

Mandate Strategy			
<p>Purpose of this document: to collect all the information required for your representative body to demonstrate it has a mandate to represent your large natural group in Treaty settlement negotiations.</p> <p>Please complete all questions and return to the Office of Treaty Settlements (OTS) and Te Puni Kōkiri (TPK), collectively ‘the Crown’, as soon as possible. The Crown will then contact you with any questions, comments or concerns as part of an assessment.</p> <p>A copy of this Mandate Strategy (excluding bank account details) and the subsequent Deed of Mandate will be posted on the OTS and TPK websites and submissions, views and inquiries will be invited. We will provide you with copies of any relevant submissions received for your consideration and response. Your application will be subject to the Official Information Act 1982. For information on the process to seek a Crown recognised mandate please see www.ots.govt.nz.</p>			
Large natural group	Te Whānau a Apanui		
Name of representative body	Te Whānau a Apanui Negotiation Team		
	To represent your large natural group in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims and to represent your large natural group in engagement with the Crown for the recognition of customary rights in the foreshore and seabed (to be progressed in the context of the Marine and Coastal Area (Takutai Moana) Act 2011).		
Limits to a recognised mandate	The mandate is to negotiate a draft deed of settlement. The mandated body must present an initialled deed of settlement and proposed Post Settlement Governance Entity to the claimant community for their ratification.		
Contact details for the person who will answer questions about this document		Contact details for the representative body	
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Te Whānau ā Apanui Mandate Strategy

#		Crown guidelines specific to Te Whānau ā Apanui	Your information
Claim and Claimant definition			
1	Ancestry	What are the names of common founding ancestor(s)?	The tribal appellation Te Whānau ā Apanui comes from their identification with common ancestors, of which, Apanui Ringamutu was prominent. The hapū of Te Whānau ā Apanui trace their whakapapa (genealogy) back to Apanui Ringamutu and beyond to the ancestors that voyaged from Hawaiki. From those ancestors the hapū of Te Whānau ā Apanui are able to trace their interconnectedness with Te Ao Turoa (the natural world).
2	Iwi/Hapū	What are the names of constituent iwi and hapū, both historical and contemporary?	<p>The names of the Te Whānau ā Apanui constituent hapū are:</p> <ul style="list-style-type: none"> • Te Whānau ā Haraawaka • Te Whānau ā Hikarukutai (also known as Ngāti Horomoana) • Te Whānau ā Tutawake (also known as Ngāti Paeakau and Te Whānau ā Tuahiawa) • Te Whānau ā Nuku (also known as Ngāti Horowai) • Te Whānau ā Rutaia (also known as Ngāti Terewai) • Te Whānau ā Hinetekahu (also known as Te Whānau ā Toihau) • Te Whānau ā Te Ehutu • Te Whānau ā Kaiaio • Te Whānau ā Kahurautao (including Te Whānau ā Te Rangi-i-runga) • Te Whānau ā Pararaki • Te Whānau ā Maruhaeremuri • Te Whānau ā Kauaetangohia. <p>We note that:</p> <ul style="list-style-type: none"> • For foreshore and seabed negotiations that Te Whānau ā Rongomai are also included. • Although Te Whānau ā Tapaeururangi has a delegate appointed to Te Rūnanga o Te Whānau, the lands of Tapaeururangi are based within the territory of Ngāti Porou and therefore do not fall within the ambit of the claim.
3	Marae	What are the marae associated with the large natural group?	Hawai, Maraenui, Whitianga, Omaio, Otuwhare, Waiorore, Te Kaha, Maungaroa, Pahaoa, Wairuru, Pararaki, Kauaetangohia

Te Whānau ā Apanui Mandate Strategy

4	Wai Claims	What are the historical Wai claims associated with this large natural group? Please note that the representation sought is for all claims, whether registered or un-registered.	70, 213, 224 (a) & (b), 225, 232, 281, 287, 309, 422, 434, 463, 780, 813, 930, 1121, 1198, 1773, 1778, 1779, 1780, 1783, 1784, 1814, 1828, 1829, 1964, 2033, and 2212 Note Wai 287 is also associated with other Large Natural Groups (LNG), the claim will only be settled insofar as it relates to Te Whānau a Apanui.
5	Rohe/Area of Interest	What is the area covered by the claims? (Please either include a written description or attach a map.)	The tribal boundary sits on the western side of the East Cape. The area stretches from Te Taumata o Apanui in the south to Potikirua in the north. See map attached as Appendix A.
6	Previous engagement	Has your large natural group/representative body had any previous engagement with the Crown, such as engagement due to overlaps with other groups in negotiations or a previous on-account settlement?	Te Rūnanga o Te Whānau (Te Rūnanga) (on behalf of Te Whānau a Apanui) commenced foreshore and seabed discussions with the Crown in early 2004. Subsequently, Rikirangi Gage and Dayle Takitumu were mandated by the hapū of Te Whānau a Apanui to negotiate the settlement of Te Whānau a Apanui foreshore and seabed, and historic Treaty settlement claims. In respect of the foreshore and seabed matters, these discussions led to a signed Terms of Negotiation document in November 2004, a Statement of Position and Intent in 2005 and a Heads of Agreement signed in February 2008. We also note that Te Rūnanga are a Recognised Iwi Organisation for the purpose of receiving fisheries assets under the Māori Fisheries Act 2004.
Overlapping groups and background information			
7	Overlapping Claims/Iwi	Please identify overlapping groups.	No overlap on the Ngāti Porou border. No overlap inland with Te Aitanga a Mahaki. Historical overlap with Ngai Tai ki Tōrere at Tunapahore.
The representative body			
8	Structure	What kind of entity is the representative body? Briefly describe the structure of the body, particularly the relationship between constituent iwi/hapū/marae and the body. The following types of bodies have previously been recognised by the Crown as mandated bodies:	A visual representation of the representative structure is attached as Appendix B . <u>The hapū of Te Whānau a Apanui</u> Mana and ultimate decision-making power resides with the hapū of Te Whānau a Apanui. The hapū of Te Whānau a Apanui will directly mandate the Te Whānau a Apanui Negotiation Team (Negotiation Team) to negotiate with the Crown. The hapū of Te Whānau a Apanui comprise: <ul style="list-style-type: none"> • nga ahi ka (those that live in the Te Whānau a Apanui rohe and keep the home fires burning);

Te Whānau ā Apanui Mandate Strategy

		<ul style="list-style-type: none"> - Private Trust - Incorporated Society - Charitable Trust - Iwi Rūnanga <p>The entity must be a legal entity or trust.</p>	<ul style="list-style-type: none"> • nga taura here (those Te Whānau a Apanui members that live outside of the Te Whānau a Apanui rohe); and • the Wai claimants. <p><u>The Te Whānau a Apanui Negotiation Team</u></p> <p>The Negotiation Team will be the group mandated to represent Te Whānau a Apanui in Treaty settlement negotiations with the Crown. The Negotiation Team will be responsible for carrying out the mahi for negotiations, but will at all times be accountable to the hapū of Te Whānau a Apanui. The Negotiation Team is a not a legal entity.</p> <p>The Negotiators comprising the Negotiation Team will be appointed by the hapū of Te Whānau a Apanui. The process for appointment and the proposed initial Negotiation Team is set out in further detail at section 13 of the mandate strategy.</p> <p>The Negotiation Team will also be supported substantively by expert technicians and working groups that will assist and advise the Negotiation Team in respect of particular matters and issues.</p> <p><u>Te Rūnanga o Te Whānau a Apanui</u></p> <p>Te Rūnanga o Te Whānau a Apanui (Te Rūnanga) will provide the Negotiation Team with administrative assistance and will be accountable for applying for and managing all claimant funding. Te Rūnanga is a Charitable Trust established under the Charitable Trusts Act 1967. The purpose of the Te Rūnanga is to advance the interests of Te Whānau a Apanui iwi and its hapū individually and collectively. The Board members of Te Rūnanga are hapū representatives. The members are duly appointed at hapū hui on an annual basis.</p> <p>Te Whānau a Maruhaeremuri and Te Whānau a Te Ehutu do not have hapū representatives on the Board of Te Rūnanga. However, Te Rūnanga are continuing to engage with these two hapū to join Te Rūnanga. Further, Te Whānau a Maruhaeremuri and Te Whānau a Te Ehutu will be included in communications and will be kept informed by mutually agreed processes.</p>
<p>9</p>	<p>Accountability</p>	<p>How will the representative body be accountable to the claimant community?</p> <ul style="list-style-type: none"> - how will the body make 	<p>The Negotiation Team will:</p> <ul style="list-style-type: none"> • Be accountable to Te Whānau ā Apanui hapū. • Act in the best interests of all Te Whānau a Apanui hapū.

Te Whānau ā Apanui Mandate Strategy

		<p>decisions?</p> <ul style="list-style-type: none"> - by what means and how often will the body report to the claimant community on progress? <p>Please refer to the key governing documents as applicable and attach copies to this document.</p> <p>The mandated body must inform claimants when a milestone is reached in negotiations.</p> <p>Mandated bodies must present an initialled deed of settlement and proposed PSGE entity to the claimant community for their ratification.</p> <p>Statement on financial accountability.</p>	<ul style="list-style-type: none"> • Comply with an agreed Communications Strategy which includes: regular written updates; minimum hui requirements; email and social media updates. The Communications Strategy will be developed with hapū input. • Report to hapū (through open hapū hui) at least quarterly or as required to ensure the hapū are well informed, the mandate is kept current, and the hapū are able to provide input into the negotiations. • Make decisions by consensus (although mana and ultimate decision-making power resides with the hapū of Te Whānau a Apanui). • Oversee and coordinate all aspects of the settlement negotiations including contracting in expertise where relevant. • Guide and make strategic decisions relating to the settlement negotiations process including co-ordinating the hapū sign-off of key milestone documents including the Terms of Negotiation, Agreement in Principle, Deed of Settlement. • Be responsible for working through the detail of the negotiations with the appointed Chief Crown Negotiator and Office of Treaty Settlements during the negotiation phase. <p>Financial accountability</p> <p>Financial management, monitoring and reporting on all financial matters will be undertaken by Te Rūnanga.</p>
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Te Whānau ā Apanui Mandate Strategy

<p>10</p>	<p>Tribal Register</p>	<p>Is there a tribal register or a beneficiary list that identifies members of the claimant community? What is the process by which potential members of the claimant group can register and be verified as tribal members?</p> <p>It is important that the representative body establishes a tribal register or beneficiary list (if one does not already exist) and encourages registrations.</p>	<p>Te Whānau ā Apanui’s tribal process and decision-making emanates from our hapū. As such, Te Whānau ā Apanui hapū have maintained a comprehensive distribution list of their hapū for the dissemination and collection of information. This will be updated as part of the communication strategy. Information hui will be held regularly throughout the negotiations – both within Te Whānau ā Apanui traditional territory and throughout NZ (and potentially selected parts of Australia) and will be advertised widely. Social media will also be used as a means of disseminating information and obtaining input from the broader Whānau ā Apanui membership.</p>
<p>11</p>	<p>Crown Policy regarding Financial accountabilities</p>	<p>See Crown Policy regarding Financial Accountabilities attached at Appendix D.</p>	

<p>12</p>	<p>Claimant funding</p>	<p>The Crown determines its contribution towards a claimant group’s negotiation expenses once a claimant group has had its mandate recognised by the Crown. This is done by assessing the specific features of a claimant group and the claim or claims to be negotiated. Based on the assessment, officials write a report to the Minister for Treaty of Waitangi Negotiations, who makes a decision on the upper limit of claimant funding that the Crown will provide to a claimant group and how much is to be allocated to each milestone. The Minister for Treaty of Waitangi Negotiations then writes to the mandated representatives advising them of the Crown’s total claimant funding contribution. Once this has been provided, the mandated representatives should prepare a claimant funding management plan that sets out:</p> <ul style="list-style-type: none"> i. the basis/limits on financial spending including negotiators’ fees, hourly rates for employees, travel and accommodation allowances; and ii. a budget that sets out where the funds will be needed to ensure that the claimant funding lasts for the duration of negotiations (take into account that the latter end of the process is generally more costly). 	
<p>13</p>	<p>Negotiators</p>	<p>How will the negotiators be accountable to the mandated body?</p>	<p>Mana resides with the hapū of Te Whānau a Apanui. Hapū have the authority to appoint</p>

		<ul style="list-style-type: none"> - who will appoint the negotiators? - how will the negotiators be appointed and removed? - will the negotiators be bound by the mandated body’s charter and/or a specific ‘terms of reference’ and what are they authorised to do? - on what basis will the negotiators be chosen? <p>how will the negotiators report to the mandated body?</p>	<p>and/or remove negotiators.</p> <p>Appointing and removing negotiators:</p> <ul style="list-style-type: none"> • Up to 3 Negotiators will be appointed to represent hapū. • Rikirangi Gage and Dayle Takitumu (as the then solicitor for Te Whānau a Apanui) were previously mandated by the hapū of Te Whānau a Apanui to negotiate the settlement of Te Whānau a Apanui foreshore and seabed and historical Treaty of Waitangi claims. • Adopting this same model it is proposed that Rikirangi Gage be appointed the Negotiator for Te Whānau a Apanui with the balance of the Negotiation Team comprising the current solicitors for Te Whānau a Apanui, Matanuku Mahuika and Natalie Coates of Kahui Legal. • Should a hapū of Te Whānau a Apanui wish to remove/replace a Negotiator, or any members of the Negotiation Team, then they are entitled to do so. However, the intention is that this should only occur where there are reasons for making the change that are of a serious nature and, if required, those reasons are supported by evidence. • If a hapū (or multiple hapū) indicate that such reasons exists and they do not have confidence in a Negotiator or a member or members of the Negotiation Team, then an initial hui will be held with the Negotiation Team to seek to resolve the matter. • If after this initial hui, the hapū still wants to remove/replace a Negotiator or member of the Negotiation Team, this matter will be put to a hui-a-iwi for resolution so that the matter can be heard publicly and openly, and, if possible, resolved in accordance with tikanga of Te Whānau a Apanui. • The decision of the hapū made following this process shall be final and binding on all parties. <p><u>Accountabilities:</u></p> <p>The negotiators will be contracted by the hapū of Te Whānau a Apanui to negotiate a proposed settlement of Te Whānau a Apanui’s claim against the Crown (which will be subject to iwi ratification).</p> <p>The negotiators will be bound by specific terms of reference agreed by the hapū of Te Whānau a Apanui.</p>
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Te Whānau ā Apanui Mandate Strategy

			<p>The negotiators will be held accountable to the hapū of Te Whānau a Apanui and will report to the hapū of Te Whānau a Apanui on a regular basis.</p> <p>Negotiators will be subject to regular review to ensure all contractual terms are met.</p>
14	Removing and/or amending mandate conferred by the claimant community	How can the claimant community remove or amend the mandate? Is the process for removing or amending the mandate clearly set out?	<p>Mana resides with the hapū of Te Whānau a Apanui. Hapū therefore have the authority to remove or amend the Negotiation Team’s mandate.</p> <p><u>Removing or amending the mandate:</u></p> <ul style="list-style-type: none"> • Should a hapū of Te Whānau a Apanui wish to remove or amend the Negotiation Team’s mandate, the hapū have agreed that the reasons must be deemed to be of a very serious nature and supported by factual evidence. • If a hapū (or multiple hapū) indicate that such an issue exists and they do not have confidence in the Negotiation Team, then an initial hui will be held with the Negotiation Team to seek to resolve the matter. • If after this initial hui, the hapū still wants to remove or amend the Negotiation Team’s mandate, this matter will be put to a hui-a-iwi for resolution so that the matter is heard openly and publicly and if possible, resolved in accordance with the tikanga of Te Whānau a Apanui. <p>Should the decision to remove or amend the Negotiation Team’s mandate be supported following the hui-a-iwi the Negotiations Team will step down and be replaced in accordance with the decision at the hui-a-iwi. Prior to standing down, the Negotiations Team will consult with the Crown to discuss and agree transition arrangements and next steps.</p>
15	Disputes resolution process		<p>Should a dispute arise that cannot be easily resolved, the same process as set out in section 12 (mandate amendment and withdrawal) will be followed.</p> <p>The Negotiation Team shall, in good faith, take all reasonable steps to resolve any dispute internally that may arise in connection with the negotiations and/or the settlement process.</p>
The mandate process			
16	Mandate process		<p>Ngā hapū o Te Whānau a Apanui and the Crown have agreed the following mandating process:</p> <ol style="list-style-type: none"> 1. Draft mandate strategy submitted for Crown consideration;

Te Whānau ā Apanui Mandate Strategy

			<ol style="list-style-type: none"> 2. Crown agree draft mandate strategy; 3. Draft mandate strategy publically notified and submissions invited; 4. information hui held; 5. submissions on draft mandate strategy addressed; 6. Crown endorses mandate strategy; 7. hapū hold hapū mandate hui and mandate vote; 8. hapū convey whether they support the resolutions on the mandate at a hui-a-iwi; 9. Deed of Mandate submitted with hapū vote results (there will be no Deed of mandate submissions period); and 10. Crown officials report to Ministers on the Deed of Mandate. <p><u>Hapū mandate hui and mandate vote:</u></p> <p>In respect of the hapū vote, the following process will be adopted:</p> <ol style="list-style-type: none"> 1. Each hapū of Te Whānau a Apanui will conduct a hapū vote on whether to support mandate. Hapū are empowered to come to the resolution to support mandate in accordance with their tikanga. 2. The mechanisms adopted by each hapū for members to participate and input into the hapū vote will be conveyed at the information hui, on social media and the Te Rūnanga website. 3. Each hapū will ensure that members who live outside the rohe will be able to participate in the decision-making process. 4. Hapū hui in which a mandate vote is taken will be publicly notified at least 21 days before the hui. 5. Hapū will take minutes and a resolution on the outcome of the hapū hui. These minutes are to clearly indicate how the hapū came to the resolution including any numbers in support and any in opposition. <p>Prior to the hapū mandate hui a person will be made available to assist, those people who want to participate but do not know their hapū, with whakapapa.</p>
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Te Whānau ā Apanui Mandate Strategy

			<p><u>Hui-a-iwi</u></p> <p>A hui-a-iwi will be held for hapū to have the opportunity to convey whether they support the resolutions on the mandate.</p> <p><u>Deed of Mandate:</u></p> <p>The minutes of the hapū mandate hui and the hui-a-iwi will be submitted with a Deed of Mandate to the Crown.</p> <p>There will be no submissions round for the Deed of Mandate.</p> <p><u>Report to Ministers:</u></p> <p>Following considerations of submissions and the hapū vote, the Minister for Treaty of Waitangi Negotiations and Minister for Māori Development will decide whether to recognise that a mandate has been conferred.</p>
17	Resolutions	<p>What is the hui resolution?</p> <p>E.g. “This hui gives the [representative body] the mandate to represent the [large natural group] in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of [large natural group].”</p>	<p>The hapū of [name] mandate the Te Whānau a Apanui Negotiation Team to represent Te Whānau a Apanui in negotiations with the Crown in respect of the comprehensive settlement of all the historical Treaty claims of Te Whānau a Apanui hapū.</p> <p>The hapū of [name] mandate the Te Whānau a Apanui Negotiation Team to engage with the Crown in respect of foreshore and seabed claims, for the recognition of customary rights in the foreshore and seabed (to be progressed in the context of the Marine and Coastal Area (Takutai Moana) Act 2011).</p>

Attachment checklist				
Map of area of interest	Yes			
Key Governing Documents	Have you attached these?			
System generated bank deposit slip or bank statement header showing the account name and number	Have you attached this?			
Submissions on Mandate Strategy (Crown will complete this section)				
Submissions period	This Mandate Strategy will be placed on www.ots.govt.nz and www.tpk.govt.nz and submissions, views and inquiries invited.			
Number of submissions	Total:	For:	Against:	Unclear:
Summary of submissions				
How has the representative body addressed any concerns raised				
Your Mandate Strategy is now complete				

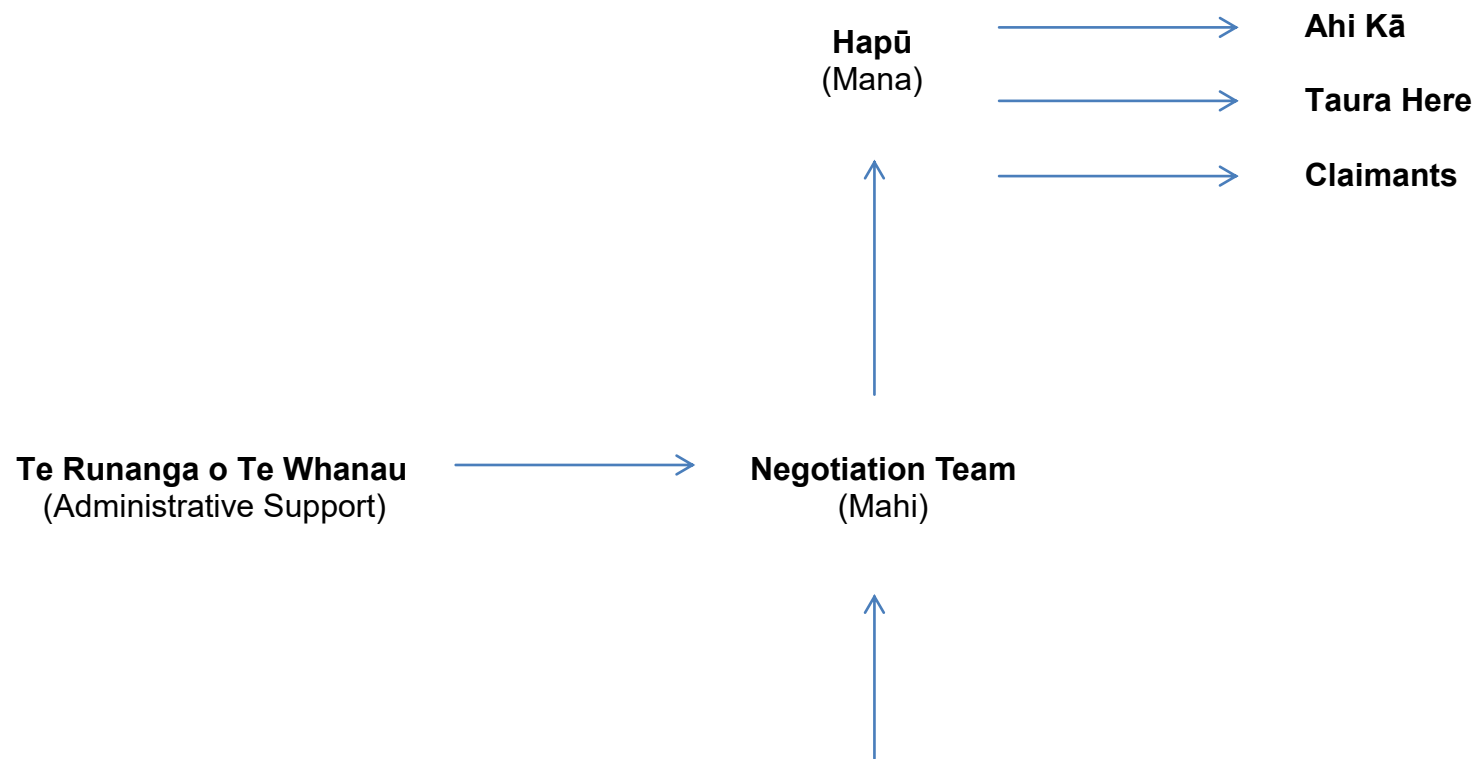
Further information to provide to the Crown after the mandate hui to complete a Deed of Mandate:

Attachment checklist				
Lists of hui attendees	Have you attached these?			
Minutes of hui, including confirmation of the resolutions passed at the hui	Have you attached these?			
Submissions on Deed of Mandate (Crown will complete this section) – with hapū decision making no Deed of Mandate publication or subs				
Submissions period	This Deed of Mandate will be placed on www.ots.govt.nz and www.tpk.govt.nz and submissions, views and inquiries invited.			
Number of submissions	Total:	For:	Against:	Unclear:
Summary of submissions				
How has the representative body addressed any concerns raised				
Your Deed of Mandate is now complete				

Appendix A



Appendix B: Proposed Structure



Expert Technicians/Working Groups

Note: Arrows delineates line of responsibility.

Appendix D: Crown policy regarding financial accountability policy

Claimant funding is managed by the Te Rūnanga on behalf of the the Negotiation Team and the claimant group. The onus is on the Te Rūnanga to be accountable to the Negotiation Team its claimant group.

This includes: seeking the Negotiation Team's and the claimant group's approval of the claimant funding management policy and disclosing the manner in which the claimant funding is being managed and reported to the claimant group, i.e. by providing financial reports to hui-a-iwi and/or including financial reports in regular newsletters.

Te Rūnanga are required to undertake an annual independent review of negotiation related financial statements and provide the review results to the Office of Treaty Settlements. The submission of an annual review and supporting documentation provides assurance to both the Office of Treaty Settlements and claimant groups that the funding released to Te Rūnanga on behalf of the Negotiation Team has been used appropriately.

The Crown requires that Te Rūnanga maintain a separate back account for the claimant funding receipts and negotiations expenses. Any change of bank account must be notified immediately. Other sources of funding, such as Crown Forestry Rental Trust funding, must be kept in a different account from the Crown negotiations and claimant funding account. Expenses claimed against Crown claimant funding must not also be claimed against other sources of funding (and vice versa).

Te Rūnanga must develop a transparent and accountable claimant funding management process that describes who will control the funding, how it will be controlled and how the funds will be used. For example, Te Rūnanga should prepare a claimant funding management plan that sets out:

- i. the process to approve invoices and payment of invoices;
- ii. a reporting mechanism for all incoming revenue/receipts and expenses/payments (i.e. an income statement that lists transactions of all incoming receipts and payments, their purpose and cost category); and
- iii. when and how the annual review of the mandated representatives negotiation related financial statements (bank account and transactions) will take place.

It is the Crown's experience that mandates are challenged if claimant groups feel that their funding is being used inappropriately. Please confirm that Te Rūnanga will comply with Crown policy.