

Ngāti Hako

Deed of Mandate

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- **Crown observer reports**

1. Introduction

This Deed of Mandate (the Deed) formally demonstrates that Josie Anderson and Ken Linstead have obtained a durable mandate to represent the people of Ngāti Hako in negotiations with the Crown for a comprehensive and final settlement of all of our historical Treaty of Waitangi claims. The mandate achieved by the Ngāti Hako Negotiators was conducted in a fair, open and transparent manner.

Comprehensive Negotiations

The Ngāti Hako Negotiators on behalf of Ngāti Hako situated in and around the Hauraki region, seeks to enter into direct Treaty settlement negotiations for the comprehensive and final settlement of all Ngāti Hako historical Treaty of Waitangi claims. We seek to resolve all the Treaty of Waitangi claims of Ngāti Hako whether registered or not registered with the Waitangi Tribunal concerning breaches that occurred prior to 21 September 1992.

Negotiations – Sir Douglas Graham Proposal

On 3 June 2009, Cabinet agreed that Sir Douglas Graham present his settlement proposal (including quanta and cultural redress) to claimant groups in the Tāmaki, Kaipara and Hauraki regions. Sir Douglas Graham subsequently met with claimant groups, including Ngāti Hako on Wednesday, 24 June 2009 at the Ellerslie Racecourse in Auckland.

Ngāti Hako Interim Mandate

In May 2010, the people of Ngāti Hako mandated Josie Anderson and John Linstead as interim negotiators to represent their tribal interests in the Hauraki area mai Matakana ki Matakana in comprehensive Treaty of Waitangi Settlement negotiations with the Crown.

2. Description of Ngāti Hako – Who we are

Ngāti Hako is one of the earliest inhabitants of the Hauraki rohe and traces its origins from Toi-Te-Huatahi. Many of the modern tribes of Hauraki, whakapapa and have strong historical connections to the tūpuna, Hako.

For the purposes of this mandate, the claimant group includes all Ngāti Hako people that trace descent from the tūpuna, Hako.

3. Proposed Area of Interest for Negotiations – Our Rohe

The area of interest for Ngāti Hako encompasses the area mai Matakana ki Matakana as shown in the map attached to the Mandate Strategy as Appendix 1 (see Appendices)

It is acknowledged that area identified is not exclusive to Ngāti Hako.

4. Hapū and Marae affiliations

Marae associations include:-

- Te Kōtahitanga Marae, Tirohia
- Te Iti o Hauraki, Kerepehi
- Paeahi Marae, Waitoko
- Makomako Marae, Kaiaua
- Waihi Marae, Waihi

5. Historical Claims for Negotiation

The negotiations process will seek a comprehensive settlement of all Ngāti Hako claims which will include (but are not limited to):

All historical claims which are made on the basis of Ngāti Hako whakapapa, whether registered or unregistered with the Waitangi Tribunal; and

Those historic claims which involve or may involve Ngāti Hako interests including:-

Wai No.	Claim Title	Claimants
Wai 100	Hauraki Comprehensive	H Tukukino
Wai 364	General Hauraki Lands	R Tooke
Wai 373	Maramarua State Forest	T Renata Te Taniwha & others
Wai 650	Hauraki tribal lands in Athenree, Katikati & Te Puna Blocks within Tauranga Moana	T Renata Te Taniwha & others
Wai 728	Hauraki Gulf Marine Park	T Renata/HMTB

6. Overlapping and shared interests

It is acknowledged that the proposed settlement area of interest overlaps and in some instances is shared with other neighbouring tribal groups along our tribal boundaries.

The Ngāti Hako Negotiators are implementing consultation processes with overlapping tribal groups.

7. Responsibilities of the Ngāti Hako Negotiators

The Ngāti Hako Negotiators will represent Ngāti Hako and advocate for Ngāti Hako interests in Treaty settlement negotiations with the Crown and in Collective negotiations.

The Mandated Negotiators are ultimately responsible and accountable to Ngāti Hako. Responsibilities and accountabilities of the Negotiators will include:

- Regular reporting to Ngāti Hako people about the negotiation process;
- The production of regular financial accounts;
- The constant review of the negotiating team and other advisors;
- The ability to engage and remove experts / specialists contracted for the purposes of negotiations;
- Approve and sign off on key negotiation milestones, including but not limited to:
 - Deed of Mandate;
 - Terms of Negotiation; and
 - Agreement in Principle.
- Presenting an initialed Deed of Settlement for ratification to Ngāti Hako.

8. Replacement, Removal and Appointment of Negotiators

Should a Deed of Settlement not be initialed 2 years from the date that the Ngāti Hako Negotiators were recognised by the Crown, then the Negotiators will call hui ā-iwi to renew their term for a further period or seek replacement negotiators.

If a negotiator resigns or is no longer able to fulfill their responsibilities for any other reason, including the dispute resolution process outlined below, then the remaining negotiator will call hui ā-iwi to appoint a new negotiator.

Any replacement, removal or appointment of negotiator(s) will occur using the same process undertaken by the Ngāti Hako Negotiators in obtaining their full mandate. That is to hold hui ā-iwi to elect or reappoint negotiators with 21 days public notice being given in advance. Te Puni Kōkiri observers shall be invited to attend hui ā-iwi and it will be for the Minister of Māori Affairs and Minister for Treaty of Waitangi Negotiations to make a decision on whether to recognise the mandate of the elected negotiator(s).

9. Meetings of the Ngāti Hako Negotiators

The Ngāti Hako Negotiators will meet on a regular basis to discuss, co-ordinate and manage the settlement negotiation process. This includes meeting with the Ngāti Hako Treaty Team, at Collective hui and hui ā-iwi with the people of Ngāti Hako.

10. Reporting Processes

The Ngāti Hako Negotiators will report to the people of Ngāti Hako about the Treaty settlement negotiation and its progress, in a number of ways, including:

- monthly or bi-monthly hui ā-iwi
- regular pānui newsletters, and
- regular website updates at www.ngatihako.iwi.nz and www.haurakicollective.maori.nz

11. Decision Making Processes

The Mandated Negotiators will make decisions by way of consensus. In addition, the wider Ngāti Hako community can participate in the decision making process by attending and voting on resolutions put at the monthly or bi-monthly hui ā-iwi.

All decisions made by the negotiators in relation to settlement negotiations will be made in accordance with Ngāti Hako tikanga.

12. Dispute Resolution Process

If an individual or group of Ngāti Hako has a concern regarding the representation of their interests during negotiations, or any other conduct matter during negotiations, they should inform the Ngāti Hako Negotiators in writing. The Ngāti Hako Negotiators will seek all relevant information required from the group or individual to ensure it has a clear understanding of their concern(s).

Once the information has been received, the Ngāti Hako Negotiators will meet with the individual or group in question and proceed to resolve the matter by consensus. If the matter is not resolved satisfactorily then a member of Ngāti Hako may apply in writing to the Ngāti Hako Negotiators to call a hui ā-iwi to resolve the matter provided such application is accompanied by 30 other Ngāti Hako signatures.

If a dispute arises between the Ngāti Hako Negotiators that cannot be resolved by consensus, then the matter will be referred to the Ngāti Hako Treaty Team in writing who will seek to resolve the issue through mediation with the negotiators. If this does not resolve the issue, the Treaty Team may make a ruling that will bind the negotiators or they may choose to take the dispute to a hui-a-iwi for resolution.

13. Ngāti Hako Treaty Team

The Ngāti Hako Treaty Team has been established to provide advice and support to the Ngāti Hako Negotiators. Team members comprise persons previously elected by

hui-a-iwi and who serve as alternates to the negotiators as required by the negotiators.

The Ngāti Hako Treaty Team consists of:

- Larn Wilkinson
- Pauline Clarkin
- Alice Anderson
- Georgina Kupa

Should a member of the Treaty Team resign or no longer be able to represent Ngāti Hako on the Team, Ngāti Hako will appoint a new member by hui ā-iwi.

The Ngāti Hako Treaty Team will meet with the mandated negotiators at least once a month.

14. Authority to amend Deed of Mandate

The Ngāti Hako Negotiators will have the authority to amend the Deed of Mandate when changes have occurred and/or which make the management of negotiations more effective. If changes are of a significant nature, the Crown will need to agree and a publicly notified hui ā-iwi will be held to inform Ngāti Hako members.

15. The Mandate Process

The Ngāti Hako Negotiators have developed a Mandate strategy in conjunction with Te Puni Kōkiri and the Office of Treaty Settlements (attached to this Deed) for presenting its mandate proposal to the people of Ngāti Hako.

Mandating Hui

Mandate hui were held in Auckland, Tauranga, Tokoroa, Hamilton and Te Aroha being places where there are populations of Ngāti Hako people.

Pre-Hui Communications

All hui were publicly notified. A copy of the notification is attached to this Deed. The first hui notification occurred on Saturday 26 February 2011.

The hui were notified through a range of media:

- All mandating hui were advertised in the Dominion Post, Hauraki Herald, New Zealand Herald, Piako Post, South Waikato News and Waikato Times
- Ngāti Hako website
- Email to Ngāti Hako members on the Te Kupenga o Ngāti Hako tribal register and from previous Ngāti Hako hui attendance records.

Resolutions

Two resolutions were put to each Mandate hui. They were:

“That Josie Anderson & John Linstead be mandated to represent Ngāti Hako in comprehensive negotiations with the Crown to settle the historical Treaty of Waitangi Claims of Ngāti Hako”; and

“That the terms and members of the Ngāti Hako Treaty Team be confirmed”.

Mandate hui

Mandating hui occurred in the following locations:

Date	Time	Venue
Tues, 8 March	6pm	Te Kōtahitanga Training Centre, 28 Francis St, Manurewa, AUCKLAND
Wed, 9 March	6pm	Hotel Armitage, 9 Willow St, TAURANGA
Thurs, 10 March	6pm	Kingsgate Hotel, 100 Garnett Ave, Te Rapa, HAMILTON
Fri, 11 March	6pm	Te Wānanga o Aotearoa, SH1, Main Road, TOKOROA
Sun, 13 March	10:00am – 12:30pm	Paeahi Marae, Waitoki, TE AROHA

A standard and consistent PowerPoint presentation outlining the context and process of the mandate was provided at each hui. The presentation is attached to this Deed. Three (3) additional slides were added to the presentation at the final hui-a-iwi to report the overall results of the voting and the key themes raised at each hui ā-iwi.

At each mandate hui, the people of Ngāti Hako had the opportunity to discuss the mandate proposal with the Ngāti Hako Negotiators and put any questions to members before the resolutions affirming the mandate of the Negotiators and the Ngāti Hako Treaty Team were sought. Minute Records of the Mandate hui are attached to this Deed.

Te Puni Kōkiri was invited to attend the hui as Crown observers. They provided a letter of endorsement for the Mandate process undertaken and this, along with the Crown observer reports are attached to this Deed.

Voting on Resolutions & Eligibility

Voting on the resolution was by a show of hands of eligible adult members of Ngāti Hako present at the hui. For consistency and clarity, there was no postal voting process nor were proxy votes included. These voting processes were reaffirmed by the facilitator of the hui, including the eligibility of the voter.

Members were of legal voting age (18 years or older) to vote.

An attendance register was taken at each hui and is attached to this Deed.

Summary of Voting

The results of the voting process for Ngāti Hako are set out below. There was a total of 149 people who attended the series of mandate hui. Of the total number of eligible voters, 112 voted yes to both resolutions. No votes were taken against either resolution nor did any eligible voters abstain.

The voting records for resolution 1 were:-

Mandate location	hui	Hui attendees	Eligible Voters	Voted YES	Voted NO	Voted ABSTAIN
Auckland		36	34	27	0	0
Tauranga		14	13	12	0	0
Hamilton		26	24	20	0	0
Tokoroa		22	20	18	0	0
Te Aroha		51	42	35	0	0
TOTAL		149	123	112	0	0

The above table shows overwhelming support in favour of the Ngāti Hako Negotiators being the mandated body to represent Ngāti Hako for the purposes of entering into negotiations with the Crown regarding the comprehensive settlement of all Ngāti Hako historical claims.

The voting records for resolution 2 were:-

Mandate location	hui	Hui attendees	Eligible Voters	Voted YES	Voted NO	Voted ABSTAIN
Auckland		36	34	29	0	0
Tauranga		14	13	11	0	0
Hamilton		26	24	19	0	0
Tokoroa		22	20	19	0	0
Te Aroha		51	42	34	0	0

TOTAL	149	123	112	0	0
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The above table shows overwhelming support for the terms and members of the Ngāti Hako Treaty Team.

16. Availability of the Deed of Mandate

The Deed of Mandate, together with the supporting material, may be made available by the Crown to anyone from the claimant community who requests this information under the Official Information Act 1982.

Therefore, we, the representatives of the Ngāti Hako agree to the Crown making the Deed of Mandate known through a public notification process, and to provide the Deed of Mandate, together with the supporting information, to members of the claimant community who requested it.

We also acknowledge that the Deed of Mandate with the supporting material may be released under the Official Information Act. We request that Ngāti Hako are informed and included in all correspondence.

17. Supporting Material to the Deed of Mandate

Copies of the list of documents attached to the Deed of Mandate as supporting material is as follows:

- Mandate strategy
- Mandate Hui advertisement
- Letter of Endorsement for Mandate strategy
- Mandate Hui attendance registers
- Mandate Hui presentations
- Minute Records of Mandate Hui
- Crown observer reports

18. Signatories to the Deed of Mandate

Set out below are the names and signatures of the mandated representatives formally executing the Deed of Mandate for the Ngāti Hako Negotiators.

Name: Josie Anderson

Date: May 2011

X

Josie Anderson
Negotiator

Name: John Linstead

Date: May 2011

X

John Linstead
Negotiator