

**NGĀTI RUAPANI MAI WAIKAREMOANA**

**WORKING GROUP**

**NOVEMBER 2017**

DRAFT

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## 1.0 Introduction

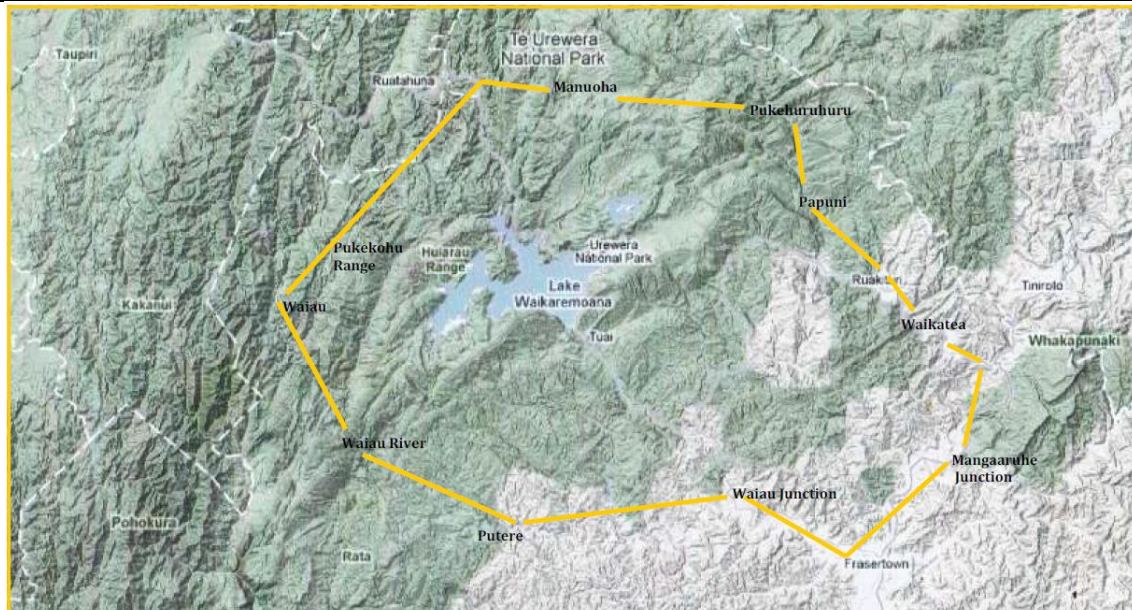
**Purpose of this document is to** demonstrate that a collective position exists to represent Ngāti Ruapani mai Waikaremoana in Treaty settlement negotiations and to outline how that mandate may be achieved. It sets out information on the formation of the Ngāti Ruapani mai Waikaremoana Negotiating Group and the process by which it will seek a mandate to negotiate the settlement of Ngāti Ruapani mai Waikaremoana’s historical Treaty claims with the Crown.

<b>Large natural group</b>	Ngāti Ruapani mai Waikaremoana
<b>Name of Working Group Applying</b>	<p>The Ngāti Ruapani mai Waikaremoana Working Group (<b>the Working Group</b>) is the group that will manage and support the establishment of an entity to represent Ngāti Ruapani mai Waikaremoana in Treaty settlement negotiations with the Crown, the Ngāti Ruapani mai Waikaremoana Negotiating Group (<b>the Negotiating Group</b>). The Working Group is made up of three Te Toi Kura o Waikaremoana representatives, who are Kara Dentice, Nicky Kirikiri, Kathy Peebles, and three Waikaremoana Tribal Authority representatives who are Allan Smith, Lorna Taylor, Tina Wagner. The Waikaremoana Tribal Authority and Te Toi Kura o Waikaremoana also each have two ‘fill in’ representatives as alternates who may attend to maintain the 6 member working group. They are Pare Hill, Newton Lambert, Cindy Wills and Zoe Wilson.</p> <p>Once the Ngāti Ruapani mai Waikaremoana Negotiating Group is established and at the convening of the first hui of the Negotiating Group, the Working Group shall cease to exist. The Working Group anticipates establishing the Negotiating Group before the Final Mandate Strategy is agreed and mandate hui are held.</p>
<b>Name of representative body to be elected</b>	Ngāti Ruapani mai Waikaremoana Negotiating Group
<b>The Mandate is to Achieve</b>	To represent Ngāti Ruapani mai Waikaremoana in negotiations with the Crown for the comprehensive settlement of all Ngāti Ruapani mai Waikaremoana historical Treaty of Waitangi claims including all the claimant interests and claims which relate to lakes, rivers, waterways, native forest, lands, wāhi tapu, wāhi tipuna, historical raupatu, commercial and cultural redress
<b>Limits to a recognised mandate</b>	The mandate is to negotiate a draft deed of settlement. The mandated body will present an initialled deed of settlement and proposed Post Settlement Governance Entity ( <b>PSGE</b> ) to the claimant community for approval. The Ngāti Ruapani mai Waikaremoana PSGE will be a separate entity to the Negotiating Group and will act for the sole purpose of implementing the settlement.

## 2.0 Ngāti Ruapani mai Waikaremoana

**Introducing the people of Ngāti Ruapani mai Waikaremoana and the claimant definition.**

<b>Ngā Tipuna (common founding ancestors)</b>	Representing the Poutokomanawa o Ngā marae o Ngāti Ruapani mai Waikaremoana: <ul style="list-style-type: none"> <li>• Hinekura</li> <li>• Pukehore; or</li> <li>• the tipuna Tuwai insofar as these descendants affiliate to one or all o Ngā marae o Ngāti Ruapani mai Waikaremoana.</li> </ul>
<b>Are whānau from</b>	Ngāti Hinekura, Whānau Pani, Ngāti Ruapani ki Waikaremoana, Ngāi Tarapāroa
<b>Represented across all Ngāti Ruapani mai Waikaremoana marae</b>	Te Kuha Tarewa, Te Waimako and Te Putere marae
<b>Include the Wai claims</b>	144, 937, 945, 1033, 1342, 1013, 2245 insofar as they relate to Ngāti Ruapani mai Waikaremoana.
<b>Rohe (area of interest)</b>	See below.



### 3.0 Overlapping Issues

#### Introducing the neighbouring interests.

<b>Neighbouring Iwi – Mana Whenua (overlapping groups)</b>	<ul style="list-style-type: none"> <li>• Northern: Tūhoe</li> <li>• Western: Tūhoe, some connection with Ngāti Hineuru and Tuwharetoa.</li> <li>• Eastern: Kahungunu - Te Tira Whakaemi, and potentially some connection with Te Whanau a Kai, Aitangā a Mahaki, Rongowhakaata.</li> <li>• Southern: Ngāti Pahauwera</li> </ul>
<b>Current Relationships (previous engagement)</b>	<p>This working group offers a fresh new approach to collaboration over achieving a mandate to negotiate the Ngāti Ruapani mai Waikaremoana claims with the Crown. This working group is founded on the will to unite the various entities and personalities that all wish for a prosperous Waikaremoana future. As such the Waikaremoana Tribal Authority and Te Toi Kura o Waikaremoana are working together with all people, entities and groups with interests in the Ngāti Ruapani mai Waikaremoana claims including neighbouring Iwi and Groups to progress shared goals and achieve collective outcomes. While we have not formally gauged the level of support for our renewed collaborative/collective approach, we are confident that together the Working Group will achieve a positive response from our neighbouring Iwi.</p>
<b>Status of Waitangi Tribunal Inquiry</b>	<p>Ngāti Ruapani mai Waikaremoana claims were heard within the Te Urewera Inquiry district. The Tribunal has completed and published its report.</p>

## 4.0 The Mandated Body

### Introducing the Ngāti Ruapani mai Waikaremoana Negotiating Group.

#### **The Working Group (Getting Started – Establishing a representative Negotiating Group)**

The Waikaremoana Tribal Authority and Te Toi Kura o Waikaremoana shall establish the Working Group to:

- Provide and inform Ngāti Ruapani mai Waikaremoana people on the negotiations and settlement process and approach, distributing the necessary guidelines, terms, objectives, aspirations or whatever other information that may be requested.
- Develop the Trust Deed for the Negotiating Group and produce profile information on preferred attributes/skill sets of Trustees.
- Develop policies to govern the Negotiating Group (see further information below).
- Confirm with the named Ngāti Ruapani mai Waikaremoana Marae their representatives on the Negotiating Group and provide any information requested.
- Appoint the independent Trustees to the Negotiating Group (see further information below).
- Appoint the Establishment/Interim Chair from amongst the number appointed.
- Provide administrative support to establish the Negotiating Group.
- Begin resourcing talks to ensure resources are enabled.

Once the Ngāti Ruapani mai Waikaremoana Negotiating Group is established and at the convening of the first hui of the Negotiating Group, the Working Group shall cease to exist.

#### **The Representatives**

The Trustees of the Negotiating Group shall be made up of:

- 2 x Te Kuha Tarewa
- 2 x Te Waimako
- 2 x Independents, who must be uri o Ngāti Ruapani mai Waikaremoana, to represent the claimant community outside the rohe and appointed by the Working Group.

The Trustees will be appointed through a properly convened hui of the Marae Trustees and only after public information hui have been held by those Marae Trustees.

#### **The Structure**

The Negotiating Group will apply to be a Charitable Trust. That Trust Deed will be developed and submitted to the Office of Treaty Settlements for input prior to enacting. The Negotiating Group will have the authority to amend the Deed of Mandate to make the management of negotiations more effective.

<p><b>Governance Documents</b></p>	<p>Supporting the Trust Deed, the Working Group will develop a range of policy governing:</p> <ul style="list-style-type: none"> <li>• A communications strategy – authorising public messages and maintaining settlement process updates to our people.</li> <li>• A governance charter outlining the procedure for meetings of the Negotiating Group, who may call a hui, the notice required, the contents of general Negotiating Group meetings.</li> <li>• A finance policy – guiding the transparency of budgeting and spending and ensuring that compliance reporting is well maintained.</li> <li>• A register policy – outlining the access to registration, the safe-handling of private information and verifying practices.</li> <li>• An HR policy – describing the selection processes of employees and contractors and including contracting templates.</li> </ul> <p>The draft Trust Deed is attached to this Mandate Strategy.</p>
<p><b>Decision Making</b></p>	<p>On matters of strategic importance described as those matters relating to the unity of the Negotiating Group members and their ability to meet the purpose of their primary kaupapa (being the production of the Initialled Deed of Settlement and the development of the PSGE Trust Deed for the betterment of Ngāti Ruapani mai Waikaremoana) the Negotiating Group shall strive at all times for unanimous decision making. Where the Negotiating Group struggles to achieve a unanimous outcome, it should seek the input of the three marae (Te Kuha Tarewa, Waimako and Putere) and hapū to support unanimity. Specifically, the Negotiating Group will strive to achieve:</p> <ul style="list-style-type: none"> <li>• Unanimous decision making on matters of strategic importance being those issues that relate to the unity necessary to realise the primary purpose of the Negotiating Group. These decisions may be identified by a 75% majority vote confirming the decision to be of a strategic nature. Where unanimity is difficult there will be some evidence of seeking the guidance and direction from the three marae to assist with achieving a unanimous result.</li> <li>• Operational matters may be decided by a simple majority.</li> </ul>
<p><b>Tribal Register</b></p>	<p>Both Te Toi Kura o Waikaremoana and the Waikaremoana Tribal Authority hold registers of Ngā uri o Ngāti Ruapani mai Waikaremoana. Both groups would need to undertake a consolidation process under the Negotiating Group to align with the interests of their marae and their Marae Trustees; and with the claimant definition. The Negotiating Group will maintain a register of Ngāti Ruapani mai Waikaremoana members, promoting registration and access to registration for key voting opportunities. Progress on the development of the Register will be provided to the Office of Treaty Settlements and will be finalised before any mandate hui are held.</p>

<p><b>Financial Accountability</b></p>	<p>The Negotiating Group will comply with any Crown Policy regarding any financial accountability measure required upon receipt of any Crown funding. The particulars of these processes will be included in the Negotiating Group's financial policy and processes both for use and reporting.</p>
<p><b>Removing the Mandate</b></p>	<p><b>Disputes</b>  If member(s) of the claimant community have concerns about or disputes with the Negotiating Group in relation to mandate, negotiations or settlement, their respective marae or independent representatives on the Negotiating Group will make themselves available to discuss the concern in good faith. If discussion does not resolve the concern, the relevant member(s) of the claimant community may submit their concern in writing to the Negotiating Group. The Negotiating Group will take all reasonable steps and act in good faith to resolve the concern or dispute raised. The Negotiating Group will provide a written reply to the concern or dispute within 10 working days and, if appropriate, offer to meet with the relevant member(s) of the claimant community.</p> <p><b>Withdrawal or amendment of mandate</b>  This provision only applies where member(s) of the claimant community have concerns in relation to mandate, negotiations or settlement that they have attempted in good faith to resolve in accordance with the dispute resolution process set out in this mandate strategy. If they feel their concerns were not adequately addressed or resolved through the dispute resolution process and they wish to amend the deed of mandate or withdraw it from the Negotiating Group, they must, through the relevant marae tikangā and or marae charter, obtain the support of their marae to amend or withdraw the mandate. The Marae Trustees must then obtain formal resolutions of support from the other two marae through their Marae Trustees, according to their marae tikangā and or marae charters of those marae, to amend or withdraw the mandate.</p> <p>Written notice of the proposal to withdraw or amend the mandate must be provided to the Negotiating Group. The written notice must:</p> <ul style="list-style-type: none"> <li>• identify the processes followed at each of the three Ngāti Ruapani mai Waikaremoana marae to obtain support for amending or withdrawing the mandate;</li> <li>• identify the level of support for amending or withdrawing the mandate in each of the three Ngāti Ruapani mai Waikaremoana marae;</li> <li>• name a contact person at each of the three Ngāti Ruapani mai Waikaremoana marae who is in support of amending or withdrawing the mandate; and</li> <li>• identify the relevant concerns.</li> </ul> <p>On receipt of the written notice, the Negotiating Group will arrange for a meeting to be convened, within 10 working days of the date of the written notice, between the representatives in the named notice and the Negotiating Group. If this meeting does not resolve the identified concerns, the Negotiating Group will discuss the proposal to withdraw or</p>



	amend the mandate with the Office of Treaty Settlements. If required, the Deed of Mandate may be amended to address the concerns identified.
<b>Negotiators</b>	<p>The Negotiating Group will undertake its primary function to achieve an initialled Deed of Settlement with utmost care:</p> <ul style="list-style-type: none"> <li>• The Negotiating Group by unanimous decision will appoint the Negotiator. If the Negotiating Group is unable to appoint by unanimous decision then a majority decision of 75% is required.</li> <li>• The same will apply for the removal of the Negotiator.</li> <li>• The Negotiator will be bound by a Terms of Reference approved by the Negotiating Group. The Terms will set out the mandate of the Negotiator and these will be reaffirmed in the contractual arrangement.</li> <li>• The Negotiator will be chosen on the basis of their experience in negotiation, their reputation for integrity, their reputation for their commitment and care for the people of Ngāti Ruapani mai Waikaremoana, their availability to deliver justice to the role, their knowledge of the raupatu issues and a proven track record of building relationships with superb communication abilities.</li> <li>• The Negotiator will report directly to the Negotiating Group and on a day to day basis with the Chair. The Negotiator will be required to endorse their approach with the Negotiating Group and report against that in person on a minimum of a monthly basis.</li> </ul>

## 5.0 The Mandate Process

### Our approach to running the mandate process and testing the level of trust and confidence in the Negotiating Group.

<b>The Hui</b>	The Negotiating Group will hold 8 national hui in the following locations: <ul style="list-style-type: none"><li>• Auckland</li><li>• Rotorua</li><li>• Taneatua (Te Waimana or Ruatoki)</li><li>• Waikaremoana</li><li>• Hastings</li><li>• Gisborne</li><li>• Poneke</li><li>• Christchurch</li></ul>
<b>The Notice</b>	The notice of mandate hui will include the following as a minimum: <ul style="list-style-type: none"><li>• Location and details of the hui</li><li>• The purpose of the hui</li><li>• What the voting process is all about and how to vote</li><li>• The resolution to be voted on</li></ul>
<b>Notification</b>	All hui will be notified through: <ul style="list-style-type: none"><li>• Prior information hui in all locations held prior to the formal process.</li><li>• Advertising in the respective newspapers at least 14 days prior to all hui.</li><li>• Through website and frequent social media panui.</li><li>• Through radio where relationships exist.</li><li>• Through mailouts and other panui.</li></ul>

<b>The Presentation</b>	<p>As a minimum the hui presentation will set out the following:</p> <ul style="list-style-type: none"> <li>- The Ngāti Ruapani mai Waikaremoana claimant definition and our historical claims to be settled;</li> <li>- The Negotiating Group seeking mandate and explaining its Trustees;</li> <li>- The structure and accountabilities of the Negotiating Group;</li> <li>- Stating clearly that the mandate sought is to represent Ngāti Ruapani mai Waikaremoana in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngāti Ruapani mai Waikaremoana; and</li> <li>- That the Negotiating Group, if it achieves a mandate, will present any initialled deed of settlement to the claimant community for their ratification.</li> </ul>
<b>The Resolution</b>	<p><b>This hui gives the Ngāti Ruapani mai Waikaremoana Negotiating Group the mandate to represent Ngāti Ruapani mai Waikaremoana in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngāti Ruapani mai Waikaremoana.</b></p>
<b>Voting</b>	<p>The vote to occur through a show of hands of those eligible to vote. Crown observers and invigilators may attend to undertake their own processes of scrutiny to ensure a robust mandate is achieved.</p> <p>Those who cannot attend the hui will be able to send letters of support/opposition.</p>