



Ngāti Paoa Iwi Trust

MANDATE STRATEGY BOOKLET

DRAFT FOR IWI CONSULTATION

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1.0 OVERVIEW

The purpose of this document is to outline the strategy and process to be undertaken by the Ngāti Paoa Iwi Trust (being the duly appointed PSGE for Ngāti Paoa) to obtain a mandate from the members of the Iwi of Ngāti Paoa.

1.1 Background

Ngāti Paoa have been in collective Treaty settlement negotiations with the Crown as a member iwi of the Marutūāhu¹, Tāmaki² and Hauraki³ collectives. Ngāti Paoa have also been negotiating an iwi-specific deed of settlement which, together with the collective redress, will result in the full and final settlement of the historical Treaty of Waitangi claims of Ngāti Paoa.

Ngāti Paoa has taken the following steps toward reaching a full and final Treaty settlement:

12 February 2010	Signed the Tāmaki Makaurau Framework Agreement
1 October 2010	Signed the Pare Hauraki Framework Agreement
22 July 2011	Signed the Ngāti Paoa Agreement in Principle Equivalent
5 November 2011	Signed the Tāmaki Makaurau Record of Agreement
7 June 2012	Initialled the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed
8 September 2012	Signed the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed
17 May 2013	Signed the Marutūāhu Iwi Record of Agreement
30 June 2013	Signed the Pouarua Farm On-Account Deed of Settlement
25 September 2013	Ratified and established the Ngāti Paoa Iwi Trust as the post-settlement governance entity for Ngāti Paoa
4 August 2014	Signed Deed Recording On-Account Arrangements in relation to the Ngāti Paoa Deed of Settlement
5 August 2015	Signed a letter recording an on-account opportunity to purchase 17 Landbank properties
13 October 2016	Signed a letter recording the Point England Housing Development Opportunity
22 December 2016	Initialled the Pare Hauraki Collective Redress Deed
18 August 2017	Initialled the Ngāti Paoa Deed of Settlement
15 February 2019	Signed the Pare Hauraki Collective Redress Deed
7 May 2019	Received the alternative offer to replace the Point England Housing Development Opportunity
16 December 2019	Received the revised alternative offer to replace the Point England Housing Development Opportunity

More Information on Ngāti Paoa's collective and iwi-specific negotiations can be found at:

Tāmaki Collective	https://www.govt.nz/treaty-settlement-documents/tamaki-makaurau/
Hauraki Collective	https://www.govt.nz/treaty-settlement-documents/hauraki/
Marutūāhu Collective	https://www.govt.nz/treaty-settlement-documents/marutuahu/
Ngāti Paoa Specific	https://www.govt.nz/treaty-settlement-documents/ngati-paoa/

¹ Marutūāhu Collective: Ngāti Paoa along with Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga, and Te Patukirikiri.

² Tāmaki Collective: Ngāti Paoa along with Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngaati Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Rūnanga o Ngāti Whātua, and Te Patukirikiri.

³ Hauraki Collective: Ngāti Paoa along with Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri.

1.2 Document Purpose

The purpose of this document is to outline the strategy and process to be undertaken by the Ngāti Paoa Iwi Trust (being the duly appointed PSGE for Ngāti Paoa) to obtain a mandate from the members of the Iwi of Ngāti Paoa.

1.3 Scope of Proposed Mandate

The mandate will be for the Ngāti Paoa Iwi Trust to assume full authority and responsibility for continuing and completing all negotiations with the Crown and other interested parties on behalf of the Iwi of Ngāti Paoa in respect of the comprehensive settlement of all historical and future Treaty of Waitangi claims involving the Iwi of Ngāti Paoa.

The precise scope and terms and accountabilities of the proposed mandate are set out in the document entitled Ngāti Paoa Deed of Mandate 2019 (DOM 2019) attached at Appendix 1 and available online at <https://www.ngatipaoaiwi.co.nz/Treaty-Settlements>

1.4 Reasons for Proposed Mandate

The Ngāti Paoa Iwi Trust seeks your support for it to be the mandated entity to complete all current and future Treaty Settlement negotiations with the Crown for the following key reasons.

- a) The Ngāti Paoa Iwi Trust is the single responsible representative body, that is the Iwi and Crown-approved post settlement governance entity who will hold and manage all of Ngāti Paoa's settlement assets in the future.
- b) The negotiations for all of the current Treaty settlements have all but been concluded with the Crown. All that now remains are negotiation matters that relate to post settlement governance structures and redress allocation in respect of the Marutūāahu Iwi Collective Settlement and the Pāre Hauraki Collective Settlement. The Ngāti Paoa Iwi Trust as mandated PSGE has the beneficial interest in these matters for Ngāti Paoa.
- c) The Treaty of Waitangi Harbour Claims for the Waitematā and Tikapa Moana are still in their early stages and could take some years to progress.

For these reasons it is now appropriate for Ngāti Paoa to consolidate the mandate for all current and future Treaty settlement matters under the Ngāti Paoa Iwi Trust as the mandated post settlement governance entity.

1.5 Ngāti Paoa Iwi Trust as Mandate Holder

The Ngāti Paoa Iwi Trust is seeking to be the mandated body to represent the members of the Iwi of Ngāti Paoa in respect of settlement matters including, without limitation, negotiations relating to all historical and future Treaty of Waitangi claims involving Ngāti Paoa in accordance with the mandate set out in the DOM 2019.

This mandate is subject to accountabilities to the hapu and whanau of the Iwi of Ngāti Paoa and an overriding principle that the views of the Iwi of Ngāti Paoa are of paramount importance and must be considered when making decisions related to Treaty settlement matters.

In addition, the mandate provides that the authority to agree to enter into any binding and/or unconditional Treaty settlement agreements with the Crown remains solely with the hapu and whanau of the Iwi of Ngāti Paoa.

The Ngāti Paoa Iwi Trust is the appropriate holder of the mandate because, amongst other things:

- a) It is the post settlement governance entity for the Iwi of Ngāti Paoa and has been reviewed and approved by, and is subject to, the Crown in this capacity (Appendix 2).
- b) The Trust Deed of the Ngāti Paoa Iwi Trust, governing the responsibilities, duties and reporting obligations of the Ngāti Paoa Iwi Trust to the Iwi of Ngāti Paoa is clear and consistent and has been reviewed and approved as appropriate both by the Iwi of Ngāti Paoa and by the Crown.
- c) The Ngāti Paoa Iwi Trust is the only Ngāti Paoa entity with transparent and comprehensive election processes and regular reporting the Iwi of Ngāti Paoa since 2013.
- d) The Ngāti Paoa Iwi Trust has credibility and standing with the Crown and a range of interested public and private stakeholders and has publicly represented the Iwi of Ngāti Paoa in numerous ways since it was formed in 2013.
- e) The Ngāti Paoa Iwi Trust, and its commercial subsidiary Ngāti Paoa Group Investments, has worked closely with the previous mandated negotiators and with the Crown and its agencies in respect of Treaty-related matters, including both the Ngāti Paoa-specific Treaty settlement in August 2017 and the collective settlements in which Ngāti Paoa is a member, since 2013, with significant and deep involvement at all levels of Treaty negotiations since that time.
- f) The Ngāti Paoa Iwi Trust through its commercial arm, Ngāti Paoa Group Investments, successfully negotiated the alternative commercial redress to the Pt England Housing Development opportunity. This has resulted in the ability to purchase school lands in Auckland that will provide an enduring economic benefit to the Iwi of Ngāti Paoa.
- g) The Ngāti Paoa Iwi Trust has sufficient capacity, management expertise and the requisite accounting, financial and legal resource needed to negotiate and complete the Treaty settlement processes and appropriately represent the Iwi of Ngāti Paoa.

1.6 Changes to Mandate

The Ngāti Paoa Iwi Trust DOM 2019 proposes several changes to the 2011 Deed of Mandate.

These changes are summarised as being to:

- a) **Ensure Consistency** - confirm that the definition of the Iwi of Ngāti Paoa for the purposes of the deed of mandate is the same as, and consistent with, the definition of the Iwi of Ngāti Paoa contained in the Ngāti Paoa Deed of Settlement initialled with the Crown on 18 August 2017;
- b) **Update Mandate** - update the original mandate for circumstances arising since the original mandate was granted in 2011 as Ngāti Paoa is now involved in negotiating and finalising its settlement rights in several collective settlements, including (without limitation) the Pare Hauraki Collective Settlement and the Marutūāhu Collective Settlement;
- c) **Consolidate** - The 2011 Mandate conferred on the Ngāti Paoa Trust Board will also be replaced when the 2011 Deed of Mandate is superceded. This will ensure that the Ngāti Paoa Iwi Trust will hold the Mandate for all Treaty settlement matters including both pre and post settlement.
- d) **Strengthen Iwi Rights** - ensure that the rights of the Iwi of Ngāti Paoa continue to remain of paramount importance during Treaty settlement negotiations;
- e) **Clarify Treaty Negotiator Roles & Responsibilities** - clarify that negotiators for Treaty settlement negotiations on behalf of the Iwi of Ngāti Paoa receive their mandate by delegation and appointment by the Ngāti Paoa Iwi Trust and, to further safeguard the Iwi of Ngāti Paoa, ensure the negotiators are subject to the direction of the Ngāti Paoa Iwi Trust and to specific accountabilities and duties that will be enforced by the Ngāti Paoa Iwi Trust in the best interests and for the benefit of the Iwi of Ngāti Paoa.

The changes also better align with Ngāti Paoa's current state of negotiations and its overall development as an Iwi by consolidating the mandate into a single entity.

1.7 Mandate Process

The mandate sought by the Ngāti Paoa Iwi Trust is to be achieved through a fair, open and robust process that is recognised and supported by the Iwi of Ngāti Paoa and the Crown.

This process will involve a vote by all eligible adult members of the Iwi of Ngāti Paoa whose names are recorded on the combined member register of the Ngāti Paoa Iwi Trust register ("registered members").

The Ngāti Paoa Trust Board has also been formally invited to provide their register for the purposes of ratification of the Ngāti Paoa Specific Treaty Settlement and to vote on the resolution below at 1.7. Whilst it is hoped that they will actively participate, even if they do not provide their register, every Iwi member who is eligible to vote is able to register and vote at each of the information hui listed below.

The mandate vote will be held over a five (5) week voting period for registered members from 3 February to 9 March 2020. The mandate vote timetable is detailed below.

The mandate vote will be independently scrutinized and overseen by an Independent Returning Officer to be appointed and managed by *electionz.com* (www.electionz.com).

The Independent Returning Officer will provide the results to the Ngāti Paoa Iwi Trust and to the Crown via The Office of Treaty Settlements and Te Puni Kokiri.

These Crown entities will report to the Minister for Treaty of Waitangi Negotiations and the Minister for Maori Development on whether the results of the vote show there is sufficient support for the Crown to recognize Ngāti Paoa Iwi Trust as receiving a valid mandate for all Treaty settlement negotiations.

The mandate process is set out below.

1.8 Mandate Resolution to be Voted On

The mandate vote will require the Iwi of Ngāti Paoa to vote on a single resolution in parallel with the upcoming ratification process.

"I support the Ngāti Paoa Iwi Trust being the sole mandated entity for Ngāti Paoa in relation to all Treaty of Waitangi settlement negotiations with the Crown, including completing all existing negotiations."

Resolutions dealing with ratification of the Ngāti Paoa Deed of Settlement, which are a separate matter to those discussed in this document are not mentioned here.

The reasons will also be discussed in detail with registered members at upcoming information hui that will be held for this purpose.

Copies of the DOM 2019 will be discussed and available at these hui and via the Ngāti Paoa website at <https://www.ngatipaoaiwi.co.nz/Treaty-Settlements>

1.9 Legal Note

The strategy for the mandate process is not intended to be for any purpose associated with describing specific details, part or full of the claim, nor of any Treaty settlement to be sought, as these are significant matters in confidence to be further discussed, negotiated and communicated directly between the Ngāti Paoa Iwi Trust and its delegated mandated negotiators and the Crown through its negotiators.

The contents of this document are without prejudice and should in no way disadvantage or jeopardise any claimant group nor be used as a reference for the process of any Treaty negotiations or settlement. It is the right of each claimant group at the appropriate time, to disclose such information to the Crown themselves.

2.0 PURPOSE OF MANDATE VOTE

As discussed in paragraph 1.3 above, the purpose of the upcoming mandate vote will be to ask the registered members to vote on a resolution that they each support the Ngāti Paoa Iwi Trust being the mandated entity for all Treaty settlement negotiations on the terms set out in the document entitled Ngāti Paoa Deed of Mandate 2019 attached as Appendix 1.

2.1 Who Can Vote (Eligibility)

As discussed in paragraph 1.6 above, the persons who can vote are all eligible adult members of the Iwi of Ngāti Paoa whose names are recorded on the combined member register of the Ngāti Paoa Iwi Trust and the Ngāti Paoa Trust Board.

The definition of the Iwi of Ngāti Paoa is the same as the definition of the Iwi of Ngāti Paoa contained in the Ngāti Paoa Deed of Settlement initialled with the Crown on 18 August 2017.

2.2 Voter Registration

Any person who is eligible but not registered to vote as a member of the Iwi of Ngāti Paoa may register to vote by completing a registration form either at one of the information hui discussed below or by obtaining a special voting pack that includes a registration form.

This special voting pack will be available from the Ngāti Paoa Iwi Trust or via *electionz.com's* helpline on 0800 666 935 or by emailing the Independent Returning Officer overseeing the mandate vote at *electionz.com* at iro@electionz.com

2.3 Information Hui to Explain Mandate Vote

A series of three separate information hui will be hosted at each of Ngāti Paoa's three main marae for registered members and those intending to register. At these hui the resolution for the mandate vote will be discussed in detail.

All questions from attendees will be answered and the hui will be managed to ensure fairness, openness and comprehensiveness and attendees will be encouraged to question and to provide their views and opinions.

A facilitator of the hui, being a senior representative of the Ngāti Paoa Iwi Trust, will manage the proceedings at the hui.

Representatives of *electionz.com* and Te Puni Kokiri ("TPK") will also be present to independently observe proceedings (in TPK's case on behalf of the Crown) and to independently manage the voting process (in *electionz.com's* case).

2.4 Record Keeping

Accurate minutes will be taken at each hui by a senior representative of Ngāti Paoa Iwi Trust and will form part of the public record. These minutes will promptly be published on the Ngāti Paoa Iwi Trust website following the hui and circulated to TPK and *electionz.com* to ensure comprehensive records are kept.

Attendance registers will also be completed for each hui and retained and circulated to TPK and *electionz.com*.

These records will be referenced in the signed version of the DOM 2019 and will be available as evidence if required by the Crown.

2.5 Communication with Crown Representatives

The Ngāti Paoa Iwi Trust undertakes to keep Crown representatives, such as Te Arawhiti/The Office of Treaty Settlements and TPK, regularly updated on the mandate vote process and all material matters arising from it. In addition, as noted above, TPK representatives will be present as independent observers at all hui.

2.6 Public Notice

The information hui will be widely and appropriately advertised on an adequate prior basis via newspaper announcement, social media, word of mouth and the Ngāti Paoa website at www.Ngātipaoaiwi.co.nz

Newspaper announcements will be placed in the main relevant newspaper media, including the New Zealand Herald, the Waikato Times, at least 21 days prior to each of the information hui. The purpose of the hui will be clearly stated in the announcements.

2.7 Information Hui Timetable

The information hui will be held on the following dates:

TIMES AND DATES	INFORMATION HUI LOCATIONS
2PM - Saturday 22 February	Wharekawa marae, Corner Rata Rd and East Coast Road, Kaiaua
7PM - Wednesday 26 February	Novotel Tainui Novotel Hamilton, 7 Alma Street, Hamilton
7PM - Thursday 27 February	Manukau Civic Centre, 33 Manukau Station Rd, Manukau
2PM - Saturday 29 February	Waiti Marae, Waiti Rd, Tahuna, Waikato

2.8 Standardised Presentation

Standardised and consistent presentations will be given at each of the information hui.

Copies of these presentations will also be available at any time via the Ngāti Paoa website at www.ngatipaoaiwi.co.nz.

The presentation will explain the mandate strategy and the reasons for it and explain the mandate and outline the context and process of the mandate vote and what the possible outcomes will be.

Registered members will have the opportunity to discuss all matters arising from the presentation and the DOM 2019 with representatives of the Board and management team of the Ngāti Paoa Iwi Trust and put any questions to these persons before the resolution supporting the Ngāti Paoa Iwi Trust being the mandated entity for all Treaty settlement negotiations is sought by way of voting by ballot box at the hui or subsequently (as individually chosen by each registered member by the alternative methods of voting discussed in paragraph 2.11 below).

The standardised presentation will, amongst other things, clearly set out:

- h) The purpose of the hui
- i) The mandate strategy and approach
- j) Explanation of the mandate resolution to be voted on
- k) The reasons why a fresh mandate is needed
- l) Why the Ngāti Paoa Iwi Trust is the appropriate mandate holder
- m) What the fresh mandate involves
- n) Changes to the original mandate
- o) The mandate resolution to be voted on
- p) Who can vote
- q) The voting methods
- r) Voting timetable
- s) What happens after the votes are cast
- t) Role of *electionz.com*
- u) Role of the Crown and its Agencies
- v) Questions from the Floor

2.9 Additional Explanation Information

In addition to the information hui, explanation information will be available at the information hui and via the Ngāti Paoa website at www.ngatipaoaiwi.co.nz.

2.10 Voting Methods

All registered members can vote in one of three (3) ways:

1. **By E-Vote** via the Election NZ Website
2. **By Post** via the free-post envelope included in the Booklet
3. **By Ballot Box** via paper voting form available for deposit in ballot boxes to be administered by *electionz.com* at all information hui

2.11 Mandate Vote Timetable

There is a five (5) week voting period for registered members from February to March 2020
The timetable is:

DETAIL	TIME & DATE	VENUE
Voting opens	Monday, 3 February 2020	
Information Hui (Vote onsite)	2PM - Saturday 22 February	Wharekawa marae, Corner Rata Rd and East Coast Road, Kaiaua
Information Hui (Vote onsite)	7PM - Wednesday 26 February	Novotel Tainui Novotel Hamilton, 7 Alma Street, Hamilton
Information Hui (Vote onsite)	7PM - Thursday 27 February	Manukau Civic Centre, 33 Manukau Station Rd, Manukau
Information Hui (Vote onsite)	2PM - Saturday 29 February	Waiti Marae, Waiti Rd, Tahuna, Waikato
Voting Closes	5pm - Monday 9 March 2020	

2.12 Mandate Vote Count & Outcome

An Independent Returning Officer and Deputy Returning Officer will be appointed by *electionz.com* to scrutinize and oversee the mandate voting process described above.

Those persons will authenticate the votes and make a final judgment on the validity of each vote that is cast.

The Independent Returning Officer will provide the results to the Ngāti Paoa Iwi Trust and to the Crown via Te Arawhiti/The Office of Treaty Settlements and Te Puni Kokiri.

These Crown entities will then report to the Minister for Treaty of Waitangi Negotiations and the Minister for Maori Development on whether the results of the vote show there is sufficient support for the Crown to recognize Ngāti Paoa Iwi Trust as holding a valid mandate for all Treaty settlement negotiations in accordance with the terms of the mandate set out in the DOM 2019.

2.13 CONTACT INFORMATION

The following representative of the Ngāti Paoa Iwi Trust is the primary contact for any questions regarding matters contained in this document:

Haydn Solomon

Kaiarahi / Chief Executive

Ngāti Paoa Iwi Trust

m. 022 313 4611

e. kaiarahi@Ngatipaoaiwi.co.nz

APPENDICES

Appendix 1	Ngati Paoa Deed of Mandate 2019
Appendix 2	PSGE Confirmation Letter from Minister of Treaty Settlements and Minister of Maori Development

Note: These appendices will be added when the document is finalised following consultation and ratification

Both are currently available on <https://www.ngatipaoaiwi.co.nz/treaty-settlements.html>