

Overview Report for the Ngātiwai Trust Board mandate hui

Introduction

1. This is a summary report of Te Puni Kōkiri's observation of the mandate hui conducted by the Ngātiwai Trust Board (the Trust Board). The Trust Board are seeking a mandate to represent Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of remaining historical Treaty claims of Ngātiwai including registered and un-registered claims.

Mandate Hui Details

Notification

2. The hui were advertised in the public notices section of the following newspapers:

Newspaper	First Mandate Hui Public Notice	Second Mandate Hui Public Notice	Extension of Voting Period Public Notice
Northern Advocate	Saturday 27 July 2013	Saturday 17 August 2013	Saturday 14 September 2013
NZ Herald	Saturday 27 July 2013	Saturday 17 August 2013	Saturday 14 September 2013
Waikato Times	Saturday 27 July 2013	Saturday 17 August 2013	Saturday 14 September 2013
Bay of Plenty Times	Saturday 27 July 2013	Saturday 17 August 2013	Saturday 14 September 2013
Dominion Post	Saturday 27 July 2013	Saturday 17 August 2013	Saturday 14 September 2013
Rodney Times	Tuesday 30 July 2013	n/a	n/a
Tutukākā Focus	Monday 29 July 2013	n/a	n/a
Bream Bay News	Thursday 8 August 2013	n/a	n/a
Great Barrier Bulletin	Sunday 18 August 2013	n/a	n/a

3. The first notification was placed in newspapers four weeks prior to the first hui. The Trust Board also advertised the mandate hui on Māori Television and Ngāti Hine FM (99.6 FM) from 12 August 2013 to 13 September 2013.
4. All Ngātiwai iwi members, 18 years old and over registered with the Trust Board, were sent a voting and information pack.

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5. The information pack that was mailed out to Ngātiwai iwi members was developed by the Trust Board in conjunction with the Crown and contained information about the mandate proposal and mandate process generally.
6. The Trust Board advertised their mandate strategy for submissions from 27 July 2013 to 13 September 2013.

Mandate Hui Process

Purpose of Hui

7. The purpose of the hui was set out in the advertisements and information packs. The advertisements provided information on the Crown settlement policy, the Trust Board, and the mandate process. The advertisement outlined the resolution, the date, time, and venue for each of the mandate hui, as well as the voting process.

Format of Hui

8. Hui Schedule

Date	Time	Venue	Attendance
24 August 2013	10:00am	Ngātiwai Marae, Ngaiotonga	65
28 August 2013	6:00pm	The Tauranga, Tauranga	6
29 August 2013	6:00pm	Brentwood Hotel, Wellington	17
31 August 2013	10:00am	Matapōuri Marae, Matapōuri	34
2 September 2013	6:00pm	Copthorne Hotel, Rotorua	8
3 September 2013	6:00pm	Kingsgate Hotel, Hamilton	20
4 September 2013	6:00pm	The Waipuna, Mt Wellington, Auckland	13
7 September 2013	10:00am	Northtec Marae, Whangārei	31
*10 September 2013	1:00pm	Mounties RSA, Mount Pritchard, Sydney	17
*10 September 2013	6:00pm	Mounties RSA, Mount Pritchard, Sydney	31
*11 September 2013	6:00pm	Springwood Hotel, Springwood, Brisbane	45
14 September 2013	10:00am	Omaha Marae, Leigh	15
Total			302

*Denotes mandate hui in addition to hui schedule.

9. The hui followed a consistent process and format. The hui adhered to the format outlined below:
 - Hīmene / Karakia;
 - Mihimihi;
 - Presentation / Question & Answers; and
 - Karakia whakamutunga.
10. The Chair introduced the purpose and agenda of each hui. The role of the Crown observers from Te Puni Kōkiri and Independent Returning Officer was explained accurately.
11. Hui were also held in Australia after the Ngātiwai Trust Board responded to a request from Ngātiwai iwi members living in Australia to present their mandate proposal to Ngātiwai living in Australia. Subsequently the voting period for the mandate proposal was extended from 15 September 2013 to 13 October 2013, to ensure Ngātiwai iwi members living in Australia had sufficient time to make an informed decision on the mandate resolution.
12. The hui attendee numbers were approximate only due to people arriving and leaving throughout the hui. The attendance number exclude Ngātiwai Trust Board trustees, administration team, Crown observers, the Independent Returning Officer and attendees under 18 years old. At each hui attendees were encouraged to sign a register.
13. At each hui attendees were encouraged to contact whānau who had yet to register, and encouraged them to participate in the mandate process.
14. A number of key documents were available at the hui; the Trust Deed, presentation slides, information booklet, mandate strategy, list of supplementary claims, notification letter, Waitangi Tribunal claims settlement process document (photocopy), and the Crown Forestry Rental Trust Treaty Settlements pamphlet. Attendees were encouraged to take documents away with them following the hui.

Presentation

15. The presentation was delivered by the Ngātiwai Trust Board Chair, Hayden Edmonds, and Deputy Chairs, Kris MacDonald and Merepeka Henley.
16. The presentation comprised the following topics:
 - Voting Process;
 - Overview of direct negotiations pathway;
 - Claimant definition;
 - Wai claims included;
 - Accountability measures of the Ngātiwai Trust Board;
 - Proposed governance structure; and
 - Questions and answers.
17. The presentation was followed closely by the presenters. The presenters opted to answer questions at the end of the presentation.

Voting Process

18. Ngātiwai iwi members who were 18 and over were able to vote by postal ballot, at mandate hui and online. Special votes were also available for people who were not registered, or did not want to register with the Ngātiwai Trust Board.
19. The resolution put to the vote was:

“That the Ngātiwai Trust Board is mandated to represent Te iwi o Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of all the remaining historical Treaty claims of Ngātiwai including registered and un-registered claims”

Issues Raised at the Hui

20. *Several attendees questioned whether or not there would be provisions to negotiate water space in the Ngātiwai rohe, like the Waikato and Whanganui river settlements.*

The presenters explained that the Trust Board will work closely with the research team, hapū and Wai claimants to ensure the claims, regarding the Ngātiwai water space, are fully researched so that there is a strong case for negotiating the water space.

21. *Attendees questioned whether Ngātiwai still had rights at Hauturu or not.*

The presenters explained that Ngāti Manuhiri have settled their claims at Hauturu and are building two Ngātiwai marae for all Ngātiwai to enjoy. It was also explained that Ngātiwai will settle the remaining interests at Hauturu and build on what Ngāti Manuhiri have already settled.

22. *Attendees questioned what the advantages and risks of direct negotiations are, compared to the Waitangi Tribunal Inquiry process.*

The presenters explained that the Trust Board decided to seek a mandate to enter into direct negotiations with the Crown after weighing up the pros and cons of both processes. It was explained that the Trust Board had developed a ‘pros’ and ‘cons’ paper for direct negotiations, and it was available to look at to help attendees make an informed decision when voting on the proposed mandate resolution. The presenters noted that the Waitangi Tribunal will write a record of inquiries which will outline the Ngātiwai history and story, which will shape negotiations with the Crown following that process. The presenters also noted that direct negotiations would provide an opportunity for Ngātiwai to write their own story and future.

23. *Several attendees expressed a desire to progress their claims through the Te Paparahi o Te Raki Waitangi Tribunal Inquiry process. Also, several attendees requested that their Wai claims be removed from the mandate proposal.*

It was explained that everybody had the right to make a submission to have their concerns heard. It was explained that the Trust Board will respond to all submissions, and seek ways to address people’s concerns.

24. Attendees from the three Australian hui questioned why there was opposition to the Trust Boards mandate proposal.

It was explained that there is a preference from several Ngātiwai Wai claimants to progress their claims through the Te Paparahi o Te Raki Waitangi Tribunal Inquiry process.

25. Several attendees expressed concern about Ngāti Rehua and Ngāti Manuhiri being allowed to break away from Ngātiwai to pursue individual settlements.

The presenters explained that this was a unique situation as Ngāti Rehua and Ngāti Manuhiri were included in the Tāmaki rohe for settling their historic Treaty of Waitangi grievances as they are both geographically aligned with Tāmaki. Ngātiwai were also offered the opportunity to participate in the Tāmaki Collective but were not ready. People who whakapapa with Ngāti Rehua and Ngāti Manuhiri will be able to participate in the Ngātiwai process if they whakapapa to Ngātiwai. It was explained that people who whakapapa to Ngāti Rehua also whakapapa to Ngātiwai, due to generations of intermarriage.

26. Several attendees sought assurances for better communication from the Trust Board.

It was explained that the Trust Board would work hard on continuing to develop their communication strategy to be as inclusive, open, and transparent as possible, and seek more effective ways to communicate with Ngātiwai iwi members living in both New Zealand and Australia.

It was explained that the Trust Board have held several consultation hui, and are prepared to hold several more hui to engage with Ngātiwai Wai claimants, kaumātua and iwi members.

At the three hui in Australia the presenters explained communicating with whānau living in Australia will become easier, now that a dialogue has been established.

27. Attendees questioned what the criteria for mandate recognition are, and if there is a percentage of votes in favour that the Trust Board must attain.

The presenters explained that the Minister for Treaty of Waitangi Negotiations and Minister of Māori Affairs make decisions on mandate recognition based on several different criteria, including:

- voting return and voting results;
- whether a fair, open, and transparent process had been undertaken; and
- submissions concerns have been addressed.

28. Attendees questioned what would happen if the Trust Board does not achieve the mandate being sought.

It was explained that the option for the Trust Board and Ngātiwai is to continue pursuing the Ngātiwai claims through the Te Paparahi o Te Raki Waitangi Tribunal Inquiry process. Dependant on the result, the Trust Board may assess why the mandate was not attained and may consider seeking to undertake another mandate process. It was explained that the

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Trust Board is confident that they have run an open, transparent, and fair process. The Trust Board will continue to respond to issues and concerns raised through the submissions period.

Conclusion

29. The Trust Board conducted each mandate hui in a consistent, fair, and transparent manner. All questions were answered as fully, and as clearly as possible. The information was delivered in a way that was easy for all to understand. Hui locations and venues were appropriate for the size and location of the Ngātiwai iwi population.