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**NGATI WHATUA O KAIPARA  
DEED OF COVENANT**

**THIS DEED** is made by

**THE TRUSTEES OF NGA MAUNGA WHAKAHII O KAIPARA DEVELOPMENT TRUST AND THE TRUSTEES OF NGA MAUNGA WHAKAHII O KAIPARA TARI PUPURITAONGA TRUST**

**BACKGROUND**

- A. On 24 August 2002 at a hui a iwi at Haranui Marae, Ngati Whatua o Kaipara approved the mandate for the Ngati Whatua o Kaipara Claim Committee ("Claim Committee"), comprising five members, to initiate negotiations with the Crown on behalf of all Ngati Whatua in south Kaipara.
- B. The Claim Committee and the Crown signed Terms of Negotiation on 5 June 2008. The Terms of Negotiation recognised that the Claim Committee were in the process of developing a governance entity to take over responsibility from the Claim Committee, and provided that the governance entity would need to be an appropriate legal entity ratified by Ngati Whatua o Kaipara which adequately represents Ngati Whatua o Kaipara, has transparent decision making processes, and is accountable to Ngati Whatua o Kaipara. The Terms of Negotiation also provided that as soon as the governance entity is operational it would execute a Deed of Covenant on terms to be agreed.
- C. Consultation hui on the proposed governance entity had been taking place from early 2007 and culminated in a hui at Puatahi Marae on 4 June 2009 to confirm the key elements of the proposal to go to a postal ballot. On 4 August 2010 the Crown confirmed its satisfaction with the proposed governance entity and the process put in place to ratify the governance entity.
- D. The governance entity comprises two trusts, Nga Maunga Whakahii o Kaipara Development Trust (the trustees of which will be responsible for administering the settlement and, through the Trust's subsidiaries, the commercial and social development of Ngati Whatua o Kaipara) and Nga Maunga Whakahii o Kaipara Tari Pupuritaonga Trust (the trustees of which will be the same as those of Nga Maunga Whakahii o Kaipara Development

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Trust and will hold culturally significant lands). Members of Ngati Whatua o Kaipara voted in favour of the governance entity through a postal ballot, which closed on 12 November 2010. The trustees comprise the five members of the Claim Committee for an initial term of 2 years (namely Takutaimoana Wikiriwhi, Gloria Timoti, Haahi Walker, Waata Herewini Richards and Rangimarie Naida Glavish) and the three trustees who were elected by a postal ballot which closed on 8 February 2011 (Margaret Kawharu, Te Kahui-iti Morehu and Rhys Freeman). These latter three trustees will serve a four year term.

- E. Nga Maunga Whakahii o Kaipara Development Trust and Nga Maunga Whakahii o Kaipara Tari Pupuritaonga Trust were established on 4 April 2011 as the governance entity to receive the redress to be provided to Ngati Whatua o Kaipara under a Deed of Settlement between Ngati Whatua o Kaipara and the Crown.
- F. In accordance with paragraph 17 of the Terms of Negotiation the trustees of Nga Maunga Whakahii o Kaipara Development Trust and Nga Maunga Whakahii o Kaipara Tari Pupuritaonga Trust now execute this Deed of Covenant.

**THE TRUSTEES AGREE** as follows:

**1. COVENANT**

- 1.1 The trustees of Nga Maunga Whakahii o Kaipara Development Trust covenant that from the date of this Deed they will:
- 1.1.1 be recognised as holding the mandate for Ngati Whatua o Kaipara to negotiate with the Crown the settlement of the Ngati Whatua o Kaipara Historical Claims, the Ngati Whatua o Kaipara Foreshore and Seabed Claims and the Ngati Whatua o Kaipara Contemporary Claims (as defined in the Deed of Trust for Nga Maunga Whakahii o Kaipara Development Trust); and

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1.1.2 observe and perform all the obligations of the Claim Committee under the Terms of Negotiation.

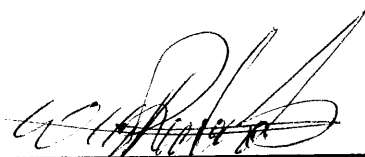
1.2 The trustees of Nga Maunga Whakahii o Kaipara Development Trust and Nga Maunga Whakahii o Kaipara Tari Pupuritaonga Trust covenant that following the completion of negotiations and successful ratification of the Deed of Settlement by Ngati Whatua o Kaipara, they will:

1.2.1 be bound by the terms of the Deed of Settlement; and

1.2.2. comply with all the obligations of the trustees of Nga Maunga Whakahii o Kaipara Development Trust and Nga Maunga Whakahii o Kaipara Tari Pupuritaonga Trust under the Deed of Settlement.


**SIGNED** as a Deed on 4 April

2011

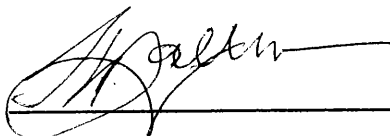


Waata Herewini Richards  
Trustee

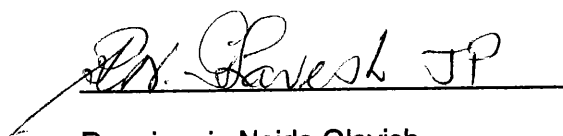
Takutaimoana Wikiriwhi  
Trustee



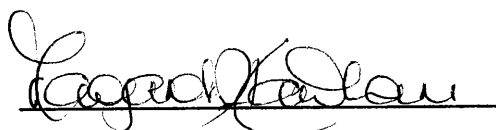
Gloria Timoti  
Trustee



Haahi Walker  
Trustee



Rangimarie Naida Glavish  
Trustee



Margaret Kawharu  
Trustee

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*Te Kahui-iti Morehu*

Te Kahui-iti Morehu  
Trustee

*Rhys Freeman*

Rhys Freeman  
Trustee

**WITNESS**

Name: *L G Powell*  
Occupation: *Solutor*  
Address: *Auckland.*