

Te Aitanga a Mahaki Settlements Hui a Iwi Takipu Marae, 1pm, 23 February 2014

1. Opening Karakia & Mihi
2. Apologies [please note apologies with Robyn Rauna]
 - a. **Motion 1: That the apologies be received.**
3. Minutes of the Hui a Iwi held 26 January 2014 [*page 2 – 5*]
 - a. **Motion 2: That the minutes of the Hui a Iwi held on 26 January 2014 be received**
4. Matters Arising from the Minutes
5. Wai 274 & Wai 283 Report to the Te Aitanga a Mahaki Trust
 - a. Letter from John Ruru [*pages 6 – 8*]
 - b. Resolutions from 17 June 2011 to 26 January 2014 [*pages 9-11*]
 - c. Options 1 and 2 [*pages 12-18 from 26 January 2014 Hui Pack*]
 - d. **Motion 3: That the letter from John Ruru to the Te Aitanga a Mahaki Trust dated 18 February 2014; the key Hui a Iwi resolutions from 17 June 2011 to 26 January 2014 be received; and the Options 1 and 2 paper (with noted modifications) be received.**
6. Te Aitanga a Mahaki Trust Decision – 20 February 2014 [*page 19*]
7. Next Steps – Timeline to Claims Settlement Legislation [*page 20*]
 - a. **Motion 4: That the Te Aitanga a Mahaki Trust decision of 20 February 2014 and the Timeline to Claims Settlement Legislation be received.**
8. Closing Karakia

Any queries relating to this information pack can be sent to Willie Te Aho on e-mail (willie.teaho@icsolutions.co.nz) or 021 768462.

John Ruru
Wai 274 (Mangatu 1) & Wai 283 (Te Aitanga a Mahaki)

Minutes of Hui A Iwi of Te Aitanga a Mahaki & Affiliates
Central Progression Team
Held 26 January 2014, 1.10pm at Waerenga A Hika Hall

Those Present:

John Ruru, Alan Haronga, Fred Mulligan, Kath McLatchie, Jo McLatchie, Kerry McLatchie, Pene Brown, Tony Tapp, Karen Finch, Te Aorere Tapp, Nicole Finch, Robyn Rauna, Lucky Campbell, Ray Farmer, Tom Terekia, Mohi Te Purei, Ra McGhee, Raana Kerekere- Tangira, Meredith Ruru, Waatia Ruru, Karen Pewhairangi, Karauria Ruru, Hugh Lynn, Michael Haami, Raymond Ruru, Jack Brown, Claudia Paenga-Ruru, Bill Ruru, Cheryl Neiling, Jarome Finch, Tama Brown, Patsy Wilson, Anahera Mita, Christina Mita, Tamati Kerekere, Ruby Symon, Giovanni Maxwell, Claude Ruru, Rick Paenga, Tangiwai Ria, Jenny Lewis, Shanon Tapp, Shallie Tapp, Sheree Poki Tapp, Iam Kingi, Patsy Harry, Charlie Pera.

(44 people signed the attendance register).

In attendance: Willie Te Aho (TAMA Lead Negotiator)

Karakia: Wirangi Pera

1. Apologies

MOTION 1:

That the apologies from Dan Parekowhai, George Parekowhai, Annette Stott, John Kahukiwa and Diane Haronga are received.

Moved: Karen Pewhairangi

Seconded: Tony Tapp

CARRIED

2. Minutes of the Previous Hui A Iwi of Te Aitanga a Mahaki & Affiliates Held 19 August 2012 at Takipu Marae

MOTION 2:

That the minutes of the meeting held 19 August 2012 at Takipu Marae are a fair reflection of the meeting.

Moved: Robyn Rauna

Seconded: Pene Brown

CARRIED

3. Matters Arising from the Minutes of 19 August 2012

There were no matters arising.

4. **Treaty of Waitangi Claims Presentation Update on the Waitangi Tribunal Inquiry into the Mangatu Forest & Options for Te Aitanga A Mahaki & Affiliates**

- 1) Willie spoke about the background of events for Te Aitanga A Mahaki & Affiliates, the Agreement in Principle that was signed and the release of the Waitangi Tribunal's Report in December 2013.
- 2) Sarah McGhee raised a query regarding the Waitangi Tribunal claim that was filed for Kaitara Marae and its relationship to Te Aitanga A Mahaki & Affiliates ("TAMA") and Te Aitanga A Mahaki Trust. She undertook to provide a copy of the claim. Willie noted that breaches of the Treaty of Waitangi by the Crown will be handled by TAMA. Charlie Pera noted that issues relating to a recognition of a marae by the Te Aitanga a Mahaki Trust ("TAMT") will be handled by TAMT.
- 3) Willie spoke to the slides that he presented at the hui (see attached presentation)
- 4) The Chair John Ruru invited the hui to make comments or give feedback.
- 5) Sarah McGhee asked if the trees on Mangatu Forest are returned to TAMA with the carbon credits. Willie noted that if TAMA acquires the Mangatu Forest then it will take the accumulated rental and the NZ Units (which were referred to as carbon credits).
- 6) Matire McGhee said that there is too much complaining. She asked why Te Whanau A Kai and Ngariki don't deal with their own *take*. There is too much raruraru for the main claimants and they are being held back.
- 7) Willie said that TAMA is doing its best to try and get agreement but now it's at a point where things have to be brought to a head. We know that Option one, an agreed way forward, which is presented to this Hui A Iwi is the best way forward for all of us.
- 8) Karen Pewhairangi said it's excellent that we have a group of people that can move things into the future. Kei te tautoko ahau nga options. The fact that the opportunity is left open for the other two parties to take their place on TAMA is important. It's important that we see the light at the end of the tunnel because a lot of us want to build the tribal infrastructure for the future. She also said that the Crown can assist with this.

- 9) Michael Haami sought clarification regarding the post settlement entities that will advance settlement. Willie responded that TAMA is proposing the establishment of three post settlement entities – Te Aitanga A Mahaki & Affiliates, Te Whanau A Kai and Ngariki.
- 10) There was concern expressed by Sarah McGhee that her claim may not be recognized by TAMA. Willie Te Aho clarified that if the Kaitara claim relates to actions by the Crown then the claim would be connected to the next phase of work that is being undertaken by TAMA. If it relates to the internal workings of Te Aitanga A Mahaki Trust it is something that needs to be taken up with the Te Aitanga A Mahaki Trust. Willie Te Aho and Tony Tapp gave an assurance that TAMA will work to act inclusively for the benefit of all.
- 11) Tangiwai Ria asked what challenges do TAMA see coming. Willie noted that if Te Whanau a Kai and Ngariki Claimant Groups don't agree on a way forward then they will challenge by voting against the TAMA mandate or by heading back to the Waitangi Tribunal if the Crown accepts the mandate. If TAMA does not have the numbers, then TAMA will not get the mandate. If TAMA does have the numbers, then the Waitangi Tribunal may have to decide on the TAMA mandate if our mandate is accepted by the Crown but rejected by the other 2 claimant groups. With this in mind, it is important for people to register with the Te Aitanga a Mahaki Trust so that you can receive the TAMA information and then vote on the mandate. What we outline here today is a TAMA view. If you are Te Whanau a Kai then you need to go to their claimant hui. Likewise for Ngariki. Then you can make an informed decision when you receive the TAMA Mandate voting papers.

MOTION 3:

Te Aitanga a Mahaki & Affiliates ("TAMA") agree that:

- 1. If agreement is not achieved with the Te Whanau a Kai and Ngariki claimant groups by mid February 2014 then TAMA will seek to refresh its mandate which is to act on behalf of all 5 claimant groups. Te Whanau a Kai & Ngariki claimant groups will be able to take up their seats on TAMA.***
- 2. If the mandate refresh is successful (and agreed by the Crown), then TAMA will pursue Option 1 first (the most ideal outcome), and then Option 2 if an agreement with the Crown is not achieved by May 2014.***

Moved: Michael Haami

Seconded: Tangiwai Ria

CARRIED

There were no votes against the motion and no abstentions.

5. General Business

There was no general business.

Willie acknowledged the manaakitanga of Parihimanihi Marae at the hui.

With no further business the meeting closed with a karakia at 2.45pm by Charlie Pera.

[John Ruru letter to Te Aitanga a Mahaki Trust]

41 Haronga Road

Gisborne 4010

18 February 2014

E nga whanaunga a Te Aitanga A Mahaki tenei te mihi atu ki a koutou.

I first lodged the historical claims of Te Aitanga A Mahaki with the Waitangi Tribunal in 1992 (WAI 274, 283). For me, Te Aitanga a Mahaki includes Te Whanau a Kai and Ngariki/Ngariki Kaiputahi. I am personally as much Te Whanau a Kai as I am Te Whanau a Taupara. I acknowledge that other Te Whanau a Kai have a different view.

A lot of water has gone under the bridge over the past two decades.

After two Waitangi Tribunal reports on Turanga (2004) and Mangatu (December 2013) it is time to complete the settlement of the Te Aitanga A Mahaki historical claims. From the Te Aitanga a Mahaki & Affiliates ("TAMA") Hui a Iwi held on 26 January 2014, it is clear that there are many of our whanau who share this view.

Te Aitanga a Mahaki & Affiliates (which changed its name from Te Pou a Haokai (2004) and then Te Whakarau (2010)) have not been able to comply with the original Deed of Mandate approved in March 2003 since February 2012. That was when the Ngariki/Ngariki Kaiputahi claimant group representatives decided to withdraw from TAMA and did not participate in meetings. We no longer had 4 of the 5 claimant groups under the original Deed of Mandate at the table. The Te Whanau a Kai claimant group representatives had not participated in TAMA since June 2011. Despite the Crown's view and the Waitangi Tribunal's view, my team are clear that TAMA is no longer able to hold the mandate for Te Aitanga a Mahaki and operate under that mandate in any shape or form.

With the above in mind, I ask that you support the following motion: “That Te Aitanga a Mahaki Trust (“TAMT”) -

1. Receive the letter from John Ruru (Wai 274 and Wai 283) dated 18 February 2014 together with the minutes from the Te Aitanga a Mahaki & Affiliates (“TAMA”) Hui a Iwi held from 17 June 2011 and 26 January 2014, and the information pack for the TAMA Hui a Iwi held on 26 January 2014;
2. Note that the TAMT is the only entity that is inclusive of operational and recognised Te Whanau a Kai marae, Ngariki/Ngariki Kaiputahi marae and the rest of Te Aitanga a Mahaki marae;
3. Support, subject to ratification by beneficiaries over the age of 18 years, the TAMT being the mandated entity for the settlement of all historical Te Aitanga A Mahaki claims (including those for Te Whanau A Kai and Ngariki/Ngariki Kaiputahi);
4. Approve the information pack provided for the Te Aitanga a Mahaki & Affiliates Hui a Iwi held on 26 January 2014 in particular the two options for progressing the Te Aitanga a Mahaki & Affiliates settlement;
5. Adopt and modify, with TAMT as the mandated entity, the resolution passed at the Te Aitanga a Mahaki & Affiliates Hui a Iwi held on 26 January 2014, namely:
 - a. TAMT seek a mandate which to act on behalf of all 5 TAMA claimant groups; and
 - b. If the mandate of TAMT is successful (and agreed by the Crown), then TAMT through the Te Aitanga a Mahaki Settlements Committee and its appointed negotiators will pursue Option 1 first (the most ideal outcome), and then Option 2 if an agreement with the Crown is not achieved by May 2014.
6. Support TAMT establishing a sub committee called the Te Aitanga a Mahaki Settlements Committee that will:
 - a. subject to fulfilling Options 1 or Option 2, operate as a committee under the TAMT in terms of procedure and decision making;
 - b. consist of the TAMT Chair (on behalf of TAMT), a representative from each of the 11 marae identified in the TAMT Deed of Trust (or as otherwise agreed by the committee) and a representative from each of the Te Aitanga A Mahaki or Mahaki Cluster claimants;

- c. enable the Te Aitanga a Mahaki Settlement Committee to appoint the Chair and make a recommendations to the TAMT for the Committee budget and negotiators for TAMT to confirm;
7. Support Te Whanau a Kai and Ngariki/Ngariki Kaiputahi claimant groups negotiating their respective settlements and establishing their own separate Post Settlement Governance Entities on the following conditions:
- a. Option 1 (and the quantum splits agreed by TAMA on 17 June 2011);
 - b. One single timeline for completing negotiations;
 - c. One Deed of Settlement with separate recognition of Te Whanau a Kai and Ngariki/Ngariki Kaiputahi;
 - d. Subject to ratification, 3 separate Post Settlement Governance Entities (PSGE) for Te Whanau a Kai, Ngariki/Ngariki Kaiputahi and Te Aitanga a Mahaki whanui;
 - e. One claims settlement legislation; and
 - f. Te Whanau a Kai and Ngariki/Ngariki Kaiputahi (as opposed to their marae which are seen as Te Aitanga a Mahaki marae) are not entitled to any distributions from the Te Aitanga a Mahaki whanui PSGE.

These matters are technical. If you have any questions then please contact Willie Te Aho (willie.teaho@icsolutions.co.nz or mobile: 021768462). Willie has been our Te Aitanga a Mahaki Lead Negotiator since 1 May 2011 and he understands the depth of these issues. Willie will be in attendance this Thursday.

Mauriora tatou katoa

Eric John Tupai Ruru

Key Hui A Iwi Resolutions from June 2011 to 26 January 2014

Hui A Iwi Date & Venue	Key Resolutions
17 June 2011, Parihimanihi Marae	<p>MOTION 3: Agree, that Te Aitanga a Mahaki support, endorse and approve of Te Aitanga A Mahaki Settlement Trust as the Post Settlement Governance Entity for Te Aitanga a Mahaki, generally for the purposes of settling historical Treaty of Waitangi claims for Te Aitanga A Mahaki & Affiliates (Nga Ariki Kaiputahi & Te Whanau a Kai), and more specifically for advancing Te Aitanga a Mahaki treaty settlement interests.</p> <p>Moved: Pene Brown Seconded: David Kingi Against: George Horsfall, Josephine Ihimaera, Mairia Hawea, Te Owaina Ihimaera, David Hawea, Norma Chambers, Tom Kerr, Peter Tupara.</p> <p>CARRIED AS A VOTE OF THE MAJORITY</p> <p>MOTION 4: Agree, in the absence of any agreement with the Te Whanau a Kai claimant group, the Treaty settlement share for Te Whanau a Kai (\$6.2m cash, shares plus rights) be held in trust by the Te Aitanga a Mahaki Settlement Trust for Te Whanau a Kai subject to Te Whanau a Kai confirming, through the Te Aitanga a Mahaki Settlement Trust, a formal ratification process where:</p> <ul style="list-style-type: none"> i. The decision of Te Whanau a Kai to separately administer the Te Whanau a Kai allocation is confirmed by Te Whanau a Kai; and ii. The Te Whanau a Kai approved entity to separately administer the Te Whanau a Kai Treaty settlement share is approved together with transfer date for that share. <p>Moved: Charlie Pera Seconded: Tim Brown Against: George Horsfall, Josephine Ihimaera, Mairia Hawea, Te Owaina Ihimaera, David Hawea, Norma Chambers, Tom Kerr, Peter Tupara, Raiha Goldsmith.</p> <p>Abstentions: Richard Haerewa, Daphne Hay, Perak Nikora.</p> <p>CARRIED AS A VOTE OF THE MAJORITY</p> <p>MOTION 5: Agree that the Treaty settlement share for Nga Ariki Kaiputahi (\$2.48m cash, shares plus rights) is made by the Te Aitanga a Mahaki Settlement Trust to the Nga Ariki Kaiputahi approved entity on receipt of the Te Aitanga a Mahaki & Affiliates settlement redress from the Crown.</p> <p>Moved: Owen Lloyd Seconded: Tim Brown Abstentions: 10 people noted their abstention to this motion.</p> <p>CARRIED AS A VOTE OF THE MAJORITY</p>
28 August 2011, at Tarere Marae	<p>MOTION 6: Approve, the Deed for the Te Aitanga A Mahaki Settlement Trust.</p> <p>Moved: Tiopira Rauna Seconded: Owen Lloyd</p> <p>CARRIED</p>
23 October 2011, at Tapuihikitia Marae	<p>MOTION 5: <u>Approve</u> the proposed Ratification Strategy for the Te Aitanga A Mahaki Settlement Trust (as the TAMA Post Settlement Governance Entity) and the option for Te Whanau A Kai beneficiaries to decide if Te Whanau A Kai withdraws from Te Aitanga A Mahaki Settlement Trust.</p> <p>Moved: Tangiwai Ria</p>

	<p>Seconded: Hugh Lynn Against: Keith Katipa CARRIED</p> <p>MOTION 8: That the correspondence from Te Whanau A Kai is received. Moved: Albert Horsfall Seconded Tim Brown CARRIED</p>
<p>3 December 2011, at Te Poho o Rawiri Marae</p>	<p>MOTION 3:</p> <p>a. THAT Te Aitanga A Mahaki & Affiliates formally support the withdrawal by Te Whanau A Kai claimant group (WAI 892) from the Te Aitanga A Mahaki & Affiliates Central Progression Team on the basis that:</p> <ul style="list-style-type: none"> i. The settlement percentage for Te Whanau a Kai be 20% of the quantum and 20% of the properties (as offered by the Crown at 31 May 2011) unless otherwise ruled by the Waitangi Tribunal; ii. The mandate for Te Whanau a Kai claimant group to represent the descendants of Te Whanau a Kai in settlement negotiations with the Crown be a matter for Te Whanau a Kai claimant group to work through with the Crown and the descendants of Te Whanau a Kai after formal withdrawal through a Crown supported ratification process; iii. The mandated representatives for Te Whanau a Kai are able to negotiate further separate redress with the Crown that does not come from or affect the Te Aitanga a Mahaki and Affiliates 80% of quantum and properties (as offered by the Crown at 31 May 2011) or any new redress that Te Aitanga a Mahaki and Affiliates are able to achieve with the Crown or through the Waitangi Tribunal; <p>b. THAT Te Aitanga a Mahaki & Affiliates Central Progression Team work with the Crown, and where necessary the Te Whanau a Kai Claimant Group to confirm a Ratification Strategy to confirm the Te Aitanga a Mahaki Settlement Trust and the formal withdrawal of Te Whanau a Kai Claimant Group by April 2012.</p> <p>Moved: Kathleen Tamatea Seconded: Hugh Lynn CARRIED</p>
<p>18 February 2012, at Matawai Marae</p>	<p><u>HUI A IWI RESOLUTIONS ONE & TWO</u></p> <p>a. THAT Te Aitanga A Mahaki & Affiliates formally support the withdrawal by Te Whanau A Kai (WAI 892) and Nga Ariki Kaiputahi (WAI 507, 499, 874) claimant groups from the Te Aitanga A Mahaki & Affiliates Central Progression Team on the basis that:</p> <ul style="list-style-type: none"> i. The settlement percentage for Te Whanau a Kai be 20% of the quantum and 20% of the properties (as offered by the Crown at 31 May 2011 and confirmed by TAMA at Parihimanuhi Marae on 17 June 2011) unless otherwise ruled by the Waitangi Tribunal; ii. Nga Ariki Kaiputahi share be \$2.48m cash (as confirmed with TAMA on 17 June 2011) with no other shares or property entitlements from the future TAMA settlement unless otherwise ruled by the Waitangi Tribunal; iii. The mandate for Te Whanau a Kai and Nga Ariki Kaiputahi claimant groups to respectively represent the descendants of Te Whanau a Kai and Nga Ariki Kaiputahi in settlement negotiations with the Crown be a matter for Te Whanau a Kai and Nga Ariki Kaiputahi claimant groups to work through with the Crown and the descendants of Te Whanau a Kai and Nga Ariki Kaiputahi after formal withdrawal through a Crown supported ratification process; iv. The mandated representatives for Te Whanau a Kai and Nga Ariki Kaiputahi are able to each negotiate further separate redress with the Crown that does not come from or affect the Te Aitanga a Mahaki and Affiliates 72% of quantum and properties (as offered by the Crown at 31 May 2011) or any new redress that Te Aitanga a Mahaki are able to achieve with the Crown or through the Waitangi Tribunal; and v. THAT Te Aitanga a Mahaki Central Progression Team work with the Crown, and

	<p>where necessary the Te Whanau a Kai and Nga Ariki Kaiputahi Claimant Groups to confirm a Ratification Strategy to confirm the Te Aitanga a Mahaki Settlement Trust and the formal withdrawal of Te Whanau a Kai and Nga Ariki Kaiputahi Claimant Groups by April 2012.</p> <p>Moved: Tangiwai Ria Seconded: Kathleen Tamatea UNINAMOUSLY CARRIED with no abstentions</p>
<p>26 January 2014 at Waerenga A Hika Hall</p>	<p>MOTION 3: Te Aitanga a Mahaki & Affiliates (“TAMA”) agree that:</p> <ol style="list-style-type: none"> 1. If agreement is not achieved with the Te Whanau a Kai and Ngariki claimant groups by mid February 2014 then TAMA will seek to refresh its mandate which is to act on behalf of all 5 claimant groups. Te Whanau a Kai & Ngariki claimant groups will be able to take up their seats on TAMA. 2. If the mandate refresh is successful (and agreed by the Crown), then TAMA will pursue Option 1 first (the most ideal outcome), and then Option 2 if an agreement with the Crown is not achieved by May 2014. <p>Moved: Michael Haami Seconded: Tangiwai Ria CARRIED There were no votes against the motion and no abstentions.</p>

(from Hui a Iwi Pack – 26 January 2014)

Note: Following hui with Te Whanau a Kai, Ngariki/Ngariki Kaiputahi and Mangatu Inc, the following changes from Wai 274 & Wai 283 perspective are noted:

- 1) Option 1: The ability for Ngariki Kaiputahi to exchange value with the wider Te Aitanga a Mahaki (not including Te Whanau a Kai) for a greater land holding in Mangatu forest (outside Mangatu I block); and**
- 2) Option 2: The ability for Mangatu Inc to exchange value with the wider Te Aitanga a Mahaki (not including Te Whanau a Kai and Ngariki/Ngariki Kaiputahi) for a greater holding in Mangatu 1 block of the Mangatu forest.**
- 3) The timelines will move out by 6 weeks to allow for ratification and confirmation of the new mandate by Te Aitanga a Mahaki beneficiaries (over the age of 18 years who vote) and the the Crown.**

From: Willie Te Aho

Sent: Tuesday, 14 January 2014 7:07 p.m.

To: David Hawea; 'Keith Katipa'; 'Owen Lloyd' (owenlloyd.ngaarikikaiputahi@gmail.com); totara70@gmail.com; Alan Haronga (alan@gisnz.co.nz)

Cc: Richard Boast; Tom Bennion; Kathy Ertel; Roger Drummond; 'Tappz'; 'Annette Stott'; 'Bill Ruru'; 'Hugh Lynn'; 'John Kahukiwa'; 'John Ruru'; 'Pene Brown'; wipera@icloud.com; 'robyn.rauna@xtra.co.nz'

Subject: TAMA Central Progression Group Meeting with Te Whanau a Kai Claimant Group, Ngariki Kaiputahi Claimant Group and Mangatu Inc

Kia ora koutou

Nga mihi o te Tau Hou Pakeha ki a koutou.

Hopefully by now you have all had the opportunity to read the Waitangi Tribunal report and discuss the report with your claimant group and solicitors.

Robyn has made contact with you all to organise meetings for this week. My apologies for the meetings that have been confirmed with Dave and Owen for tomorrow. Robyn is still waiting for a time with you Rawiri.

I head to Australia first thing tomorrow morning. I support the meetings proceeding.

Following a discussion with the TAMA Central Progression Chair on Saturday morning, I am sending out this detailed note out of TAMA Central Progression Team's thinking in the led up to the meetings.

I acknowledge that there is still the option for Judicial Review of the recent report for your applications that were dismissed. I also acknowledge that we/TAMA Central Progression Team have a different view to Te Whanau a Kai Trust/claimants of the mandate of the TAMA Central Progression Team mandate and decisions made over the past 2.5 years by Te Whakarau and then TAMA Central Progression Team. I just acknowledge those differing views which will only be relevant if we return to the Tribunal.

TAMA Central Progression Team have a Hui a Iwi on 26 January 2013. We are keen to put to our people options for their consideration and determination.

We were invited to meet with the Minister on the 23rd of January. We declined this invitation. Our priority is to put the options to our people. This will include how we work with your 3 claimant groups: Te Whanau a Kai, Ngariki Kaiputahi and Mangatu Inc.

One preliminary point is that we/TAMA Central Progression Team stood back and did not oppose the Mangatu Inc application. We clearly indicated that the first rights were with Mangatu Inc. If, and only if, the Mangatu Inc application did not succeed then we would seek the resumption of Mangatu 1 CFL through TAMA Central Progression Team. The only 'live' resumption application at this point in time is the TAMA Central Progression Team application.

We agree with the Tribunal that there needs to be some recognition of Mangatu Inc and we have catered for this in our proposal below. The key point is that subject to your judicial review rights, there is only one 'live' resumption application before the Tribunal and that is the TAMA Central Progression Team's application. All other applications for the resumption of Mangatu 1 CFL have been dismissed.

The first set of options that we will put to our people on 26 January 2013 are simple:

EITHER OPTION 1

1. Collectively (all 4 claimant groups) agree on a way forward which sees one Deed of Settlement (with 3 distinct settlements), 3 PSGEs and one settlement legislation;
 - a. The Option 1 proposal is set out below.

OR OPTION 2

2. TAMA Central Progression Team takes up the remedies hearing with the Waitangi Tribunal (available only to TAMA Central Progression Team) to seek Mangatu 1/Accumulated Rentals/Compensation up to \$120m and, as a part of this process and prior to the hearing, do all that is necessary to reconfirm the TAMA Central Progression Team mandate to act on behalf of all claimants.

After reading the Tribunal report, we/TAMA Central Progression Team met on 23 December 2013 and confirmed that our preference is Option 1. I have completed 5 settlements since our TAMA Central Progression Team negotiations were paused 2.5 years ago. I have a clear understanding of what is possible and what is not. Unity, clarity of roles and timing are critical to Option 1. We will all do better together.

In an election year with the unprecedented threat of compensation up to \$120m, TAMA Central Progression Team is confident that together we can achieve a great outcome for our people and our 3 claimant groups. I am confident that we can achieve a sound outcome for Mangatu Inc as well – although I accept that what we propose here will not meet the full expectations that Mangatu Inc put before the Waitangi Tribunal.

If an agreed collective approach (Option 1) based on this proposal is not possible by 26 January 2013 then the TAMA Central Progression Team will go through the process of reconfirming the TAMA Central Progress Team mandate and then pursue binding recommendations from the Tribunal (Option 2). We could allow more time to talk, but the reality is that if we can't get agreement this month after 8 years, then let's move to the next option.

I am confident that, if we/TAMA Central Progression Team have no choice but to return to the Waitangi Tribunal, then the TAMA Central Progression Team will reconfirm its mandate to act on behalf of all claimant groups. Te Whanau a Kai claimants and Ngariki claimants will be able to take their positions in the TAMA Central Progression Team on the terms signed off by all groups in 2004 through to the AIP signed by all claimant groups (except Wi Pere and Wi Haronga) in 2008.

In March 2013, in the privacy of their homes, this is how the 84,000 people affiliated to Tairāwhiti Iwi defined themselves (CENSUS):

Te Tai Rāwhiti (East Coast) Region

Ngāti Porou	71,049
Te Aitanga-a-Māhaki	6,258
Rongowhakaata	4,920
Ngāi Tāmanuhiri	1,719
Te Tai Rāwhiti (East Coast) Region, not further defined	795

In my view, without reference to the CENSUS 2013, the Tribunal essentially reaffirmed the relativities between the Mahaki Cluster: Te Aitanga a Mahaki, Te Whanau a Kai and Ngariki Kaiputahi.

In May 2011 the TAMA Central Progression Team agreed that the Mahaki Cluster allocations of quantum (\$31m) and gifted property (approximately \$6m to be held under Turanga Group Holding Limited with Rongowhakaata except for the Patutahi Health Clinic) be:

1. 20% (instead of 15% recommended by the Waitangi Tribunal (7% of Mahaki cluster 46%)) to Te Whanau a Kai; and
2. 8% (instead of 6.5% recommended by the Waitangi Tribunal (3% of Mahaki cluster 46%)) to Ngariki Kaiputahi.

These percentages were also relevant and applicable to the interest in the Mangatu CFL.

Te Whanau a Kai Claimant Group opposed this allocation at the TAMA Central Progress Team meeting in May 2011 and then individuals opposed the resolutions at the subsequent TAMA Central Progression Team Hui a Iwi in June 2011. The resolutions on allocations were passed by the TAMA Central Progression Team in accordance with the Deed of Mandate signed off by all claimant groups.

In February 2012, after advertising the resolutions in the newspaper, the TAMA Central Progression Team agreed at a Hui a Iwi at Matawai to support the withdrawal of the Te Whanau a Kai claimant group and the Ngariki Kaiputahi claimant groups using the percentages agreed in May 2011. The Te Whanau a Kai claimant group chose not to attend this Hui a Iwi and outlined their view in the newspaper. All of the Ngariki Kaiputahi claimants were in attendance at the Matawai Hui a Iwi.

Following the February 2012 Hui a Iwi I met separately with Dave (for Te Whanau a Kai) and Owen (for Ngariki Kaiputahi) to see if we could jointly meet with the Minister to advocate for an agreed withdrawal process and other matters.

On 1 March 2012, Owen and I met with the Minister. Dave declined the invitation from me to join the meeting. On 12 June 2012 the Minister indicated that the Minister of Maori Affairs and he would not change the Mandated Group – TAMA Central Progression Team.

We have all been tied up in the Waitangi Tribunal process since then.

Under Option 1 (collectively agreed approach) the TAMA Central Progression Team is proposing:

1. That there be 1 Deed of Settlement, 3 PSGEs and 1 Settlement legislation;
2. That the percentages for the Turanga settlement agreed by the TAMA Central Progression Team in May 2011 are reaffirmed by the 3 claimant groups;
3. That each claimant group be able to separately negotiate enhancements (more cash and properties) over and above what was agreed to in May 2011 and take that in to their PSGE through the one Deed of Settlement;
 - a. Te Whanau a Kai can seek redress outside the Turanga Inquiry area which would go to Te Whanau a Kai
 - b. TAMA Central Progression team would support Wharekopae (Landcorp) being made available to Te Whanau a Kai for settlement (either cultural or commercial redress – to be negotiated by Te Whanau a Kai)
4. That each claimant group is able to separately negotiate enhancements for their final settlement package within an agreed timeline as follows;
 - a. January 2014: Heads of Agreement signed off between the 4 claimant groups;
 - i. This can be subject to any claimant group refreshing their mandate.
 - b. February 2014: Negotiations on settlement enhancements (as well as work through separate historical account)
 - c. March 2014: Negotiations continue with Cabinet approval of final package (continue work on historical account)
 - d. April 2014: Deed of Settlement drafting (finalise historical account)

- e. May 2014: Initial Deed of Settlement
 - i. Transfer on landbanked properties
 - ii. Transfer 60% of cash and interest share from 2008 to date of Deed initialling for on transfer to Crown agreed PSGEs
 - f. May/June: Ratification
 - g. July 2014: Sign Deed of Settlement & initial draft legislation
 - i. Transfer 20% of cash and interest from initialling
 - h. October 2014: First reading of legislation
 - i. Transfer 20% of cash and interest from Deed signing
5. That the Crown transfer at nil value (by providing cultural cash to purchase) the entire Mangatu CFL with the following percentages (and 4 separate titles) on the two conditions that (1) the land is managed under one entity with these percentages and (2) Te Whanau a Kai and Ngariki Kaiputahi forgo their interests in the current landbank and gifted properties (except for Patutahi Health Clinic which will go to Te Whanau a Kai);
- a. 40% Te Whanau a Kai and Ngariki Kaiputahi
 - i. 28% Te Whanau a Kai
 - ii. 12% Ngariki Kaiputahi
 - b. 30% Mangatu Inc
 - i. It is intended that this percentage will equate to the Mangatu I block title
 - c. 30% Te Aitanga a Mahaki

The Heads of Agreement (point 4(a) above) proposed for this month is effectively what is in this e-mail.

Last year in May 2013 Ngai Te Rangi signed an agreement with one of its hapu to proceed together to settlement with their own historical account, redress and PSGE. 7 months later we signed the Ngai Te Rangi and Nga Potiki Deed of Settlement. This agreement is attached. It is simple. That is what I will be seeking to achieve by the end of this month with the 3 claimant groups and Mangatu Inc.

The timing in point 4 above is critical if we are all to get a Deed of Settlement completed this year. If you have 2 months to negotiate enhancements and you don't improve your package then tough. We carry on.

Equally, the overall timing is fine and not restrictive. With Ngati Haua I went from Deed of Mandate approval in December 2012 to the first reading of legislation October 2013 (10 months in total). Here we are effectively going from Agreement in Principle – with enhancements – to a Deed of Settlement. With Ngai Te Rangi, once Cabinet had approved our package (including Nga Potiki) on 1 October 2013, we initialled our Deed of Settlement on 24 October 2013 and signed a Deed of Settlement on 20 December 2013.

The timings are easy – the hard part will be the individual negotiations with the Crown and being accountable for what you achieve or don't achieve. Holding up negotiations wont be a leverage point

There is a hierarchy under point 5 above (Mangatu CFL). The aim is to get all the Mangatu CFL transferred at no cost and to preserve the accumulated rentals for distribution as noted. The other end of the scale (which is still a good outcome) is that we will get the full CFL land at nil transfer value but it will be through the use of the accumulated rentals. This has to be negotiated and we will endure push back from the Crown. But I am confident that together we can achieve the nil land transfer of the entire CFL plus the accumulated rentals. As noted, any accumulated rentals would be split on the percentages noted.

Under Option 1, once we sign an agreement this month, there is no backing out unless the Crown/Cabinet does not agree to the nil value transfer of the entire Mangatu CFL.

If we do not have an agreement by this month, then we proceed with Option 2. Under this option we are only talking about Mangatu 1 block and cash (accumulated rentals and cash).

If we do not have a collective agreement by 26 January 2014 then TAMA Central Progression will seek a reconfirmation of the TAMA Central Progression Team mandate and pursue a remedies hearing. This will take a longer timeframe as the Tribunal flagged in its report – what will be will be.

The exact nature of the remedies hearing and how TAMA Central Progression Team will approach it is still to be finalised. But it is likely that we will only seek the resumption of Mangatu 1 block plus the accumulated rentals plus compensation so that we can have certainty sooner than later. The 3rd option is to seek a resumption of all SOE lands as well – but that will take another 3 year at least.

Under Option 2, subject to the TAMA Central Progression Team finalising its remedies approach, we will seek:

1. Mangatu 1 block;
2. Mangatu 1 block accumulated rentals;
3. Compensation of \$60m
 - a. \$9m for the landbank and equivalent benefits from Sale and Leaseback;
 - b. The equivalent of \$31m plus interest from August 2008 to the time of the binding recommendation;
 - c. \$5m to purchase Wharekopae from Landcorp or farm of equivalent value in the rohe of Te Whanau a Kai
 - d. \$15m to re-establish 3 claimant groups (instead of 1)
 - e. Specific compensation for the Mangatu Inc (1961 Owners)
 - i. This element will need to be determined with Mangatu Inc

To keep consistency with the Option 1 proposal, the allocation would be:

1. Mangatu 1 block title and accumulated rentals:
 - a. Te Whanau a Kai: 28%
 - b. Ngariki Kaiputahi: 12%
 - c. Mangatu Inc 30%
 - d. Mahaki 30%

- | | |
|--|---|
| 2. Landbank & Sale and Leaseback: | \$9m |
| a. Mahaki | |
| 3. Wharekopae Farm or equivalent: | \$5m |
| a. Te Whanau a Kai | |
| 4. All other cash (from 3(b) and (d)): | \$46m (plus interest on \$31m from August 2008) |
| a. Te Whanau a Kai | 20% |
| b. Ngariki Kaiputahi | 8% |
| c. Mahaki | 72% |
| 5. Mangatu Inc compensation (3(e)) | |
| a. Mangatu Inc | |

As this Option 2 will take place with either no agreement with Te Whanau a Kai claimant group and/or Ngariki Kaiputahi claimant group, then in accordance with the TAMA Central Progression Team Hui a Iwi in June 2011, the TAMA PSGE will hold the interests of any claimant group that does not agree until a PSGE has been established and ratified by that claimant groups beneficiaries. Clearly any claimant group who disagrees can either challenge the mandate and/or seek an urgent hearing with the Tribunal or attempt to address their concerns through the remedies hearing separately to TAMA Central Progression Team.

What I have proposed under Option 2 is the middle position with the reality that we will to have to justify this proposal with the Waitangi Tribunal within the clear messages that they sent through their recent report.

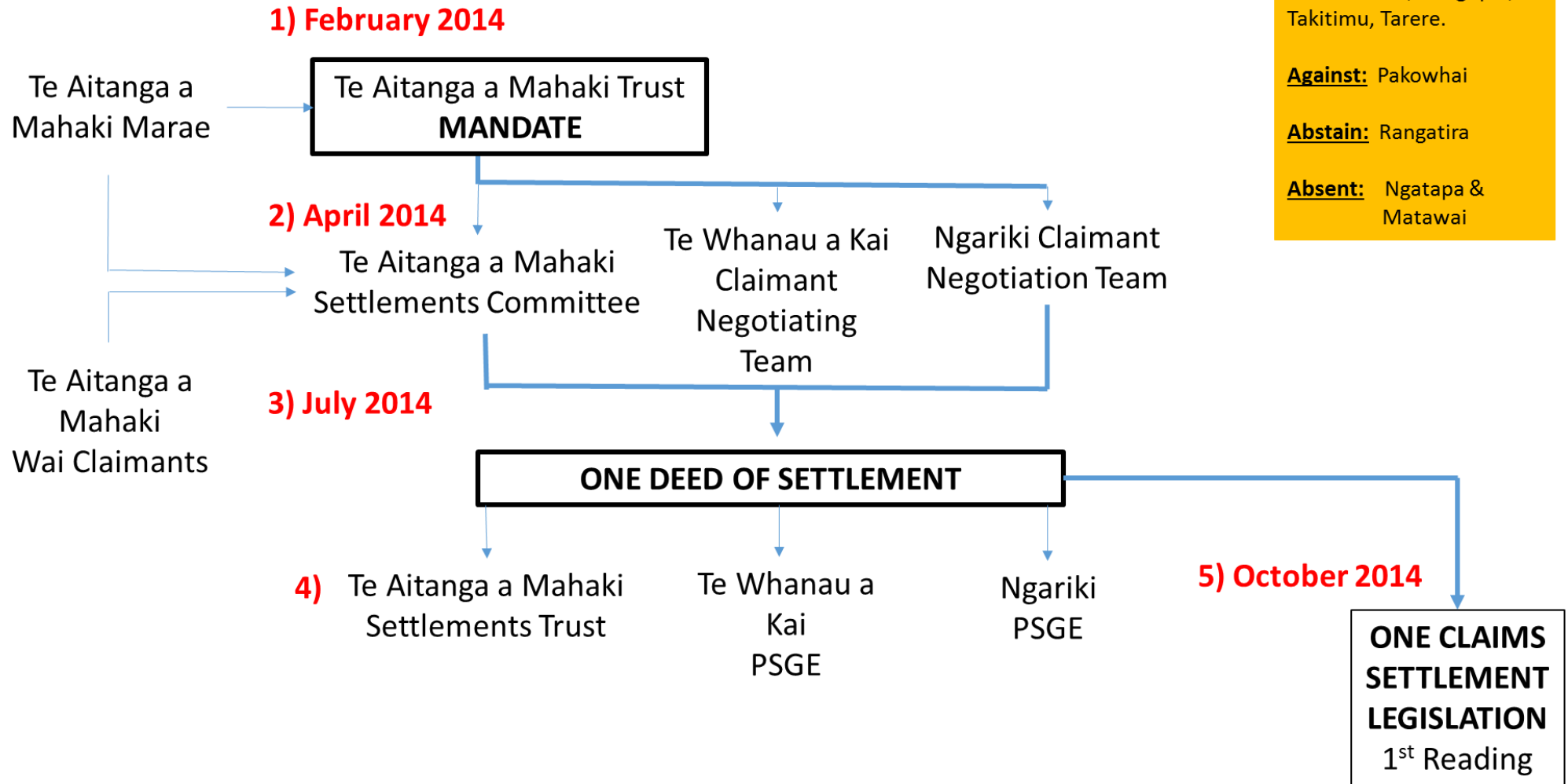
I look forward to the outcome of tomorrow's meetings and the meeting with you Rawiri. If there is an appetite for further meetings where I am needed then I will be in Wellington on 23/1/13 or Turanga on 24/1/13.

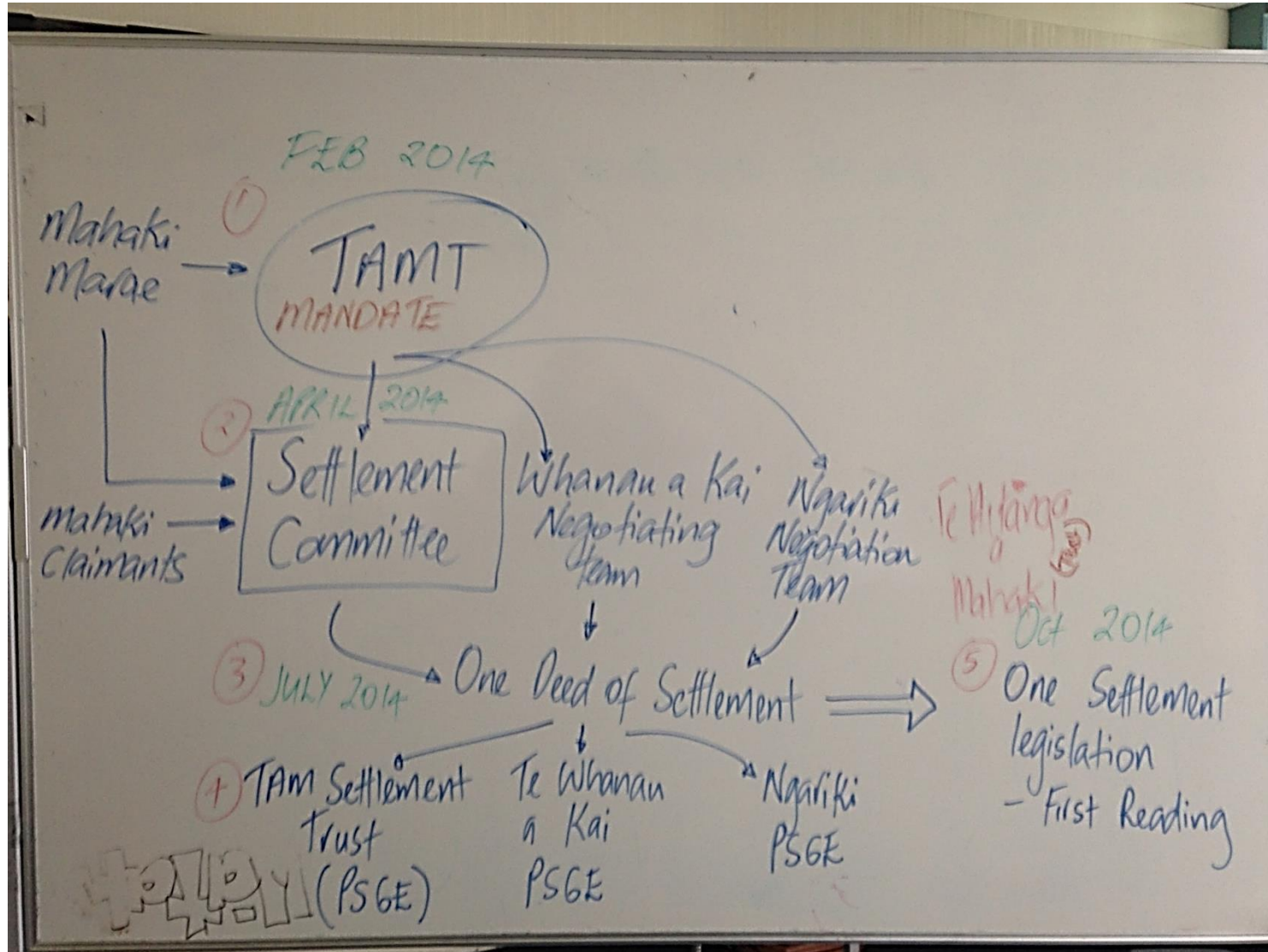
I want to be clear. On 26 January 2014 we will put options to our people for discussion. If there is no agreement with the other 3 claimant groups then there will be one option: Option 2.

Nga mihi

Willie Te Aho
TAMA Lead Negotiator

Decision of the Te Aitanga a Mahaki Trust – 20 February 2014





Next Steps – Timeline to Claims Settlement Legislation

1) February 2014: Te Aitanga a Mahaki Trust Confirmation

- a. Confirming Te Aitanga a Mahaki Trust position (20 February 2014) to:
 - i. hold the mandate for the settlement of all Te Aitanga a Mahaki Trust (including Te Whanau a Kai & Ngariki/Ngariki Kaiputahi claims);
 - ii. establish Te Aitanga a Mahaki Settlements Committee with representation from all operational marae and claimant groups;
 - iii. enable Te Whanau a Kai & Ngariki/Ngariki Kaiputahi to negotiate their own settlement and establish their own Post Settlement Governance entities through one timeline, one Deed of Settlement and one settlement legislation.
- b. Updating the Iwi whanui and settlement community (23 February 2014)
- c. Confirming mandating documents with the Crown by 27 February 2014.

March 2014: Te Aitanga a Mahaki Trust MANDATE

- d. Mail out of the mandating documents to all registered beneficiaries of Te Aitanga a Mahaki over the age of 18 years old (as at 30 March 2014);
- e. Information Hui in all key centres
- f. Confirmation of marae representatives and Wai claimant representatives
- g. Confirmation of Mandate results by independent scrutineer

2) April 2014: 3 sets of Negotiations

- a. Inaugural meeting of the Te Aitanga a Mahaki Settlements Committee and the appointment of a Chair;
- b. Confirmation of Mandate, Terms of Negotiation and Claimant funding by the Crown – with a process for confirming individual quantum;
- c. Confirmation of the workplan, budget, negotiators and reconfirmation of the Te Aitanga a Mahaki Settlement Trust (with Crown approval) by TAMT through the Te Aitanga a Mahaki Settlements Committee;
- d. 3 separate negotiations and settlement enhancements (as well as work through separate historical accounts for Te Whanau a Kai, Ngariki/Ngariki Kaiputahi and Te Aitanga a Mahaki whanui).

May 2014: 3 sets of Negotiations & Initialling a Deed of Settlement

- e. Combined settlement package & quantum splits go to Cabinet.
- f. Co drafting of the Deed of Settlement begins
- g. Initialling of the Deed of Settlement with:
 - i. Transfer of landbanked properties
 - ii. Transfer 60% of settlement cash and interest share from 2008 to date of Deed initialling for on transfer to Crown agreed PSGEs

June 2014: Ratification of the Deed of Settlement and 3 PSGEs.

3) July 2014: Sign DEED OF SETTLEMENT & initial draft legislation

- a. Transfer of 20% of settlement cash plus interest from initialling date

4) October 2014: First reading of CLAIMS SETTLEMENT LEGISLATION

- d. Transfer 20% of cash and interest from Deed of Settlement signing