

Office Of Treaty Settlements

**SAMPLE**

# DEED OF MANDATE

Executed on the  
[Day] of [Month] 2007  
At  
[Location]

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**Example Deed of Mandate**

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**MANDATE TO NEGOTIATE A TREATY OF WAITANGI SETTLEMENT**

This Deed of Mandate (the Deed) formally demonstrates that the [NAME OF MANDATED BODY] has obtained a durable mandate to represent the [NAME OF IWI GROUP/COLLECTIVE] people in negotiations with the Crown for a comprehensive and final settlement of all our historical Treaty of Waitangi claims. The mandate achieved by [NAME OF MANDATED BODY] was conducted in fair, open and transparent manner.

Note that additional mandate material in relation to the mandating hui programme and other supporting evidence are attached to the Deed.

*Comprehensive Negotiations*

The [NAME OF MANDATED BODY] on behalf of the tribal collective situated in and around the [NAME] region seek to enter into direct settlement negotiations for the comprehensive and final settlement of all [NAME OF IWI GROUP/COLLECTIVE] historical Treaty of Waitangi claims. We seek to resolve all the Treaty of Waitangi breaches of [NAME OF IWI GROUP/COLLECTIVE] whether registered or not registered that occurred prior to 21 September 1992.

*Large Natural Grouping for Negotiations*

On [date] the [NAME OF MANDATED BODY] wrote to the Minister in Charge of Treaty of Waitangi Negotiations to seek formal recognition that the [NAME OF IWI GROUP/ COLLECTIVE – list of iwi groups if required] is a suitable large natural group for settlement negotiations with the Crown. On [date] the Minister in Charge of Treaty of Waitangi Negotiations responded to our request and formally recognised [NAME OF IWI GROUP/ COLLECTIVE].

*Description of Tribal Grouping*

The tribal groups that comprise the [NAME OF IWI GROUP/COLLECTIVE] share common affiliation to the [NAME OF WAKA]. We, the people [NAME OF IWI GROUP/ COLLECTIVE] share common descent from the following founding (eponymous) tūpuna: Tuatahi, Ruarua, and Torutoru.

*Proposed Area of Interest for Negotiations*

The settlement Area of Interest of [NAME OF IWI GROUP/ COLLECTIVE] – example description – extends from the Kotahi River mouth on the Tasman Sea, inland in an easterly direction to Mt Tuarua, following the ridge line south to Mt Tuarima, from Mt Tuarima and the Tokotoko River across the Tukutuku plains to the Papakainga Settlement north of Point Wānanga on the Tasman sea.

In the proposed area of settlement are the Kotahi and Tukutuku Rivers, as well as the Paetahi Crown licensed forest (Map setting out the settlement Area of Interest is attached). The total settlement area of interest is approximately 250,000 acres.

*Hapū and Marae Affiliations*

The hapū and marae that are affiliated to [NAME OF IWI GROUP/COLLECTIVE] and located in the settlement area of interest are listed below. In addition, a list of historical tribes is attached to the Deed of Mandate.

**Appendix 1**

<b>Affiliated Hapū</b>	<b>Affiliated Marae</b>	<b>Location</b>
Ngāti Rangitahi	Tahi Marae	Kotahi Settlement
Ngāti Rangitoru	Toru Marae	Kotahi Settlement
Ngāti Pōtangotango	Tangotango Marae	Tuarua Hills
Ngāti Rātaketake	Taketake Marae	Kotahi Settlement
Ngāti Tūkawa	Tūkawa Marae	Tukutuku Plains
Ngāti Tūkoro	Tūkoro Marae	Tukutuku Plains
Ngāi Te Kaiarahi	Kaiarahi Marae	Kaitiaki Township
Ngāi Te Kaitiaki	Kaitiaki Marae	Kaitiaki Township

**Large and Distinct**

The tribal groups of [NAME OF IWI GROUP/COLLECTIVE] share historical alliances and contemporary relationships for Resource Management and the Fisheries Settlement. According to the Statistics New Zealand Census 2006, the population of our [NAME OF IWI GROUP/COLLECTIVE] is approximately 15,000 people. The number of people on [NAME OF MANDATED BODY] tribal registrar is approximately 9,563 members.

**Historical Claims for Negotiation**

The following list of historical Treaty claims are registered by members of [NAME OF MANDATED BODY] or in the name of tribal groups of the mandated body. The historical claims are as follows:

<b>Wai claim</b>	<b>Registered Claimant(s)</b>	<b>Listed Tribal Group</b>
123	L. Himatangi and others	Ngāti Rangitahi and Ngāti Tūkawa
234	H. Tangimoana and others	Ngāti Rangitoru
345	Y. Horowhenua and others	Ngāti Tūkawa and Ngāti Tūkoro
567	F. Manawatu and others	Ngāti Pōtangotango
678	A. Kapiti and others	Ngāti Rātaketake
789	W. Waikanae and others	Ngāi Te Kaiarahi
890	B. Pukerua and others	Ngāi Te Kaitiaki
901	T. Porirua and others	Ngāti Rangitoru and Ngāti Tūkoro

**Overlapping Interests**

The [NAME OF MANDATED BODY] acknowledge that the proposed settlement area of interest overlaps and in some instances is shared with other neighbouring tribal groups along our southern and northern boundaries. Ngāti Kawakawa and Ngāti Tuterangi have overlapping interests along our northern boundary including the Kotahi River. Ngāti Korokoro is a related tribal group that borders our southern boundary, and has shared interests with parts of the Tokotoko River and other sites of significance.

The [NAME OF MANDATED BODY] has implemented a formal consultation process to keep the overlapping parties informed about the negotiations with the Crown. (Please refer to the Risk Management Report for further details).

**Mandate Maintenance**

The mandated body and its representatives have developed a risk management process to identify and manage any potential issues to the mandate and negotiations. The document discusses the areas which have been identified as posing some degree of risk to achieving a durable Treaty settlement such as overlapping interests. (Please refer to the Risk Management document for further details).

**Example Deed of Mandate****Mandated Body and its Representatives**

In [date] the [NAME OF MANDATED BODY] was established to represent the [NAME OF IWI GROUP/COLLECTIVE] people in settlement negotiations with the Crown. After a series of consultation hui and meetings by the tribal group representatives, it was agreed on [date] to formalise the collective as a [legal or non-legal entity] for settlement negotiation purposes. The mandated body has [ten] representative positions to the management committee (or Trust Board).

The mandated body and its representatives will seek the mandate to negotiate an initialled Deed of Settlement that will be signed-off by the claimant community through a robust ratification process. The Representatives to the [NAME OF MANDATED BODY] are as follows:

Name of Mandated Rep	Tribal Group Affiliation	Official Position
[Full Name]	[Name of Tribal Group]	[Position on mandated body]
-	-	-
-	-	-
-	-	-
-	-	-
-	-	[Add columns if needed]

**Mandated Body and its Accountabilities**

The accountabilities set out the open and transparent processes that the mandated body and its representatives will adhere to, throughout settlement negotiations. The role and responsibilities of the mandated body and its representatives include the decision making process, reporting and communication procedures, disputes and mediation processes, registration processes, provisions to amend the Deed of Mandate, processes for tribal representative(s) and member group(s) to be replaced, removed and appointed. Provisions to remove the mandate from the representative body can be discussed further with Crown officials. Included are the accountability processes and purpose of the iwi negotiators.

**Meeting Procedures**

The mandated body and the management (Trustee) representatives will meet on a monthly basis to discuss, co-ordinate and manage the settlement negotiation process. Special meetings can be called for in accordance with the provisions set out in the Trust Deed. Records will be kept on file of all meetings and decisions made by the representatives, and will be available on request.

**Decision Making Process**

The mandated body and its representatives will make decisions by consensus. Where there are occasions that the mandated representatives cannot make a unified decision, it is acceptable [that a majority of 70% will be needed] to endorse a decision in accordance with the provisions set out in the Trust Deed.

**Reporting Process**

[The mandated body and its representatives will present a formal annual report, each calendar year at a publicly notified annual general meeting. Included in this will be a Negotiators Progress Report]. In addition, the mandated body and its representatives will report to the claimant community every three months by way of hui-a-iwi (if required):

- Annual General Meeting (AGM) / Hui-ā-tau; and
- Hui-ā-iwi / Wānanga (SGM).

## Appendix 1

### *Communication Strategy*

The mandated body and its representatives will implement a communication strategy that aims to inform all members about the progress in settlement negotiations, profiles on the mandated representatives and the negotiators, important matters for their consideration regarding negotiation milestones, brief summaries of the histories about the people (tribal groups) and the Treaty of Waitangi breaches and grievances. For example:

- Hui-ā-iwi/Wānanga reporting on negotiation progress;
- Pānui/Newsletter by Mandated Representatives and Negotiators; and
- Website for negotiation updates and information.

### **The Negotiators**

The negotiators will be accountable to the mandated body and its representatives throughout settlement negotiations. The negotiators will make decisions by consensus, and will ensure that all decisions are endorsed by the mandated body and its representatives. The negotiators will meet on a monthly basis and will report to the mandated representatives every month.

### **Appointment and replacement of Mandated Representatives**

#### *Individual Representatives*

The rule's covering the appointment and replacement of mandated representatives to the mandated body. For example, if a mandated rep wishes to resign and must be replaced the following steps will be carried out:

- a nominations process is carried out by the mandated body, or, a nominee is selected by the appropriate tribal representative group, (if that was the manner the representative was appointed originally);
- the mandated body, endorses appointment of replacement rep by way of resolution at a meeting of the management committee;
- the mandated body informs claimant community of change to the mandated body by way of hui-ā-iwi and/or pānui, or newsletter; and
- the mandated body amends the Deed of Mandate to reflect the change of representative, and the hui minutes are added to the Deed of Mandate as supporting material.

Note that the constitution for the mandated body sets out thorough guidelines for holding publicly notified hui-ā-iwi. All documentation will be kept and attached to the Deed of Mandate and supporting material.

#### *Member Tribal group*

The mandated body and its representatives will implement a formal disputes process if a member tribal group of the collective decides to withdraw from the mandated body, and subsequently the negotiations process. In accordance with advice from the Crown, any hapū seeking to withdraw their claims and representation from the mandated body will need to demonstrate that their concerns are valid and have the clear support from their membership to follow this course of action.

- Individual rep(s) puts in writing a summary of concerns, and the attempts made with the chair of the mandated body to resolve these concerns by informal means. For example, discussions are held between the chairman of the mandated body and the individual representative to assess the validity of the claim and resolve it. If no resolution is achieved, then;
- If the outcome is that the rep continues to seek withdrawal of its claims and tribal group from the mandated body. Then the mandated body and its representatives will seek mediation and employ a mediator to bring the parties together, if the mediation process fails;
- the individual rep(s) and the mandated body arrange a publicly notified hui-ā-iwi to put the issues to the affected claimant community. Te Puni Kōkiri should be invited to attend as independent observers. The public notice must set out the purpose, background, parties involved, agenda and the resolution; and
- if removed, the Deed of Mandate will be amended, supporting material attached to the Deed and the wider claimant community informed by pānui and newsletter.

Note that if the outcome of this hui is for an individual tribal group to withdraw, then we as the mandated body will meet with the Crown to determine whether there would be an impact on the large natural group status of the mandated body.

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**Example Deed of Mandate**

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**Authority to amend Deed of Mandate**

The mandated body and its representatives will have the authority to amend the Deed of Mandate when changes have occurred. These provisions will allow the mandated representatives to amend the Deed to make the management of negotiations more effective. Note that if these changes are of a significant nature that could affect the large natural group status of the mandated collective, then this decision should also be considered by a publicised hui-a-iwi.

**The Mandate Hui Programme**

The location of the mandate hui(s) are in areas where there are large populations of the claimant community reside. The times for holding these hui aim to ensure that as many members as possible can attend. The mandate hui will be held in [Hamilton, Auckland, Wellington, Christchurch, and Hawke's Bay, Gisborne, Whakatāne and Palmerston North] where members of the [NAME OF IWI GROUP/ COLLECTIVE] can discuss the mandate proposal and to vote on the mandating resolution.

Note that if there is a need for further mandate hui, we the mandated representatives will determine the merits, following feedback and discussions with the representatives of [NAME OF IWI GROUP/ COLLECTIVE] Te Puni Kōkiri and the Office of Treaty Settlements.

**Mandate Hui Purpose**

The purpose of the mandate hui is for [NAME OF MANDATED BODY] and its representatives to explain and present the mandate proposal that [NAME OF MANDATED BODY] represents the [NAME OF IWI GROUP/ COLLECTIVE] in settlement negotiations with the Crown for the comprehensive and final settlement of all [NAME OF IWI GROUP/ COLLECTIVE] historical Treaty Claims.

**Mandate Hui Presentation**

At each Mandate hui the representatives delivered a standardized presentation which explained:

- the Purpose of the Hui;
- a summary of the Claimant Groups historical claims;
- the Claimant Group;
- definition of settlement area;
- historical claims to be settled;
- identity of the body seeking mandate;
- names of mandated Representatives;
- accountabilities of [NAME OF MANDATED BODY] as set out in the constitution;
- decision-Making;
- Crown policy and procedures; and
- resolution to be proposed and voted on by the claimant community.

**Mandate Hui Discussion**

Each hui provided the opportunity for attendees to discuss and debate the mandate and negotiations proposal and to vote on it. The process undertaken was fair, open and transparent and included:

- details of the mandate and negotiations proposal will be presented to the hui;
- any key issues raised will be discussed and the outcomes or resolutions minuted;
- all resolutions presented will be voted on, counted and recorded for official record keeping; and
- independent observers will be invited to attend from TPK.

**Mandate Hui Voting Process**

[NAME OF IWI GROUP/ COLLECTIVE] members who are 18yrs or older were eligible vote at the mandate hui. Note that an attendance register was available at each hui, these were checked by knowledgeable persons of [NAME OF IWI GROUP/ COLLECTIVE] and are attached to the Deed:

- voting on resolutions took place by show of hands at each hui;
- votes shall be counted at each hui by two identified scrutinisers and the results recorded; and
- an independent observer from TPK was present at all hui to observe proceedings.

**Appendix 1****The Mandate Resolution***Resolution to Mandate the Representative Body*

1. This hui mandates [NAME OF MANDATED BODY] to represent the [NAME OF IWI GROUP/COLLECTIVE] in settlement negotiations with the Crown for the comprehensive settlement of all [NAME OF IWI GROUP/COLLECTIVE] historical Treaty claims.

**The Mandate Hui Programme***Mandate Hui*

As noted above the mandate hui were held in regions where there are large numbers of [NAME OF IWI GROUP/COLLECTIVE] people. At each of these mandate hui there was a standard presentation delivered to mandate hui attendees. At the conclusion of each hui, the resolution was put to the eligible voters.

**Summary of Voting**

The results of the voting process for [NAME OF MANDATED BODY] are set out below. There was a total of [number] people who attended the series of mandate hui. Of the total number of eligible voters, [number] voted yes to the resolution, [number] voted no, and [number] abstained.

<b>Mandate Hui Location</b>	<b>Hui Attendees</b>	<b>Eligible Voters</b>	<b>Voted Yes</b>	<b>Voted No</b>	<b>Abstained</b>
[Venue 1]	-	-	-	-	-
[Venue 2]	-	-	-	-	-
[Venue 3]	-	-	-	-	-
[Venue 4]	-	-	-	-	-
[Venue 5]	-	-	-	-	-
[Venue 6]	-	-	-	-	-
[Venue 7]	-	-	-	-	-
[Venue 8]	-	-	-	-	-
[Venue 9]	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**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.

Therefore, we, the representatives of [NAME OF MANDATED BODY] 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 the [NAME OF MANDATED BODY] are informed and included in all correspondence.

**Example Deed of Mandate****SUPPORTING MATERIAL TO THE DEED OF MANDATE**

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

- Copy of [NAME OF MANDATED BODY] letter seeking LNG recognition;
- Copy of Crown letter recognising Large Natural Group;
- Copy of Constitution (or Trust Deed) for [NAME OF MANDATED BODY];
- Copy of Area of Interest Map for [NAME OF IWI GROUP/COLLECTIVE];
- Copy of List of Historical hapū for [NAME OF IWI GROUP/COLLECTIVE];
- Copy of all Mandate Hui Notices, Advertising and Pānui (complete Set);
- Copy of all Mandate Hui Attendance Registers;
- Copy of all Mandate Hui minutes; and
- Copy of Risk Management Report.

**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 [NAME OF MANDATED BODY]

<b>Name Of Mandated Rep</b>	<b>Tribal Group Affiliation</b>	<b>Official Position</b>	<b>Signed</b>	<b>Date</b>
[Full Name]	[Name of Tribal Group]	[Chairman]	[Signature]	[Date]
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

**Disclaimer:** note that this document is provided as a sample and guide only of key issues to be covered in a Deed of Mandate. Each Deed of Mandate should be tailored to the needs of the mandated group in discussions with the Office of Treaty Settlements and Te Puni Kōkiri.