatane. This area is made famous because of her strength in saving the Mataatua

[2] Ōpōtiki Mai Tawhiti – Capital of Whakatōhea, Walker, 2006, p. 25.

Waka from floating out to sea with her quote "Kia whakatāne au i ahau", and is part of the Mataatua legend. We also see through her travels and the influence of her children the emergence of important bloodlines connecting Mataatua.

3.1.5. Her eldest son **Repanga** married **Ngāpoupereta** daughter of Ranginui-a-tekohu of the Rangimātoru Waka from Ohiwa. Their first son **Tuamutu** had a union with **Ani-i-waho** daughter of Tairongo, a descendant of Hape (Upokorehe Hapū) while their other son **Ruamatarangi** was an ancestor of **Ruatakena** (Ngāti Rua Hapū). From Muriwai's other son, **Rangikurukuru** descends the hapū of Ngāti Ira with links to other hapū, Ngāti Ngāhere and Ngāi Tamahaua.

3.1.6. Following the battle of Maungakahia involving his uncle Kahungunu, Tūtāmure returned from there and married Hineīkauīa, the daughter of Muriwai which laid the foundation on the western and northern side of Whakatōhea and the mana ariki (chiefly authority) of the **Mataatua** waka. It is from this union that the hapū of Whakatōhea derives its lineage.

3.1.7. However, Muriwai is known because of her tenacity and stubbornness, from which Whakatōhea derives its name. Her influence is further reinforced through an incident involving the drowning of her two sons Tanewhirinaki and Koau where the saying "Mai Ngā Kuri a Wharei ki Tihirau" originates. This kōrero references the tapu placed on the area because of the drowning of her sons and respect to Muriwai herself.

4 NGĀ HAPŪ ME NGĀ MARAE O WHAKATŌHEA

4.1 NGĀ HAPŪ O WHAKATŌHEA

4.1.1. There are six recognised hapū of Whakatōhea and these are listed below:

1	Ngāti Rua
2	Ngāi Tamahaua
3	Ngāti Patumoana
4	Ngāti Ngāhere
5	Ngāti Ira
6	Upokorehe

4.1.2. These hapū have been recognised for some time and, by way of example, are the hapū of Whakatōhea that were identified when the Trust Board was established in 1952.

4.1.3. During the consultation process undertaken by the Collective, a view has been expressed that the traditional list of Whakatōhea hapū may be too restrictive, and that there may be some merit in establishing a process for additional Whakatōhea hapū who wish to be acknowledged and recognised over time. Accordingly, this mandate strategy and the proposed Trust Deed for the Pre-settlement Trust (the **Trust Deed**) provides for a process for additional hapū o Whakatōhea to be recognised and represented on the Pre-settlement Trust.

4.2 NGĀ MARAE O WHAKATŌHEA

4.2.1. Whakatōhea has a number of marae within its tribal boundary. The following eight marae are active and functional:

1	Omarumutu
2	Opape
3	Waiaua
4	Terere
5	Opeke
6	Roimata
7	Kutarere
8	Maromahue

4.2.2 As noted above, the eight marae of Whakatōhea are active and functional and have trustees in place that have been approved and registered by the Māori Land Court. The role and responsibilities of marae Trustees are governed by the Te Ture Whenua Māori Act 1993, however, their principle function is to look after the interests of the marae for the benefit of uri and hapū o Whakatōhea.

4.2.3 Whakatōhea hapū and marae have been widely consulted in the development of this mandate strategy and both are provided for in the representative structure proposed for the Pre-settlement Trust. Importantly and as noted above, the Pre-settlement Trust structure sets out a clear process for the recognition and representation of additional Whakatōhea hapū.

5 TE MANA TANGATA

5.1 CLAIMANT DEFINITION

5.1.1. For the purposes of settlement, the Whakatōhea claimant group encompasses the whakapapa of:

a. The descendants of Muriwai and Tūtāmure and;

b. Affiliate to one or more of the hapū and marae o Whakatōhea, listed at 4.1.1 and 4.2.1.

5.1.2. The definition will ensure that only the Historical Claims of Whakatōhea are settled through the settlement and that all Whakatōhea uri, marae and hapū will be entitled to benefit from that settlement.

5.1.3. Importantly for us, the Iwi of Whakatōhea is not named after one of our ancestors. Instead, our Iwi takes its name from an event. This is important because, unlike other Iwi, Whakatōhea does not trace descent from one eponymous ancestor. We trace our descent as an Iwi from two key ancestors (being those ancestors referred to in paragraph 3.1 above).

5.1.4. The Collective has developed a definition that it considers captures all of the Whakatōhea uri. That definition of Whakatōhea is set out in the Trust Deed. The Pre-settlement Trust Trustees are required to act in the best interests of all uri of Whakatōhea. This mandate strategy is hapū driven and Iwi focussed.

5.2 POPULATION

5.2.1. Statistics NZ have completed the new 2013 census data and the Whakatōhea population for 2013 stands at 12,174.

5.2.2. The majority of Whakatōhea uri live in the Bay of Plenty (40.2%), followed by Auckland (19.6%), Waikato (10.5%), Wellington (7.81%), Gisborne (4.77%), Manawatu (3.47%), Hawkes Bay (3.2%), Northland (2.48%), Taranaki (1.2%) and in total for the South Island (6.87%) respectively.

5.2.3. Census figures only show those people resident in NZ. The number of Whakatōhea uri is likely to be considerably more than 12,174, with a large number of Whakatōhea uri living elsewhere in the world.

5.2.4. It is also noted, that 90% of Whakatōhea uri do not live within the boundaries of Whakatōhea and there are currently no statistics regarding the number of Whakatōhea uri who live overseas.

5.3 WHAKATŌHEA IWI REGISTER

5.3.1. A considerable amount of time has been undertaken to update the Whakatōhea Iwi register information on a regular basis. Our current tribal membership, as recorded in the register, totals 11,030 registered members inclusive of tamariki and voting members. These registered members affiliate to hapū o Whakatōhea as follows:

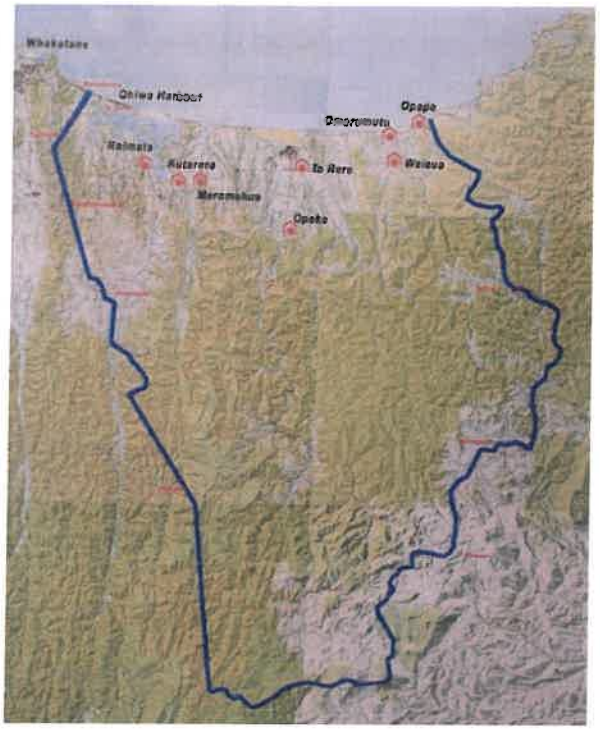
1	Ngāti Rua	3,273
2	Ngāi Tamahaua	1,995
3	Ngāti Patumoana	1,663
4	Ngāti Ngāhere	1,412
5	Upokorehe	1,398
6	Ngāti Ira	1,289
	TOTAL	**11,030**

5.3.2. It is important to note that the number of uri registered on the Whakatōhea register aligns closely with the number of Whakatōhea uri identified in the 2013 census.

5.3.3. The Trust Board proposes to provide access to its register of Whakatōhea uri by way of its tribal coordinator to allow the Pre-settlement Trust to communicate directly with a significant proportion of Whakatōhea uri, wherever they reside.

6 TRADITIONAL TRIBAL BOUNDARY AND AREA OF INTEREST

6.1 Commencing at Pakihi, at the mouth of the river along the sea coast to the mouth of the Waiotahe Stream to the mouth of the Ohiwa Harbour to Tehoro (a hill), then turning inland southwards to Puhikoko (a hill) to Pukemoremore (a hill) then to Mapouriki (a hill), at one time a fighting pā. Then descending to Waimana Stream, to Mapouriki; following the Waimana Stream toward its source at Tautautahi along the banks to the mouth of the Pārau Stream; then following Pārau Stream to Tangata-e-roha (a hill) on to Kaharoa (an old settlement); from Kaharoa to Pa Harakeke, a ridge leading towards Maungapohatu to Maungatāpere descending into the Motu river to Kaitaura falls to Peketutu (a rock); leaving the river and up a ridge to Whakararonga; following the hill tops until it reaches Tipi O Houmea (a peak) descending towards Makomako (a hill) till it crosses Takaputahi Stream to Ngaupokotangata (a mountain) following the ridge to Kamakama; along the ridge to Oroi then turning seawards to Te Rangi on the sea coast; then along the sea coast to the mouth of the Ōpape Stream to Awahou Stream to Tirohanga and back to Pakihi. (Te Hoeroa Horokai and Heremia Hoera)[3](Jones, 1920, p.22)



6.1.1. The map depicted below sets out the general area of interest and marae of Whakatōhea for the purposes of the settlement of the Historical Claims.

6.1.2. Whakatōhea acknowledges the settlement area of interest overlaps and in some instances is shared with neighbouring Iwi. Shared boundaries exist between Ngai Tuhoe and Ngāti Awa on the Western boundary, Te Aitanga-a-Mahaki on the Southern boundary, and Ngai Tai on the Eastern boundary.

6.1.3. The Pre-settlement Trust will work with neighbouring Iwi to find a solution to these shared interests.

6.1.4. Subject to a Deed of Mandate being recognised by the Crown, the Collective and the Trust Board will inform the Crown of the processes agreed to by the neighbouring Iwi until such time as the Pre-settlement Trust is in place. From that time, the process for engaging with neighbouring Iwi on Treaty settlement matters will become the responsibility of the Pre-settlement Trust.

[3] Jones, Sim Report, 1920, pg 22

7 WHAKATŌHEA HISTORICAL CLAIMS

7.1.1. The Pre-settlement Trust seeks to negotiate and settle all historic Treaty claims of Whakatōhea, whether registered with the Waitangi Tribunal or not, for Crown breaches of Te Tiriti o Waitangi that occurred prior to 21 September 1992.

7.1.2. The claims to be settled in full and the claims to be settled so far as they relate to Whakatōhea are set out in **Appendix 2** (Whakatōhea WAI claims).

7.1.3. Future and contemporary claims for breaches of Te Tiriti o Waitangi after 21 September 1992 are not included in this strategy.

PART B: HE TIROHANGA WHAKAMURI

8 TE TIROHANGA WHAKAMURI

8.1 What has happened so far?

8.1.1. As noted previously, the Collective, supported by the Trust Board has undertaken a robust consultation and communications process to ensure all those who whakapapa to Whakatōhea have the opportunity to provide their view on the best possible entity to represent them in negotiations for the settlement of their historical Treaty claims.

8.1.2. In this regard, the Collective has engaged with:

a. Uri o Whakatōhea;

b. Whakatōhea hapū and marae;

c. Other Whakatōhea groups listed in Appendix 1; and

d. Iwi with overlapping interests.

8.2 Hui with ngā uri o Whakatōhea

8.2.1. Over the course of the last five years (2011-2015), meetings with hapū, and marae such as Ngāti Rua, Ngāti Patumoana, Ngāti Ngāhere, Ngāi Tama, Te Upokorēhē, Ngāti Ira, Te Upokorehe Treaty Claims Trust (**TUTCT**), the WRWP and marae listed in 4.2.1, were held, and information relating to the proposed settlement, mandate process and Pre-settlement Trust was presented to meeting attendees.

8.2.2. Between 2011 and 2015 the Collective has hosted a number of hui within the rohe with marae and hapū, and throughout the motu. These information hui were held in various cities and presentations, comprising information relating to the proposed mandate process and the Pre-settlement Trust was explained. Presentations were undertaken with groups in the following centres:

a. Taumata Kaumātua, Ōpōtiki 8 March 2013

b. Whakatāne on 14 March 2013

c. Gisborne on 18 March 2013

d. Tauranga on 19 March 2013

e. Rotorua on 20 March 2013

f. Auckland on 21 March 2013

g. Whangarei on 26 March 2013

h. Wellington on 27 March 2013

i. Christchurch on 3 April 2013

j. Haahi Ringatū Church, Ōpōtiki 12 April 2013

k. Ngāti Rua Hapū, 6 May 2013

l. Hamilton on 7 May 2013

m. Ngāti Patumoana Hapū, 17 May 2013

n. Pirihi Whānau Reunion, Ōpōtiki 2 June 2013

o. Ngāti Ira Hapū, 6 June 2013

p. Turangi on 9 June 2013

q. Hastings on 10 June 2013

r. Te Kaha, on 9 October 2013

s. Ōpōtiki, on 10 October 2013

8.2.3. These hui were well attended and members agreed with the work completed by the Collective to support obtaining a mandate to negotiate the settlement of the Historical Claims. Ngā uri o Whakatōhea recognised the history associated with the Trust Board's involvement in settlement negotiations and were supportive of the creation of a new entity, which would be responsible for Treaty settlement negotiations with the Crown. The Pre-settlement Trust is proposed to be this new entity.

8.2.4. To further strengthen this mandate strategy, a draft of the mandate strategy was presented to the Iwi on the 11 November 2014 for feedback and submission. 146 submissions were received with 83.56% (122) in full support, 3.43% (5) partial support with amendments and 13.01% (19) not in support. In light of this process, several changes were made to the draft mandate strategy.

8.2.5. It is important to note that this process has been above and beyond Crown policy. Further opportunity to make submissions on the draft mandate strategy will be advertised before any vote is sought.

8.3 Hui with other Whakatōhea groups

8.3.1. The Collective is well aware that other entities seek a mandate to negotiate the settlement of the Whakatōhea historical Treaty claims. Principal amongst those are TUTCT and WRWP.

8.3.2. In relation to WRWP, the Collective has met with representatives a number of times since 2011 and more recently in 2015. The Collective is confident that any issues which the WRWP may have will be addressed through the proposed structure of the Pre-settlement Trust or within the associated committee structure (including the Whakatōhea Claims Committee). In this regard, members from the WRWP may be elected to the Pre-settlement Trust and will certainly be represented on the Whakatōhea Claims Committee, being a group of kaumātua, claimants, uri, whānau, marae and hapū within the proposed structure who will provide guidance to the Trustees and negotiators.

8.3.3. In relation to TUTCT, while the Collective has proposed a number of hui with TUTCT since 2011, they have not always been held. Notwithstanding this, the Collective is confident that any issues which TUTCT may have will not affect settlement negotiations between the Pre-settlement Trust and the Crown. The Collective considers that, based on history and whakapapa, Te Upokorehe is a hapū of Whakatōhea and is not a large natural grouping separate from Whakatōhea. In this regard, any settlement reached with the Pre-settlement Trust will, by claimant definition and definition of the historical claims to be settled, include the historical claims of Te Upokorehe.

8.3.4. A summary of the nature and extent of engagement between the Collective and other Whakatōhea groups is also set out in the Whakatōhea Consultation Report attached as **Appendix 2**.

8.4 Hui with Iwi with overlapping interests

8.4.1. Hapū of the Collective have met with Iwi with overlapping interests throughout the Collectives consultation and communications process. These meetings will continue to occur as the mandate strategy progresses. These have included hui with:

a. Ngāi Tuhoe; and

b. Ngāi Tai.

PART C: PROPOSED NEW ENTITY

9 WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST

9.1.1. The Whakatōhea Iwi wish to establish an entity to obtain a mandate to negotiate with the Crown a full and final settlement of all Historical Claims of Whakatōhea. In 2007 Whakatōhea agreed to the following recommendation:

a. That Whakatōhea agree to the Claims Process identified to address major process issues, in particular preparing and adopting the following documents prior to electing representatives and commencing negotiations with the Crown:

i. Whakatōhea Strategic Plan

ii. Trust Deed for new Pre-Settlement Claims Structure to manage the negotiation Process[4]

9.1.2. The Whakatōhea Iwi considers the role of the Whakatōhea Pre-settlement Claims Trust (Pre-settlement Trust) will be to represent their views in the context of direct negotiations with the Crown. One of the key recommendations from Te Ara Tono was:

[4] Te Ara Tono Mo Te Raupatu, 2007 – Te Ara Tono – Claims Process, Page 11

a. "That hapū confirm that they wish to enter into direct negotiations with the Crown while retaining the right to pursue a claim to the Waitangi Tribunal should direct negotiations fail"

9.1.3. The beneficiaries of the Pre-settlement Trust are ngā uri o Whakatōhea, hapū and marae o Whakatōhea.

9.1.4. The Pre-settlement Trust is intended to be the mandated entity to negotiate with the Crown.

9.1.5. The Pre-settlement Trust seeks the mandate to represent all hapū of Whakatōhea for Treaty settlement negotiations, including but not limited to the recognised hapū of Whakatōhea listed at 4.1.1, and including all Whakatōhea hapū on whose behalf historical claims have been made to the Waitangi Tribunal.

9.1.6. The Pre-settlement Trust seeks the mandate to represent all marae of Whakatōhea for Treaty settlement negotiations, including but not limited to the recognised marae o Whakatōhea listed in 4.2.1.

9.1.7. A resolution will be presented at mandate hui seeking the establishment of the Pre-settlement trust as the mandated body to represent Whakatōhea and is listed at 21.5.1.

9.1.8. The Pre-settlement Trust will be a private trust that will be established pursuant to rules that will ensure that it remains representative of and accountable to the Whakatōhea Iwi. Those rules will be set out in the Trust Deed for the Pre-settlement Trust (the **Trust Deed**).

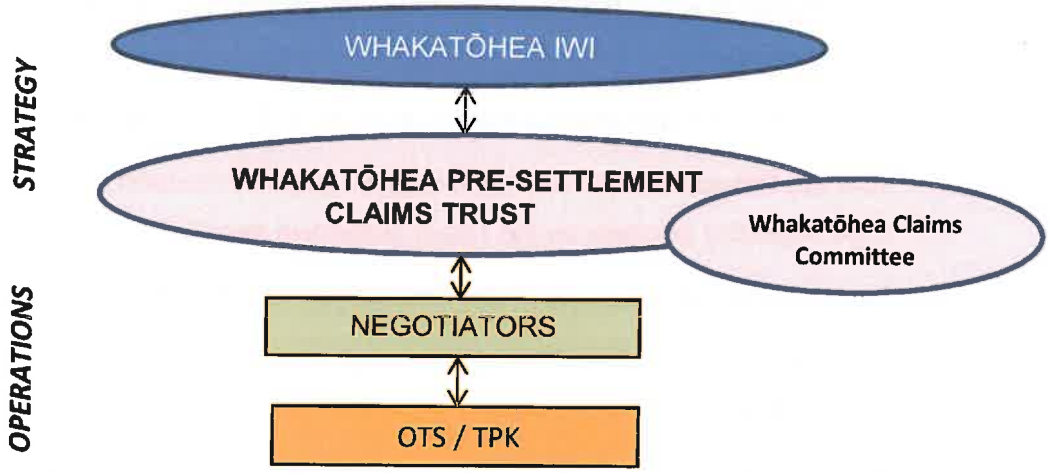
9.1.9. The Pre-settlement Trust is a temporary trust who will operate until such time as a new post settlement governance entity is established for the Iwi of Whakatōhea.

9.1.10. The Trust Deed will also provide for a committee of hapū delegates and WAI claimants (as defined in the Trust Deed) to provide non-binding advice and recommendations to the Pre-settlement Trust. This committee will be called the **Whakatōhea Claims Committee**.

OVERVIEW OF THE STRUCTURE OF THE PRE-SETTLEMENT TRUST

9.2 DIAGRAMATIC OVERVIEW

9.2.1. The diagram below sets out the proposed structure for the Pre-settlement Trust:



9.2.2. **By way of summary of the diagram:**

a. The Whakatōhea Iwi is a collective of hapū who represents the views and interests of all Whakatōhea members no matter where they reside.

b. The Whakatōhea Iwi represents both registered and non-registered members of Whakatōhea.

c. The Pre-settlement Trust will be representative of, and accountable to, the Whakatōhea Iwi (through ngā uri, hapū and marae).

d. The Pre-settlement Trust will comprise hapū and marae Trustees and one member from the Trust Board.

e. The Whakatōhea Claims Committee will comprise representatives of hapū, named WAI claimants and members of the Kaumātua Kaunihera. This Committee will provide non-binding advice and recommendations to the Pre-settlement Trust.

f. The Pre-settlement Trust will appoint, and monitor the performance of negotiators.

g. The negotiators will negotiate directly with the Crown (primarily the Office of Treaty Settlements and also Te Puni Kōkiri and other Crown agencies) for the settlement of the Historical Claims.

h. The diagram is aligned to the *Concept of Pre-Settlement Claims Structure* described in Appendix A of Te Ara Tono.

9.3 KEY MATTERS

9.3.1. In developing the structure for the Pre-settlement Trust, the Collective agreed to review elements of the proposed structure as recommended in Te Ara Tono, and has amended the document where appropriate.[5] There were a number of issues that included the following:

a. An analysis of a range of representative models.

b. The manner in which the Trustees of the Pre-settlement Trust should be elected or appointed.

c. The governance and decision-making processes of the Pre-settlement Trust.

d. How the Pre-settlement Trust should report back to Whakatōhea uri, marae and hapū regarding progress on the Treaty settlement negotiations.

e. The role and responsibilities of the Whakatōhea Claims Committee.

f. The steps for additional Whakatōhea hapū who wish to be recognised on the Pre-settlement Trust.

g. The role and responsibilities of the negotiators who will be appointed to negotiate directly with the Crown for the settlement of the Historical Claims.

h. The role of the Collective.

i. The role of the Trust Board.

10 THE PRE-SETTLEMENT TRUST

10.1 WHAKATŌHEA IWI

10.1.1. The Trust Board was established in 1952 when it first received funds to establish its current Trust activities.

10.1.2. The Trust Board is the current Mandated Iwi Organisation (MIO) for the receipt of Fisheries and Aquaculture Assets.

10.1.3. The Trust Board currently represents Iwi and its role in relation to the settlement of the Historical Claims has been clarified further in this strategy at section 10.

10.2 MARAE REPRESENTATION

10.2.1 There are eight marae of Whakatōhea which are active and functional and have trustees in place that have been approved and registered by the Māori Land Court. The role and responsibilities of marae Trustees are governed by the Te Ture Whenua Māori Act 1993, however, their principle function is to look after the interests of the marae for the benefit of uri and hapū o Whakatōhea.

[5] Te Ara Tono Mo Te Raupatu – Te Roopu Kokiri i te Raupatu – Pre-Settlement Claims Structure, page 11

10.2.2 One (1) Trustee shall be appointed from each of the eight functional marae as listed in paragraph 4.2.1.

10.2.3 Appointment of marae trustee shall be made in writing outlining the following:

1. Date of marae trustee meeting held;
2. Minutes of meeting outlining motion for appointment of member;

10.3 HAPŪ REPRESENTATION

10.3.1. This strategy acknowledges Whakatōhea members who are a direct descendent of a Whakatōhea ancestor as described at paragraph 3.1.1.

10.3.2. Hapū play a pivotal role in the negotiations with the Crown as they represent whānau who have been adversely affected from past confiscations and loss of life.

10.3.3. As acknowledged in paragraph 4.1.2, hapū have been recognised for some time and, by way of example, are the hapū of Whakatōhea that were identified when the Trust Board was established in 1952.

10.3.4. As outlined in paragraph 4.1.3, a process for additional Whakatōhea hapū who wish to be acknowledged and be represented on the Pre-settlement Trust has been established and is described below.

10.3.5. The steps to recognising additional Whakatōhea hapū within the Pre-settlement Trust structure include the following:

a. Individuals, whānau or groups (Requesting Group) request to the Pre-settlement Trust to be acknowledged as an independent hapū on the Pre-settlement Trust.

b. The Requesting Group must then present their historical evidence to all hapū (via hapū committees) for consideration

c. All established hapū must assess the request fairly, with consideration that the Requesting Group:

i. Descends from a Whakatōhea Ancestor;

ii. Has active, functioning marae;

iii. Belongs to, or associates with, a maunga (mountain) and awa (river); and

iv. Is recognised as a functioning hapū of Whakatōhea

d. Each hapū committee will make a recommendation to either approve or decline the request to the Pre-settlement Trust, to be tabled by the Hapū Representative

e. More than 50% (initially four (4) out of six (6)) of hapū approval is required for the request to be accepted, and the Requesting Group can therefore follow the process below to appoint a hapū representative on the Pre-settlement Trust.

f. 50% or less (initially three (3) out of six (6)) of hapū approval will result in a decline of the request, and the Requesting Group will be encouraged to re-present their evidence to hapū for re-consideration.

10.3.6. One (1) hapū trustee shall be elected from each of the six hapū listed in 4.1.1.

10.3.7. Should additional hapū to the six listed at 4.1.1 be recognised as a result of the process described above, a hapū seat will be available for that hapū on the Pre-settlement Trust.

10.3.8. An election process for additional hapū will need to be undertaken.

10.3.9. Hapū members are encouraged to be a part of the election process as well as the Claims Committee process on all matters of Treaty settlement.

10.3.10. Claimants who have a claim will be encouraged to discuss their claim with the hapū of Whakatōhea who could be directly affected.

11 THE TRUSTEES

11.1.1. It is proposed that the Pre-settlement Trust consist of fifteen (15) Trustees.

a. One (1) Trustee shall be elected from each of the six hapū listed in paragraph 4.1.1; (sum total being 6 Trustees) and

b. One (1) Trustee shall be appointed from each of the eight functional marae as listed in paragraph 4.2.1; (sum total being 8 marae Trustees) and

c. One (1) Trustee shall be appointed by the Whakatōhea Māori Trust Board.

11.1.2. Trustees will hold office for a term of three (3) years.

11.1.3. Hapū Trustees will be elected by ballot, postal, online voting and special votes in accordance with the terms of the Trust Deed. The marae Trustees and the Trust Board Trustee will be appointed by the marae and the Trust Board respectively.

12 NOMINATING, ELECTING AND REPLACING HAPŪ TRUSTEES

12.1 WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST NOMINATION PROCESS

12.1.1. The Trust Deed provides for members being Whakatōhea uri 18 years of age and over to be able to nominate members of the principle hapū that they affiliate to for election as a Trustee of the Pre-settlement Trust. There is no limit to the number of nominees who may stand for election as a Trustee. There will only be one (1) Trustee position available for each of the six hapū.

12.1.2. To be accepted, each nomination form is to be signed by five (5) Adult Registered Members of their principal hapū.

12.1.3. Verification of adult registered members will be confirmed by independent elections service providers.

12.1.4. Nominees are expected to provide a profile of their governance, marae and hapū experience.

12.1.5. For those members who are not registered with the Trust Board, a separate verification process will be completed by kaumātua and hapū members. Verification will include confirmation of whakapapa.

12.1.6. The Trust Deed sets out the criteria for eligibility for election as a Trustee.

12.1.7. Nominations from all Adult Registered Members for the election of a Trustee position on the Pre-settlement Trust will be open for a period of twenty one (21) business working days.

12.1.8. Nominations for each hapū trustee will be open for a period of 21 working days starting from the Wednesday 15th June 2016.

12.1.9. Nominations will close on Wednesday 13th July 2016 (noon).

12.2 WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST VOTING AND ELECTIONS PROCESS

12.2.1. The elections and voting process for Trustees to the Pre-settlement Trust will be undertaken by an independent company. This is likely to be Independent Elections Services Ltd.

12.2.2. The Trust Deed requires voting papers to be sent to all Adult Registered Members (18 years of age and over) of Whakatōhea descent, within ten (10) working days after nominations close.

12.2.3. Voting for the election of Trustees will be open for a period of no less than twenty one (21) business working days.

12.2.4. Voting will close at 12 noon on the last day of the voting period.

12.2.5. Votes may be cast:

a. by returning the completed ballot paper to the Chief Returning Officer; or

b. online provided by the website of the Chief Returning Officer; or

c. at hui ballot box overseen by or on behalf of the Chief Returning Officer.

12.2.6. Elections will be by 'First Past the Post' (FPP). The highest polling candidate for each hapū will be elected as Trustees.

12.2.7. Each voter is able to cast one vote.

12.2.8. The voting process will be overseen by an independent Chief Returning Officer.

12.2.9. Notice of the result of the election will be published on the Pre-settlement Trust and the Trust Board websites and in provincial newspapers circulating in regions within the area of Whakatōhea's customary interests.

12.3 REPLACEMENT OF TRUSTEES

12.3.1. The removal and replacement of Hapū Trustees is provided for in the Trust Deed. Hapū Trustees are elected by Hapū and will hold office for a term of 3 years.

12.3.2. The trustees of each marae, will appoint and remove their Marae Trustee by notice in writing to the Pre-settlement Trust. Marae Trustees are appointed by their Marae Committee and will hold office for a term of 3 years.

12.3.3.

12.3.4. The Whakatōhea Māori Trust Board will appoint and remove their Trustee by notice in writing to the Pre-settlement Trust. The Whakatōhea Māori Trust Board Trustee is appointed by the Trust Board and will hold office for a term of 3 years.

12.3.5.

12.4 TRUSTEES CEASING TO HOLD OFFICE

12.4.1. The Trust Deed provides further detail regarding when a Hapū Trustee ceases to hold office, including if he or she:

a. Resigns in writing;

b. Fails to attend three (3) consecutive meetings of the Trustees without a leave of absence;

c. Is or becomes bankrupt;

d. Is or has ever been convicted of a crime involving dishonesty;

e. Fails to meet the requirements for registration as an officer of charitable entity under the Charities Act 2005.

f. Dies.

13 GOVERNANCE AND DECISION-MAKING

13.1 GOVERNANCE

13.1.1. The Trustees of the Pre-settlement Trust will:

a. guide the negotiations and provide final approval on key milestones including Terms of Negotiations, Agreement in Principle signing and Deed of Settlement initialling (subject to Deed of Settlement ratification from Whakatōhea uri);

b. maintain the highest level of trust and integrity by keeping the interests of Whakatōhea at the forefront of the Treaty settlement process;

c. report to the Whakatōhea Claims Committee and the wider Whakatōhea Iwi on a monthly basis;

d. maintain a robust and widely consultative process with ngā uri, whānau, hapū and the Iwi of Whakatōhea;

e. establish a fair and transparent process for the appointment of negotiators;

f. oversee and co-ordinate all aspects of negotiations including the contracting of specialist advice when required; and

g. monitor and report on all financial matters, throughout the mandating process and Treaty settlement negotiations.

13.2 DECISION MAKING

13.2.1. The Trust Deed provides for the following matters:

a. Trustees will make decisions by way of majority.

b. Minutes of the Trustees' meetings and resolutions will be kept. These minutes will provide conclusive evidence of the Trustees' proceedings.

c. Trustees will, if requested, provide records of meetings and decisions to the Whakatōhea Claims Committee.

14 REPORTING BACK TO THE CLAIMANT COMMUNITY

14.1 REGULAR REPORTING TO WHAKATŌHEA

14.1.1. The Pre-settlement Trust, as the mandated entity, will have overall responsibility for reporting back to Whakatōhea uri, marae and hapū, to ensure its mandate is kept current.

14.1.2. The Pre-settlement Trust will report back monthly to Whakatōhea uri, marae and hapū, on the progress of the settlement process including updates and information at key milestones such as:

a. Achieving Crown recognition of mandate;

b. Terms of Negotiation;

c. Agreement in Principle;

d. Deed of Settlement;

e. PSGE Structuring;

f. Ratification of the settlement package and the PSGE which will require hui around the motu and an approved ratification and voting process and;

g. Progression of research activity and timing of other opportunities for Whakatōhea to tell their story.

14.1.3. The Trustees of the Pre-settlement Trust will hold monthly hui for Iwi members to attend. The Whakatōhea Claimant Committee is one avenue for the Pre-settlement Trust to provide updates on settlement negotiations. Updates on the settlement negotiations will also be posted on the following:

a. The Pre-settlement Trust's website;

b. Trust Board's website;

c. The Pre-settlement Trust's Quarterly newsletter;

d. Mail out to beneficiaries;

e. Road show / Information hui;

f. Face book and twitter;

g. Hapū and hui ā-Iwi;

h. Media briefings; and

i. Newspaper advertisements.

14.1.4. In addition, the Trust Deed for the Pre-settlement Trust provides a process for providing adult registered Iwi members with the ability to request a special meeting of the Pre-settlement Trust, provided that five percent (5%) of adult registered Pre-settlement Trust members support the request. The special meeting process is described more in the Trust Deed at clause 7.6.

14.2 Ratification of an initialled Deed of Settlement

14.2.1. Importantly, the Pre-settlement Trust will not have authority to sign a Deed of Settlement with the Crown unless that Deed of Settlement has been ratified by Whakatōhea. In this regard, once the Pre-settlement Trust has agreed with the Crown on the nature of any redress package to settle the Historical Claims, it will initial a Deed of Settlement. That initialling indicates to the Crown that the Pre-settlement Trust, as the mandated entity, is comfortable to present the settlement package to Whakatōhea uri for ratification.

15 WHAKATŌHEA CLAIMS COMMITTEE

15.1 PURPOSE

15.1.1. The purpose of the Whakatōhea Claims Committee is to strengthen the "representative" structure of the Pre-settlement Trust by establishing an advisory body to the Pre-settlement Trust. The Whakatōhea Claims Committee membership will enhance the representation of interests within its constituent claimant community.

15.2 COMPOSITION

15.2.1. The Whakatōhea Claims Committee will operate as a subcommittee of the Pre-settlement Trust, sitting inside the Pre-settlement Trust's structure. The Whakatōhea Claims Committee will include representation of:

a. Hapū;

b. Marae;

c. Kaumātua Kaunihera; and

d. Registered Waitangi Tribunal (WAI) Claimants.

15.2.2. The groups above have been selected as they are representative of a wide cross-section of the Whakatōhea claimant community.

15.2.3. Individual and whānau claims will be presented to the hapū and Iwi for consideration and in turn the negotiations team who will produce a negotiations strategy together.

15.3 APPOINTMENT PROCESS

15.3.1. One (1) representative will be appointed from each hapū onto the Whakatōhea Claims Committee in accordance with the kawa of each hapū. The hapū are to inform the Pre-settlement Trust in writing of the appointment, removal and replacement of its representative onto the Whakatōhea Claims Committee.

15.3.2. One (1) representative from each of the functioning eight Marae will be appointed onto the Whakatōhea Claims Committee in accordance with the kawa of each Marae. The Marae are to inform the Pre-settlement Trust in writing of the appointment, removal and replacement of its representative onto the Whakatōhea Claims Committee.

15.3.3. The Trust Deed provides for the Kaumātua Kaunihera to appoint as many representatives as it wishes to the Whakatōhea Claims Committee. The Kaumātua Kaunihera is to inform the Pre-settlement Trust in writing of the appointment, removal and replacement of its representatives on the Whakatōhea Claims Committee.

15.3.4. The named claimant or claimants of each WAI claim may appoint one (1) representative (per WAI claim) to the Whakatōhea Claims Committee. The named claimant or claimants are to inform the Pre-settlement Trust in writing of the appointment, removal and replacement of such representatives.

15.3.5. The appointment and removal process are provided for in the Trust Deed.

15.4 ROLE AND FUNCTION

15.4.1. The role of the Whakatōhea Claims Committee will be to provide non-binding advice and recommendations to the Pre-settlement Trust on all Treaty settlement matters.

15.4.2. In its role as advisor, the Whakatōhea Claims Committee may provide historical research that has been presented to hapū and the Iwi to validate their claim(s) throughout the negotiations process.

15.4.3. In its role as advisor, the Whakatōhea Claims Committee may make non-binding recommendations to the Pre-settlement Trustees for sign off of key decisions such as the Agreement in Principle, Deed of Settlement, Ratification and Post Settlement Governance Entity structure.

15.4.4. The Whakatōhea Claims Committee can also be a link between the Pre-settlement Trust and the claimant community by promoting an open and transparent process. However, this will be subject to confidentiality at key points of the negotiation.

15.4.5. The Pre-settlement Trust may provide some resourcing to the Whakatōhea Claims Committee. Representatives on the Whakatōhea Claims Committee, and those that appoint them, are to be responsible for their own expenses.

16 RESEARCH GROUP

16.1.1. The Pre-settlement Trust will be supported by a Research Group headed by a professional historian/researcher, selected by the Pre-settlement Trustees, who is engaged to ensure a robust historical account can be established forming the basis of negotiations and settlement. The Crown will be informed who the professional historian/researcher will represent the Pre-settlement Trust.

16.1.2. This Research Group will be supported with members from hapū who will have in-depth knowledge of the history and whakapapa of Whakatōhea.

17 ADVISORS

17.1.1. The Pre-settlement Trust will utilise a number of advisors and specialist advisors where appropriate and when required. The Pre-settlement Trust will utilise internal staffing resources and capacity within its claimant groups where appropriate.

17.1.2. The Pre-settlement Trust will liaise with kaumātua from each of the hapū for ongoing advice and support to the Pre-settlement Trust in relation to matters of tikanga and whakapapa. As well as liaising with the Whakatōhea Claims Committee for advice from time to time as the Pre-settlement Trust may require.

18 FRAME WORK FOR NEGOTIATIONS

18.1 NEGOTIATING TEAM

18.1.1. A negotiating team will be appointed by the Pre-settlement Trust to negotiate a settlement package with the Crown. The negotiators will be given general direction and guidance by the Pre-settlement Trust and will report back throughout negotiations.

18.2 LEAD NEGOTIATOR

18.2.1. The Pre-settlement Trust should consider engaging the services of an experienced Treaty negotiator of reputable note and credibility. The lead negotiator's role will be to lead the team of negotiators through key engagements with Ministers and Government officials. A second tier of negotiators may undertake the work required at a more detailed level.

18.2.2. In considering the appointment of negotiators, the Pre-settlement Trust will consider the following criteria:

a. Knowledge of Whakatōhea claims and history;

b. Understanding of Whakatōhea values, tikanga, reo, culture;

c. Knowledge of Whakatōhea rohe;

d. Experience in negotiations, particularly settlement negotiations;

e. Understanding of Crown processes;

f. Interpersonal skills, including the ability to relate to people; and

g. Such other qualities as may be required.

18.2.3. Beneficiaries of the Pre-settlement Trust may be appointed as negotiators.

18.2.4. Trustees of the Pre-settlement Trust are not eligible to be appointed as negotiators.

18.3 APPOINTMENT AND OR REPLACEMENT OF NEGOTIATOR(S)

18.3.1. The Pre-settlement Trust will confirm, appoint, and replace Negotiator(s) by way of resolution of the Trustees of the Pre-settlement Trust.

18.4 REPORTING PROCESS FOR NEGOTIATOR(S)

18.4.1. The negotiators are accountable to the Pre-settlement Trust and will report to the Pre-settlement Trustees on a monthly basis or more frequently as required. Reports will be copied to the Whakatōhea Claimant Committee to enable it to provide ongoing advice to the Pre-settlement Trustees.

18.5 DECISION MAKING PROCESS FOR NEGOTIATOR(S)

18.5.1. The Negotiators will conduct negotiations with the Crown, but will not make final decisions without the agreement of the Pre-settlement Trustees.

18.6 RESPONSIBILITIES OF NEGOTIATOR(S)

18.6.1. The negotiators will prepare a negotiation strategy that will be confirmed and/or modified by the Trustees, as appropriate. The negotiation strategy will include a detailed plan relating to:

a. Decisions requiring oversight by Trustees;

b. The subject matter for negotiations;

c. Priorities for negotiations;

d. Negotiation options.

19 TU AKE WHAKATŌHEA COLLECTIVE

19.1.1. Tū Ake Whakatōhea Collective was initiated by hapū o Whakatōhea. Their role is to:

a. Develop a draft mandate strategy;

b. Develop a draft Trust Deed for a new entity structure to be called the Pre-settlement Trust;

c. Communicate widely with whānau, hapū, marae and the wider community to approve the draft mandate strategy and trust deed;

d. Educate and update whānau, hapū, marae and Iwi members on the mandate process and progress;

19.1.2. The Collective's role will cease once the Pre-settlement Trust is formed. This is aligned with the recommendation in Te Ara Tono, that the stage 1 group 'be disbanded upon the establishment of a new claims structure and election of representatives (otherwise referred to as the 'Pre-settlement Claims Structure')."[6]

19.1.3. All information developed through the mandate process will be provided to the Pre-settlement Trust as required.

20 WHAKATŌHEA MĀORI TRUST BOARD

20.1.1. The Trust Board has been working together in partnership with the Collective to progress the settlement of Whakatōhea Historical Claims.

20.1.2. The Trust Board currently maintains a register of beneficiaries and will retain the responsibility for updating the register during the mandate and settlement negotiation process. The Trust Board has agreed to the use of its register of beneficiaries for the purposes of voting, including for mandating, election of trustees, confirming members to the Whakatōhea Claims Committee and ratification.

20.1.3. In recognition of the Trust Board's experience and established structures, policies and procedures, the Trust Board may provide assistance, in the form of administration and financial management services to the Pre-settlement Trust. This would be through an agreed arrangement.

20.1.4. Other services available include:

a. Finance and Auditing;

b. Communications and Public Relations;

c. Policies and Procedures;

d. Tribal Database Management;

e. Human Resource Management;

f. Administration Services;

g. Annual reporting; and other functions as required.

[6] Te Ara Tono Mo Te Raupatu, 2007 – Nga Whakataunga-Recommendations, page 11

PART D: THE MANDATE STRATEGY

21 WHAKATAKA RAUTAKI MANA WHAKAHAERE

21.1 Mandate hui

21.1.1. The Collective and the Trust Board understand that, in order to ensure that all those who whakapapa to Whakatōhea have the opportunity to take part and engage in a fair, inclusive mandate process, a robust mandating process must be undertaken.

21.1.2. With the Trust Board's previous history in mind and to ensure that the mandating process is robust and fair, the Collective and the Trust Board consider that a similar process to that taken to determine the structure of the Pre-settlement Trust should be followed.

21.2 Hui locations

21.2.1. The Collective therefore proposes to hold mandating hui at the following locations:

Date (2016)	Time	Location
Friday 6 May	6pm	Opotiki
Saturday 7 May	11am	Hamilton
Saturday 7 May	6pm	Auckland
Sunday 8 May	11am	Whangarei
Saturday 14 May	11am	Wellington
Sunday 15 May	11am	Christchurch
Friday 20 May	6pm	Te Kaha
Saturday 21 May	6pm	Gisborne
Sunday 22 May	11am	Tauranga
Friday 27 May	6pm	Rotorua
Saturday 28 May	11am	Hastings
Sunday 29 May	9am	Turangi

21.3 Advertising mandate hui

21.3.1. All mandating hui will be advertised in local and national newspapers. Pānui for the proposed hui will also be provided to local radio, posted on the Trust Board's website and, where possible, included in television broadcasts.

21.4 Mandate Hui presentation

21.4.1. A presentation will be delivered at each mandate hui providing information on the key points of the mandate strategy and the proposed Pre-settlement Trust.

21.5 Resolution to be voted on by Whakatōhea

21.5.1. There is one resolution to be presented at the mandating hui:

"That the Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea."

21.6 Records to be kept

21.6.1. The Collective will maintain the following records in relation to the mandating hui:

a. Copies of all advertisements, pānui and notices of the hui;

b. Registers of attendance for each hui;

c. Minutes of the proceedings at each hui; and

d. Schedules of telephone and email queries.

21.7 Voting on the proposed mandate

21.7.1. The register maintained by the Trust Board provides the most comprehensive list of beneficiaries with interests in any proposed mandating process and subsequent settlement. As a consequence, voting will be by ballot, online voting, postal ballot, using the register of beneficiaries maintained by the Trust Board. There will also be a process for Whakatōhea uri who are not registered with the Trust Board to be able to vote. This will ensure that as many uri o Whakatōhea as possible are provided information on the proposed mandate process and Pre-settlement Trust and, in turn, the ability to vote on the resolutions relating to these matters.

21.7.2. Those eligible to vote are Whakatōhea uri aged 18 years and over. Those who are currently enrolled members on the Whakatōhea tribal register maintained by the Trust Board will be able to vote. Whakatōhea uri who are not on the Trust Board register will be able to vote, provided that they complete the necessary documentation to show that they whakapapa to Whakatōhea.

21.7.3. Whakatōhea uri can apply to register for voting purposes (either by becoming registered on the Trust Board register or by registering with the Chief Returning Officer who then receives validation from Whakatōhea Kaumātua.) Registrations can come from any part of New Zealand or overseas. The application for registration is subject to the approval by the hapū trustees of the Trust Board along with Kaumātua from each hapū who can confirm Whakatōhea whakapapa. Both parties are responsible for confirming whakapapa and registration for voting purposes. Votes may be cast:

a. By posting the completed ballot paper to the Chief Returning Officer;

b. By submitting the completed ballot paper in a ballot box at a mandating hui; or

c. Online on the website of the Chief Returning Officer.

21.7.4. Those members who choose not to register with the Whakatōhea Māori Trust Board will complete a separate application to register for voting purposes, which will be subject to the approval by hapū delegate along with Kaumātua from each hapū who are responsible for confirming whakapapa.

21.7.5. The voting process will be overseen by the independent Chief Returning Officer.

21.8 Liaising with Crown Officials

21.8.1. Liaising with Crown officials will occur on a regular basis and as necessary between the Collective, the Pre-settlement Trust (once it is established), Te Puni Kōkiri and OTS, to ensure all parties are kept up to date on the progress of the mandating process.

21.9 Declaration of the voting results

21.9.1. The results will be advertised in local and national newspapers. Pānui for the proposed hui will also be provided to local radio, posted on the Trust Board's website and, where possible, included in television broadcasts.

22 DISPUTE RESOLUTION

22.1 Matters for Dispute Resolution

22.1.1. The Trustees shall, in good faith, take all reasonable steps to resolve any dispute that may arise in connection with:

a. The terms of the Trust Deed for the Pre-settlement Trust;

b. Registration as a beneficiary of the Trust Board;

c. Decisions of the Trustees;

d. The actions of the Whakatōhea Claimant Committee;

e. The actions of the negotiators; or

f. Any group that has concerns regarding the representation of their interests during negotiations.

22.2 Dispute resolution process:

22.2.1. In the event that a complaint or dispute arises, this shall be submitted in writing to the Trustees (a **Dispute Notice**).

22.2.2. Any dispute regarding membership of Whakatōhea or otherwise in connection with the tikanga, reo, kawa, whakapapa and kōrero of Whakatōhea shall be referred by the Pre-settlement Trust to the Kaumātua Kaunihera. The Kaumātua Kaunihera may provide non-binding advice to the Trust on the manner in which the dispute should be resolved.

22.2.3. In the first instance, the Pre-settlement Trust Chairperson (or a delegated member) shall meet with the complainant (the **Petitioner**) within 10 business days of receipt of the Dispute Notice to discuss and understand the issue, seek relevant information where required from the Petitioner, person(s) or group(s) involved in the complaint or dispute.

22.2.4. Following the provision of advice from the Kaumātua Kaunihera or any meeting between the Petitioner and the Chairperson (or a delegated member) the Pre-settlement Trust will then consider the matter, including whether further action is required.

22.2.5. The Petitioner shall be informed of any decisions made by the Trustees.

22.2.6. Should any party disagree with the findings of the Trustees, the Pre-settlement Trust and the complainant may seek to have the dispute resolved by an outside mediator or facilitator.

22.2.7. If the parties are unable to resolve the dispute, the Trustees may convene a Special Meeting at the written request of:

(i) The Chairperson and Deputy Chairperson for the time being of the Trust or;

(ii) The majority of the Trustees then in office, or

(iii) 5% of Adult Registered Members'

The process for dispute resolution is outlined at Special Meetings 7.6 (b) (c) of the Trust Deed.

22.2.8. A Pre-settlement Trust conflict of interest register will be maintained to ensure all conflicts are identified and noted.

22.3 Removing or amending the mandate

22.3.1. In order to amend or withdraw the Pre-settlement Trust's mandate in respect of all or part of the claimant community, the following process must be undertaken.

22.3.2. Written notice of the proposal to withdraw or amend the mandate must be provided to the Chairperson of the Pre-settlement Trust. The written notice must:

a. Identify whether the proposal seeks to amend or withdraw the mandate in respect of all or part of the claimant community, and if the latter, which part of the claimant community i.e. which hapū;

b. Identify the concerns of the party seeking to amend or withdraw the mandate in respect of all or part of the claimant community;

c. Be signed by at least 5% of the adult registered members of Whakatōhea on the register maintained by the Trust Board.

22.3.3. On receipt of the written notice referred to in paragraph 23.3.2, the Pre-settlement Trust will arrange for a meeting to be convened, within two weeks of the date of the written notice, between the party seeking to amend or withdraw the mandate and the Trustees of the Pre-settlement Trust. If this meeting does not resolve the identified concerns, the party seeking to amend or withdraw the mandate may organise five (or greater) publicly notified hui to discuss, withdraw or amend the mandate.

22.3.4. The publicly notified hui must follow the same process and procedures that conferred mandate on the Pre-settlement Trust, as identified above, including (but not limited to):

a. the provision of sufficient public notice;

b. the provision of information regarding the likely effects of any proposal to amend or withdraw the mandate; and

c. the ability for as many Whakatōhea uri as possible to participate in the process (including postal voting).

22.3.5. Once the publicly notified hui have been completed and the outcome of the relevant voting process has been determined, the party seeking to amend or withdraw the mandate must provide a written report, containing copies of public notices advertising the publicly notified hui, attendance registers, minutes etc, to the Pre-settlement Trust and the Office of Treaty Settlements.

22.3.6. On receipt of the written report the Pre-settlement Trust will discuss the proposal to withdraw or amend the mandate and the written report with the Office of Treaty Settlements. If required, the Deed of Mandate may be amended to conform with the results of the voting.

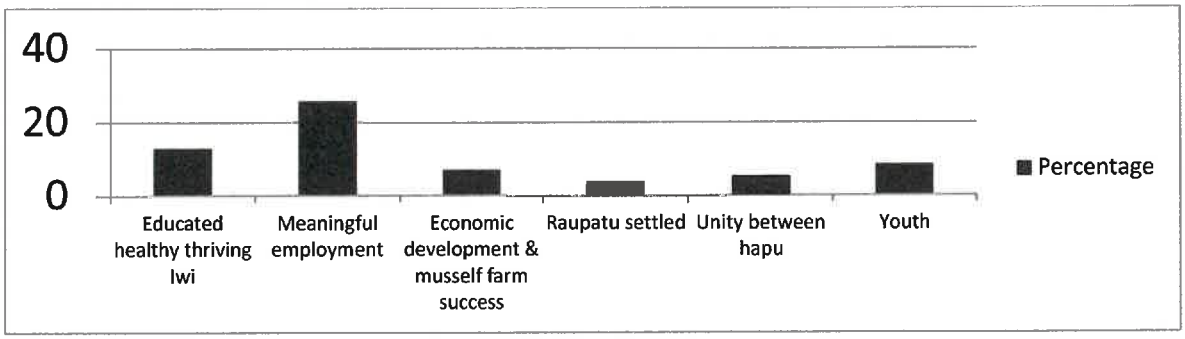
23 LONG TERM STRATEGIC PLAN

23.1 50 Year Strategic Planning

23.1.1. **For Te Whakatōhea** a settlement of historical grievances could support the aspirations of whanau, **hapū and the iwi to move forward from trauma to transformation. Te Whakatōhea has been** proactive in developing long term strategies from which new generations can build their future.

23.1.2. **In 2010 a Wellbeing Survey was conducted in the rohe of Te Whakatōhea, with 750 descendants of Te Whakatōhea responding. The survey was the first of its kind for Te Whakatōhea and looked** at gathering home grown data that will help inform the development of long term strategies. The **data collected not only informed service providers within Te Whakatōhea about the effectiveness of** services, but it also allowed individuals to put forward their aspirations and dreams for the future of **Te Whakatōhea.**

23.1.3. The six most popular aspirations from the iwi included the following:



23.1.4. The survey also set the foundation for six key themes from which a wellbeing strategy was developed. The long term strategy is described below:

WHAKATOHEA IWI LONG TERM STRATEGY	
GOALS	**BY 2060 WE WILL...**
Whakatōheatanga (Culture, Language, Identity) **"Kia pūmau ki to tātou Whakatōheatanga"**	Be culturally empowered, fully conversant in Te Reo me ngā tikanga o Te Whakatōhea
Hauora (Health) **"Whānau ora, hapū ora, ka ora ai te iwi"**	Be living beyond the national average age
Mātauranga (Education) **"Ko te mātauranga te waka e kawe nei ngā wawata**	Be increasing participation and achievement benchmarks of ECE, National Standards, NCEA and skills attainment
Rawa (Economic Development) **"Mā te whai rawa ka pūāwai te mana o te**	Have an abundance of jobs, with flourishing commercial activities, created through collective

Whakatōhea"	strength
Manaakitanga (Social) "Mā te whanaungatanga, he tangata kotahi tātou"	Have empowered whānau with strong relationships and the lowest statistics nationally
Toi Ora (Environment) "Te tinorangatiratanga o tātou whenua, o tātou moana, awa me o tātou taonga katoa"	Be active partners and kaitiaki (stewards) of our natural resources

23.1.5. It will be at the discretion of the Pre-settlement Trust to utilise the long term strategy where they feel necessary during negotiations.

Appendix 1

Tū Ake Whakatōhea Collective Hapū Consultation Meetings and Correspondence

DATE: 25th September 2015

Tu Ake Whakatōhea Collective

This document has been developed to list dates of meetings and correspondence between the Tū Ake Whakatōhea Collective (TAWC), Hapū, the Working Party (WP) and Te Upokorehe Treaty Claims Trust (TUTCT). These documents follow on from discussions started in 2007.

The document demonstrates the consultation undertaken to form a single mandated body for Whakatōhea. It highlights the level of activity between hapū and the Tū Ake Whakatōhea Collective.

Hapū / Group	Date	Detail
Whakatōhea Working Party	1 May 2012	Working Party & Collective
	17 May 2011	Working Party & Collective
	5 Nov 2011	Working Party & Collective
	11 April 2012	Working Party & Collective
	27 April 2012	Working Party & Collective
	28 May 2012	Working Party & Collective
	10 Oct 2012	Working Party & Collective
	3 Nov 2012	Working Party & Collective
	11 Nov 2012	Working Party & Collective
	2 Dec 2012	Working Party & Collective
	2 Nov 2013	Working Party & Collective meeting
	16 Nov 2013	Working Party & Collective meeting
	9 Dec 2014	Letter to Working Party from Ngāti Ira RE: Ngāti Ira support to TAWC
	21 Feb 15	Working Party & Collective Meeting
	21 March 15	Working Party & Collective Meeting
	13 April 15	Discussions with Working Party

Hapū / Group	Date	Detail
Te Upokorehe Hapū	4 April 1991	Motion signed by Charlie Aramoana (Te Upokorehe) on behalf of Whakatōhea regarding Boundaries for Whakatōhea and Ngāti Awa
	19 June 2011	TUTCT & Whakatōhea Taumata Kaumātua Hui minutes
	27 July 2011	Documents sent by TUTCT (Kahukore Baker) regarding Whakatōhea position; Opposition by Toby (Jim) Wikotu and Kahikatea Marae (Rongopopoia) of position presented by Kahukore
	14 Aug 2011	TUTCT & Collective
	28 Jan 2013	Letter Received from TUTCT to TAWC; RE: Whakatōhea meeting with Tuhoe – disapproval of meeting
	8 March 2013	Response from TUTCT to TAWC (Letter) – TUTCT Decision not to engage with TAWC, WMTB or Whakatōhea Taumata Kaumātua
	22 July 2013	Upokorehe letter to TAWC declined to meet with TAWC (following TAWC request to meet). No explanation given.
	17 Nov 2013	Presentation by TAWC to Kutarere Marae Committee – Mandate Strategy and Representation Structure
	19 April 2015	Kutarere Marae - Hapū to Hapū korero – Do you want to be represented by Whakatōhea? If so, how do you want to be represented?
	26 July 2015	Maromahue Marae - Hapū to Hapū korero – Do you want to be represented by Whakatōhea? If so, how do you want to be represented?
	3 Aug 2015	Meeting request letter sent to Roimata Marae
	Sept / Oct 2015	Email Correspondence between TUTCT and TAWC – TUTCT declined to meet with TAWC regarding Whakatōhea Mandate
Ngai Tama Hapū	19 April 2013	2 x Invitation letters from TAWC to Ngai Tama Hapū / Opape Marae Committee – to show

Hapū / Group	Date	Detail
		presentation
	19 August 2013	Invitation from TAWC to Ngai Tama – to show presentation
	6 July 2014	Presentation to Ngai Tama from TAWC – Mandate Strategy
	23 March 2015	Letter received by Ngai Tama – presented by Tracy Hillier, disapproval of mandate strategy at TAWC hui
	3 August 2015	Letter to Ngai Tama – Request to Meet
Hui with Neighbouring Iwi	10 Oct 2012	Whakatōhea & Tuhoe Hui – discussions around shared interests and boundaries
	14 Nov 2012	Collective, Tuhoe Meeting – discussions around Tahora block, shared interests, boundaries and Tuhoe Settlement
UPDATE REPORTS	6 Dec 2012	TAWC Update Report #1
	22 Feb 2013	TAWC Summary Report
	25 Feb 2013	Roadshow Panui
	12 Mar 2013	TAWC Update Report #2
	10 Apr 2013	Roadshow Report
	12 Jul 2013	Activity Report to OTS
	25 Nov 2014	Activity Report to OTS

Appendix 2

The Trust Board lodged a historical claim against the Crown in 1989 for the unjustified confiscation of Whakatōhea land in 1867. The Crown has acknowledged that it treated Whakatōhea unjustly and wishes to settle the grievance of Whakatōhea and build an enduring Treaty relationship with Whakatōhea.

A number of claims have been made to the Waitangi Tribunal that relate to or include historical Treaty claims of Whakatōhea. The following are the historical Treaty claims filed with the Waitangi Tribunal that would be settled should a mandate be conferred on the Pre-Settlement Trust.

The following are the historical Treaty claims filed with the Tribunal that would be settled to the extent that they relate to Whakatōhea should a mandate be conferred to the Pre-Settlement Trust.

1	WAI 87	Whakatōhea Raupatu Claim	The Late Claude Augustus Edwards
2	WAI 203	Mokomoko whanau claim	The Late Tuiringa Mokomoko
3	WAI 287	School History	Ariana Delamere
4	WAI 339	Hiwarau Block	The Late Tuiringa Mokomoko
5	WAI 558	Ngāti Ira o Waioweka Rohe	John Hone Kameta
6	WAI 864	Moutohora quarry	Russell Holiis, John Hata, Len Brown and the Maori Trustee for and on behalf of the owners of Whakapaupakihi 2
7	WAI 1092	Upokorehe Claim	The Late Charles Aramoana
8	WAI 1433		Nepia Whānau Trust
9	WAI 1511	Ngai Tamatea	Keita Hudson
10	WAI 1758	Roimata marae, Upokorehe hapu, Ngati Raumoa Roimata Marae Trust	Wallace Aramoana, Lance Reha, Gaylene Kohunui, W Aramoana, S Aramoana
11	WAI 1775	Ngāti Patu	John Hata
12	WAI 1781	Ngai Tamahaua	Biddle Claim
13	WAI 1782	Ngāti Rua	Paruru Claim
14	WAI 1787	Rongopopoia ki Upokorehe	Hinehou Leef, Mekita Te Whenua, Richard Wikotu, Rocky Ihe, Kahukore Baker
15	WAI 1794	Turangapikitoi hapū	Muriwai Wehi
16	WAI 1795	Ngāti Rua	Tawhirimatea Williams
17	WAI 1884	Ngāti Ngāhere	The Late Tarati Carrington
18	WAI 2006	Upokorehe and Whakatoia hapu	Priscilla Pihitahi Sandys
19	WAI 2008	Pākowhai	Peter Warren
20	WAI 2055	Ngai Tama of Opape	Dr Guy Naden
21	WAI 2066	Ngati Ruatakenga	Takaparae Papuni
22	WAI 2107	Ngati Ngahere, Ngati Ira	Lee Ann Martin, descendant of Kurei

			Tamaipaoa and Tuku Maaka, Mokomoko, Te Manawa o Kimohia, Mererua Wahine, Karaitiana Ruru, Horikerei
23	WAI 2160	Whakatōhea / Ngāti Muriwai	Theresa McMurtie

Disclaimer

The Collective have taken reasonable care to ensure the list of WAI claims is accurate and complete. Should further information come to light indicating additional Whakatōhea related claims that have not been included in this list, the Collective reserve the right to include them as appropriate.

Appendix 6

Crown Endorsement

Te Puni Kōkiri
REALISING MĀORI POTENTIAL

13 April 2016

Graeme Riesterer
Tu Ake Whakatōhea Collective, Chairperson
122 St John Street
OPOTIKI 3122

Tēnā koe e te Rangatira Graeme

Endorsement of Mandate Strategy

Thank you for submitting a mandate strategy on behalf of the Whakatōhea Large Natural Group. I am pleased to advise that the Crown has assessed and endorses the mandate strategy provided by the Tū Ake Whakatōhea Collective (Tū Ake) which proposes the establishment of the Whakatōhea Pre-settlement Claims Trust (**Pre-settlement Trust**) as the entity seeking a mandate.

We appreciate the time and effort it has taken to produce this mandate strategy. The Crown is satisfied that issues raised in the submissions have been, or are in the process of being, addressed to a sufficient degree that Tū Ake can continue with the mandate process for the Pre-settlement Trust. This means that the Crown accepts the mandate strategy and Tū Ake can hold mandate hui and continue to seek a mandate for the Pre-settlement Trust to represent Whakatōhea in Treaty settlement negotiations with the Crown.

We encourage Tū Ake to continue to engage as widely as possible with the Whakatōhea claimant community, including those who presently oppose the mandate process.

We wish you well as Tū Ake prepares for and undertakes mandate hui. We look forward to working with you and supporting you in this process.

Please contact Michael Hollis on hollm@tpk.govt.nz or 027 283 7390 should you wish to discuss the contents of this letter.

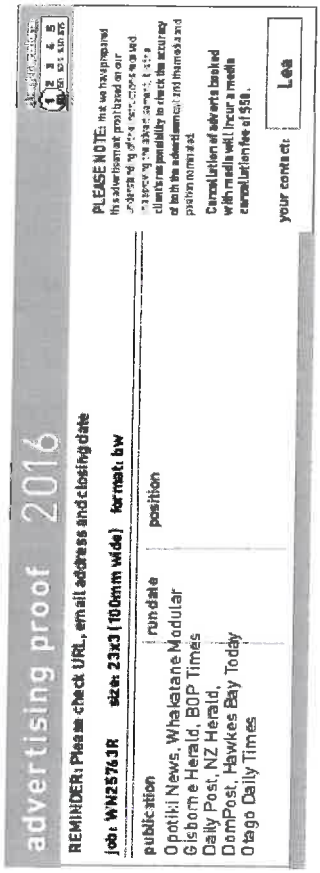
Nā nāku noa, nā

Jaclyn Williams
Manager, Crown, Iwi, Hapū, Whānau Māori-Relations
Te Puni Kōkiri

Appendix 7

Mandate Hui Pānui

Mandate Hui Pānui



advertising proof 2016

REMINDER: Please check URL, email address and closing date

job: WN25763R size: 23x3 (100mm wide) format: bw

publication	rundate	position
Opotiki News, Whakatane Modular Gisborne Herald, BOP Times Daily Post, NZ Herald, DomPost, Hawkes Bay Today Otago Daily Times		

PLEASE NOTE: that we have passed this advertisement provided on our understanding regarding specifications and it is the client's responsibility to check the accuracy of both the advertisement and the invoice and position required.

Cancellation of adverts booked with media will incur a media cancellation fee of $50.

your contact: Lea

Notification of the Whakatōhea Pre-Settlement Claim's Trust Mandate Hui

In November 2015, the Te Ake Whakatōhea Collective submitted a draft mandate strategy to the Crown for consideration. The draft mandate strategy proposes a mandate hui process by which a new representative entity, the Whakatōhea Pre-Settlement Claims Trust, will seek a mandate from Whakatōhea iwi members to represent them in Treaty settlement negotiations with the Crown.

The mandate sought is to negotiate all Whakatōhea historical Treaty of Waitangi claims whether registered or unregistered that arise from Crown actions and omissions that occurred prior to 21 September 1992, including but not limited to: WAI 87, 203, 287, 338, 558, 864, 1082, 1433, 1511, 1758, 1775, 1781, 1782, 1787, 1794, 1795, 1884, 2006, 2008, 2055, 2086, 2107, 2180, insofar as they relate to Whakatōhea.

All members of the Whakatōhea claimant community over 18 years of age are invited to vote either by a postal vote, an internet vote or by attending and voting at mandate hui on the following resolution, that:

"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea."

For those who wish to vote, but are not registered with the Whakatōhea Māori Trust Board, or who wish to vote but do not want to register, you will be able to make a special vote.

The voting period opens Friday 6 May 2016 and closes Friday 3 June 2016. The vote will be administered by Elections.com.

Mandate hui are as follows:

Date	Venue	Time
Friday, 6 May	Terere Marae, Opotiki	6:00pm
Saturday, 7 May	University of Waikato, A Block, Gate 8, Hillcrest Road, Hamilton	11:00am
Saturday, 7 May	Whatua Kaimoria Maore (Auckland DHB), 11 Sutherland Rd, Pt Chevalier, Auckland	6:00pm
Sunday, 8 May	Tereapo Paroa Marae, 10 Pomaria Ave, Whangārei	11:00am
Saturday, 14 May	Pataka Museum, Cnr Norrie and Parumoana Streets, Porirua	11:00am
Sunday, 15 May	Te Koowai Atawhai Rooms, Hillmorton Hospital, Annex Road, Christchurch	11:00am
Friday, 20 May	Maungarua Marae, SH 35, Te Kaha	6:00pm
Saturday, 21 May	Eastern Institute of Technology, Te Whatuiura Māori Studies, 77 Colden St, Gisborne	6:00pm
Sunday, 22 May	Tahuwakaritiki (Ronaki) Marae, Welcome Bay Rd, Tauranga	11:00am
Friday, 27 May	Tahurangi Marae, 26 Tarewa Rd, Rotorua	6:00pm
Saturday, 28 May	Te Taiwhenua o Heretaunga, Heretaunga Park, 821 Orchard Rd, Hastings	11:00am
Sunday, 29 May	Tokaanu Marae, Tokaanu, Mangoroa St, Tūrangi	9:00am

For the purposes of the mandate being sought the Whakatōhea claimant community is defined as the descendants of Muriwai and Tūtāmure who affiliate to one or more of the recognised hapū (Ngāti Rua, Ngāi Tamahaua, Ngāti Patumoana, Ngāti Ngahere, Ngāti Ira and Te Upokorehe) and marae (Omaio, Opape, Waiaua, Terere, Opeke, Roimata, Kutarere and Maromahue) of Whakatōhea.

Copies of the draft mandate strategy are available on the Office of Treaty Settlements website www.ots.govt.nz, the Te Puni Kōkiri website www.tpk.govt.nz, and also the Whakatōhea Māori Trust Board website www.whakatohea.co.nz.

For further information please contact:

Graeme Riesterer
Chairman Te Ake Whakatōhea Collective
graeme.riesterer@elections.govt.nz

Appendix 8

Mandate Hui Presentation

Whakatōhea

Pre-Settlement Claims Trust

Mandate Hui

6th May – 3rd June 2016

Hui Agenda

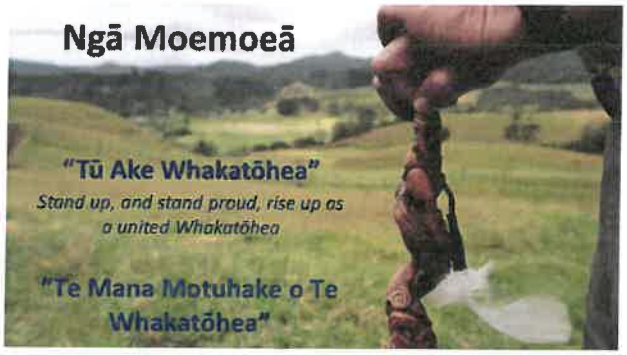
1. Karakia timata
2. Mihimihi
3. Mandate hui presentation
4. Questions
5. **Voting: Mandate Resolution**
6. Karakia whakamutunga
7. Kai

Purpose of this Mandate Hui

- To provide information about:
  - What a Treaty settlement is
  - The Whakatōhea Pre-settlement Claims Trust
  - The mandate process
- To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that:

"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"

Ngā Moemoeā



Whakatōhea context

- The Crown has recognised Whakatōhea as a Large Natural Group for the purposes of Treaty settlement negotiations
- The Office of Treaty Settlements and Te Puni Kōkiri have endorsed the Whakatōhea Pre-Settlement Claims Trust's (Pre-settlement Trust) Mandate Strategy and Trust Deed
- The Whakatōhea claimant community is asked to vote on the Pre-settlement Trust achieving a mandate to represent Whakatōhea in Treaty settlement negotiations with the Crown

What is a mandate?

- Granting a mandate:
  - When a claimant group gives a representative body the authority to enter into negotiations with the Crown on their behalf
- Limits on the mandate:
  - Only gives the mandated body the authority to negotiate a draft Deed of Settlement with the Crown
  - Mandated representatives cannot settle any of the claims without the approval of the claimant group
  - The claimant group has the final say on whether or not to accept a draft Deed of Settlement

What is a Treaty Settlement?

- An agreement between the Crown and a claimant group to settle all its historical Treaty claims (whether registered or unregistered) against the Crown
- An acceptance that the settlement is final and settles all the historical claims (whether lodged with the Waitangi Tribunal or not)
- An acceptance that it is not possible to fully compensate the claimant group for grievances and that redress:
  - Focuses on providing recognition of the group's historical grievances
  - Restores the relationship between the claimant group and the Crown
  - Contributes to a claimant group's cultural, social and economic development
- Has three components: an historical account, an apology and acknowledgements and includes cultural, financial and commercial redress

Te Raupatu – Why we are pursuing a settlement

- To recognise and account for the illegal invasion and unjust confiscation of Whakatōhea sovereign lands for crimes incited by inherence outside of Whakatōhea (1865);
- To recognise and account for the significant loss of life caused by the invasion and the destruction of our lands while our people tried in vain to protect our possessions and taonga
- To recognise that the subsequent effect of this Raupatu has involved years of hardship and poverty, right to the present day
- To recognise and account for the displacement of our hapū and resettlement onto the Ōpape Native Reserve created by the Crown and the pillage, burning and destruction of our economic base and our independence

The Whakatōhea Claimant Community

For the purpose of the mandate being sought, the **Whakatōhea** claimant community is defined as the descendants of Muriwai and Tūtāmure who affiliate to one or more of the recognised **Hapū** and Marae of **Whakatōhea**

Hapū

Ngāi Tamahaua
Ngāti Rua
Ngāti Patumoana
Ngāti Ngahere
Ngāti Ira
Te Upokorehe

Marae

Opape
Omarumutu
Waiaua
Terere
Opeke
Roimata
Kutarere
Maromahue

Our Rohe Whenua / Area of Interest

Commencing at Pakihi, at the mouth of the river along the sea coast to the mouth of the Waiotahe Stream to the mouth of the Ohiwa Harbour to Tehoro (a hill), then turning inland southwards to Puhikoko (a hill) to Pukemoremore (a hill) then to Mapouriki (a hill), at one time a fighting pā. Then descending to Waimana Stream, to Mapouriki; following the Waimana Stream toward its source at Tautautahi along the banks to the mouth of the Pārau Stream; then following Pārau Stream to Tangata-e-roha (a hill) on to Kaharoa (an old settlement); from Kaharoa to Pa Harakeke, a ridge leading towards Maungapohatu to Maungatāpere descending into the Motu river to Kaitaura falls to Peketutu (a rock); leaving the river and up a ridge to Whakararonga; following the hill tops until it reaches Tipi O Houmea (a peak) descending towards Makomako (a hill) till it crosses Takaputahi Stream to Ngaupokotangata (a mountain) following the ridge to Kamakama; along the ridge to Oroi then turning seawards to Te Rangi on the sea coast; then along the sea coast to the mouth of the Ōpape Stream to Awahou Stream to Tirohanga and back to Pakihi.

(Te Hoeroa Horokai and Heremia Hoera)(Jones, 1920, p.22)

WAI Claims

The Mandate being sought is to negotiate all **Whakatōhea** historical Treaty of Waitangi claims whether registered or unregistered that arise from Crown actions and omissions that occurred prior to 21 September 1992 including but not limited to the following claims in so far as these relate to Whakatōhea.

1	WAI 87	Whakatōhea Raupatu Claim	The Late Claude Augustus Edwards
2	WAI 383	Hokowaka-whanuakore	The Late Turinga Hokowaka
3	WAI 387	School History	Arihia Delamere
4	WAI 539	Hineitau Iti	The Late Tuhinga Hokowaka
5	WAI 558	Ngāti Ira o Waiaroa Claim	John Hone Kereama
6	WAI 864	Mataitai Inquiry	Russell Wells, John Hare, Les Browne and the Harry Trustee for and on behalf of the owners of Whakaupoko 1
7	WAI 1047	Waikaroka Claim	The Late Charles Arawaroa
8	WAI 1433		Ngāti Whānau Trust
9	WAI 1511	Ngāi Tamahaua	Kahu Hudson
10	WAI 1738	Rohe me ōna tikanga (Waikaroka hapū, Ngāti Ruapani Kaitiaki, Hāpai Trust	Wallace Arawaroa, Erihi Kahu, Grahame Tahanui, Arc Arawaroa & Arawaroa
11	WAI 1775	Ngāti Patu	John Hata
12	WAI 1781	Ngāi Tamahaua	Biddle Claim
13	WAI 1782	Ngāti Rua	Te Rūki Arawaroa, Bokenio Tuterata, Diesel Feruru
14	WAI 1787	Ringapaoho ki Waikaroka	Hinahou Leaf, Hohia Te Whānau Reihana Whānau Rotary Inc. Kahukoro Bakar
15	WAI 1794	Turangapōkiri hapū	Mariana Waki
16	WAI 1795	Ngāti Ira	Tamahiraiaia Williams
17	WAI 1884	Ngāi Ngahere	The Late Tui ai Carrington
18	WAI 2006	Opotaraha and Whakapaukōrero hapū	Priscilla Pōhāhā Sandys
19	WAI 2108	Pākowhai	Peter Wikaira
20	WAI 2035	Ngā Tama of Ōpape	Dr Guy Nolan
21	WAI 2046	Ngāti Ruakōnga	Tākapuroa Papuni
22	WAI 2107	Ngāi Ngahere, Ngāi Ir	Lee Ann Martin, descendant of Ranti Tamaipoua and Tuke Hoka, Hakaraia, Te Hāmiora o Tāmaka, Hariata Wakaua, Karetāwa Rua, Hauāuru
23	WAI 2160	Whānaupāpa / Ngāti Hamwi	Thorsen McHarris

The Whakatōhea Pre-Settlement Claims Trust

The Whakatōhea Pre-Settlement Claims Trust Structure is as follows:

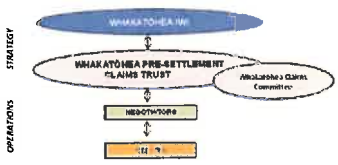
1 elected member from each of the 6 Whakatōhea hapū.

1 appointed member from each of the 8 Whakatōhea marae.

1 appointed member from the Whakatōhea Māori Trust Board

Total number of Trustees = 15

23 Claims represented in the Whakatōhea Claims Committee



Structure

- The Trust Deed establishes the Pre-settlement Trust and sets out the terms on which the Pre-settlement Trust will operate
- Its trustees are required to act within the constraints of the Trust Deed. Sections 6, 7 and 8 of the Trust Deed sets out the powers of the trustees and the manner in which decisions are to be made
- Pre-settlement Trust decisions are made by a majority vote. In the case of an equality of votes the Chairperson will have a second or casting vote
- Trustees will be decided in accordance with section 6 of the Trust Deed
- Trustees can be removed in accordance with section 6 of the Trust Deed

Accountability

- The Pre-settlement Trust will report back to Whakatōhea through:
  - Pre-settlement Trust website
  - Whakatōhea Māori Trust Board website
  - The Pre-settlement Trust Quarterly newsletter
  - Mail outs to beneficiaries
  - Road show / information hui
  - Facebook and Twitter
  - Hapū and hui-ā-iwi
  - Media briefings
  - Newspaper advertisements
- The process to amend or remove the mandate is set out in section 22.3 of the mandate strategy. The process can be initiated by a written notice signed by at least 5% of the adult registered members of Whakatōhea.
- The Pre-settlement Trust will be tasked with negotiating and presenting an initialed deed of settlement to the claimant community for their ratification

The Mandate Process

1. Mandate Strategy is endorsed
2. Mandate hui are held
3. Deed of Mandate submitted to the Crown
4. Deed of Mandate public notification and letters sent to Wai claimants
5. Deed of Mandate submissions, views and enquiries invited
6. The Pre-settlement Trust responds to submissions
7. Ministers make a decision on whether to recognise a mandate given to a representative body

MANDATE HUI 2016

Eligibility to Vote

- All members of the Whakatōhea claimant community 18 years of age and over are invited to vote on the resolution
- To vote you must whakapapa to at least one of the hapū of Whakatōhea
- You must register to vote by either being on the Whakatōhea Māori Trust Board tribal register, or by
- Registering for a special vote at a mandate hui or by contacting Election Services if you are not on the register and want to vote – you will be required to fill in a registration form which for Whakatōhea kaumātua to verify your whakapapa for your vote to be counted
- Whakatōhea uri who are not registered with the Trust Board, and do not wish to register with the Trust Board can complete a separate application to register for voting purposes only and make a special vote

HOW TO VOTE

Questions?

Voting: Mandate Resolution

"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"

Appendix 9

Mandate Hui Report

Whakatōhea

Pre-Settlement Claim's Trust Mandate Hui 2016

TO: Te Puni Kōkiri

FROM: Tu Ake Whakatōhea Collective

DATE: June 2016

SUBJECT: Mandate Hui Report 2016

Whakatōhea

Pre-Settlement Claim's Trust Mandate Hui 2016

The purpose of this report is to provide information about the Whakatōhea Pre-Settlement Claims Trust (WPSCT) mandate hui that were held throughout New Zealand during the month of May 2016. Mandate hui presented by the Tū Ake Whakatōhea Collective (TAWC) provided information about what a treaty settlement is, the mandate process and an invitation to all members of the Whakatōhea Claimant community 18 years of age and over to vote on the following resolution that:

"The Whakatōhea Pre-Settlement Claims Trust is mandated to represent Whakatōhea in direct negations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"

MANDATE HUI COMMUNICATIONS.

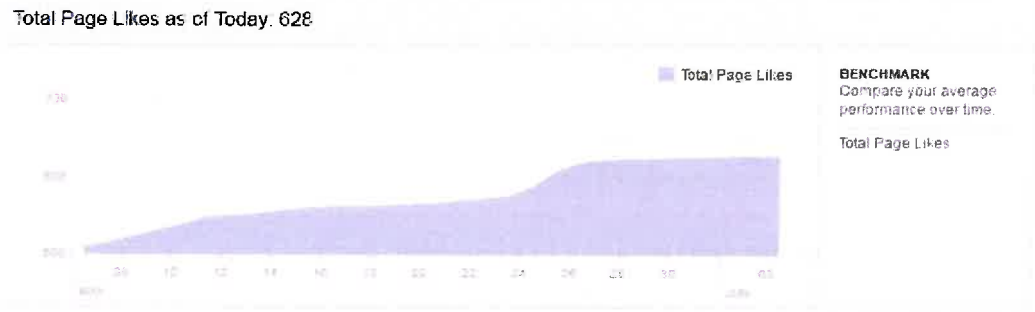
TAWC understands the importance of communicating with ngā uri o Te Whakatōhea, and ensuring a mandating process that is inclusive, transparent, and durable. TAWC communication strategy is to engage with as many of nga uri o Te Whakatōhea as practically as possible. The budget for communications was minimal, and lots of labour was given as time in kind which successfully increased engagement in the mandating process. The following is an account of communication activity achieved so far.

A record of Tū Ake Whakatōhea Collective communication activity from 6 May 2016.

1. **Website:** www.Whakatōhea.co.nz
   The WMTB website was utilized as one way of informing ngā uri o Te Whakatōhea about Whakatōhea Pre-Settlement Claim's Trust (WPCT) mandate hui and provided public access to the Mandate Strategy and Trust Deed.

2. **Facebook:** https://www.facebook.com/tawcWhakatōhea/
From 19th April to 3rd June 2016, the TAWC Facebook page was used as the main online communication tool. It was updated regularly with panui, video, and posts and used as an engagement tool for whānau to ask questions and make enquiries.

Likes translates to subscribers. On 6th May 2016 the site had 511 subscribers and over a period of 27 days increased subscribers by 117 people.



From 6th May 2016 - Video Views: 7865
From 19 April 2016 - Total Posts reached: 20,109

3. **Email:** The primary email contact advertised: graemeriesterer@gmail.com

4. **Radio:** Advertisement with Sun FM – Thursday 12th May through to 3rd June 2016

5. **Video of Presentation:** A MP4 of the mandate hui presentation delivered by Danny Paruru was created and given to a member of the Tio Kahika whānau to present at their whānau hui for the purpose of clarification of the mandate hui. Unfortunately, TAWC were unable to attend the Tio Kahika whānau hui, because it was the same time as the mandate hui roadshow. It was agreed by both TWAC and Tio Kahika whānau that the MP4 will be presented as received and any questions or clarification needed could be directed to graemeriesterer@gmail.com and answered promptly.

   Received feedback verbally from a member of Tio Kahika whānau stating that no one had any questions to ask at the end of the MP4 presentation.

6. **Notification:** The first notification was advertised in the NZ Herald on 15th April by Te Puni Kōkiri (TPK) and advertised in the public notices section of the below newspapers.

Date of Publication	Newspaper
Tuesday, 19 April 2016	Ōpōtiki News
Monday, 18 April 2016	Whakatane Modular
?	Gisborne Herald
Friday, 15 April 2016	BOP Times

Friday, 15 April 2016	Daily Post
Friday, 15 April 2016	NZ Herald
Friday, 15 April 2016	Dominion Post
Tuesday, 19 April 2016	Hawkes Bay Today
Monday, 18 April 2016	Otago Daily Post

Appendices 1 – Example of Notice of the Whakatōhea Pre-Settlement Claim's Trust Mandate Hui

7. **Voting Pamphlet** was advertised full color advertisements in the following newspapers by TAWC.

Date	Newspaper	Type of Advert	
Thursday, 5 May 2016	Ōpōtiki News	Two-Page Full Color	*Appendices 2*
Thursday, 12 May 2016	Ōpōtiki News	One-Page Full Color	*Appendices 3*
Thursday, 19 May 2016	Ōpōtiki News	One-Page Full Color	*Appendices 4*

8. **Voting and information packs** were sent by independent Elections Services to 6,662 Whakatōhea iwi members, 18 years and over. A number of Whakatōhea iwi members requested their contact details were not to be shared with sources outside of the Whakatōhea Māori Trust Board (WMTB). These members still had the opportunity to vote and provision was made for registrations and a voting pack to be sent to these members.

Appendices 5 – special voting registration
example letter of advice – request from WMTB

9. The voting and information packs developed by TAWC in conjunction with Independent Election Services Ltd had no amendments from Office of Treaty Settlement (OTS) and Te Puni Kōkiri (TPK).

The voting packs contained the following information:

- Voting paper and return envelope
- Voting Pamphlet with the following information:
  i. Purpose for voting/voting on the resolution
  ii. How to vote
  iii. Who can vote
  iv. Understanding Mandate
  v. How the mandate strategy has been set out?
  vi. Mandate Hui location, dates and times
  vii. The Whakatōhea Raupatu journey
  viii. The Whakatōhea population and regional census.
  ix. Contact information

Appendices 6 – Whakatōhea your vote envelopes, voting paper and pamphlet.

MANDATE HUI PROCESS

The purpose of the hui was set out in the advertisements organized by TPK and in the voting pamphlet. Both provided information on the Whakatōhea Pre-Settlement Claim's Trust, The Whakatōhea Claimant Community definition, why you are voting, who can vote, and mandate hui locations, dates and times.

The hui followed a consistent process and adhered to the below agenda.

1. Karakia timata
2. Mihimihi
3. Mandate hui presentation / Questions
4. Karakia whakamutungā
5. Kai

Karakia timata opened the hui, followed by mihi from our kaumatua and supported with waiata by TAWC. The Chair explained the process of the hui and started the mihimihi. Once all introductions of all present were completed, the Chair spoke of the importance of voting, introduced Danny Paruru as the presenter and invited all to ask questions at the end of the presentation. After the presentation and questions (Q&A) section, the hui was closed with karakia whakamutungā.

After the Hamilton hui, TAWC agreed that Mihimihi from all who attend would be added to the agenda. The Crown observers from Te Puni Kōkiri and Independent Returning Officer took the opportunity to introduce themselves during Mihimihi at every hui.

Danny Paruru from TAWC delivered the mandate hui presentation that comprised the following topics:

1. Purpose of this Mandate Hui
2. Ngā moemoeā o Tū Ake Whakatōhea Collective
3. Large natural grouping definition/crown policy
4. Endorsement of mandate strategy by TPK and OTS
5. Overview of a mandate, its limitations and process
6. Overview of a treaty settlement.
7. Te Raupatu – Why we are pursuing a settlement
8. The Whakatōhea Claimant Community definition
9. Area of interest/Whakatōhea Rohe Whenua
10. WAI claims
11. The WPCT structure, responsibilities, and accountabilities.
12. Reporting requirements of WPSCT back to Whakatōhea.
13. Mandate hui location, dates and times
14. Eligibility to vote and how to vote
15. Mandate Resolution

Appendices 7: WPCT Mandate Hui PowerPoint Presentation.

Attendees were also invited to take the following documents: mandate strategy, trust deed, mandate strategy summary, mandate hui presentation, voting pamphlet, and WMTB registrations. The voting pamphlet was also presented as 6 x A3 sized posters for all attendees to read. The crown policy was displayed as A3 poster and was acknowledged in the presentation by Danny Paruru who encouraging the attendees to read.

MANDATE HUI DETAILS AND ATTENDANCE

Date	Venue	Time	Changes (not advertised, TAWC notified TPK)	Attendance
Friday, 6 May	~~Terere Marae~~ Omarumutu Marae, Ōpōtiki	6.00 pm	Changed venue to Omarumutu marae due to repairs and maintenance at Terere marae	52 (Attendance Register) 71 (head count)
Saturday, 7 May	University of Waikato, A Block, Gate 8, Hillcrest Road, Hamilton	11.00 am		33 (Attendance Register)
Saturday 7 May	Whatua Kaimarie Marae (Auckland DHB), 11 Sutherland Rd, pt Chevalier, Auckland	6.00 pm		31 (Attendance Register) 35 (Head count)
Sunday 8 May	TereNgā Paraoa Marae, 10 Porowini Ave, Whangārei	11.00 am		27 (Attendance Register)
Saturday 14 May	Pataka Museum, Cnr Norrie and Parumoana Streets, Porirua	11.00 am		42 (Attendance Register) 48 (Head Count)
Sunday 15 May	Te Korowai Atawhai Rooms, Hillmorton Hosital, Annes Road, Christchurch	11.00 am		21 (Attendance Register)
Friday 20 May	MauNgāroa Marae, SH 35, Te Kaha	6.00 pm		12 (Attendance Register)
Saturday 21 May	Eastern Institute of Technology, Te Whatukura Māori Studies, 77 Cobden St, Gisborne	6.00 pm		22 (Attendance Register)
Sunday 22 May	Tahuwhakatiki (Romai) Marae, Welcome Bay Rd, TauraNgā	~~11.00am~~ 6.00pm	Change of time to 6.00 pm; the time of	25 (Attendance Register)

			6.00 pm published in the voting pamphlet.	
Friday 27 May	Taharangi Marae, 26 Tarewa Rd, Rotorua	6.00 pm		61 (Attendance Register)
Saturday 28 May	Te Taiwhenua o HeretauNgā, HeretauNgā Park, 821 Orchard Rd, Hastings	11.00am		25 (Attendance Register)
Sunday 29 May	~~Tokaanu marae~~ Waihi marae, Tokaanu, MaNgāroa St, Tūrangi	9.00am	Change in venue to Waihi marae, Tūrangi. Reason for change in venue due to an invite from whānau in Tūrangi.	25(Attendance Register) 26 head count.
TOTAL INCLUDING TAWC				**406**
TOTAL EXCLUDING TAWC				**300**

Some of the hui attendee numbers were approximate due to people arriving and leaving during some of the hui as well as some people not registering their attendance on the hui register available at all 12 hui. The attendance numbers excluded people under the age of 18 years, TPK crown observer and independent returning officer. Attendees were informed of the attendance register and encouraged to contact whānau to participate in the mandate process.

VOTING PROCESS

For the purpose of the mandate being sought, the Whakatōhea claimant community is defined as the descendants of Muriwai and Tūtāmure who affiliate to one or more of the recognized hapū and marae of Whakatōhea. All members of Whakatōhea claimant community 18 years and over were invited to vote on the following resolution:

> ***"The Whakatōhea Pre-Settlement Claims Trust is mandated to represent Whakatōhea in direct negations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"***

There were three ways to vote; mail, online and at a mandate hui. For those who were not registered or did not wish to be registered with Whakatōhea Māori Trust Board had the option to place a special vote.

QUESTIONS RAISED AND ANSWERED BY TAWC AT EACH HUI

Some attendees questioned Tūtāmure as an equal status to Muriwai.
One of our Whakatōhea Kaumatua explained that Tūtāmure comes off an older generation, Muriwai's daughter Hine-i-Kauia married Tūtāmure, he had mana whenua and protected the eastern sector of Whakatōhea rohe. Also the Whakapapa links of Tūtāmure were explained.

A few attendees questioned the position of TAWC and Whakatōhea Māori Trust board (WMTB).
TAWC formed in 2010 by four hapū; Ngāti Ira, Ngāti Ngāhere, Ngāti Rua and Ngāti Patu. TWAC meet every Monday for five years on a voluntary basis and always had an open door policy for all of the Whakatōhea to attend. TAWC role and purpose was to create a mandate strategy and after many meetings, and consultation sessions with hapū, whānau, ngā uri o Te Whakatōhea, the mandate strategy was reviewed and amended to encompass their thoughts and suggestions and was deemed to be a transparent and inclusive process. If Whakatōhea, votes in favour for the WPCT to be mandated for the purpose of negotiations, then TAWC would cease to exist.

TAWC approached WMTB and demanded that they support them with this kaupapa. The WMTB stated that if they were to participate then the TAWC must adhere to the following rules of transparency, inclusiveness, and honesty. The WMTB agreed at a Trust Board meeting to support hapū achieve mandate and a resolution was moved and second by Ngāi Tamahaua and Te Upokorehe trustee members.

Some attendees expressed a desire to progress their WAI claims through the Waitangi Tribunal and also had some requesting their claims be removed from the Mandate Strategy.
TAWC expressed their support regarding any WAI claimants who want to progress their claims through the Waitangi Tribunal and reiterated that the door was always open, and no one would be left out. TAWC also stated their support for the mokomoko claim that is currently before Parliament. A reminder was provided of the large natural grouping crown policy which means the crown recognizes Whakatōhea as the large natural grouping and they will not negotiate with hapū or whānau individually. The inclusions of all claims in the WPCT mandate strategy is a crown policy.

Area of concern raised; if claimants wished to progress their claim with Waitangi Tribunal will this mandate process hinder it?
TAWC explained there are two ways to go through treaty claims process. The first is the Waitangi Tribunal process which gives the claimant the opportunity to tell their story in front of the Crown and to talk about their mamae and pain. Waitangi Tribunal makes a recommendation, writes a report. That process is between the claimant and the crown. The 2nd pathway is direct negotiations, and that's the path that we are suggesting or promoting. At any time, you can jump from the Waitangi Tribunal process to the direct negotiation process. We don't know how long this will take. I think that hapū would want to hear what you as claimants want to do in the Waitangi Tribunal process.

Further clarification required regarding set up of the WPCT, its accountabilities and responsibilities, the position that the Claims committee hold and also asked why the Whakatōhea Māori Trust Board has a place on the WPCT.

TAWC reiterated that if the WPCT is mandated to negotiate on behalf of Whakatōhea, the next step is to elect and appointment Trustees. Ngā Uri o Te Whakatōhea will have the opportunity to nominate and vote for a member from one of the 6 hapū and ahi kaa will have the opportunity to appoint a member from one of the 8 marae along with the WMTB appointing one member. In 1952, WMTB was founded by six members from each of the six Whakatōhea hapū. Acknowledgement needs to be given to our tūpuna who negotiated our 1st Raupatu claim of 20,000 pounds that was utilized to buy the first farm. Today the WMTB holds all the assets on behalf of Whakatōhea and has provided administration support to whanau, marae and hapū.

TAWC stated that if you have a WAI claim then you can appoint whomever you chose to represent your claim in the claims committee. We need to come together as there may be overlapping interests between hapū and whānau. This is your chance as WAI claimants to tell your story and present your research to the WPCT. Ranginui Walker was acknowledged for contributing extensive amount of research for our raupatu. TAWC also informed attendees that the WAI claims in our rohe are part of Whakatōhea claim as this is a crown policy.

At the end of the Q&A section, one of our kaumatua explained the importance of voting and the opportunity that we all have to participate in the election process. If majority vote in favor for this WPCT to be mandated, it was suggested that people who are elected on to this Trust need to be passionate, honest, and have aroha for this kaupapa. The Trustees will not get paid a lot of money, and it will be imprudent to have all lawyers on the Trust.

Enquiries made about the voting criteria and percentage of votes in favor needed for the WPCT to be the mandated for negotiations?

TAWC stated that for the resolution to be passed we need a majority of votes which means 50% or more and TPK will also take into consideration the consultation process that TAWC has had with whānau, hapū, ngā uri katoa o Te Whakatōhea.

What would happen if the Claim's Trust is not mandated to represent Whakatōhea in direct negotiations?

TAWC stated that we don't want to be in that position because the government has indicated that they want to settle the last of the Raupatu claims. If this does not go ahead, not to sure what will happen, we may have to start again. We do not want to leave this burden for our mokopuna.

Some attendees asked why Whakatōhea did not settle in 1996.

One of the primary issues with the 1996 process was a lack of consultation with Ngā uri katoa o Te Whakatōhea. The TAWC consultation process with whanau, marae and hapū was extensive and took

three years before we were able to develop a Mandate Strategy that was inclusive, transparent, and robust enough to meet the requirements set by the Crown. And now it is up to the Iwi to vote on this resolution.

Questions asked regarding boundaries and shared interest with other iwi.
We have always had shared boundaries and there has already been discussions with surrounding iwi. It is our understanding that we will always have shared boundaries as we did in the past.

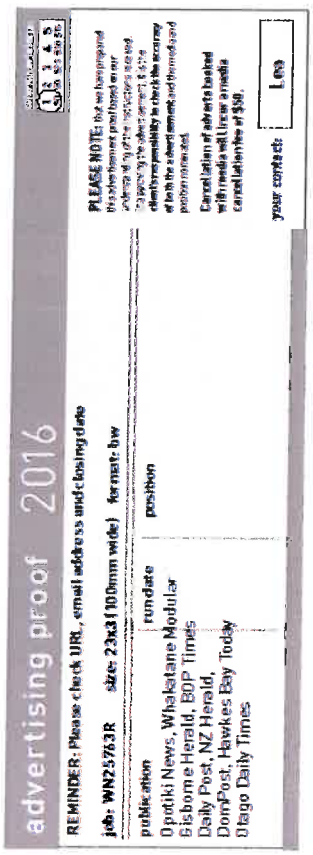
Some attendees questioned the Crown's accountability.
Treaty settlements will never heal or compensate for our grievances and loss. Past Grievances have had a cap. However, this is our opportunity to put forward our strategy and redress. It is about the injustice that occurred for us not just about the putea. We need to be clear about what we want as an iwi and need to talk about it and not fight. There are many parts to the redress that is why negotiations is a critical part.

It was asked if there will be two boards functioning, if the WPCT is established?
Whakatōhea Māori Trust board is a government body in place till Whakatōhea settle their raupatu and the Post-Settlement entity is put in place. The WPCT is a temporary trust put in place for the purpose of taking Whakatōhea through negotiations only.

Some attendees concerned about Rongopopoia marae and Turangā Pikitoa hapū not being included in the Mandate Strategy.
One attendee expressed that based on our tikangā, we cannot exclude them from Whakatōhea. TAWC explained that Rongopopoia has settled under Ngai Tuhoe and we have correspondence to support this korero.

Several attendees asked about the responsibilities and accountabilities of the negotiators
Refer to Page 28 of the mandate strategy under 'frame work for negotiators'. The WPCT is responsible for appointing a negotiator or negotiating team. The Claims committee will also work with the WPCT to put together a strategy for the Negotiators to discuss with the Crown. Negotiators are directly accountable to the WPCT and any decisions made will need to be communicated to the iwi for agreement.

APPENDICES 1



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job: WN25763R size: 23x3 (100mm wide) format: bw

publication	run date	position
Opotiki News, Whakatane Modular		
Gisborne Herald, BOP Times		
Daily Post, NZ Herald,		
DomPost, Hawkes Bay Today		
Otago Daily Times		

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Cancellation of advertisement booked with media will incur a media cancellation fee of $50.

your contact: Lea

Notification of the Whakatōhea Pre-Settlement Claim's Trust Mandate Hui

In November 2015, the Tū Ake Whakatōhea Collective submitted a draft mandate strategy to the Crown for consideration. The draft mandate strategy proposes a mandate hui process by which a new representative entity, the Whakatōhea Pre-Settlement Claims Trust, will seek a mandate from Whakatōhea hui members to represent them in Treaty settlement negotiations with the Crown.

The mandate sought is to negotiate all Whakatōhea historical Treaty of Waitangi claims whether registered or unregistered that arise from Crown actions and omissions that occurred prior to 21 September 1992, including but not limited to: WAI 07, 200, 207, 308, 533, 864, 1092, 1433, 1511, 1758, 1775, 1781, 1782, 1787, 1784, 1795, 1804, 2006, 2008, 2065, 2066, 2107, 2180, insofar as they relate to Whakatōhea.

All members of the Whakatōhea claimant community over 18 years of age are invited to vote either by a postal vote, an internet vote or by attending and voting at mandate hui on the following resolution, that:

"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea."

For those who wish to vote, but are not registered with the Whakatōhea Māori Trust Board, or who wish to vote but do not want to register, you will be able to make a special vote.

The voting period opens Friday 6 May 2016 and closes Friday 3 June 2016. The vote will be administered by Electionn.com.

Mandate hui are as follows:

Date	Venue	Time
Friday, 6 May	Terere Marae, Opotiki	6:00pm
Saturday, 7 May	University of Waikato, A Block, Gate 8, Hillcrest Road, Hamilton	11:00am
Saturday, 7 May	Whatua Kaimanie Marae (Auckland DHB), 11 Sutherland Rd, Pt Chevalier, Auckland	6:00pm
Sunday, 8 May	Terenga Paruaru Marae, 10 Parawhai Ave, Whangārei	11:00am
Saturday, 14 May	Potaka Museum, Cnr Norrie and Panmuana Streets, Porirua	11:00am
Sunday, 15 May	Te Korowai Atawhai Rooms, Hillmorton Hospital, Annex Road, Christchurch	11:00am
Friday, 20 May	Maungaroa Marae, SH 36, Te Kaha	6:00pm
Saturday, 21 May	Eastern Institute of Technology, Te Whatuhura Māori Studies, 77 Gridden St, Gisborne	6:00pm
Sunday, 22 May	Tahuwhakatiki (Forrai) Marae, Welcome Bay Rd, Tauranga	11:00am
Friday, 27 May	Tokarangi Marae, 26 Tarewa Rd, Rotorua	6:00pm
Saturday, 28 May	Te Takvhenua o Heretaunga, Heretaunga Park, 821 Orchard Rd, Hastings	11:00am
Sunday, 29 May	Tolaanu Marae, Tolaanu, Mangaroa St, Tūrangi	6:00pm

For the purposes of the mandate being sought the Whakatōhea claimant community is defined as the descendants of Muriwai and Tūtamure who affiliate to one or more of the recognized kapū (Ngāti Rua, Ngāti Tamahaua, Ngāti Patumoana, Ngāti Ngākere, Ngāti Ira and Te Upokorehe) and marae (Omarumutu, Opape, Waikaua, Terere, Opeke, Raimaua, Kutarere and Maromahue) of Whakatōhea.

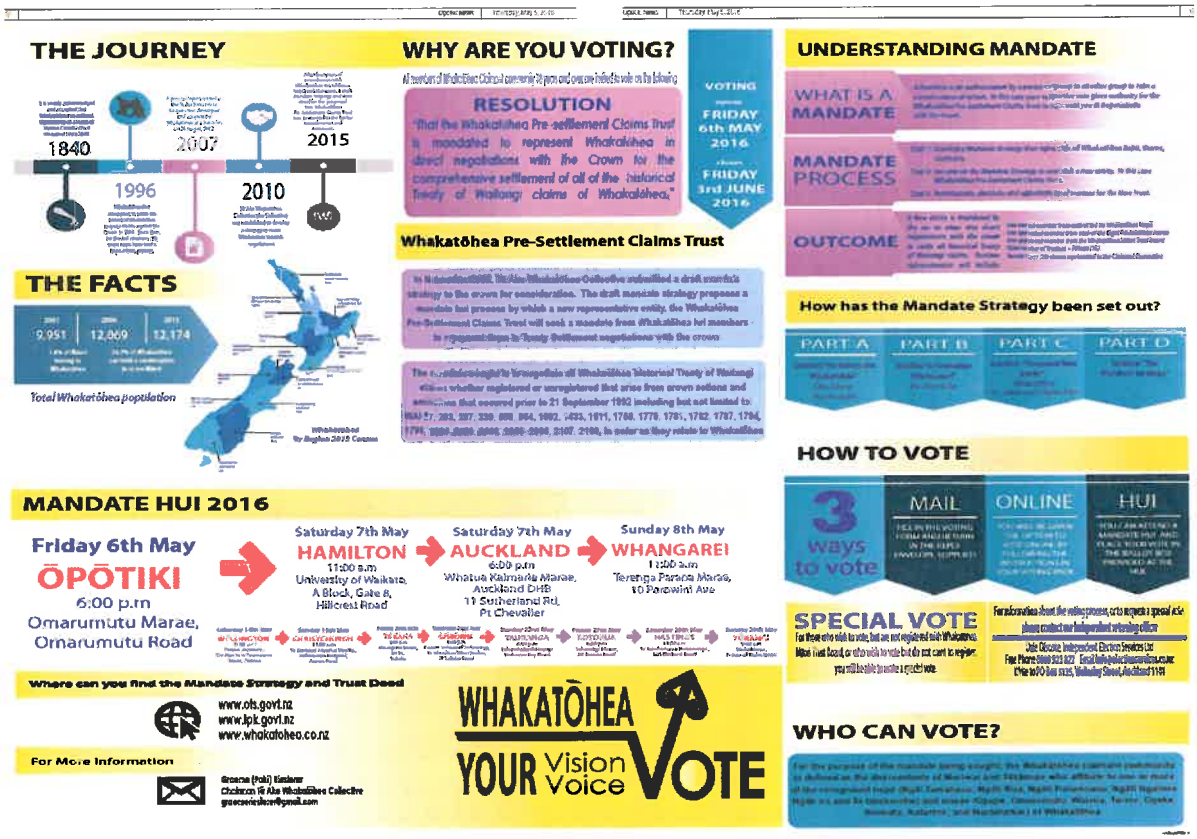
Copies of the draft mandate strategy are available on the Office of Treaty Settlements website www.ots.govt.nz, the Te Puni Kōkiri website www.tpk.govt.nz, and also the Whakatōhea Māori Trust Board website www.whakatohea.co.nz.

For further information please contact:

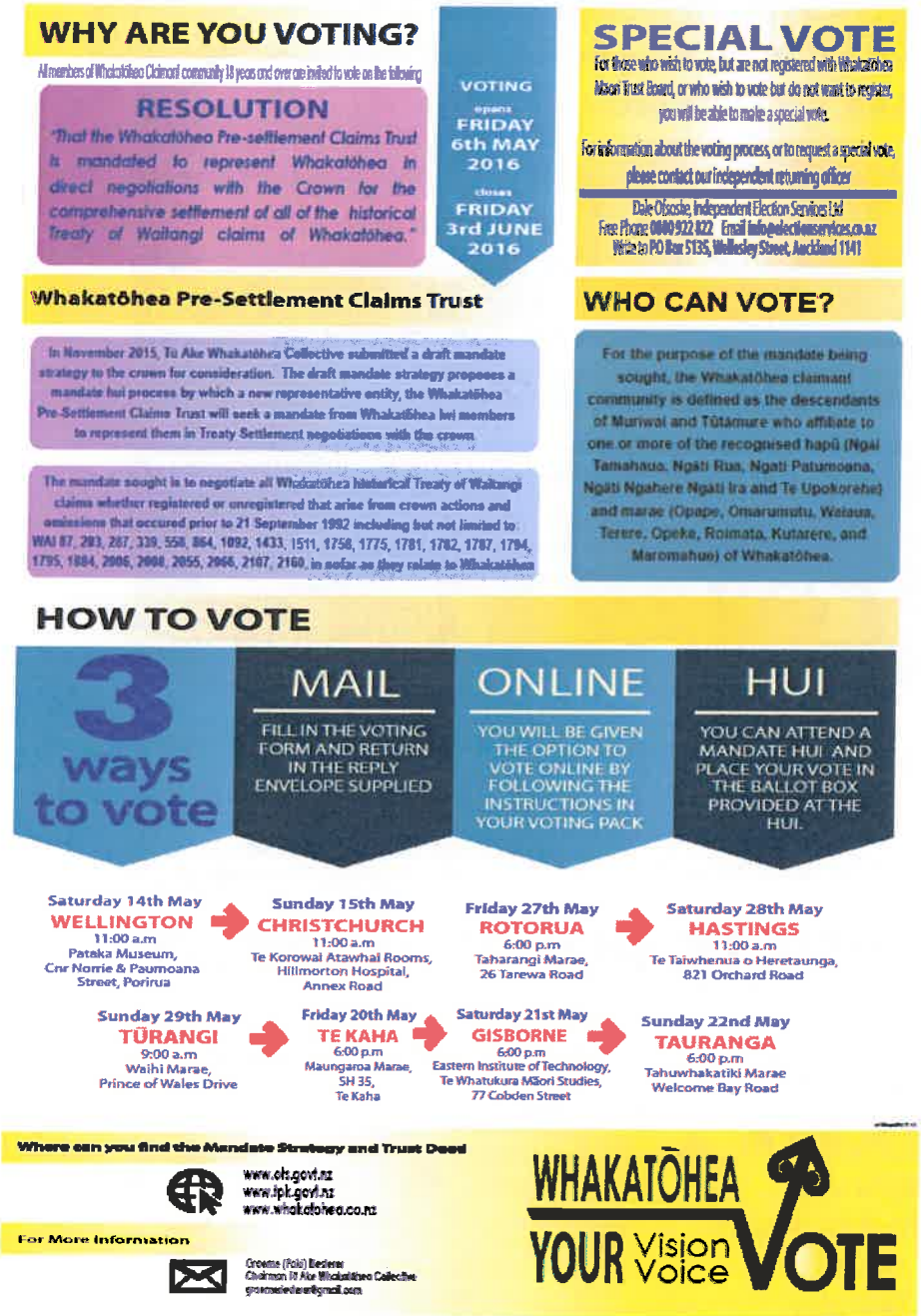
Graeme Riesterer
Chairman Tū Ake Whakatōhea Collective
graeme.riesterer@corrections.govt.nz

Whakatōhea Pre-Settlement Claims Trust Mandate Hui 2016

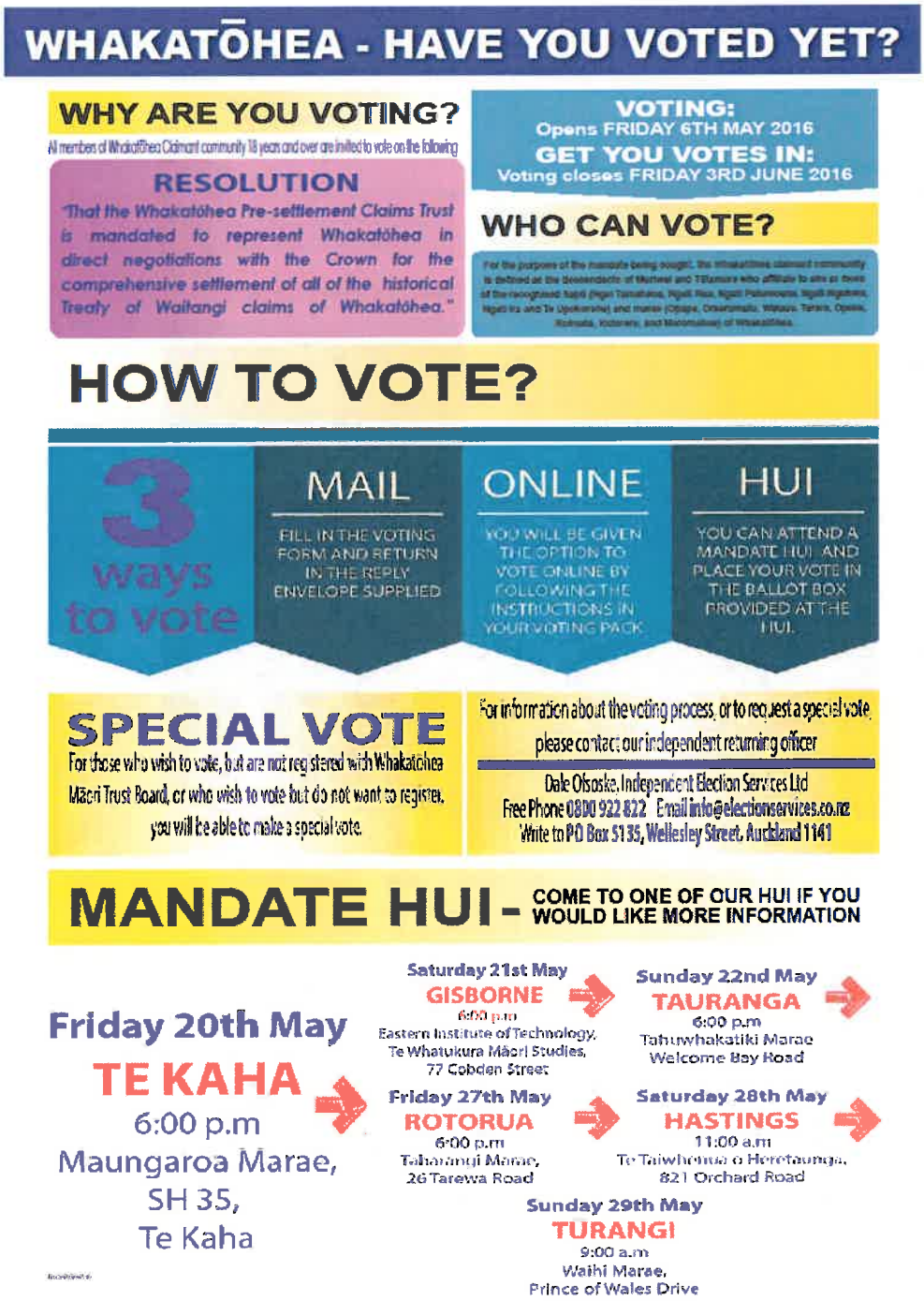
APPENDICES 2



APPENDICE 3

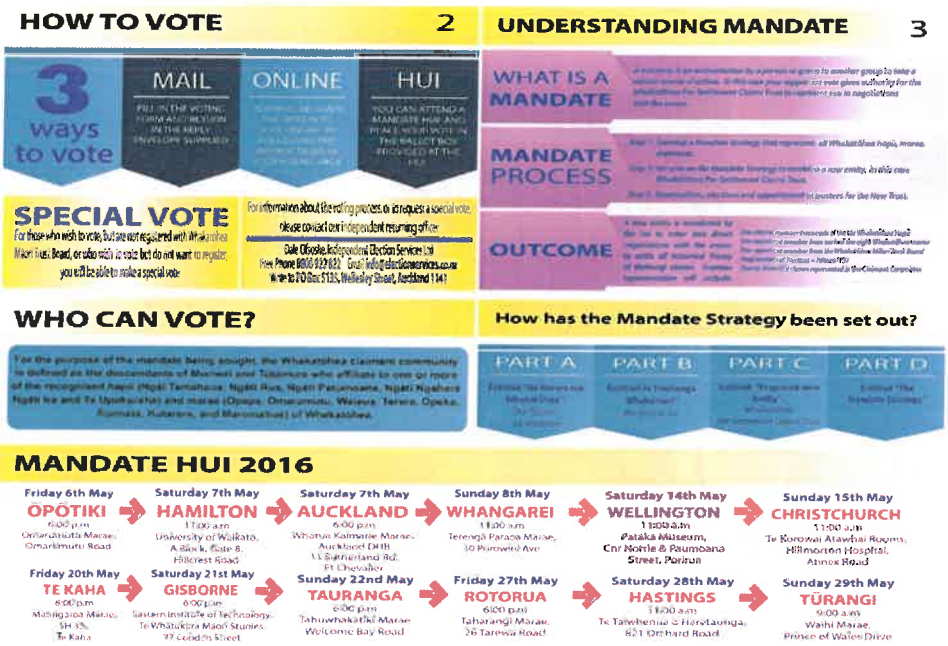

WHY ARE YOU VOTING?
All members of Whakatōhea Claimant community 18 years and over are invited to vote on the following
RESOLUTION
"That the Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea."
VOTING opens FRIDAY 6th MAY 2016 closes FRIDAY 3rd JUNE 2016
SPECIAL VOTE
For those who wish to vote, but are not registered with Whakatōhea Māori Trust Board, or who wish to vote but do not want to register, you will be able to make a special vote.
For information about the voting process, or to request a special vote, please contact our independent returning officer
Dale Ofsoske, Independent Election Services Ltd
Free Phone: 0800 922 822 Email: info@electionservices.co.nz
Write to: PO Box 5135, Wellesley Street, Auckland 1141
Whakatōhea Pre-Settlement Claims Trust
In November 2015, Te Ake Whakatōhea Collective submitted a draft mandate strategy to the crown for consideration. The draft mandate strategy proposes a mandate hui process by which a new representative entity, the Whakatōhea Pre-Settlement Claims Trust will seek a mandate from Whakatōhea iwi members to represent them in Treaty Settlement negotiations with the crown.
The mandate sought is to negotiate all Whakatōhea historical Treaty of Waitangi claims whether registered or unregistered that arise from crown actions and omissions that occured prior to 21 September 1992 including but not limited to: WAI 87, 293, 267, 339, 558, 864, 1092, 1433, 1511, 1758, 1775, 1781, 1782, 1787, 1794, 1795, 1884, 2005, 2008, 2055, 2066, 2107, 2160, in sofar as they relate to Whakatōhea
WHO CAN VOTE?
For the purpose of the mandate being sought, the Whakatōhea claimant community is defined as the descendants of Muriwai and Tūtāmure who affiliate to one or more of the recognised hapū (Ngai Tamahaua, Ngāti Rua, Ngati Patumoana, Ngāti Ngahere Ngati Ira and Te Upokorehe) and marae (Opape, Omarumutu, Waiaua, Torere, Opeke, Roimata, Kutarere, and Maromahue) of Whakatōhea.
HOW TO VOTE
3 ways to vote
MAIL
FILL IN THE VOTING FORM AND RETURN IN THE REPLY ENVELOPE SUPPLIED
ONLINE
YOU WILL BE GIVEN THE OPTION TO VOTE ONLINE BY FOLLOWING THE INSTRUCTIONS IN YOUR VOTING PACK
HUI
YOU CAN ATTEND A MANDATE HUI AND PLACE YOUR VOTE IN THE BALLOT BOX PROVIDED AT THE HUI.
Saturday 14th May WELLINGTON 11:00 a.m Pataka Museum, Cnr Norrie & Paumoana Street, Porirua
Sunday 15th May CHRISTCHURCH 11:00 a.m Te Korowai Atawhai Rooms, Hillmorton Hospital, Annex Road
Friday 27th May ROTORUA 6:00 p.m Taharangi Marae, 26 Tarewa Road
Saturday 28th May HASTINGS 11:00 a.m Te Taiwhenua o Heretaunga, 821 Orchard Road
Sunday 29th May TŪRANGI 9:00 a.m Waihi Marae, Prince of Wales Drive
Friday 20th May TE KAHA 6:00 p.m Maungaroa Marae, SH 35, Te Kaha
Saturday 21st May GISBORNE 6:00 p.m Eastern Institute of Technology, Te Whatukura Māori Studies, 77 Cobden Street
Sunday 22nd May TAURANGA 6:00 p.m Tahuwhakatiki Marae Welcome Bay Road
Where can you find the Mandate Strategy and Trust Deed
www.ok.govt.nz
www.tpk.govt.nz
www.whakatohea.co.nz
For More Information
WHAKATŌHEA YOUR Vision Voice VOTE

APPENDICES 4



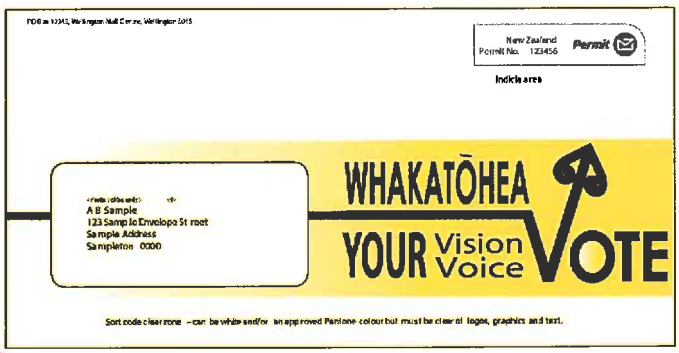
APPENDICES 5 (refer to attachment – Appendices 5)

APPENDICES 6.1

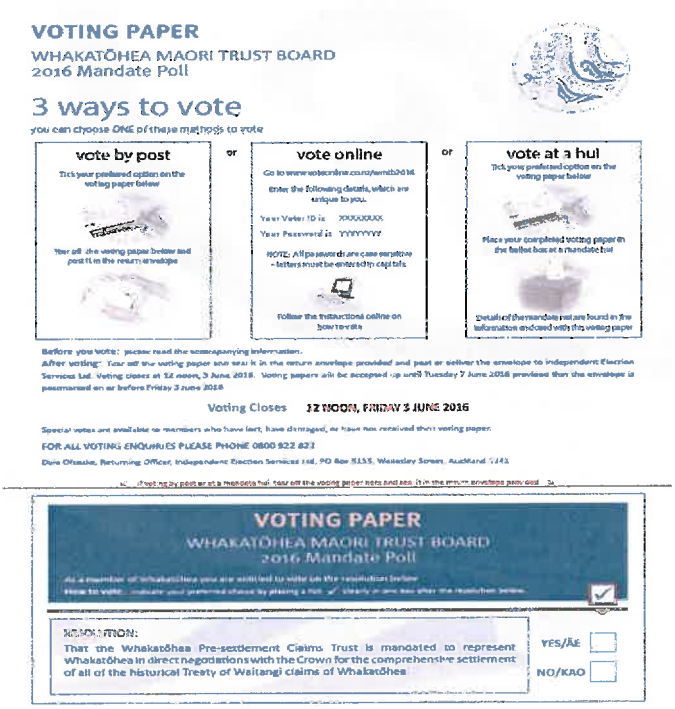


APPENDICE 6.2

APPENDICES 6.3



APPENDICES 6.4



SOME PHOTOS FROM THE MANDATE HUI

WHANGAREI

WHANGAREI

WELLINGTON

TAURANGA

HASTINGS

HASTINGS

TURANGI

Appendix 10

Te Puni Kokiri Observer Reports

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

1 Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Omarumutu Marae Ōpōtiki		
Date	Friday, 6 May 2016		
Start time	~6:10 pm	**Finish time**	~7:30pm
Chair	Graeme Riesterer		
Observer(s)	Ngawa Hall (Te Puni Kōkiri, Waikato-Waiariki Region)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~70 people***, including **~1 TPK observer,** and **~1 Independent Returning Officer** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty Settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Hākari whakanoa • Karakia whakamutunga		
Presentation	The Chair welcomed attendees to the hui. The Chair explained the agenda for the hui and requested that questions be asked at the end of presentations. It was explained that Whakatōhea have an opportunity to vote for or against the mandate proposal.		

	It was also explained that voting was available at the hui. **Slide 4:** *Ngā Moemoeā* The presenter explained that these are the dreams and aspirations of Whakatōhea. **Slide 8:** *Te Raupatu – Why we are pursuing a settlement* The presenter summarised why Whakatōhea were pursuing a settlement with the Crown. The presenter explained that the mandate strategy was available to anyone who wanted to look at it. **Slide 9:** *The Whakatōhea Claimant Community* It was explained that the Mandate strategy had more detail on how the claimant community was defined. **Slide 10:** *Our Rohe Whenua / Area of Interest* The presenter acknowledged the work done previously, The presenter explained that the slide was a visual presentation of the area that Whakatōhea occupied. **Slide 11**: *WAI Claims* The presenter explained that there are 23 Whakatōhea Wai claims and the team is aware of a 24th, which hasn't yet been added. The presenter explained that the claims are listed in the mandate strategy and encouraged hui attendees to have a look. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust* The presenter explained the structure of the Whakatōhea Pre-Settlement Claims Trust. The presenter explained that marae will appoint their own representative's and hapū representatives will go through a nominations and elections process. The presenter explained that the Whakatōhea Maori Trust Board already look after the Whakatōhea assets which will be transferred to a new entity once a settlement has been reached and ratified. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust would establish a Whakatōhea Claims committee, consisting of 23 seats for the 23 Wai claims. The presenter explained that the claims committee will provide an opportunity to discuss what is important for a Whakatōhea settlement and advise the Trust. The presenter explained that once the Whakatōhea Pre-Settlement Claims Trust is established, they will appoint

	negotiators. It was explained that the appointments process is outlined in the Trust Deed. It was explained that the negotiators will represent the Whakatōhea Pre-Settlement Claims Trust who in turn represent the Whakatōhea people, and are accountable to both. **Slide 14:** *Accountability* The presenter explained that the Whakatōhea Pre-Settlement Claims Trust will create a website should the mandate be recognised. **Slide 15:** *The Mandate Process* The presenter explained that the mandate strategy has been endorsed by the Crown. It was explained that this was the first mandate hui. The presenter explained that if the Iwi say yes to the mandate proposal, a deed of mandate will be submitted to the Crown for a further round of submissions. **Slide 16:** *Mandate Hui 2016* The presenter encouraged attendees to encourage whānau where the other mandate hui are. **Slide 17:** *Eligibility to Vote* The presenter explained that if people are registered with the Trust Board they are eligible to vote, and if they were not registered, and/or choose not to, people could make a special vote on. **Closing comments from the Chair of the Whakatōhea Māori Trust Board:** The Chair thanked everyone for coming and felt it was a positive hui. However, re-iterated that "Whakatōhea need to start moving this, as it has been a long time coming".
Questions and comments	**Q1: An attendee questioned what stops them from voting three times – at mandate hui, online and by post.** A1: It was explained that each voting pack for individuals contains a unique identifier code, which means the vote will only be counted once. **Q2: An attendee questioned what would happen if they changed their vote from a no to a yes at different hui.** A2: It was explained that the voting process was run by an independent Election company and people could contact the 0800 number to discuss their vote.

	Q3: An attendee questioned how the proposed Whakatōhea Pre-Settlement Claims Trust could support individuals to progress their claims independently through the Waitangi Tribunal. A3: It was explained that within the mandate strategy the purpose of the Whakatōhea claims committee is to bring all Whakatōhea claims together. It was explained that the negotiators will sit down with the claimants to go through the claims with claimants and develop a strategy. It was explained that all Whakatōhea claims were included in the mandate strategy, and it was intended that everybody would eventually work together. **Q4: An attendee questioned whether Wai claimants could go to the Waitangi Tribunal first and then go back to the mandate proposal for direct negotiations. The attendee sought assurances that their individual claim is going to be heard.** **Comment:** It was explained that this is the second claim for Whakatōhea and that Whakatōhea received 20,000 pounds and a dairy farm. It was explained that the first claim had six Whakatōhea hapū. It was explained that Whakatōhea are going through the final part of that, and following that model. **Comment**: An attendee commented that they accept that We accept what was part of that first claim. The attendee commented that they want the claim to go through, however, they indicated that there are those outside who are not happy. **Comment:** It was explained that there are two ways to go through the Treaty Settlement process: Waitangi Tribunal process, where you can stand up in front of the Tribunal and submit then enter a mandating process to go into negotiations with the Crown. It was explained that the other way is to go into direct negotiations with the Crown. It was explained that the mandate proposal was promoting the direct negotiations option. **Comment:** An attendee commented that the close relationship some hapū and marae share with Tūhoe, and the two settlement processes (Tūhoe and Whakatōhea) is splitting the iwi up. **Comment**: It was explained that there have been communications with various marae regarding what Iwi settlement they would go under - Tūhoe settlement or Whakatōhea. It was explained that it is up to the marae to determine where they sit. It was also explained that the

	mandate strategy will provide some guidance on this matter. **Q5: An attendee referred to slide 12 of the presentation and questioned whether those who have a Wai claim registered with the Waitangi Tribunal are provided for by the Whakatōhea claims committee.** A5: It was explained that all Whakatōhea Wai claims are provided for by the Whakatōhea claims committee. **Q6: An attendee asked if a super claim would be heard, if whānau had one.** A6: It was explained that all Whakatōhea claims will be part of Whakatōhea. The attendee tabled his super claim and had copies for those who were interested.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes.
Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Chair noted that representation from all the hapū listed in the mandate were in attendance.

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	University of Waikato, A Block, Gate 8 Hillcrest Road HAMILTON		
Date	Saturday, 7 May 2016		
Start time	~11:05am	**Finish time**	~12:50pm
Chair	Graeme Riesterer		
Observer(s)	Ngawa Hall (Te Puni Kōkiri/Waikato-Waiariki region)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~ 39 people***, including **~1 TPK observer** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty Settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Hākari whakanoa • Presentation / Question & Answers • Karakia whakamutunga		
Presentation	The Chair spoke of the Late Ranginui Walker "Not one acre more" The Chair explained that the claim was about supporting the future mokopuna of Whakatōhea.		

	The Chair explained that there would be time after the presentation to ask questions. The Chair explained what documents were available at the hui including the PowerPoint presentation. The Chair introduced the presenter, independent returning officer and independent Crown observer. The Chair also acknowledged the hosts of the hui. Presentation notes: **Slide 5:***Whakatōhea context* The presenter explained that information is available to attendees if they wanted to understand what Large Natural Group means. The presenter explained that Whakatōhea need to make a decision on the mandate proposal now on whether to move forward. **Slide 8:** *Te Raupatu-why we are pursuing a settlement* The presenter explained that the slide was a summary some of the things Whakatōhea encountered years ago. **Slide 10:***Our Rohe Whenua/Area of Interest* The presenter explained that more information on the Area of Interest was available in the mandate strategy. **Slide 11:***WAI Claims* The presenter explained that a 24th Wai claim (Tio-Kahika whānau) needed to be included in the mandate proposal. The presenter explained that more details on the Whakatōhea Wai claims was included in the mandate strategy. **Slide 12:***The Whakatōhea Pre-Settlement Claims Trust* The presenter explained that a Tikanga process for the election of trustees had been employed. The presenter explained that the member elected from the Whakatōhea Māori Trust Board is to reflect the support the Trust Board has provided the Tu Ake Whakatōhea Collective. The presenter also explained that the Whakatōhea Māori Trust Board hold assets on behalf of Whakatōhea as a result of first settlement in 1952 which will be transferred to a new entity, and the Trust Board disestablished, once settlement had been reached and ratified by the Whakatōhea Claimant community. The presenter explained that the Whakatōhea Claims committee, provided for in the mandate proposal,

	represents all 23 Whakatōhea Wai claims. The presenter explained that the Whakatōhea Claims committee Claimants will enable claimants to come together to develop a strategy to present to the Whakatōhea Pre-Settlement Claims Trust to ensure that their claims are heard. It was explained that when the Whakatōhea Pre-Settlement Claims Trust is established it is their responsibility to appoint negotiators. The presenter explained that the process for appo9inting negotiators is in the Trust deed. The presenter explained that the negotiators will be accountable to the Trustees, who are accountable to the Whakatōhea people. It was explained that the negotiators will negotiate with the Crown. The presenter that this is what is being asked to consider. **Slide 13:** *Structure* It was explained that a more detailed account of the proposed structure was in the mandate strategy, which was available to view at the hui. **Slide 14:** *Accountability* The presenter explained that everything chosen by the Whakatōhea Pre-Settlement Claims Trust in negotiations must go back to the people of Whakatōhea to make a final decision. **Slide 15:** *The mandate process* The presenter explained that there are two parties – Whakatōhea and the Crown. The presenter explained that Whakatōhea uri had to decide who will represent Whakatōhea at the table with the Crown.
Questions and comments	Questions were called for at the end of the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee questioned what percentage of votes in favour must be reached to get over the line.** A1: It was explained that a majority vote in favour would be favourable, however, it is ultimately a political decision based on the mandate process undertaken in its entirety. **Q2: An attendee asked if the presentation was available online.**

	A2: It was explained that the hui the night before was filmed, and will be on line on Monday. **Q3: An attendee questioned what the timeline was going forward.** A3: It was explained that there is still a lot to cover. It was explained that once the Whakatōhea Pre-Settlement Claims Trust was formed, it may take a number of years before a Whakatōhea settlement is reached with the Crown. It was noted that in 2014 the government said they would try and push settlements through. **Q4: An attendee asked if the mandate developed by the Whakatōhea Pre-Settlement Claims Trust is brand new, or based on others that have gone through.** A4: It was explained that every settlement is different. It was explained that other Iwi who have had similar issues to Whakatōhea have been looked at. It was explained that Whakatōhea Pre-Settlement Claims Trust have consulted widely as they did not want to repeat what happened before. It was explained that the mandate strategy is specific to Whakatōhea. **Comment:** An attendee commented that they like the mandate strategy. **Q5: An attendee questioned whether people who needed to register to vote, needed to register before 3 June 2016.** A5: It was explained that as at 12:00pm, 3 June 2016, voting will be closed. It was explained that a special vote and registration can be submitted, as long as it is done so (or date stamped) before 12:00pm, 3 June 2016. It was explained that registrations will be verified by kaumātua. **Q6: An attendee questioned whether what was presented at the hui was subject to change.** A6: It was explained that Rongopopoia have a relationship with marae in Whakatōhea and whakapapa to Tūhoe. It was explained that they are not currently on the list under Whakatōhea for this but are covered under Tūhoe. It was explained that Rongopopoia have sent a letter saying they are happy to leave it at that. It was explained that if that changes, then that will be reflected. **Q7: An attendee questioned if there would be an opportunity for marae to come in later.** A7: It was explained that there would be an opportunity for marae to come in at a later date and that was provided for at section 22.3 of the mandate strategy.

	Q8: An attendee asked what the value of the whenua is and who sets the value of the land. The trust or the crown. A8: It was explained that the quantum will be determine by and with agreement from the people. **Q9: An attendee asked if we have any policies developed on potential negotiators.** A9: It was explained that the only task of this group is to write the mandate strategy. The new trust will look for the best negotiators that will get us a durable settlement. The new trust will write up policy and contracts with the negotiators. **Q10: An attendee questioned whether Whakatōhea uri would have a say on what the negotiators get paid.** A10: It was explained that there is not a lot of money, and it is minimal. **Q11: The attendee noted that they ask because negotiators at another iwi they affiliate to, get more than the hapū.** A11: It was explained that Whakatōhea uri need to trust that the proposed Whakatōhea Pre-Settlement Claims Trust will do the best for Whakatōhea. It was explained that the Whakatōhea Pre-Settlement Claims Trust are accountable to Whakatōhea uri. It was commented that it would be important to elect the right people on the Whakatōhea Pre-Settlement Claims Trust. **Comment:** It was commented that Whakatōhea uri need to remember that the negotiators, and in particular the lead negotiator, is up against an animal that has all the resources. It was explained that the Crown pay the lead negotiators in the end, and noted that it will have nothing to do with the Whakatōhea Pre-Settlement Claims Trust. It was explained that Whakatōhea uri need to trust the Whakatōhea Pre-Settlement Claims Trust and the hapū that put the trustees on the Trust. **Comment:** It was commented that all the hapū could be seen in the room, and noted that the people up the front are there for all of Whakatōhea, and noted there is a big job ahead. It was commented that the individual came to support the kaupapa. It was explained that once the Whakatōhea Pre-Settlement Claims Trust is formed, the Tu Ake Whakatōhea Collective would dissolve. It was explained that the Whakatōhea Claims committee is very important because that's where all the claimants have to agree to a strategy before it all goes to the negotiators,

	and once the negotiators get some agreement with the Crown it must come back to the people to support.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes
Other comments	• The Observer's role at the hui was explained accurately • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui .

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Whatua Kaimarie Marae 11 Sutherland Road AUCKLAND		
Date	Saturday, 7 May 2016		
Start time	~6:00pm	**Finish time**	~7:40pm
Chair	Graeme Riesterer		
Observer(s)	Michael Hollis (Te Puni Kōkiri, National Office)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~35 people***, including **~1 Te Puni Kōkiri observer** and **~1 Independent Returning Officer** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai		
Presentation	The Chair explained that copies of the PowerPoint presentation, Mandate Strategy, Mandate Strategy summary, and Trust Deed were available at the hui. The Chair asked that questions and answers wait until the end of the presentation.		

	Slide 4: *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years. **Slide 5:** *Whakatōhea context* The presenter explained that Whakatōhea had been identified as a Large Natural Group and the Crown had endorsed the Whakatōhea Pre-Settlement Claims Trust mandate strategy. **Slide 11:** *WAI Claims* The presenter explained that there are 23 Whakatōhea Wai claims and the team is aware of a 24th, which hasn't yet been added. The presenter explained that the claims are listed in the mandate strategy and encouraged hui attendees to have a look. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust* The presenter explained that the reason for this process was to talk about and vote on the Whakatōhea Pre-Settlement Claims Trust. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust would be made up of 15 trustees. The presenter explained that Whakatōhea uri would have an opportunity to vote on six hapū representatives on the Trust. The presenter explained that eight representatives will be appointed by the eight Whakatōhea marae using marae tikanga. The presenter explained that the Trust Board will appoint one member, recognising the contribution to the claims process such as distributing work related to the Claims Trust via the Whakatōhea database and managing security and privacy related to database details, and provision of administration support to the Claims Trust. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust would establish a Whakatōhea claims committee, consisting of 23 seats for the 23 Wai claims. The presenter explained that the claims committee will provide an opportunity to discuss what is important for a Whakatōhea settlement and advise the Trust. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust will appoint negotiators and noted that the on how the Trust will appoint negotiators is in the mandate strategy.

	The presenter explained that the Whakatōhea Pre-Settlement Claims Trust will be accountable to Whakatōhea uri and the Trust will consult with Whakatōhea uri before any major decisions are made. **Slide 15:** *The Mandate Process* The presenter explained that mandate process is the process to seek authority from Whakatōhea uri to negotiate with the Crown. The presenter explained that it was up to Whakatōhea to decide.
Questions and comments	Questions were answered after the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee sought clarification about the mandate process.** A1: It was explained that the mandate process requires a vote and mandate hui to enable Whakatōhea members to make an informed decision when voting. It was explained that the Tu Ake Whakatōhea Collective have looked at every possible way to stay connected and inform whānau. **Q2: An attendee questioned what skills trustees will need to have on the Whakatōhea Pre-Settlement Claims Trust.** A2: It was explained that ideally, the skills required will be honesty, accountability, transparency, tika and pono, and a good knowledge of Whakatōhea history. **Comment:** An attendee commented that it would be great to see some rangatahi involvement. **Comment:** An attendee thanked the team and gave tautoko to the previous speaker to have rangatahi involved. **Q3: An attendee questioned what would happen if the majority vote against the mandate proposal.** A3: It was explained that Whakatōhea will not settle and would go to the back of the queue again. **Q4: An attendee asked if the Trust Deed was still a draft document.** A4: It was explained that the Trust Deed and mandate strategy were endorsed by the Crown and trustees still needed to be elected to the proposed new Whakatōhea Pre-Settlement Claims Trust to formalise the Trust Deed. **Q5: An attendee commented that they were at the hui to support the kaupapa, and congratulated the team**

	on getting to the point they were at. The attendee questioned if trustees could also be negotiators. A5: It was explained that trustees could be negotiators.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and Closes 3 June 2016.
Voting result	This was not covered in the hui presentation or address.
Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Printed information available included: PowerPoint presentation, Strategy document, display board explanation of a "Large Natural Grouping".

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Terenga Parāoa Porowini Avenue WHANGAREI		
Date	Sunday, 8 May 2016		
Start time	~11:15am	**Finish time**	~12:25pm
Chair	Graeme Riesterer		
Observer(s)	Debbie Bean (Te Puni Kōkiri, National Office)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~30 people***, including **~1 Te Puni Kōkiri observer** (The total number also includes 4 people from the presentation rōpu and 8 pakeke) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai		

Presentation	Introductory comments from the Chair: The Chair explained that the mandate strategy has taken five years to develop, and has been endorsed by the Crown. The Chair explained that now was the time for Whakatōhea to decide if they agree on the mandate proposal. The Chair asked attendees to hold questions until the end of the presentation, and noted that questions will be answered by the presentation group and pakeke. The Chair advised that there is a copy of the presentation, an attendance register, and a copy of the mandate strategy available at the hui. The Chair introduced the independent Crown observer and independent returning officer, and their role and function in relation to the hui. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 4:** *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years. **Slide 5:** *Whakatōhea context* The presenter explained that Whakatōhea had been identified as a Large Natural Group. The presenter noted that an explanation of what Crown's Large Natural Group policy was provided on a presentation board at the hui. The presenter encouraged attendees to look at the board. **Slide 6:** *What is a mandate?* The presenter explained some of the terms used in the slide. The presenter explained that the Claimant group are the iwi of Whakatōhea. **Slide 10:** *Our Rohe Whenua / Area of Interest* The presenter pointed out the name and descriptions in the Area of Interest are historical names referred to by the iwi, and are not likely to be found with the National Geographic Board. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust*

	The presenter explained that a tikanga based process will be adopted to appoint marae representatives. The presenter explained that the Whakatōhea Māori Trust Board appointment recognises the contribution to the claims process such as distributing work related to the Whakatōhea Pre-Settlement Claims Trust via the Whakatōhea database and managing security and privacy related database details, and provision of administration support to the Whakatōhea Pre-Settlement Claims Trust. The presenter emphasised that the Whakatōhea Pre-Settlement Claims Trust will appoint Negotiators and that they will be accountable to Whakatōhea. **Slide 16:** *Mandate Hui 2016* The presenter encouraged attendees to pānui whānau across the motu to attend a hui so that all Whakatōhea have the opportunity to vote Yes or No. The presenter explained that information was available in a pamphlet (available at the hui) and online. **Slide 17:** *Eligibility to Vote* The presenter explained that voting packs had been sent out to registered members. The presenter explained that the independent returning officer could check people's registrations, and help people register to make a special vote.
Questions and comments	Questions were called for at the end of the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee refereed to slide 8 of the presentation and asked what the word "inherence" means.** A1: The presenter explained that in this context it refers to the raru that was incited outside of Whakatōhea itself. **Q2: An attendee asked whether the word "equality" in (slide 13, para 3) should read "inequality"?** A2: The presenter checked slide and confirmed the word used was correct. **Q3: An attendee asked whether the Trustees were commissioned.** A3: The presenter explained that Trustees will be elected by iwi for a three year term. **Q4: An attendee asked if trustees would be paid.** A4: It was explained that trustees would not be paid.

	Q5: An attendee asked if trustee remunerations could come out of the Settlement. A5: The presenter explained that Claims Settlement is paid in tranches. So far $50 thousand to run the mandate and election process had been received. It was explained that the rōpu involved so far have not been paid, and noted that it has been about mana or money. It was explained that the rōpu had made the decision five years ago to act on values and principles of mana, and they operate on this basis. **Q6: An attendee asked if the settlement process is being recorded.** A6: It was explained that the settlement process is about settling historical claims since 1865. The focus is to ensure the grievances of Whakatōhea are settled, and noted that settlement received will be recorded as law in an agreement. **Comment:** An attendee commented that she attended hui 20 years ago and seems not much has moved since then. **Comment:** A Pakeke responded that at his age (83years) he believes this process will get Whakatōhea moving ahead and suggests they shouldn't waste time, as others – like Ranginui Walker, have now gone. The Pakeke explained that the makeup of the Whakatōhea Pre-Settlement Claims Trust is important, and the best people are needed. **Q7: An attendee asked if the rōpu had all the evidence from the first claim.** A7: The presenter explained that the Tu Ake Whakatōhea Collective have 50 years' worth of Ranginui's work, and amassed another five years' worth. It was explained that this has provided the foundation for the mandate strategy. It was explained that the priority kaupapa now is to vote.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.

Voting result	The result will be announced after voting closes.
Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Printed information available included: Powerpoint presentation, Strategy document, display board explanation of a "Large Natural Grouping".

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Whakatōhea Pre-Settlement Claims Trust mandate Hui observer report

Iwi	Whakatōhea		
Location	Pataka Museum Cnr Norrie and Parumoana Streets PORIRUA		
Date	Saturday, 14 May 2016		
Start time	~12:15PM	**Finish time**	~1:20PM
Chair	Graeme Riesterer		
Observer(s)	Kim Haumaha (Te Puni Kōkiri, Te Tai Hauauru, Lower Hutt)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~47 people***, including **~1 Te Puni Kōkiri observer** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Hākari whakanoa • Presentation / Question & Answers • Karakia whakamutunga		

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Presentation	Introductory comments from the Chair: Graeme Riesterer The Chair reflected on the historical claim that was withdrawn. The Chair encouraged hui attendees to vote. The Chair asked attendees to hold questions until the end of the presentation. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 8:** *Te Raupatu – why we are pursuing a settlement* The presenter explained that the slide was a summary of what has happened to Whakatōhea and noted that it is a driver to keep Whakatōhea going. The presenter noted that Whakatōhea was hit hard, and the mandate would be a way to settle Whakatōhea grievances. **Slide 9:** *The Whakatōhea Claimant Community* The presenter read the definition of the Whakatōhea claimant community, as provided for in the mandate strategy, and noted that it recognises the six Whakatōhea hapū and eight marae. The presenter also note that the claimant community recognises the Tūhoe claim. **Slide 12:** *The Whakatōhea Pre Settlement Claims Trust* The presenter explained that Whakatōhea uri are being asked to vote on the mandate proposal. The presenter explained the structure of the proposed Whakatōhea Pre-Settlement Claims Trust. The presenter explained that the Whakatōhea Māori Trust Board (1952) offers administration. The presenter explained that the Whakatōhea Claims Committee would provide an opportunity for Wai claimants to discuss the Whakatōhea grievances and advise the Whakatōhea Pre-Settlement Claims Trust. The presenter explained the need to ensure that the best negotiators are appointed. **Slide 16:** *Mandate Hui 2016* The presenter encouraged whanau to attend hui and participate and vote. **Slide 15:** *Eligibility to Vote*

	The presenter explained the voting process, how to register and vote, and to see, or call the independent returning officer for to register and/or vote.
Questions and comments	Questions were answered after the PowerPoint presentation. Below is a summary of questions and comments: **Comment:** An attendee gave background of the last six years trying to negotiate claims for Te Upokorehe. The attendee explained that the Te Upokorehe Treaty Claims Trust wished to work with Te Whakatōhea to come to a comprehensive non-competing mandate. The attendee presented a Te Upokorehe Treaty Claims Trust proposal: *"Te Whakatōhea seek a mandate for Te Whakatōhea. Te Upokorehe seek the mandate for Te Upokorehe and they sit down together in a large natural grouping. Sadly, this was not accepted and Te Upokorehe retained the right to negotiate their claims to represent Te Upokorehe and to progress their issues as Te Upokorehe."* The attendee explained that the proposal needed to be tabled at the hui. The presenter explained that they knew the purpose of the hui was to vote for Te Whakatōhea and explained that people are entitled to vote yes or no. The attendee commented that it is very important to the Te Upokorehe Treaty Claims Trust that people understand that Te Upokorehe Treaty Claims cannot support the mandate proposal, and will be progressing their issues. **Comment:** The Chair commented that the issues raised should be taken up with the Crown, and noted that it was the Te Upokorehe Treaty Claims Trust's prerogative to do so. The Chair explained that the mandate proposal includes Te Upokorehe, therefore it is the right of each person to vote yes or no, and if people choose to vote yes or no then kei te pai. The Chair explained that Whakatōhea have waited quite some time to get to the stage to negotiate with the Crown. **Q2: An attendee questioned what percent of Whakatōhea uri need to vote.** A2: It was explained that the Tu Ake Whakatōhea Collective would like to achieve more than 51 percent of

	votes in favour of the mandate resolution, and want as many people as possible to participate and vote. **Q2: An attendee commented that it was good to see that there was support from the Whakatōhea Māori Trust Board support. The attendee asked if there was a succession plan.** **The attendee asked if the new entity could include a way to have the next trustee's upskilled.** **The attendee asked what the workload expectations were of trustees.** **The attendee commented that bi-monthly communication would be sufficient, and communications by facebook and email would be great.** **The attendee asked what skills the trustees will need.** **The attendee commented that the resolution did not specify if it's with the Tūhoe claims.** A2: The Chair explained that the mandate strategy has all of the answers to the attendee's questions. Someone from the presentation team explained that the mandate strategy is quite comprehensive, and there is a summary available at the hui, which breaks down the mandate strategy and is easier to read through. It was explained that the term of the trustees would be three years. It was explained that the structure is not meant to be permanent, and clarified that the mandate proposal is to establish a pre-settlement body to negotiate a settlement. It was explained that once a settlement has been reached. a Post-Settlement Governance Entity would need to be established to receive any settlement assets negotiated. It was explained that it has taken five years to get to this point - mandate. It was explained that the reason that it has taken so long is because the importance of consultation with Whakatōhea uri was paramount. It was explained that the part of the reason that the 1996 settlement fell over, was because of a lack of consultation. It was explained that there has been a significant amount of consultation during this process. It was explained that the Tu Ake Whakatōhea Collective has gone beyond what the Crown has wanted. It was explained that the desired skills of those who want to be on the governance board would be - knowledge

	around process, understanding the research that has been completed and governance skills. It was explained that the Crown provides a small proportion of putea to the process, and explained that expectation for milestone reporting on stages of the mandate process was huge. It was explained that the Whakatōhea Māori Trust Board has supported the Tu Ake Whakatōhea Collective as best it can in the mandate process. It was explained that the Tu Ake Whakatōhea Collective will be dis-established if a mandate is achieved. It was explained that the Tu Ake Whakatōhea Collective have undertaken 22 consultation hui around country, and putea has been minimal. The suggestion of bi-monthly meetings was taken on board. It was explained that if this mandate proposal does not go through, that means that Whakatōhea uri do not agree with the mandate strategy. The presenter noted that the idea regarding succession planning would be considered. The presenter made a suggestion that rangatahi sit alongside kaumātua to learn the process going forward. The presenter explained that it would be important to involve as many whanau and rangatahi who may bear the responsibility and aspirations for Te Whakatōhea as possible. **Comment:** An attendee commented that it was the moment to think about the future. The attendee commented that the first speaker should do what was best for them. The attendee explained that it had been frustrating watching smaller iwi overcoming the issues to settle and start flourishing. The attendee reflected on the lost opportunities over the last 20 years. The attendee explained that there was a collective wisdom among Whakatōhea to be able to manage its own affairs. The attendee commented that the trust deed talks about the historical account for Te Whakatōhea and it will be given mana within its own legislation. From that story flows Whakatōheatanga. The attendee commented that the cultural significance of getting legislative recognition for sites of significance that will be returned back to Whakatōhea was important. The attendee explained that

	it would not be about what money can buy but what will be returned to Whakatōhea. The attendee commented that it Whakatōhea have waited too long. The attendee commented that Whakatōhea uri need to get over themselves, and move on and get the mahi done. **Comment:** The presenter acknowledged the attendees thoughts for Whakatōhea wanting to go forward and move into negotiations. The presenter explained that the mandate strategy has been written to allow Whakatōhea hapū, whanau and claimant groups to engage in research if they haven't quite finished the story they need to tell. The presenter explained that it can take as long as it needs to get historical research to come forward to present to the Crown. **Comment:** Another member of the presentation team explained that te kaupapa o te rā was the mandate strategy - Te Whakatōhea Pre-Settlement Claims Trust. It was explained that the vote will approve that Trust. **Comment:** An attendee encouraged the Tu Ake Whakatōhea Collective to honour whakapapa, and the Whakatōhea people. **Comment:** An attendee commented that they were from Te Whānau a Mokomoko. The attendee explained that they felt as though they could not support the mandate. The attendee commented that they were not sure if the Mokomoko bill currently in Parliament to amend the current legislation will be affected if the mandate is passed. **Comment:** It was commented that Whakatōhea should support the Mokomoko bill and the select committee hearing. It was explained that the Mokomoko bill should not be held up by the Whakatōhea wider claim because it is already in the house. **Comment:** It was explained that the Tu Ake Whakatōhea Collective is not seeking to takahi any claim going through. It was commented that all those who have lost their tupuna are acknowledged. It was explained that everyone was welcome on board the mandate proposal, and noted that all Whakatōhea Wai claims have a place on that proposed new structure. It was commented that it would be important to have further discussions. **Q3: An attendee asked whether the Mokomko claim needs to sit inside the Whakatōhea claim considering it is already in the house.**

	A3: It was explained that what Wai claims are being settled and how they are being settled is a part of Crown policy, and needs to be discussed with the Crown.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea."*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post/mail • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes
Other comments	• The Observer's role at the hui was explained accurately. • The Hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the Hui.

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Te Korowai Atawhai Rooms, Hillmorton Hospital Annex Road CHRISTCHURCH		
Date	Sunday, 15 May 2016		
Start time	~11:15am	**Finish time**	~1:20pm
Chair	Graeme Riesterer		
Observer(s)	Frances Lawton (Te Puni Kōkiri, National Office)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~26 people***, including **~1 TPK observer** and **~1 Independent Returning Officer.** (The total number also includes 4 people from the presentation rōpu and 5 pakeke) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai		

Presentation	Introductory comments from the Chair: The Chair explained that the mandate strategy has taken five years to develop, and has been endorsed by the Crown. The Chair explained that now was the time for Whakatōhea to decide if they agree on the mandate proposal. The Chair asked attendees to hold questions until the end of the presentation, and noted that questions will be answered by the presentation group and pakeke. The Chair advised that there is a copy of the presentation, an attendance register, and a copy of the mandate strategy available at the hui. The Chair introduced the independent Crown observer and independent returning officer, and their role and function in relation to the hui. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 4:** *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years. **Slide 5:** *Whakatōhea context* The presenter explained that Whakatōhea had been identified as a Large Natural Group. The presenter noted that an explanation of what Crown's Large Natural Group policy was provided on a presentation board at the hui. The presenter encouraged attendees to look at the board. **Slide 6:** *What is a mandate?* The presenter explained some of the terms used in the slide. The presenter explained that the Claimant group are the iwi of Whakatōhea. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust* The presenter explained that a tikanga based process will be adopted to appoint marae representatives. The presenter explained that the Whakatōhea Māori Trust Board appointment recognises the contribution to the claims process such as distributing work related to the Whakatōhea Pre-Settlement Claims Trust via the

	Whakatōhea database and managing security and privacy related database details, and provision of administration support to the Whakatōhea Pre-Settlement Claims Trust. The presenter emphasised that the Whakatōhea Pre-Settlement Claims Trust will appoint Negotiators and that they will be accountable to Whakatōhea. **Slide 16:** *Mandate Hui 2016* The presenter encouraged attendees to pānui whānau across the motu to attend a hui so that all Whakatōhea have the opportunity to vote Yes or No. The presenter explained that information was available in a pamphlet (available at the hui) and online. **Slide 17:** *Eligibility to Vote* The presenter explained that voting packs had been sent out to registered members. The presenter explained that the independent returning officer could check people's registrations, and help people register to make a special vote.
Questions and comments	Questions were answered after the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee asked why it had taken five years to get to this stage.** A1: It was explained that the first attempt to mandate and go into negotiations was not successful. Lessons learnt from that period is that there was a need for more consultation and information sharing. It was explained that Tū Ake Whakatōhea Collective have spent the past five years, educating, consulting and sharing information with Whakatōhea Iwi members. **Q2: An attendee asked what the urgency is.** A2: It was explained that the urgency is to get a mandate so that negotiations can start. **Q3: An attendee asked what percentage of votes are needed to get a mandate.** A3: It was explained that at least 50 percent/ majority of the votes were needed to get a mandate. **Q4: An attendee asked who receives the voting packs.** A4: It was explained that every registered member of Whakatōhea who is eligible to vote receives a voting pack.

	Q5: An attendee asked if all the trustees are Whakatōhea. A5: It was explained that some members were not Whakatōhea. **Q6: An attendee asked if anyone has shown themselves to be a good negotiator.** A6: It was explained that a few people have these skills but before looking at negotiators, the Whakatōhea Pre-Settlement Claims Trust needs to be set up. **Q7: An attendee asked if the government will do anything that might influence the Whakatōhea claim.** A7: It was explained that if the government changes with elections next year, the transition to a new Minister could delay the settlement. It was explained that a clear negotiations strategy will be needed before the end of the year. **Q8: An attendee asked once the Whakatōhea Pre-Settlement Claims Trust is setup what does that mean for the Tu Ake Whakatōhea Collective.** A8: It was explained that the Tu Ake Whakatōhea Collective will be disestablished as there will no longer be a need for the group. The transition of information and mahi completed by Tū Ake will be managed by Tū Ake and include an induction.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes.

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Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Printed information available included: Powerpoint presentation, Strategy document, display board explanation of a "Large Natural Grouping".

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Maungaroa Marae Te Kaha		
Date	Friday, 20 May 2016		
Start time	~6:11 pm	**Finish time**	~7:10pm
Chair	Graeme Riesterer		
Observer(s)	Ngawa Hall (Te Puni Kōkiri, Waikato-Waiariki Region)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~ 13 people***, including **1 Te Puni Kōkiri observe** and **1 Election Services representative** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty Settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatohea claimant community 18 years of age and over to vote on the resolution that: *"The Whakatohea Pre-settlement Claims Trust is mandated to represent Whakatohea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatohea"*		
Agenda	• Karakia • Mihimihi • Hākari whakanoa • Presentation / Question & Answers • Karakia whakamutunga		
Presentation	Introductory comments from the Chair: The Chair gave a mihi and welcomed hui attendees. The Whakatōhea representatives introduced themselves. Introduction to representatives of Whakatōhea		

	The Chair asked that people ask questions at the end of the presentation. Copies of presentations available at this hui The Chair advised that there is a copy of the presentation, an attendance register, copy of the mandate strategy and Trust Deed available at the hui. The Chair encouraged whānau to vote. The Chair explained that it has been 20 years since the Crown withdrew its offer to Whakatohea. The Chair commented that successive governments have been signalling since 2014 that they wish to bring to an end raupatu settlements, and noted that Whakatōhea need to start moving. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 1:** *Whakatōhea* The presenter explained that Voting opened on 6 May 2016 and closes 3 June 2016. The presenter encouraged attendees to vote and get their whānau to vote. **Slide 4:** *Ngā Moemoea* The presenter acknowledged the Tu Ake Whakatōhea Collective and the mahi they have undertaken since 2010. **Slide 5:** *Whakatōhea context* The presenter explained that now is the time for Whakatōhea to understand the mandate strategy and make a decision on whether or not to go forward. **Slide 6:** *What is a mandate* The presenter explained that everything that the Whakatōhea Pre-Settlement Claims Trust does will require iwi approval. **Slide 7:** *What is a Treaty Settlement* The presenter explained that Whakatōhea have a lot of research so all of that historical evidence will be shown to the Crown. **Slide 8:** *Te Raupatu – Why we are pursuing a settlement* The presenter explained that the slide was a summary of some of the reasons why a settlement is being pursued. **Slide 11:** *WAI Claims*

	The presenter explained that there is one claim that has not yet been added. The presenter explained that the first Whakatōhea claim was registered by Claude Edwards. The presenter explained that there may be other claims in the rohe, however, these are the ones that are known. **Slide 12:** *The Whakatōhea Pre-settlement Claims Trust* The presenter explained that each hapū and every marae of Whakatōhea will determine their own member who will best represent them. The presenter explained that the Whakatōhea Maori Trust Board to date have supported Tu Ake Whakatohea Collective through admin and use of the tribal database. The presenter explained that the Whakatōhea Claims committee will consist of all Whakatōhea Wai claims. The presenter explained that the Whakatōhea Claims committee will provide an opportunity for Wai claimants to come together to discuss their claim and what they hope to get from a Whakatōhea settlement. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust will appoint negotiators who will be accountable to Whakatōhea through the Trust. **Final comments from Chair before questions:** The Chair explained reminded hui attendees that hard copies of the Trust Deed and Mandate strategy were available at the hui. The presenter also explained that people could go online to download information for members who are not at present at hui.
Questions and comments	Questions were called for at the end of the PowerPoint presentation. Below is a summary of questions and comments **Comment:** An attendee commented that they were impressed with the presentation, and noted that it was very clear and easy to understand. **Comment:** An attendee commented that they tautoko the previous speaker. **Comment:** An attendee commented that they always wondered whether Whakatōhea would succeed given the history. The attendee commented that hearing the Crown wants all settlements completed in the near future gives them hope.

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Resolution(s)	*"The Whakatohea Pre-settlement Claims Trust is mandated to represent Whakatohea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatohea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes.
Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • All documents available at hui.

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Eastern Institute of Technology Te Whatukura Māori Studies 77 Cobden Street GISBORNE		
Date	Saturday, 21 May 2016		
Start time	~6:00pm	**Finish time**	~7:45pm
Chair	Graeme Riesterer		
Observer(s)	Frances Lawton (Te Puni Kōkiri, National Office)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~26 people***, ~1 Te Puni Kōkiri observer and ~1 Independent Returning Officer. (The total number also includes 4 people from the presentation rōpu and 4 pakeke) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai		

Presentation	The presentation was filmed and streamed live on the Tu Ake Whakatōhea Collective Facebook page. The Chair explained that the mandate strategy has taken five years to develop, and has been endorsed by the Crown. The Chair explained that now was the time for Whakatōhea to decide if they agree on the mandate proposal. The Chair asked attendees to hold questions until the end of the presentation, and noted that questions will be answered by the presentation group and pakeke. The Chair advised that there is a copy of the presentation, an attendance register, and a copy of the mandate strategy available at the hui. The Chair introduced the independent Crown observer and independent returning officer, and their role and function in relation to the hui. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 3:** *Purpose of this Mandate Hui* It was explained that voting opened on Friday 6 May and closes Friday 3 June 2016. **Slide 4:** *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years. **Slide 5:** *Whakatōhea context* The presenter explained that Whakatōhea had been identified as a Large Natural Group. The presenter noted that an explanation of what Crown's Large Natural Group policy was provided on a presentation board at the hui. The presenter encouraged attendees to look at the board. **Slide 6:** *What is a mandate?* The presenter explained some of the terms used in the slide. The presenter explained that the Claimant group are the iwi of Whakatōhea. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust*

	The presenter explained that a tikanga based process will be adopted to appoint marae representatives. The presenter explained that the Whakatōhea Māori Trust Board appointment recognises the contribution to the claims process such as distributing work related to the Whakatōhea Pre-Settlement Claims Trust via the Whakatōhea database and managing security and privacy related database details, and provision of administration support to the Whakatōhea Pre-Settlement Claims Trust. The presenter emphasised that the Whakatōhea Pre-Settlement Claims Trust will appoint Negotiators and that they will be accountable to Whakatōhea. **Slide 16:** *Mandate Hui 2016* The presenter encouraged attendees to pānui whānau across the motu to attend a hui so that all Whakatōhea have the opportunity to vote Yes or No. The presenter explained that information was available in a pamphlet (available at the hui) and online. **Slide 17:** *Eligibility to Vote* The presenter explained that voting packs had been sent out to registered members. The presenter explained that the independent returning officer could check people's registrations, and help people register to make a special vote.
Questions and comments	Questions were answered after the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee asked if a Wai claimant has passed away does the claim go to the whānau.** A1: It was explained that it is up to the claimant group to decide who they put forward on their behalf. **Q2: An attendee asked if a special vote means that those in Australia have to vote by post.** A2: It was explained that the voting papers will be posted but they can vote electronically if they wish to do so. **Q3: An attendee asked if questions can be answered online.** A3: It was explained that questions can be posted on the Facebook page and emailed. It was explained that contact information is available online or inside the documents provided at the hui.

	Comment: It was commented that the mandate documents and presentation are also available online. **Q4: An attendee asked what happens after the claim is accepted.** A4: It was explained that right now it is about voting yes or no for the mandate. The next step is electing trustees to represent hapū or marae. The negotiation phase is a different process all together. **Q5: An attendee asked how far through the process did Whakatōhea get the first time.** A5: It was explained that Whakatōhea got through negotiations and to the deed of settlement stage. **Comment:** The negotiators made a deal but didn't consult with Whakatōhea uri so the Crown chucked it out. **Q6: An attendee asked if negotiators would have been talking dollars at that stage.** **A6:** It was explained that yes, it would have been a part of the process. **Q7: An attendee asked how long Tū Ake has been in place.** **A7:** It was explained that Tū Ake was established in 2010 to get the Raupatu process underway. **Comment:** An attendee commented that negotiations with other Iwi regarding the boundaries will be interesting. **Comment:** The presenter explained that discussions with Ngāi Tūhoe, Ngāi Tai and Ngāti Awa have been held and were positive. **Q8: An attendee asked how hapū that disagree with this process will be dealt with.** A8: It was explained that the vote for the mandate strategy is being made by individuals from Whakatōhea. They have a right to say no. It was explained that there will always be a place for all hapū/marae. **Q9: An attendee asked if the information presented to the Waitangi Tribunal is a full account.** A9: It was explained that some hapū have decided to go to the Waitangi Tribunal with their claim and that is kei te pai. However, if the entity is set up and they have a claim, they will need to sit down with the Whakatōhea Pre-Settlement Claims Trust and present their research. It was explained that mahi needs to be done to ensure Whakatōhea are united through the process.

	Q10: An attendee asked what entity will do that work. A10: It was explained the Whakatōhea Pre-Settlement Claims Trust will do that work and there is a process for claimants. **Comment:** An attendee commented that whānau are anxious about being out-voted as a minority hapū. **Comment:** An attendee commented that the Crown Policy had stated for a while that there is only one way. It was explained that Crown Policy can't be changed, however, clarity about what is wanted is important. **Comment:** An attendee commented that it is a Crown process that Whakatōhea are engaged in and Whakatōhea must move together and be united because if Whakatōhea are not united, it will get nothing. **Comment:** An attendee commented that an Upokorehe hapū register is being established and that they are aspiring to have 5000 registered.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes.
Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Printed information available included: Powerpoint presentation, Strategy document, display board explanation of a "Large Natural Grouping".

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Tahuwhakatiki marae Welcome Bay road TAURANGA		
Date	Sunday, 22 May 2016		
Start time	6:00pm	**Finish time**	8:00pm
Chair	Graeme Riesterer		
Observer(s)	Michael Hollis (Te Puni Kōkiri, National Office)		
Presenter(s)	Danny Paruru		
Attendance	Total of **38 people***, including **1 Te Puni Kōkiri observer** and **1 Independent Returning Officer** (The total number also includes 4 people from the presentation roopu and 8 pakeke) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai		

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Presentation	The Chair apologised for the difficulty of finding the marae. The Chair explained that copies of the PowerPoint presentation, Mandate Strategy, Mandate Strategy summary, and Trust Deed were available at the hui. The Chair asked that questions and answers wait until the end of the presentation. The Chair called for a round of introductions from the presentation team, pakeke and hui attendees before passing over to the presenter. The Presenter acknowledged the connection to the marae. The presenter noted that the last day for voting was Friday 3 June 2016. **Slide 1:** *Whakatōhea Pre-Settlement Claims Trust* **Slide 2:** *Hui Agenda* **Slide 3:** *Purpose of this Mandate Hui* The presenter read the resolution aloud to hui attendees. **Slide 4:** *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years. The presenter explained that the name 'Tu Ake Whakatōhea' derived from the waiata Tu Ake Whakatōhea. **Slide 5:** *Whakatōhea context* The presenter explained that Whakatōhea had been identified as a Large Natural Group. The presenter noted that an explanation of what Crown's Large Natural Group policy was provided on a presentation board at the hui. The presenter encouraged attendees to look at the board. **Slide 6:** *What is a mandate?* The presenter explained that a 'yes' vote for the mandate proposal would be giving authority to the Whakatōhea Pre-Settlement Claims Trust to negotiate the historical Treaty grievances of Whakatōhea with the Crown on behalf of the Whakatōhea claimant community. The presenter explained that should the Whakatōhea Pre-Settlement Claims Trust achieve a Crown recognised mandate, it would be mandate to negotiate the best settlement possible before taking it back to the Whakatōhea claimant community to ratify. **Slide 7:** *What is a Treaty Settlement?*

	Slide 8: *Te Raupatu – Why we are pursuing a settlement* **Slide 9:** *The Whakatōhea Claimant Community* **Slide 10:** *Our Rohe Whenua / Area of Interest* The presenter explained that an Area of Interest is a Crown requirement for and that it defines the Whakatōhea boundaries. **Slide 11:** *WAI Claims* The presenter explained that there are 23 Whakatōhea Wai claims and the team is aware of a 24th, which hasn't yet been added. The presenter explained that the claims are listed in the mandate strategy and encouraged hui attendees to have a look. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust* The presenter explained that the reason for this process was to talk about and vote on the Whakatōhea Pre-Settlement Claims Trust. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust would be made up of 15 trustees. The presenter explained that Whakatōhea uri would have an opportunity to vote on six hapū representatives on the Trust. The presenter explained that eight representatives will be appointed by the eight Whakatōhea marae using marae tikanga. The presenter explained that the Trust Board will appoint one member, recognising the contribution to the claims process such as distributing work related to the Claims Trust via the Whakatōhea database and managing security and privacy related to database details, and provision of administration support to the Claims Trust. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust would establish a Whakatōhea claims committee, consisting of 23 seats for the 23 Wai claims. The presenter explained that the claims committee will provide an opportunity to discuss what is important for a Whakatōhea settlement and advise the Trust. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust will appoint negotiators and noted that the on how the Trust will appoint negotiators is in the mandate strategy. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust will be accountable to

	Whakatōhea uri and the Trust will consult with Whakatōhea uri before any major decisions are made. **Slide 13:** *Structure* **Slide 14:** *Accountability* The presenter explained that the mandate strategy sets out the accountability measures of the Whakatōhea Pre-Settlement Claims Trust. **Slide 15:** *The Mandate Process* The presenter explained that mandate process is the process to seek authority from Whakatōhea uri to negotiate with the Crown. The presenter explained that it was up to Whakatōhea to decide. **Slide 16:** *Mandate Hui 2016* The presenter encouraged hui attendees to pānui whānau across the motu to attend a hui so that all Whakatōhea have the opportunity to vote Yes or No. **Slide 17:** *Eligibility to Vote* **Slide 18:** *How to Vote* The presenter encouraged attendees to contact Election Services and whānau to contact Election Services to enable everybody an opportunity to participate and vote. **Slide 19:** *Voting: Mandate Resolution* **Slide 20:** *Questions* The Chair encouraged hui attendees who had not received a voting pack to take the opportunity to check their details with the independent returning officer and register to make a special vote. The presenter explained that the team would like a yes vote but noted that it was up to Whakatōhea uri to make a choice and vote. The presenter reiterated what presentation material was available at the hui for hui attendees to take away following the hui.
Questions and comments	Questions were answered after the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee asked that the presenter named the boundaries as outlined on the Area of Interest map.** A1: The presenter explained the boundaries on the Area of Interest to hui attendees.

	Q2: An attendee noted that the Whakatōhea Māori Trust Board is made up of hapū representation and sought clarification why hapū would ultimately have two seats on the proposed Whakatōhea Pre-Settlement Claims Trust through the Trust Board position and hapū position. A2: It was explained that the Trust Board will appoint the Trust Board position not hapū. **Q2a: The attendee noted that the Trust Board is appointed by hapū and the Trust Board appointing a member would effectively be giving the Whakatōhea Pre-Settlement Claims Trust another hapū seat.** A2a: It was explained that the Trust Board could appoint any person. It was explained that the Trust Board appointment would provide support. **Q3: An attendee questioned why the Trust Board was supporting Tu Ake Whakatōhea Collective and asked who was paying for mandate hui. The attendee also questioned why Wai claimants hadn't been consulted with.** A3: It was explained that hapū demanded the Trust Boards support and noted that the Trust Board offers support through administration and communications. It was explained that the Crown had endorsed the mandate strategy and it was up to Whakatōhea uri to vote on the mandate resolution. **Q4: An attendee explained that the Whakatōhea Pre-Settlement Claims Trust has no jurisdiction to negotiate the Mokomoko claims, nor has it been instructed by the Mokomoko whānau to do so. The attendee sought to have the Mokomoko claims removed.** **The attendee sought clarification regarding the Tupuna and how they were defined in the Whakatōhea Pre-Settlement Claims Trust mandate strategy.** A4: One of the Pakeke explained that Tutamure looked after the boundaries of Whakatōhea. The Pakeke questioned how the older generation could be ignored. The Pakeke explained that the mandate strategy sought to make connections between Tutamure and Muriwai as they are both inherent in Whakatōhea whakapapa. **Q4a: The attendee thanked the Pakeke and noted they did not disagree, however disagreed that Tutamure should be included as an eponymous tupuna.**

	A4a: The Pakeke explained that Tutamure was an older generation to Muriwai and questioned how that whakapapa link could be discounted. **Comment:** An attendee commented that most of Whakatōhea look at their Matatua links and don't look further back, nor do they want to. **Q5: An attendee questioned whether Wiwaka or Opoke had given their mandate and questioned what their feelings on the proposal were.** A5: It was explained that no mandate had been achieved yet, that is why the Whakatōhea Pre-Settlement Claims Trust is undertaking a voting process – to seek a mandate from Whakatōhea uri. It was noted that all those 18 and over who could whakapapa could vote on the mandate resolution. It was also noted that the voting results will be known after 3 June 2016. **Q6: An attendee questioned why they should vote for the Whakatōhea Pre-Settlement Claims Trust and allow it to negotiate their Wai claims when Wai claimants were not consulted.** A6: It was explained that Tu Ake Whakatōhea Collective consulted with as many people as possible. It was explained that a lot of time had been spent away from whānau. It was explained that the Whakatōhea Pre-Settlement Claims Trust were not trying to take claims away from individuals and noted the importance of the Whakatōhea claims committee and its importance to providing Wai claimants a voice. It was explained that Tu Ake Whakatōhea has done its best to get to this point and it was ultimately up to Whakatōhea to vote on the mandate proposal. **Comment:** It was explained that the Whakatōhea Pre-Settlement Claims Trust was considered the most representative of Whakatōhea by the Crown. It was explained that the Whakatōhea claims committee will provide vehicle for Wai claimants to discuss what is best for Whakatōhea and advise the Whakatōhea Pre-Settlement Claims Trust. It was explained that a united Whakatōhea was needed to sit down and discuss what's best for Whakatōhea. It was explained that Whakatōhea will have an opportunity to elect hapū trustees to the proposed Whakatōhea Pre-Settlement Claims Trust. It was also explained that the Trust Board currently holds Whakatōhea assets. However,

	the Trust board will be disestablished and assets transferred to a new entity after settlement legislation. **Comment:** A Pakeke asked one of the attendees whether they had sought the opinion of other registered claimants to Wai 205. It was explained that the Tu Ake Whakatōhea Collective had been consulting as much as possible. It was explained that a new entity was being proposed to progress this so there is no hangover from past entities. The Pakeke explained that whakapapa is a taonga and should not be used as a weapon. It was explained that this process will build for the future of Whakatōhea. It was explained that shareholders of claims must be consulted not an individual claimant. **Comment:** It was explained that once a mandate body had been established and was through the door to begin negotiations, the other issues can be sorted. It was noted that come November, the Government would be in election mode and it would be difficult for Whakatōhea to get anything through for 12-18 months. Hui attendees were encouraged to participate in the mandate process so Whakatōhea could achieve a mandate and get the best people involved to negotiate with the Crown. **Comment:** An attendee agreed that Whakatōhea do need to come together. The attendee commented that the Tu Ake process has lacked fairness and transparency. The attendee commented that Tu Ake Whakatōhea Collective had hui every Monday and a facilitator had been attending hui, yet nobody was told. The attendee explained that they had attended a Monday night hui and the facilitator was on the phone, yet not once was the attendee told that a facilitator had been engaged. The attendee explained that when they did happen to meet the facilitator it was by chance. **Comment:** It was explained that there was a proposal on the table and people had the right to vote yes or no. It was explained that the Tu Ake Whakatōhea Collective had been meeting with all groups and individuals who wanted to meet for the past five years. It was explained that a draft mandate strategy (before being submitted to the Crown) was sent to all groups for comment, which were incorporated into the draft submitted to the Crown. It was explained that this is above and beyond Crown requirements for mandating. It was also explained that the Tu Ake Whakatōhea Collective was a temporary body to establish a separate, representative, entity to achieve a Crown recognised mandate. It was explained that this entity, the Whakatōhea

	Pre-Settlement Claims Trust, had not yet been established. **Comment:** It was commented that this process was the fairest opportunity for Whakatōhea to get to the table to negotiate a Whakatōhea settlement. The speaker encouraged hui attendees to move forward together. **Comment:** An attendee commented that their Nan and Pop passed away last year and did not want to miss the opportunity to get to the table with the Crown. **Comment:** An attendee encouraged the Tu Ake Whakatōhea Collective to make sure they had a strong position on the Trust Board seat of the new entity with regard to the overall hapū representation. **Comment:** It was concluded that the Tu Ake Whakatōhea Collective had been meeting every week for the past five years with an open door policy to establish a new entity to take Whakatōhea forward. It was noted that some people may disagree and that is kei te pai. Hui attendees were encouraged to exercise their vote whether that be yes or no. It was noted that Whakatōhea may take another 50 years should they not take the opportunity now. It was commented that some want to go through the Waitangi Tribunal process and that is kei te pai, and the door will always be open on the Whakatōhea Pre – Settlement Claims Trust.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and Closes 3 June 2016.
Voting result	This was not covered in the hui presentation or address.

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Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Printed information available included: Powerpoint presentation, Strategy document, display board explanation of a "Large Natural Grouping".

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Taharangi Marae 26 Tarewa Road ROTORUA		
Date	Friday, 27 May 2016		
Start time	~6:11 pm	**Finish time**	~8:06pm
Chair	Graeme Riesterer		
Observer(s)	Ngawa Hall (Te Puni Kōkiri, Waikato Waiariki region)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~52 people*** including **~1 Te Puni Kōkiri observer and ~1 Independent Returning Officer.** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty Settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatohea claimant community 18 years of age and over to vote on the resolution that: *"The Whakatohea Pre-settlement Claims Trust is mandated to represent Whakatohea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatohea"*		
Agenda	• Karakia • Mihimihi • Hākari whakanoa • Presentation / Question & Answers • Karakia whakamutunga		
Presentation	Introductory comments from the Chair: The Chair gave a brief history of the Wai 87 claim.		

	The Chair explained that it is the right of all Whakatōhea to make their own decision on the mandate proposal, whether it is yes or no. The Chair asked that questions and answers wait until the end of the presentation. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 1:** *Whakatōhea* The presenter explained that the hui was the 10th and noted the last hui was at Tūrangi on Sunday. **Slide 4:** *Ngā Moemoea* The presenter acknowledges that the Tu Ake Whakatōhea Collective was established in 2010, and all the work done to date. **Slide 5:** *Whakatōhea context* The presenter explained that now is the time for Whakatōhea to decide whether to agree or not. **Slide 6:** *What is a mandate?* The presenter explained that all major decisions must go back to the Iwi for approval. **Slide 8:** *Te Raupatu – Why we are pursuing a settlement* The presenter explained that the information on the PowerPoint slide was a summary, and noted that more detailed information could be found in the mandate strategy, available at the hui. **Slide 11:** *WAI Claims* The presenter explained that there are 23 Whakatōhea Wai claims and the team is aware of a 24th, which hasn't yet been added. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust* The presenter explained that Whakatōhea uri would have an opportunity to vote on six hapū representatives on the Trust. The presenter explained that eight representatives will be appointed by the eight Whakatōhea marae using marae tikanga. The presenter explained that the Whakatōhea Māori Trust Board was established in 1952 as a result of first

	settlement. It was explained that the Trust Board currently manage the Whakatōhea assets. The presenter explained that the Whakatōhea Pre-Settlement Claims Trust would establish a Whakatōhea claims committee, consisting of all Wai claims. The presenter explained that all major decisions must go back to Te Whakatōhea for agreement. The presenter acknowledged the independent returning officer and encouraged hui attendee's to vote.
Questions and comments	Questions were called for at the end of the PowerPoint presentation. Below is a summary of questions and comments before: **Q1: An attendee asked what efforts have been made to contact the 23 Wai claimants.** A1: It was explained that the Tu Ake Whakatōhea Collective went around the motu in 2013, held road shows and have had a number of hui since then. It was explained that a number of claimants are hapū. It was explained that the Tu Ake Whakatōhea Collective have tried to contact and include everyone. **Comment:** An attendee commented that they were a part of the Rangitihi claims and the Crown expected contact to be made with all Wai claimants. **Comment:** It was commented that all avenues had been exhausted in an attempt to contact Wai claimants. **Comment:** An attendee commented that Rangitihi found that they kept getting questioned from Whakatōhea uri because some whānau felt left out because there was not full representation of whānau and hapū on the Trust. The attendee commented that they agreed with the representation structure being presented as it seems more inclusive. **Comment:** It was acknowledged that there are some groups in Te Whakatōhea who believe that they should be included. It was explained that within the mandate strategy there is the ability for others to register. It was explained that if a Crown recognised mandate is achieved, the Tu Ake Whakatōhea Collective will be disestablished. **Comment**: An attendee commented that they represent Te whānau a Mokomoko. The attendee commented that they have asked that WAI203 and WAI339 be removed from the mandate proposal. The attendee commented that the Whakatōhea Pre-Settlement Claims Trust did not have the authority to represent Te Whanau a Mokomoko claims.

	It was explained that another rōpu had been established for Te Whānau a Mokomoko, and mandate strategy was being drafted. The attendee commented that Tu Ake Whakatōhea Collective and Whakatōhea were in cahoots, and Whakatōhea is just another Crown agent holding hands with the Crown. The attendee commented that Te Whānau a Mokomoko had been invited to hui with Tu Ake Whakatōhea Collective but will not hold hands with them. The attendee commented that the Treaty is between Māori and the Queen, not the New Zealand Crown. The attendee commented that Whakatōhea come from Muriwai not from Tutamure, and commented that the Tu Ake Whakatōhea Collective was giving Whakatōhea mana away to another Iwi. **Comment:** An attendee commented that the presenters say the Whakatōhea grievance is with the Crown. The presenter asked if that means Whakatōhea should negotiate with the queen. The attendee commented that they think its offensive that the presenters spoke to the hui as they had. The attendee commented that the Whakatōhea Treaty Settlement discussions have been ongoing for over 20 years. The attendee commented that while it has been said that if Whakatōhea wait they will be left behind, Whakatōhea need to look and move forward together. The attendee commented that it is about the future not the past. It was explained that children should be the focus. They are hurting. Whakatōhea need to move forward together. **Comment:** It was commented that Ngāti Rua want to move forward and support the Tu Ake Whakatōhea Collective proposal. The attendee commented that they did not want to wait another 20 years It was explained that the process is not about justice, and the process is a Crown driven agenda. The attendee commented that Ngāti Rua do not want to wait. It was explained that the Mokomoko whānau need to go back to the hapū and talk. The attendee commented that their whānau have decided to go under Ngāti Rua. It was explained that if the Mokomoko Whānau don't want to engage, then kei te pai.

	Comment: An attendee thanked the team for the presentation. The attendee commented that it is critical that whānau and hapū need to really think about the proposal. The attendee explained that the presentation was clear and it is up to Whakatōhea uri to say āe or kao. It was explained that the process was a Crown process not a Whakatōhea process. It was explained that the process was an opportunity, and commented that Whakatōhea need the best to fight to ensure the Whakatōhea voice is heard and future generations are cared for. **Comments:** An attendee expressed sadness that what Muriwai did is not accepted. The attendee commented that Muriwai embraced Tutamure. **Comments:** An attendee asked what the backup plan was should the result not be favourable. The attendee commented that they want to settle now and move on, and noted that their hapū don't want to wait another 20 years. **Comments:** An attendee explained that they consider time is needed to think carefully about what Whakatōhea want. The attendee commented that the Crown already know what they want to give Whakatōhea. The attendee commented that once you work with the Crown you become a corporate entity. **Comments:** It was commented that Whakatōhea have two tupuna, Muriwai and Tutamure. The Whakatōhea whakapapa and boundaries were also discussed. **Comments:** An attendee commented that Muriwai is a papairiu not an Ariki. The attendee explained that the issue is not that Tutamure is included but because he is listed as having equal standing to Muriwai. The attendee commented that he does not. **Comments:** An attendee commented that there seemed to be a bit of pressure in the room to say yes. **Q2: An attendee questioned what the process for electing negotiators was.** A2: It was explained that page 28 of the mandate strategy gives the framework for appointment of negotiators. It was explained that the negotiator will be directed by the claimants. It was explained that Wai claimants will need to sit together to develop a strategy on how the Crown should

	be negotiated with. It was explained that the negotiator will not go off on their own to do that. **Q3: An attendee questioned what the trustees and negotiators are being paid.** A3: It was explained that negotiations are not the business of the Tu Ake Whakatōhea Collective and Tu Ake do not get paid. It was explained that the Crown has not given much putea for the process. **Comment:** It was commented that the Crown has said there will only be one claim for Whakatōhea. It was explained that the Mokomoko claim cannot be taken out, which has been advised. It was explained that the Crown are the only ones that can do that. It was explained that it is understood that some of the whānau are going to the Waitangi Tribunal. It was noted that that is kei te pai. **Comment:** An attendee explained that they looked at page 28 of the mandate strategy and it does not go in to much detail on the process for electing negotiators. The attendee also commented that they would have thought that the Mandate strategy would identify negotiators and Trustees remuneration. **Comment:** It was explained that the mandate strategy is not for the Tu Ake Whakatōhea Collective, therefore, it is not for the Tu Ake Whakatōhea Collective to determine how the new governance board will operate. It was reiterated that the Tu Ake Whakatōhea Collective have been doing everything to date on a voluntary basis. **Final comments:** It was explained that it is up to Whakatōhea to decide, and if the Waitangi Tribunal is the direction people want to pursue then kei te pai. It was explained that there will always be a space on the Whakatōhea Pre-Settlement Claims Trust for all of Whakatōhea to be represented. **Comment:** An attendee expressed their support for whānau kotahi. The attendee commented that they consider Whakatōhea should really think carefully about the proposal before moving forward. It was commented that everything should be done together.
Resolution(s)	*"The Whakatohea Pre-settlement Claims Trust is mandated to represent Whakatohea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatohea"*
Voting process	It was explained that voting could be done in a number of ways:

	• in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes.
Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • All other documents were available to attendees i.e. mandate strategy

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Te Taiwhenua o Heretaunga Heretaunga Park 821 Orchard Road HASTINGS		
Date	Saturday, 28 May 2016		
Start time	~11:00am	**Finish time**	~1:15pm
Chair	Graeme Riesterer		
Observer(s)	Frances Lawton (Te Puni Kōkiri, National Office)		
Presenter(s)	Danny Paruru		
Attendance	Total of **~30 people***, including **~1 Te Puni Kōkiri observer** and **~1 Independent Returning Officer.** (The total number also includes 5 people from the presentation rōpu and 6 pakeke) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatōhea Claimant community 18 years of age and over to vote on the resolution that: *"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea"*		
Agenda	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai		

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Presentation	Introductory comments from the Chair: The Chair explained that the mandate strategy has taken five years to develop, and has been endorsed by the Crown. The Chair asked attendees to hold questions until the end of the presentation, and noted that questions will be answered by the presentation group and pakeke. The Chair advised that there is a copy of the presentation, an attendance register, and a copy of the mandate strategy available at the hui and online. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 4:** *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years. **Slide 5:** *Whakatōhea context* The presenter explained that Whakatōhea had been identified as a Large Natural Group. The presenter noted that an explanation of what Crown's Large Natural Group policy was provided on a presentation board at the hui. The presenter encouraged attendees to look at the board. **Slide 6:** *What is a mandate?* The presenter explained some of the terms used in the slide. The presenter explained that the Claimant group are the iwi of Whakatōhea. **Slide 12:** *The Whakatōhea Pre-Settlement Claims Trust* The presenter explained that a tikanga based process will be adopted to appoint marae representatives. The presenter explained that the Whakatōhea Māori Trust Board appointment recognises the contribution to the claims process such as distributing work related to the Whakatōhea Pre-Settlement Claims Trust via the Whakatōhea database and managing security and privacy related database details, and provision of administration support to the Whakatōhea Pre-Settlement Claims Trust. The presenter emphasised that the Whakatōhea Pre-Settlement Claims Trust will appoint Negotiators and that they will be accountable to Whakatōhea.

	Slide 16: *Mandate Hui 2016* The presenter encouraged attendees to pānui whānau across the motu to attend a hui so that all Whakatōhea have the opportunity to vote Yes or No. The presenter explained that information was available in a pamphlet (available at the hui) and online. **Slide 17:** *Eligibility to Vote* The presenter explained that voting packs had been sent out to registered members. The presenter explained that the independent returning officer could check people's registrations, and help people register to make a special vote.
Questions and comments	Questions were answered after the PowerPoint presentation. Below is a summary of questions and comments: **Q1: An attendee asked if there will be two boards.** A1: It was explained that up until a Post-Settlement Governance Entity (PSGE) is formed there will be two bodies. It was explained that once a PSGE is formed all assets will be transferred from the Whakatōhea Māori Trust Board and the Trust Board will be disestablished. **Q2: An attendee asked if people had to live in Aotearoa or Whakatōhea to participate.** A2: It was explained that someone in Australia could be on the proposed new entity but the Iwi do not have enough money to fly them back and forth so it would be at their own cost. I was explained that eight Marae will have the opportunity to put forward a member for the Whakatōhea Pre-Settlement Claims Trust. **Comment:** An attendee commented that there is a need to get past the emotion so things can get done. This is an opportunity to move forward and keep informed about what is happening. **Comment:** The presentation team commented that the Whakatōhea Pre-Settlement Claims Trust's role is only to take Whakatōhea through the negotiation process and that is it. **Q3: An attendee asked about accountability and how to obtain accountability from the Crown.** A3: It was explained that Whakatōhea will never get a fair settlement for grievances. It was commented that Whakatōhea need to understand that. It was explained that Treaty Settlements have a fiscal cap and there is a need

	to be smart about the strategies developed. It was explained that the negotiations are the most critical part of the process. **Comment:** An attendee commented that Whakatōhea was on the top of the negotiations list but the Crown mooted the deal because it was too much. **Comment:** The presentation team commented that the first negotiation failed because the Whakatōhea negotiators did not consult with the people. It was explained that the Crown wasn't happy to continue with the deal without the full support of Whakatōhea so it was vetoed until Whakatōhea could sort things out. **Q4: An attendee asked what will be different this time around.** A4: It was explained that for the last five years Tū Ake have gone out to the people and consulted so that the mandate structure presented today could be developed. **Comment:** An attendee commented that this is a battle that Whakatōhea koroua and kuia have been through. It was commented that sooner or later someone has to settle this and show leadership. It was explained that it should not be left to the tamariki or mokopuna to do. **Comment:** An attendee commented that Te Upokorehe are not in agreeance with the proposed mandate and are talking about going to the Waitangi Tribunal.
Resolution(s)	*"The Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims of Whakatōhea"*
Voting process	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
Voting result	The result will be announced after voting closes.

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Other comments	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • Printed information available included: Powerpoint presentation, Strategy document, display board explanation of a "Large Natural Grouping".

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Whakatōhea Pre-Settlement Claims Trust mandate hui observer report

Iwi	Whakatōhea		
Location	Tokaanui Marae Tokaanu, Mangaroa street TURANGI		
Date	Sunday, 29 May 2016		
Start time	~9:25am	**FINISH TIME**	~11:30
Chair	Graeme Riesterer		
Observer(s)	Ngawa Hall (Te Puni Kōkiri Waikato-Waiariki Region)		
Presenter(s)	Danny Paruru		
Attendance	Total of **35 people***, inciuding **~1 Te Puni Kōkiri observer** and **~1 Independent Returning Officer.** *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	To provide information about: • What a Treaty Settlement is • The Pre-settlement Trust • The mandate process To invite all members of the Whakatohea claimant community 18 years of age and over to vote on the resolution that: *"The Whakatohea Pre-settlement Claims Trust is mandated to represent Whakatohea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatohea"*		

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AGENDA	• Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Kapu tī and kai

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PRESENTATION	Introductory comments from the Chair: The Chair explained that the voting closes the following Friday, and encouraged hui attendees to tell whānau to register and vote. The Chair encouraged hui attendees to vote and noted that it was individual's choice how they voted. The Chair advised that there is a copy of the presentation, an attendance register, and a copy of the mandate strategy available at the hui. The Chair asked attendees to hold questions until the end of the presentation, and noted that questions will be answered by the presentation group and pakeke. The Presenter provided a PowerPoint presentation to the hui which was followed by hui attendees. Additional comments to the slides are recorded under the corresponding slide title: **Slide 1:** *Whakatōhea* It was explained that the kaupapa was to inform whānau about the process that Whakatohea are going through regarding mandate. **Slide 3:** *Purpose of this Mandate Hui* It was explained that the resolution requires a vote: yes or no. **Slide 4:** *Ngā Moemoeā* The presenter explained that the Tu Ake Whakatōhea Collective has been working on the mandate proposal on a voluntary basis over the past five years, and have met on a number of occasion to put the mandate strategy together. **Slide 7:** *What is a Treaty Settlement* It was explained that there are a number of research papers dating back to 1865 available to Whakatōhea. **Slide 8:***Te Raupatu* It was explained that the Tu Ake Whakatōhea Collective have research and data in more detail. It was explained that the slide was only a summary of the raupatu. **Slide 12:** *The Whakatōhea*

	It was explained that each hapū will determine their own representative through an elections process. The presenter explained that a tikanga based process will be adopted to appoint marae representatives. It was explained that the Whakatōhea Māori Trust Board was established in 1952 as result of hapū petition to the Crown. It was explained that the Trust Board hold Whakatōhea assets, and a tribal database. It was explained that the Whakatōhea Claims Committee will be made up of the 23 Wai claims. It was explained that the role of the claims committee is to talk about their claim with other claimants and develop a strategy to inform the Whakatōhea Pre-Settlement Claims Trust on what they want in a Whakatōhea settlement. It was explained that the mandate strategy determines how this might work. It was explained that the negotiators will be appointed by the Whakatōhea Pre-Settlement Claims Trust. It was also explained that Whakatohea Iwi will make all major decisions. **Slide13:** *Structure* The presenter explained that the Trust Deed had been developed over the last five years.

QUESTIONS AND COMMENTS	Questions were called for at the end of the PowerPoint presentation. Below is a summary of questions and comments. **Q1: An attendee asked whether the presentation team considered that 14 members from hapū and marae is a workable number. The attendee commented that representation for Tūwharetoa was a bit smaller because it was unworkable with too many.** A1: It was explained that a number of models had been investigated. It was explained that the marae wanted to be part of this process. It was explained that the mandate strategy also talks about older hapū not currently functioning and there is opportunity for those to be included. It was also explained that some hapū have more than one marae and each of those marae sought input. **Q2: An attendee asked if one hapū will have two votes, with six hapū and eight marae sites.** A2: It was explained that hapū would not get two votes as each of the marae elect its representative through its respective marae. It was explained that each Whakatōhea member has a vote for the Iwi, and it is the Iwi katoa who make the final decision. It was explained that appointed members would represent not only their hapū but the whole of Whakatohea Iwi, including claims and claimants. **Comment**: An attendee commented that they support the kaupapa **Comment**: Another attendee also supported the kaupapa and commented that they were grateful for the opportunity.
RESOLUTION(S)	*"The Whakatohea Pre-settlement Claims Trust is mandated to represent Whakatohea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatohea"*

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

VOTING PROCESS	It was explained that voting could be done in a number of ways: • in person at the various ratification hui • post • online Voting opened 6 May 2016 and closed 3 June 2016.
VOTING RESULTS	The result will be announced after voting closes
OTHER COMMENTS	• The Observer's role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • Hui attendees had the opportunity to ask questions and questions were answered. • An attendance register was circulated around the hui. • All documents available at hui.

Appendix 11

Mandate Vote Results

Whakatōhea Pre-Settlement Claims Mandate Poll

I hereby declare the result of the Whakatōhea Pre-Settlement Claims Mandate Poll held on Friday 3 June 2016 to be as follows:

Resolution
That the Whakatōhea Pre-Settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea.

Option	Votes Received
Yes / Āe	1,439
No / Kao	110

(2 informal votes, 20 blank votes)

As 91.60% of votes received voted YES, I declare the Mandate Poll resolution accepted.

Of the 6,662 voting papers issued, 1,571 were completed and returned, this being a 23.58% return.

Dated at Auckland, 7 June 2016

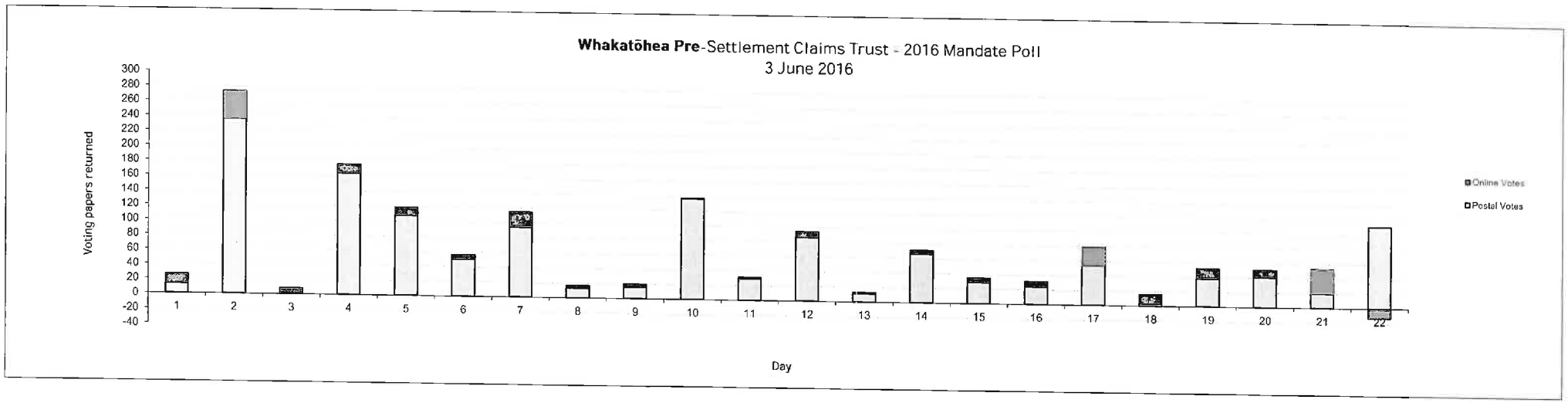
Dale Ofsoske
Returning Officer
Independent Election Services Ltd
for Whakatōhea Māori Trust Board

Whakatōhea Pre-Settlement Claims Trust
3 June 2016

Voting document returns

Voting documents issued: **6,662**

	6-May	9-May	10-May	11-May	12-May	13-May	16-May	17-May	18-May	19-May	20-May	23-May	24-May	25-May	26-May	27-May	30-May	31-May	1-Jun	2-Jun	Close of Voting 3-Jun	Postmarked by 3 Jun 7-Jun
Postal Votes	13	236	0	164	108	50	94	13	15	136	29	86	11	66	29	24	54	3	38	41	20	111
Online Votes	13	37	8	12	11	6	21	4	5	1	2	8	2	5	6	7	25	13	14	10	33	-13
Accum Total	**26**	**299**	**307**	**483**	**602**	**658**	**773**	**790**	**810**	**947**	**978**	**1072**	**1085**	**1156**	**1191**	**1222**	**1301**	**1317**	**1369**	**1420**	**1473**	**1571**
Daily %	0.39%	4.10%	0.12%	2.64%	1.79%	0.84%	1.73%	0.26%	0.30%	2.06%	0.47%	1.41%	0.20%	1.07%	0.53%	0.47%	1.19%	0.24%	0.78%	0.77%	0.80%	1.47%
Accum %	**0.39%**	**4.49%**	**4.61%**	**7.25%**	**9.04%**	**9.88%**	**11.60%**	**11.86%**	**12.16%**	**14.21%**	**14.68%**	**16.09%**	**16.29%**	**17.35%**	**17.88%**	**18.34%**	**19.53%**	**19.77%**	**20.55%**	**21.31%**	**22.11%**	**23.58%**



Appendix 12

Mandate Vote Pānui

THE JOURNEY

1840

It is widely acknowledged and accepted that Whakatōhea has suffered significantly as a result of various Crown acts or omissions since 1840.

1996

Whakatōhea first attempted to settle the historical Whakatōhea raupatu claims against the Crown in 1996. Since then, for the last nineteen (19) years hapū have lead a hapū driven process.

2007

A process report known as the Te Ara Tono mō te Raupatu was developed and adopted by Whakatōhea at a Hui-ā-Iwi on 26 August 2007.

2010

Tū Ake Whakatōhea Collective (the Collective) was established to develop a strategy to move Whakatōhea towards negotiations

2015

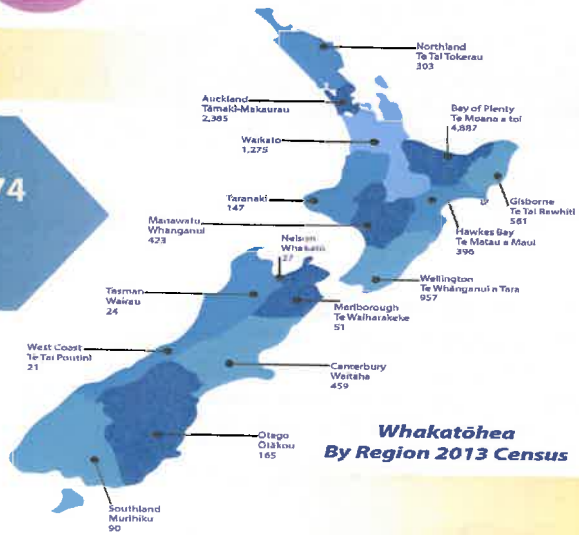
After four years of consultation with Whakatōhea uri, whānau, hapū and claimants, a draft Mandate Strategy and Trust deed for the proposed new Whakatōhea Pre-Settlement Claims Trust was presented to the Iwi for consideration and comment.

IWI

THE FACTS

2001	2006	2013
9,951	12,069	12,174
1.8% of Māori belong to Whakatōhea	30.7% of Whakatōhea can hold a conversation in te reo Māori	

Total Whakatōhea population



Whakatōhea By Region 2013 Census

WHY ARE YOU VOTING?

All members of Whakatōhea Claimant community 18 years and over are invited to vote on the following

RESOLUTION

"That the Whakatōhea Pre-settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea."

1

VOTING opens FRIDAY 6th MAY 2016

closes FRIDAY 3rd JUNE 2016

Whakatōhea Pre-Settlement Claims Trust

In November 2015, Tū Ake Whakatōhea Collective submitted a draft mandate strategy to the crown for consideration. The draft mandate strategy proposes a mandate hui process by which a new representative entity, the Whakatōhea Pre-Settlement Claims Trust will seek a mandate from Whakatōhea Iwi members to represent them in Treaty Settlement negotiations with the crown.

The mandate sought is to negotiate all Whakatōhea historical Treaty of Waitangi claims whether registered or unregistered that arise from crown actions and omissions that occured prior to 21 September 1992 including but not limited to: WAI 87, 203, 287, 339, 558, 864, 1092, 1433, 1511, 1758, 1775, 1781, 1782, 1787, 1794, 1795, 1884, 2006, 2008, 2055, 2066, 2107, 2160, in sofar as they relate to Whakatōhea

Where can you find the Mandate Strategy and Trust Deed

www.ots.govt.nz
www.tpk.govt.nz
www.whakatohea.co.nz

For More Information

Graeme (Paki) Riesterer
Chairman Tū Ake Whakatōhea Collective
graemeriesterer@gmail.com

WHAKATŌHEA
YOUR Vision Voice VOTE

HOW TO VOTE 2

3 ways to vote

MAIL
FILL IN THE VOTING FORM AND RETURN IN THE REPLY ENVELOPE SUPPLIED

ONLINE
YOU WILL BE GIVEN THE OPTION TO VOTE ONLINE BY FOLLOWING THE INSTRUCTIONS IN YOUR VOTING PACK

HUI
YOU CAN ATTEND A MANDATE HUI AND PLACE YOUR VOTE IN THE BALLOT BOX PROVIDED AT THE HUI.

SPECIAL VOTE
For those who wish to vote, but are not registered with Whakatōhea Māori Trust Board, or who wish to vote but do not want to register, you will be able to make a special vote.

For information about the voting process, or to request a special vote, please contact our independent returning officer

Dale Ofsoske, Independent Election Services Ltd
Free Phone 0800 922 822 Email info@electionservices.co.nz
Write to PO Box 5135, Wellesley Street, Auckland 1141

UNDERSTANDING MANDATE 3

WHAT IS A MANDATE
A mandate is an authorisation by a person or group to another group to take a certain course of action. In this case your supportive vote gives authority for the Whakatōhea Pre-Settlement Claims Trust to represent you in negotiations with the crown.

MANDATE PROCESS
Step 1: Develop a Mandate Strategy that represents all Whakatōhea hapū, marae, claimants.

Step 2: Iwi vote on the Mandate Strategy to establish a new entity. In this case Whakatōhea Pre-Settlement Claims Trust.

Step 3: Nominations, elections and appointment of trustees for the New Trust.

OUTCOME
A new entity is mandated by the iwi to enter into direct negotiations with the crown to settle all historical Treaty of Waitangi claims. Trustees representation will include:

- *One elected member from each of the six Whakatōhea Hapū*
- *One appointed member from each of the eight Whakatōhea marae*
- *One appointed member from the Whakatōhea Māori Trust Board*
- *Total number of Trustees = Fifteen (15)*
- *Twenty three (23) claims represented in the Claimant Committee*

WHO CAN VOTE?

For the purpose of the mandate being sought, the Whakatōhea claimant community is defined as the descendants of Muriwai and Tūtāmure who affiliate to one or more of the recognised hapū (Ngāi Tamahaua, Ngāti Rua, Ngāti Patumoana, Ngāti Ngahere Ngāti Ira and Te Upokorehe) and marae (Opape, Omarumutu, Waiaua, Terere, Opeke, Roimata, Kutarere, and Maromahue) of Whakatōhea.

How has the Mandate Strategy been set out?

PART A
Entitled "He Kōrero mō Whakatōhea"- *Ōku Tipuna - Our Ancestors*

PART B
Entitled Te Tirohanga Whakamuri" *the story so far*

PART C
Entitled "Proposed New Entity" - *Whakatōhea Pre-Settlement claims Trust*

PART D
Entitled "The Mandate Strategy"

MANDATE HUI 2016

Friday 6th May
ŌPŌTIKI
6:00 p.m
Terere Marae
Ōpōtiki

Saturday 7th May
HAMILTON
11:00 a.m
University of Waikato,
A Block, Gate 8,
Hillcrest Road

Saturday 7th May
AUCKLAND
6:00 p.m
Whatua Kaimarie Marae,
Auckland DHB
11 Sutherland Rd,
Pt Chevalier

Sunday 8th May
WHANGAREI
11:00 a.m
Terenga Paraoa Marae,
10 Porowini Ave

Saturday 14th May
WELLINGTON
11:00 a.m
Pataka Museum,
Cnr Norrie & Paumoana
Street, Porirua

Sunday 15th May
CHRISTCHURCH
11:00 a.m
Te Korowai Atawhai Rooms,
Hillmorton Hospital,
Annex Road

Friday 20th May
TE KAHA
6:00 p.m
Maungaroa Marae,
SH 35,
Te Kaha

Saturday 21st May
GISBORNE
6:00 p.m
Eastern Institute of Technology,
Te Whatukura Māori Studies,
77 Cobden Street

Sunday 22nd May
TAURANGA
6:00 p.m
Tahuwhakatiki Marae
Welcome Bay Road

Friday 27th May
ROTORUA
6:00 p.m
Taharangi Marae,
26 Tarewa Road

Saturday 28th May
HASTINGS
11:00 a.m
Te Taiwhenua o Heretaunga,
821 Orchard Road

Sunday 29th May
TŪRANGI
9:00 a.m
Waihi Marae,
Prince of Wales Drive

Appendix 13

Notice of Election for Whakatōhea Pre-Settlement Claims Trust

Whakatōhea Pre-Settlement Claims Trust

NOTICE OF
HAPŪ TRUSTEE NOMINATIONS

The Tū Ake Whakatōhea Collective held a mandate vote and mandate hui from Friday 6th May to Friday 3rd June 2016. Members of Whakatōhea were asked to vote on the following resolution:

"That the Whakatōhea Pre-Settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea".

91.6% of the voters said "YES" to this resolution. The vote was conducted by Independent Election Services Ltd.

The Whakatōhea Pre-Settlement Claims Trust is now being established and will be represented by 15 trustees. This will include 1 **elected** trustee from each of the 6 Whakatōhea hapū (Ngai Tamahaua, Ngāti Rua, Ngāti Patumoana, Ngāti Ngahere, Ngāti Ira, Upokorehe), 1 **appointed** trustee from each of the 8 Whakatōhea Marae (Opape, Omarumutu, Waiaua, Terere, Opeke, Maromahue, Kutarere, Roimata), and 1 **appointed** trustee from the Whakatōhea Māori Trust Board.

HAPŪ trustee nominations are now being called for. If there are more candidates than required, an election will be held. If the number of candidates is equal to the number of trustees required, then those persons will be confirmed as a new trustee without the need for an election. If an election is required, voting papers will be issued after the nomination process closes.

Nominations Open: **Wednesday 29th June 2016**
Nominations Close: **Noon - Wednesday 27th July 2016**

To request a nomination form, or for more information please contact:

Returning Officer
Whakatōhea Pre-Settlement Claims Trust Nominations
C/o Independent Election Services Ltd
PO Box 5135
Wellesley Street
AUCKLAND 1141

Phone: 0800 922 822
Email: info@electionservices.co.nz

Copies of the nomination forms, Trust Deed and Mandate Strategy can be downloaded from www.whakatohea.co.nz.

To be eligible to nominate a candidate, or to be considered for nomination you must be 18 years of age or older and registered on the Whakatōhea Māori Trust Board's Roll of Beneficiaries. If an adult member indicates that they do not wish the Trust Board to maintain their details on the Roll of Beneficiaries, or are not registered, they will be required to complete a registration form to verify their whakapapa to a hapū of Whakatōhea for the purposes of nominations and Hapū Trustee elections. Further details can be found in the Whakatōhea Pre-Settlement Claims Trust, Trust Deed; Second Schedule.

Graeme Riesterer
PO Box 207
OPOTIKI
graeme.riesterer@gmail.com
027 686 9362

Tu Ake
Whakatōhea
Collective

29th June 2016

Opeke Marae Committee
C/o Tracy Gilmer
15 Chatfield Place
OPOTIKI 3122

NOTICE OF THE ESTABLISHMENT OF THE WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST

Tena koutou katoa

Ngā mihi nui ki a koutou i runga i ngā āhuatanga katoa o te wā.

The Tū Ake Whakatōhea Collective held a mandate vote and mandate hui from Friday 6th May to Friday 3rd June 2016. Members of Whakatōhea were asked to vote on the following resolution:

"That the Whakatōhea Pre-Settlement Claims Trust is mandated to represent Whakatōhea in direct negotiations with the Crown for the comprehensive settlement of all of the historical Treaty of Waitangi claims of Whakatōhea".

91.6% of the voters said "YES" to this resolution. The vote was conducted by Independent Election Services Ltd. This entity will be a Private Trust and its only purpose is to represent Whakatōhea in treaty settlement negotiations with the Crown.

As a result of this vote The Whakatōhea Pre-Settlement Claims Trust is now being established and will be represented by **15 Trustees**. This will include:

- 1 ***ELECTED*** trustee from each of the 6 Whakatōhea Hapū:
  - 1 x Ngai Tamahaua
  - 1 x Ngāti Rua
  - 1 x Ngāti Patumoana
  - 1 x Ngāti Ngahere
  - 1 x Ngāti Ira
  - 1 x Upokorehe
- 1 ***APPOINTED*** trustee from each of the 8 Whakatōhea Marae:
  - 1 x Opape
  - 1 x Omarumutu
  - 1 x Waiaua
  - 1 x Terere
  - 1 x Opeke
  - 1 x Maromahue
  - 1 x Kutarere
  - 1 x Roimata
- 1 ***APPOINTED*** trustee from the Whakatōhea Māori Trust Board.

Hapū and marae of Whakatōhea are invited to participate in the following:

HAPŪ TRUSTEE NOMINATIONS AND ELECTIONS:

NOMINATIONS OPEN / WEDNESDAY 29TH JUNE 2016
NOMINATIONS CLOSE / WEDNESDAY 27TH JULY 2016

Hapū Trustee Nominations are open from Wednesday 29th June to Wednesday 27th July 2016. If there are more candidates than required, an election will be held. If the number of candidates is equal to the number of trustees required, then those persons will be confirmed as a new trustee without the need for an election.

To be eligible to nominate a candidate, or to be considered for nomination you must be 18 years of age or older and registered on the Whakatōhea Māori Trust Board's Roll of Beneficiaries. If an adult member indicates that they do not wish the Trust Board to maintain their details on the Roll of Beneficiaries, or are not registered, they will be required to complete a registration form to verify their whakapapa to a hapū of Whakatōhea for the purposes of nominations and Hapū Trustee elections.

To request a nomination form, or for more information please contact:

Returning Officer
Whakatōhea Pre-Settlement Claims Trust Nominations
C/o Independent Election Services Ltd
PO Box 5135
Wellesley Street
AUCKLAND 1141

Phone: *0800 922 822*
Email: *info@electionservices.co.nz*

MARAE TRUSTEE APPOINTMENT:

CLOSING DATE FOR APPOINMENT OF MARAE TRUSTEE / TUESDAY 6TH SEPTEMBER 2016

The Whakatōhea Pre-Settlement Claims Trust also invites trustee members from each of the eight Whakatōhea marae.

Please note, this is an ***APPOINTMENT*** process and there are no nominations or elections for the Marae representative. The Whakatōhea Pre-Settlement Claims Trust requires the following:

1. A marae trustee meeting is held and ***ONE*** marae representative shall be appointed
2. The appointed member must have whakapapa to Whakatōhea
3. The appointment must be made in agreeance with the hapū members of that marae
4. You can use whatever process you feel is necessary to make your appointment
5. To validate the appointment, your Marae Trustees must provide the following in writing:
    - Date of the Marae Trustees Meeting
    - Minutes of the meeting held
    - The Motion for the appointment of your Marae representative is written in the minutes
    - A short profile of the appointed member, including their whakapapa
6. Please send this information to:

Returning Officer
Whakatōhea Pre-Settlement Claims Trust Marae Appointment
C/o Independent Election Services Ltd
PO Box 5135
Wellesley Street
AUCKLAND 1141

WHAT TO DO NOW:

It is important that you consider carefully who you would like to represent your hapū and marae on this trust. If you are unsure of the above processes please contact me for further clarification. The Tū Ake Whakatōhea Collective has asked the Independent Election Services Ltd to conduct the Hapū Nominations and Elections, and will collect and collate the Marae Trustee appointment documentation. This is to ensure there is a fair, transparent and accountable process undertaken.

Please note the closing dates above for nominations and appointments of your potential trustees.

We have enclosed a copy of the Mandate Strategy and Trust Deed which further clarifies the processes for Nominations, Elections and Appointments.

TŪ AKE WHAKATŌHEA COLLECTIVE:

Once the Trustees have been appointed and a Deed of Mandate finalised the Tū Ake Whakatōhea Collective will dissolve as its sole purpose was to develop a Pre-Settlement Entity to represent the interests of hapū, marae and claimants in negotiations with the Crown.

We look forward to our hapū, marae and claimants working together towards negotiations.

No reira, mā te atua e manaaki, e awhi ki a tātou katoa.

Nāku noa, nā

Graeme Riesterer
Chairman
Tū Ake Whakatōhea Collective
027 686 9362
graeme.riesterer@gmail.com

Enclosed:

Whakatōhea Pre-Settlement Claims Trust – Mandate Strategy
Whakatōhea Pre-Settlement Claims Trust – Trust Deed

Whakatōhea Pre-Settlement Claims Trust

To: Returning Officer
Whakatōhea Pre-Settlement Claims Trust
C/o Independent Election Services Ltd
PO Box 5135
Wellesley Street
AUCKLAND 1141

HAPŪ TRUSTEE
NOMINATION FORM

The Whakatōhea Pre-Settlement Claims Trust is currently being established and will be represented by 15 trustees. This will include 1 **elected** trustee from each of the 6 Whakatōhea hapū (Ngai Tamahaua, Ngāti Rua, Ngāti Patumoana, Ngāti Ngahere, Ngāti Ira, Upokorehe), 1 **appointed** trustee from each of the 8 Whakatōhea Marae (Opape, Omarumutu, Waiaua, Terere, Opeke, Maromahue, Kutarere, Roimata), and 1 **appointed** trustee from the Whakatōhea Maori Trust Board. **HAPŪ** nominations are now being called for. If there are more nominees than required, an election will be held. If the number of nominees is equal to the number of trustees required, then those persons will be confirmed as the new trustee without the need for an election. If an election is required, voting papers will be issued after the nomination process closes.

A Nominators to complete this section:

Candidate's Name: .....
(First Names) (Surname)

Address: .....

A candidate may be nominated to represent their principal Hapū.
Candidates must be registered on the Whakatōhea Māori Trust Board's Roll of Beneficiaries.

We, the undersigned, being five (5) registered adult beneficiaries of the ..... Hapū hereby nominate our candidate for the inaugural election of the Whakatōhea Pre-Settlement Claims Trust:

Full name of Nominator	Address of Nominator	Signature of Nominator	Signature of Witness
1			
2			
3			
4			
5			

B Candidate to complete this section:

I, ...
(First Names) (Surname)

hereby consent to the above nomination for the position of Trustee for the ..... Hapū on the Whakatōhea Pre-Settlement Claims Trust.

Please complete the following questions:

Have you ever been convicted of any criminal offence?	☐ YES	☐ NO
Do you have any criminal charges pending?	☐ YES	☐ NO
Have you ever been adjudged bankrupt?	☐ YES	☐ NO
Have you ever been disqualified from being a director of a company registered under the Companies Act 1993?	☐ YES	☐ NO

If you have answered YES to any of the above statements, please provide details below:

C Declaration and Consent of Candidate

- ☐ I consent to my nomination as a Trustee of the Whakatōhea Pre-Settlement Claims Trust
- ☐ I declare that I am eighteen years of age or over
- ☐ I declare that I am an adult registered member of the Whakatōhea Māori Trust Board Roll of Beneficiaries
- ☐ I consent to the disclosure of information to anyone lawfully considering this nomination
- ☐ I declare that the information I have given in this nomination is true and complete to the best of my knowledge

Signature of Candidate: ..... Date: .....

Signature of Witness: .....

Whakatōhea Pre-Settlement Claims Trust

HAPŪ TRUSTEE
CANDIDATE PROFILE

1. Candidates must be registered on the **Whakatōhea Māori Trust Board's Roll of Beneficiaries and be 18 years** of age or older.

2. Your candidate profile will be supplied with the voting papers sent to each beneficiary whose name appears on the **Whakatōhea Māori Trust Board's Roll of Beneficiaries.**

3. Candidates should be aware that the information supplied will be made public. The Chief Returning Officer (Independent Election Services Ltd) reserves the right to alter (in consultation with the candidate) any statement supplied. Statements should not be indecent, offensive or slanderous.

4. Candidates are to provide a current passport-size photo with their candidate profile.

Name of the candidate (to appear on the voting paper)	
Surname:	
First Names:	
Personal Details	
Address:	
Home Phone:	
Mobile Phone:	
Work Phone:	
Email:	
Occupation:	
Principal Hapū:	
Other Hapū affiliations:	

Relevant Experience for being a trustee: *(50 words max)*

Relevant Skills:	*(50 words max)*

Personal Attributes and Qualities	*(50 words max)*

Please set out your vision for what you would like to achieve as a Trustee	*(50 words max)*

Signature of Candidate: _____ Date: _____

Appendix 14

Whakatōhea Pre-Settlement Claims Trust – Election Results

WHAKATŌHEA PRE-SETTLEMENT CLAIMS TRUST
HAPŪ TRUSTEE NOMINATIONS AND ELECTIONS 2016

Nominations were open for Hapū Trustees for the Whakatōhea Pre-Settlement Claims Trust from Wednesday 29th June to Wednesday 27th July 2016. The Pre-Settlement Claims Trust requires:

- one (1) elected trustee from each of the six Whakatōhea hapū (Ngai Tamahaua, Ngāti Ruatakena, Ngāti Patumoana, Ngāti Ngahere, Ngāti Ira, and Upokorehe)
- one (1) appointed member from each of the eight Whakatōhea marae (Opape, Omarumutu, Waiaua, Terere, Opeke, Maromahue, Kutarere, and Roimata, and
- one (1) appointed member from the Whakatōhea Māori Trust Board.

The following list of nominations were received and confirmed by the Returning Office, Independent Election Services Ltd.

Four (4) hapū had one (1) nomination each, therefore the following are declared ***ELECTED*** unopposed with no election required:

CANDIDATES ELECTED:	***HAPŪ***
NGATAI, David Turei	Ngāi Tamahaua
PIRIHI, Mana Perry	Ngāti Ngahere
KUREI, Sarah	Ngāti Ira
KAHAKI, Muriwai	Upokorehe

Two (2) hapū had two (2) nominations each, therefore an election will be held for the following candidates and hapū:

CANDIDATE	***HAPŪ***
KELLY, Travis William	Ngāti Patumoana
RIESTERER, Graeme (Paki)	Ngāti Patumoana
HATA, Mereaira	Ngāti Ruatakena
PORTER, Frank Te Wheki	Ngāti Ruatakena

The election for Hapū Trustees for Ngāti Patumoana and Ngāti Ruatakena will be held from Friday 6th August to Tuesday 6th September 2016.

For more information please contact:

Returning Office
Whakatōhea Pre-Settlement Claims Trust
C/o Independent Election Services Ltd
PO Box 5135
Wellesley Street
AUCKLAND 1141

0800 922 822
Info@electionservices.co.nz

Whakatōhea Pre-Settlement Claims Trust
Election of Trustees

I hereby declare the result of the Whakatōhea Pre-Settlement Claims Mandate Trust's Election of Trustees held on Tuesday 6 September 2016 to be as follows:

Ngati Patumoana

Candidate	Votes Received
KELLY, Travis William	88
RIESTERER, Graeme (Paki)	154

(1 informal votes, 0 blank votes)

I therefore declare Graeme (Paki) RIESTERER to be elected.

Ngati Ruatakena

Candidate	Votes Received
HATA, Mandy Mereaira	276
PORTER, Frank Te Wheki	114

(5 informal votes, 1 blank vote)

I therefore declare Mandy Mereaira HATA to be elected.

Of the 3,177 voting papers issued, 639 were completed and returned, this being a 20.11% return.

Dated at Auckland, 9 September 2016

Dale Ofsoske
Returning Officer
Independent Election Services Ltd
for Whakatōhea Pre-Settlement Claims Trust