

Te Aitanga A Mahaki Trust Mandate

**Te Aitanga A Mahaki Trust Mandate to
settle Te Aitanga A Mahaki Historical
Treaty of Waitangi Claims**

9 April 2014

Table of Contents

Page

Introduction:

1. Modifications of the Deed of Mandate circulated on 5 March 2014	4
2. The Mandate In Action - Decision of Te Aitanga a Mahaki Trust on 20 February 2014	5
3. Te Aitanga a Mahaki Trust & the Te Aitanga A Mahaki Settlements Committee	6
4. Next Steps – Timeline to Claims Settlement Legislation or Binding Tribunal Decision	7

SCHEDULES

Schedule 1:	8
--------------------------	----------

Te Aitanga a Mahaki Marae, Boundaries, Hapu & Landblocks

Schedule 2:	11
--------------------------	-----------

Hui a Iwi Resolutions from June 2011 to February 2014 and Options 1 and 2 as a framework for settlement or Remedies through the Waitangi Tribunal.

IMPORTANT

Questions in relation to this Te Aitanga A Mahaki Trust Mandate Document should be directed as follows:

1. Registrations with Te Aitanga A Mahaki Trust:
 - a. Ian Ruru, Te Aitanga A Mahaki Trust, mahakitrust@gmail.com or 06 868 7733
Wirangi Pera (Kaumatua), wirangi@icloud.com
2. Te Aitanga A Mahaki Settlements Committee:
 - a. Robyn Rauna, robyn@rrltd.co.nz or M: 027 249 4166
3. Negotiation queries:
 - a. Willie Te Aho, willie.teaho@icsolutions.co.nz or M: 021768462

Introduction

The first Te Aitanga A Mahaki claims were lodged with the Waitangi Tribunal in 1991 and 1992. These claims were for the Mangatu 1 block claim (Wai 274) within the Mangatu forest, and the Iwi wide claim (WAI 283) including Te Whanau A Kai and Ngariki. These claims were lodged by me, John Tupai Ruru. Further claims were filed on behalf of Iwi, hapu and whanau.

The Te Aitanga A Mahaki Trust (“the Trust”) was constituted under the Charitable Trusts Act 1957 on 15 January 1996 to be the mandated Iwi organisation for Te Aitanga A Mahaki Trust and receive the first Mahaki Treaty settlement - for fisheries. The schedules to the Deed of Trust shows the Te Aitanga A Mahaki boundaries, hapu and marae (as at September 2005) and are attached to this mandate as **Schedule 1**. The Trust is representative of Te Whanau A Kai and Ngariki and the marae aligned with those hapu.

The Waitangi Tribunal has produced two reports relating to claims by Te Aitanga A Mahaki. One on the wider Turanga Iwi including Te Aitanga A Mahaki (2004) and one on Mangatu 1 block and the specific interests of Te Aitanga A Mahaki (2013). In 2004 the Tribunal referred to the “Mahaki cluster” as including Ngariki, Te Whanau a Kai and Te Aitanga A Mahaki (whanui).

This mandate will enable the Trust to move Te Aitanga A Mahaki from the Agreement in Principle signed in August 2008 and complete the comprehensive Te Aitanga a Mahaki settlements (including Te Whanau A Kai and Ngariki) or pursue the settlement of Mangatu 1 block through the Waitangi Tribunal. This mandate is different to the typical mandating process where Iwi are starting the negotiations process. Te Aitanga a Mahaki has completed 75% of the process towards a comprehensive Deed of Settlement.

At Hui a Iwi in January & February 2014, our home people/ahi kaa sent a clear message. They want to achieve a Deed of Settlement in 2014. Equally, if we do not have proper engagement from the Crown then, they support us seeking remedies through the Waitangi Tribunal.

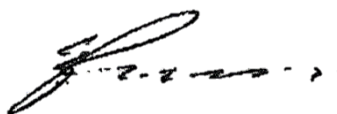
From 5 March 2014 to 4 April 2014 the Trust undertook a mandating process with a major mailout to all registered beneficiaries over the age of 18 year of age (4,300 people); a registration campaign on line and in person (800 registered/reregistered); a media campaign and formal Information Hui held in Gisborne, Napier, Mt Albert (Auckland), Christchurch, Wellington, Gisborne, Whakatane, Rotorua and Hamilton.

At the Information Hui in particular we received a number of key submissions. These key submissions are outlined here, and the mandate has been modified to take in to account the submissions that we accepted. The key change is that we have included a process for separate mandate for Te Whanau a Kai claimant group and Ngariki claimant group; the inclusion of Kaitara marae in to Te Aitanga A Mahaki Settlements Committee and extending the timeline to settlement (if the Crown engages properly) to allow for cross claims and revaluation of the Mangatu forest.

We are satisfied that this mandate has comprehensive support from Te Aitanga A Mahaki.



Pehimana Haapu Brown
Chair of Te Aitanga A Mahaki Trust



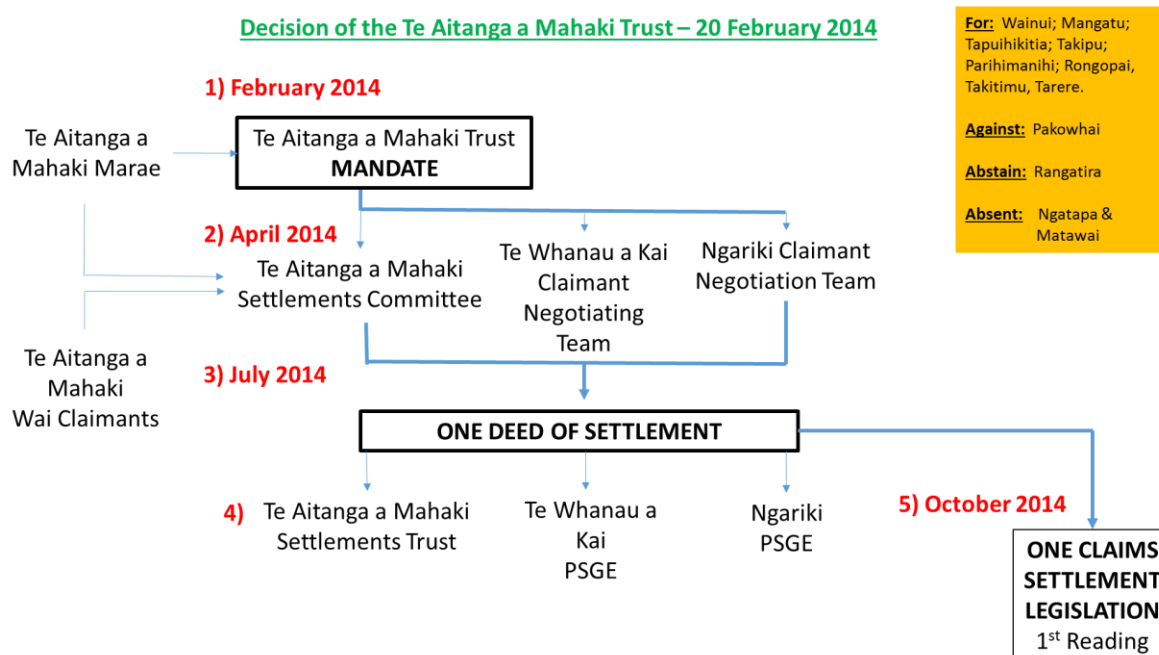
Eric John Tupai Ruru
Te Aitanga a Mahaki claim (WAI 283) & Mangatu 1
block claim (WAI 274)

Modification to the Deed of Mandate

In the Information Hui a number of key submissions were made. The key submission made and the Te Aitanga A Mahaki response is noted below.

1. **Inclusion of “non operating” Marae:** Two submitters (Parekowhai whanau) asked for the inclusion of Kokoariki and Kaitara marae as marae of Mahaki. It was asserted that there is a spiritual connection to these marae despite the marae not being operational in the sense of having an operational wharenuī, wharekai and ahi kaa.
 - a. This submission is accepted in part. The changes are reflected in this modified mandate. The claim for Kokoariki, on private land, is included and is represented through Tom Terekia. Representation for Kaitara marae is supported for the reasons noted by the Parekowhai whanau. Until the Kaitara marae beneficiaries confirm their representative, Sarah McGhee will represent Kaitara marae.
2. **Process/Alternative Options:** One submitter (Solicitor - Wai 995/Wi Haronga) asked that the mandate not be pursued and further korero should take place.
 - a. This submission is not accepted. The same submission was well put at the Hui a Iwi on 23 February 2014. 75% of the people in attendance at the Hui a Iwi (98 of 130) were supportive of the Trust holding the mandate. Over 90% of the people (over 1,000) voted in favour of the Trust mandate.
3. **Trust Non Compliance:** One submitter (Solicitor - Wai 995/Wi Haronga) asserted that the Trust is not acting in accordance with the Maori fisheries legislation or its trust deed. The underlying assumption is that the Trust is not fit to hold the mandate.
 - a. This submission is not accepted. The submitter has made legal submissions to the Trust and Te Ohu Kaimoana. Te Ohu Kaimoana, the Trust and its solicitor have responded to the submitter and noted the view that the Trust does comply with the fisheries legislation and that the Trust does comply with its trust deed.
4. **Trust Invalid Voting on 20/2/14:** One submitter (Chair - Wai 995/Wi Haronga) asserted that the votes of Te Wainui marae and Tarere marae on 20 February 2014 were invalid because Te Wainui marae does not comply with the trust deed and the actual Tarere marae representative was not in attendance at the Trust meeting on 20 February 2014.
 - a. The key issue is that the majority of the trustees in attendance (6 out of 8 trustees or 75%) still voted in favour of the resolution that the trust hold the mandate.
5. **Separate Mandating for Te Whanau a Kai claimant group:** One submitter (Chair/Negotiator - Wai 892) asserted that the Minister for Treaty of Waitangi Negotiations had informed Te Whanau a Kai claimant group negotiators on 27 February 2014 that the Crown would support Te Whanau a Kai holding its own mandate.
 - a. Te Aitanga a Mahaki made a decision 16 February 2012 at Matawai in support of a separate mandate for Te Whanau a Kai claimant group and Ngariki claimant group. This was outlined to the Minister on 1 March 2012 by representatives for Te Aitanga A Mahaki whanui and Ngariki claimant group representatives. The only written confirmation that Te Aitanga A Mahaki whanui has received from the Minister is what was received on 12 June 2012 where the Minister noted that he was not prepared to accept an alternative mandate.
 - b. Te Aitanga A Mahaki noted at the meeting support this separate mandate for Te Whanau a Kai claimant group if this is confirmed by the Minister.
 - c. A senior adviser to the Minister confirmed on 1 April 2014 that the Minister did outline to Te Whanau a Kai claimant group that he will support a separate mandate. The Crown is still considering how this separate mandate will be achieved.
 - d. This submission is accepted. The changes are reflected in this modified mandate.

1. The Te Aitanga A Mahaki Deed of Mandate In Action



1. **3 Separate Mandates:** This point is the single biggest change to the mandate circulated on 5 March 2014. On 27 April 2014 at the Te Aitanga A Mahaki Hui a Iwi, support will be sought (from TAMT registered beneficiaries over 18 years) for the following resolutions:
 - a. Vote 1: That a revision be approved to the Mahaki Mandate to allow for the separate recognition and possible mandate of Te Whanau a Kai claimant group and the Ngariki claimant group to settle their historical claims with the Crown; and
 - b. Vote 2: That the Mahaki Mandate, apart from the separate recognition of Te Whanau a Kai claimant group and Ngariki claimant group, remains the same and proceeds as directed at mandate hui held to date.
2. **3 negotiating teams:** Ngariki claimant group, Te Whanau A Kai claimant group and the Trust will each conduct their own separate direct negotiations with the Crown.
3. **Te Aitanga A Mahaki Settlement Committee** will lead the negotiations for the Trust. The Committee will include all Te Aitanga A Mahaki marae and Te Aitanga A Mahaki whanui claimants (excluding specific Te Whanau a Kai only claims (Wai 892) and Ngariki only claims (Wai 499, 507 & 874)).
4. **Te Aitanga A Mahaki marae** includes: Matawai, Te Wainui, Mangatu, Tapuihikitia, Rangatira, Takipu, Takitimu, Rongopai, Pakowhai, Ngatapa, Parihimanihi, Tarere and Kaitara.
5. **Te Aitanga A Mahaki Wai Claimants** includes: Wai 274; Wai 283; Wai 323; Wai 351; Wai 518; Wai 766; Wai 878; Wai 894; Wai 895; Wai 896 Wai 957, Wai 995, and Wai 2380. Te Whanau a Kai only claim is Wai 892 and the Ngariki only claims are Wai 499, 507 & 874.
6. **Crown determination of 3 settlement packages:** Through the direction negotiations option the Crown will determine the settlement package for each of the 3 negotiation groups. This will include the allocation of the Agreement in Principle signed off by Te Aitanga A Mahaki, Ngariki and Te Whanau a Kai in August 2008.
7. **Single approach:** With separate mandates still to be approved for the other two claimant groups and cross claims, there will be delays. Te Aitanga A Mahaki will aim to initial a Deed of Settlement by July 2014. A single Settlement Act will not be achieved by October 2014.
8. **3 Post Settlement Governance Entities (“PSGE”):** Subject to Crown confirmation and ratification, Te Whanau A Kai, Ngariki and Te Aitanga a Mahaki whanui claimant groups will each establish their own PSGEs to hold their settlements redress/assets and rights.

2. Te Aitanga A Mahaki Trust & the Te Aitanga A Mahaki Settlement Committee

The Trust will be responsible for all decisions made in accordance with this mandate through to the signing of a Deed of Settlement and the establishment of the Te Aitanga a Mahaki PSGE.

A copy of the Te Aitanga A Mahaki Trust Deed is available online through the companies website (enter http://www.societies.govt.nz/cms/banner_template/CNAME or www.mahaki.com (and click on the button “Our Trust Deed...”). Alternatively, please call the Trust office on +64 6 868 7733 or email: mahakitrust@gmail.com for a copy of the Deed of Trust.

To assist with fulfilling its responsibilities under this mandate, the Trust agreed on 20 February 2014 to establish a special committee called the **Te Aitanga A Mahaki Settlement Committee**:

1. This will be a special sub committee of the Trust established by resolution on 20 February 2014 operating in accordance with the same standing orders as the Trust (Chairing; minute taking; notices of meetings etc) with all settlement finances managed by the Trust;
2. Consist of 13 marae and 10 Mahaki WAI claimants (excluding Te Whanau a Kai only claims (Wai 892) and Ngariki only claims (Wai 499, 507 & 874)).
 1. 13 Marae Committees (by 30 March 2014):
 1. appoint 1 representative each and an alternate from their marae committee; and
 2. confirm any subsequent changes in representation.
 2. 10 WAI claimants (by 30 March 2014):
 1. appoint 1 representative each and an alternate from their claimant group;
 2. confirm any subsequent changes in representation.
3. Operate in accordance with Hui a Iwi resolutions passed from 17 June 2011 to 23 February 2014 including Option 1 and Option 2 agreed by Hui a Iwi on 26 January 2014;
 1. See **Schedule 2** of this mandate for the resolutions and Option 1 and Option 2.
 2. The information contained in Schedule 2, particular Options 1 and 2, are the views of Te Aitanga A Mahaki for negotiation with the Crown, and are not the Crown’s view.
4. Meet weekly or in accordance with the meeting schedule approved at the inaugural meeting;
5. Have a quorum of no less than 12 representatives;
6. At the inaugural meeting (expected to be early April 2014) the Settlement Committee will:
 1. Appoint the Settlement Committee Chair
 1. The role of the Chair will be to chair Settlement Committee meetings; report to the Trust with the Lead Negotiator; report to Hui a Iwi and, where required, participate in negotiation meetings.
 2. Confirm the working teams (for the historical account, statements of association etc);
 3. Propose the overall work plan to Deed of Settlement signing or Waitangi Tribunal decision, budgets and negotiator(s) for Trust approval;
7. Where possible, the Settlement Committee will aim for consensus decision making. Where there is no significant majority (75% of representatives in attendance) in favour of a Settlements Committee decision then the final decision will rest with the Trust.
8. All meeting papers and approved minutes of the Settlement Committee will be posted to www.mahaki.com and will be available on request through the Settlement Committee Project Manager Robyn Rauna (robyn@rrltd.co.nz or mobile: 0272494166).
9. General updates will be provided through dedicated sessions on Turanga FM, Radio Watea (national), the Gisborne Herald, www.mahaki.com, Facebook and e-mail blasts.
10. Bi-Monthly Hui a Iwi will be held to further update Te Aitanga a Mahaki.

3. Proposed Timeline to Claims Settlement Legislation or Binding Tribunal Decision

- 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 claims);
 - ii. establish Te Aitanga a Mahaki Settlement Committee with representation from all operational marae and claimant groups;
 - iii. enable Te Whanau a Kai & Ngariki 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 Trust by 27 February 2014.
- 2) **March 2014: Te Aitanga a Mahaki Trust Mandating Process**
 - a. 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);
 - b. Information Hui in all key centres where Te Aitanga A Mahaki whanau are located;
 - c. Confirmation of marae representatives and Wai claimant representatives
- 3) **April 2014: Internal Mandate Confirmation & 3 sets of Negotiations**
 - a. Confirmation of Mandate results by the independent scrutineer - Electionz.com
 - b. Inaugural meeting of the Te Aitanga a Mahaki Settlement Committee and the appointment of a Chair;
 - c. Confirmation of the workplan, budget and negotiators through the Te Aitanga A Mahaki Settlements Committee for direct negotiations or, if necessary, binding recommendations through the Waitangi Tribunal.
- 4) **May 2014: Crown Confirmation of Mandate & Cross claims process**
 - a. Confirmation of Mandate, separate Terms of Negotiation and Claimant funding (including CFRT) by the Crown – with a process for confirming individual packages for the 3 claimant groups;
 - b. Start the cross claims process with the other two claimant groups for the allocation of the 2008 Agreement in Principle redress and any new redress.
- 5) **June 2014: Confirmation of settlement package or Waitangi Tribunal remedies**
 - a. Complete the cross claims process with the other two claimant groups;
 - b. Final submissions made to Cabinet on the individual packages for the 3 claimant groups;
 - c. Cabinet approves the 3 individual settlement packages;
 - d. If the Trust accepts the settlement package, then the cross claims discussions with external Iwi begin;
 - e. Internal agreement of the Te Aitanga A Mahaki Settlement Committee and Trust to the Te Aitanga A Mahaki Post Settlement Governance Entity (“PSGE”).
- 6) **July 2014: Deed of Settlement Drafting & Initialling**
 - a. Drafting of the Deed of Settlement;
 - b. Initialling of the Deed of Settlement with:
 - i. Transfer of landbanked properties (Crown properties tagged for Te Aitanga A Mahaki whanui) to the PSGE
 - ii. Transfer 60% of the Te Aitanga A Mahaki settlement cash and interest to the PSGE – with ratification to take place.
- 7) **August 2014: Ratification**
 - a. Ratification of the Te Aitanga a Mahaki Deed of Settlement and PSGE.

SCHEDULE 1

Te Aitanga a Mahaki Boundaries, Hapu and Landblocks

Recognised Marae of Te Aitanga a Mahaki as at 17 September 2005.

Marae	Location
Mangatu Marae	Whatatutu
Matawai Marae	Matawai
Ngatapa Marae	Ngatapa
Parihianihi Marae	Waihirere
Pakohai Marae	Waituhi
Rangatira Marae	Te Karaka
Rongopai Marae	Waituhi
Takipu Marae	Te Karaka
Takitumu Marae	Waituhi
Tapuihikitia Marae	Puha
Tarere Marae	Makauri

SCHEDULE 4
Boundaries of Te Aitanga a Mahaki

The Boundaries of Te Aitanga a Mahaki - *Henare Ruru II* 1930 mss papers:

- (a) I timata mai te rohe i Te Toka a Huru, he toka kei waho o te moana e hangai ana ki waho o Whangara: Te Toka a Huru, Matai Tangaroa, Te Pohue, Tikiwhakairo, ka moemoe nga uri o Ruapani i nga uri o Waho o Te Rangi raua ko Konohi ka hoki mai te rohe ki Tuamotu:
- (b) Tuamotu, Te Rahui, Waikirikiri, Rarohau, Waimata, Te Rua o Tainui, Whakapapatuakura [Pukekura], ka tutuki ano ki: Tikiwhakairo, Motumatai, Arakihi, Parikanapa, Paraheka, Tangihanga [Tirohanga], Tauwhareparae, Pakihinui, Hinatore, Te Whakerokero, Te Ihu o Te Poko, Tutamoe, Kakatoi, Kereruhuahua, Te Whera a Toki, Arowhana, Te Matawai o Tutane, Te Rimu o Taumango, Tawharenga, Te Paku, kahuri mai ki: Waikirikiri, Te Pa o Houmea, Te Tai o Ruaariki, Mango o Nuku, Te Poroporo a Paoa, Waiopu, Te Tahora, Te Rangitiketike, Aro a Mauku, Te Rewa, Taumatakaretu, Kaimatangi, Whakapaupakihi, Motuhora, Moanui, Maungapohatu, Te Ihu ki Raro, ka huri mai ki: Paharakeke, Te Kakapo a Te Uanati, Tupuni, Wairapukao, Te Ana o Te Inaki, Waitangi, Kahunui, Tangarewa, Otata, Mokonui a Rangi, Papokeka, Tahungatawa, Kanihiroa, Te Pohatu, Waikura, Te Powha, Hunga a Henga, Otuaua, Papatu, ka huri mai ki: Te Taumata o Te Kai, Pipiwhkao, Pokaka, Taumata o Tamaiwaho, Horopakake, Pukearuhe, Te Kuha, Te Whangai o Hineuru, Ohikarongo, ki waho o Tuamotu haere tonu atu i te moana ka tutuki ano ki Te Toka a Huru.
- (c) Nga hapu a Te Aitanga a Mahaki me o ratou whenua: *Merata Kawharu* - Te mana whenua o Te Aitanga a Mahaki
- (d) Ngapotiki:
- (i) Ahirau, Poututu, Motu, Waikohu-Matawai, Waihuka, Hihioroa Tawhiritu, Toreohaua at Waituhi, Waikohu, Puhatikotiko No. 2, 3, 7 and 8, Hauomataku No. 5 (Kopuapara), part of Manukawhitikitiki, Pukepapa, Ruangarehu, Rangatira No. 2 and Tapuihikitia.
- (e) Te Whanau a Kai:
- (i) Hangaroa-Matawai, Kaimoe, Okahuatiu No. 2, Patutahi, Repongaere, Tahora, Wharekopae, Tangihanga, part of Poututu.
- (f) Te Whanau a Taupara:
- (i) Waerengaahika, Mangatu No. 4, Rangatira, Hauomataku, Mangataikapua, Mangaoae, Te Karaka, Ruangarehu, Waikohu, Waimata and Rakaiketeroa, part of Waihora.
- (g) Te Whanau a Iwi:
- (i) Whataupoko, Waikanae, part of Kaiti, Makauri and Turanganui, Waerenga a Hika, Matawhero No. 3 and 5, Mangamoteo, Tutaeorewenga Taruheru, Te Wai o Hiharore, Tahoka.

- (h) Ngai Tamatea:
 - (i) Mangatu No. 2, Waingaromia No. 1, 2 and 3, Waipawa, Mangataikapua, Waitangi, Pakake a Whirikoka, Whatatutu, Hauomataku No. 5, and part of Tauwhareparae and Tutamoe.
- (i) Ngai Tuketenui:
 - (i) Waimata, Waerengaahika.
- (j) Ngati Wahia:
 - (i) Mangatu No.s 1, 4, 5 and 6, part of Manukawhitikitiki, Parihimanihi
- (k) Ngariki:
 - (i) Mangatu No. 1, Arowhana

Schedule 2

Hui a Iwi Resolutions from June 2011 to February 2014 and Options 1 and 2 as a framework for settlement or Remedies through the Waitangi Tribunal.

Note: These resolutions and options are the view of Te Aitanga A Mahaki and are to be negotiated with the Crown. These resolutions and options are not the view of the Crown.

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. 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. Abstentions: Richard Haerewa, Daphne Hay, Perak Nikora. 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. 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 CARRIED</p>

<p>23 October 2011, at Tapuihikitia Marae</p>	<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 Seconded: Hugh Lynn</p> <p>Against: Keith Katipa CARRIED</p> <p>MOTION 8: That the correspondence from Te Whanau A Kai is received. Moved: Albert Horsfall Seconded Tim Brown</p> <p>CARRIED</p>
<p>3 December 2011, at Te Poho o Rawiri Marae</p>	<p>MOTION 3: 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: 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; 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> 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: 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 Parihimanihi 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;</p>

	<p>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</p> <p>v. THAT Te Aitanga a Mahaki Central Progression Team work with the Crown, and 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</p> <p>UNANIMOUSLY 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</p> <p>There were no votes against the motion and no abstentions.</p>
<p>23 February 2014 at Takipu Marae</p>	<p>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.</p> <p>Moved: Wirangi Pera Seconded: Karen Pewhairangi CARRIED</p> <p>Mere Pohatu was invited to count the votes for the motion: People for the Motion: 95 People Against: 32 People who abstained from voting: 3</p>

Options 1 and 2
(from Hui a Iwi Pack – 26 January 2014)

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

- 1) Option 1: The ability for Ngariki 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) 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 Te Aitanga a Mahaki Trust mandate by Te Aitanga a Mahaki beneficiaries (over the age of 18 years who vote) and 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 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 2014. 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 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 2014 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.

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.

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 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 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) 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 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
 - i. 28% Te Whanau a Kai
 - ii. 12% Ngariki
 - 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 Rangī, 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 won't 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: 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 8%
 - c. Mahaki 72%
5. Mangatu Inc compensation (3(e)(i) above)
 - a. Mangatu Inc

As this Option 2 will take place with either no agreement with Te Whanau a Kai claimant group and/or Ngariki 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 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