

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

Ngātiwai Trust Board mandate hui observer report

Iwi	Ngātiwai		
Location	Mounties RSA 101 Meadows Road, Mount Pritchard Sydney		
Date	Tuesday, 10 September 2013		
Start time	~6:00pm	Finish time	~8:45pm
Chair	Haydn Edmonds		
Observer(s)	Michael Hollis (Te Puni Kōkiri, policy)		
Presenter(s)	Haydn Edmonds (Ngātiwai Trust Board Chair), Merepeka Henley Ngātiwai Trust Board Deputy Chair and Kris MacDonald (Ngātiwai Trust Board Trustee)		
Attendance	Total of ~40 people* , including 5 Ngātiwai Trust Board members, 2 Ngātiwai kaumātua, 1 TPK observer, and 1 independent election company official (Dale Ofoske) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	The purpose of the hui is to: <ul style="list-style-type: none"> • provide information about Crown settlement policy, the Ngātiwai Trust Board and mandate process; and • mandate the Ngātiwai Trust Board to represent Te Iwi o Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngātiwai. 		
Agenda	<ul style="list-style-type: none"> • Himene / Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Hākari whakanoa 		
Presentation	Haydn Edmonds, Kris MacDonald and Merepeka Henley provided a PowerPoint presentation to hui attendees, which was followed closely. Additional comments to the slides are recorded under the corresponding slide title:		

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Slide 1: Introductions

Slide 2: Independent Election Services

The Independent Returning Officer (IRO) explained that if people had not received a voting and information pack they were either not registered, or their registered address details were wrong. The IRO encouraged hui attendees to check the register for correct details, to register and encourage whānau to register if they had not already.

Slide 3: Independent Election Services

The IRO noted that approximately 2,600 voting packs had been sent to Ngātiwai iwi members and to date approximately 481 (19.3%) votes had been cast. The IRO encouraged hui attendees to vote and encourage their whānau to vote.

Slide 4: Agenda

Slide 5: Purpose of Mandate Hui

Slide 6: Overview of the Direct Negotiations Pathway

Mr Edmonds noted that the Ngātiwai Trust Board (Trust Board) is seeking a mandate from the Ngātiwai claimant community to represent Ngātiwai in direct negotiations with the Crown. Mr Edmond's encouraged hui attendees to vote in favour of the proposal.

Mr Edmonds explained that the Trust Board are currently in pre-negotiations and that if mandated they will negotiate an initialled Deed of Settlement before going back to Ngātiwai to ratify what has been negotiated. Mr Edmonds explained that a Deed of Settlement would include cultural redress, commercial redress, quantum and a Crown apology.

Mr Edmonds explained that a new structure (Post-Settlement Governance Entity) will be developed to manage any settlement Ngātiwai receive and will also be ratified by Ngātiwai.

Slide 7: Who is Te Iwi o Ngātiwai? Claimant Definition

Mr MacDonald explained that before seeking a mandate the Trust Board had to set out who Ngātiwai is by identifying Ngātiwai tūpuna, hapū and marae, and who will be represented should the Trust Board be mandated.

Mr MacDonald noted that he would explain the different aspects of the claimant definition in the following slides.

Slide 8: Our Founding Tūpuna

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Mr MacDonald explained that some other iwi whakapapa to the same Tūpuna as Ngātiwai through the intermarriages of the two sons of Manaia II. Mr MacDonald explained that to vote and be a beneficiary of any Ngātiwai settlement, Ngātiwai iwi members would need to whakapapa to Ngātiwai Tūpuna, Marae and hapū.

Slide 9: Our Marae

Mr MacDonald noted that the Trust Board is constituted by the 14 Ngātiwai Marae.

Slide 10: Our Hapū

Mr MacDonald explained that two hapū of Ngātiwai, Ngāti Manuhiri and Ngāti Rehua are not included as hapū of the Ngātiwai claimant definition as they are perusing individual settlements. Mr MacDonald explained that because Ngāti Manuhiri and Ngāti Rehua are geographically aligned with Tāmaki, they were offered an opportunity to participate in the Tāmaki Collective settlement process, which both accepted. Ngātiwai were offered the same opportunity but were not ready at the time. Mr MacDonald explained that Ngāti Manuhiri and Ngāti Rehua can vote on the Ngātiwai proposal through their whakapapa ties to Ngātiwai.

Mr MacDonald noted that there had been questions around the inclusion of some hapū of Ngātiwai. However, Mr MacDonald explained that shared hapū have whakapapa links to at least one Ngātiwai Marae.

Slide 11: Our Rohe / Area of Interest

Mr MacDonald noted that the Area of Interest (Ngātiwai rohe) outlined in the presentations diagram does not outline exclusivity to Ngātiwai, and the Trust Board acknowledge there are several other iwi with overlapping interests in the rohe.

Mr MacDonald also explained that the Trust Board would seek to negotiate the ocean space around the Ngātiwai rohe, just as Waikato has done with the river settlement.

Slide 12: Crown Settlement Policy on Wai Claims to be included

Mr MacDonald explained that the Ngātiwai Wai claims will only be settled insofar as they relate to Ngātiwai, as the Crown want a comprehensive settlement which would cover all Ngātiwai claims and interests.

Slide 13: Wai Claims Included

Mr MacDonald explained that all claims that relate to

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Ngātiwai have been included in the Ngatiwai Trust Board mandate strategy as it is a Crown requirement to settle comprehensively with iwi. Mr MacDonald noted that if the Ngātiwai Trust Board receives a mandate from the Ngātiwai claimant community, they will negotiate all Ngātiwai claims insofar as they relate to Ngātiwai. Mr MacDonald explained that the mamae and loss felt by Ngātiwai whānau, hapū and te iwi o Ngātiwai was collectively felt and it is the Trust Boards view that a Ngātiwai settlement would be an inclusive settlement, for the benefit of all Ngātiwai. Mr MacDonald also explained that the Trust Board do not want Ngātiwai to be pulled apart by individuals seeking to take their claims through the Waitangi Tribunal process.

Slide 14: Wai Claims Included

Slide 15: Wai Claims Included

Slide 16: Supplementary Claims

Slide 17: Supplementary Claims (table diagram)

Mr MacDonald noted that the supplementary claims were included because of Crown policy to settle comprehensively, all claims in relation to an iwi. In this case Mr MacDonald explained that the additional claims all had whakapapa links to one or more Ngātiwai hapū and marae and the Trust Board would only seek to settle the claims insofar as they relate to Ngātiwai.

Slide 18: Crown Settlement Policy and Ngātiwai Trust Board Accountability Measures

Mr MacDonald explained that the accountability measures in place are to ensure the Trust Board are doing their job properly and are appropriately accountable back to the Ngātiwai claimant community.

Slide 19: Ngātiwai Trust Board Structure and Accountability

Mrs Henley explained that the next elections for Trust Board members would be held between February and March 2014.

Slide 20: Marae Trustees and Alternatives

Mrs Henley noted that it was up to individual marae to appoint an alternative to the Trust Board marae positions.

Slide 21: Structure and Accountability

Mrs Henley explained that over the last year, the Trust Board have worked hard to develop their communications strategy to ensure the Ngātiwai claimant community is well informed. For example, the Trust Board have

developed a smartphone application, upgraded their website, have met kanohi ki te kanohi with the Ngātiwai claimant community and will be releasing an 'e pānui' in the near future.

Mrs Henley explained that to remove a mandate from the Trust Board, should they be mandated, a group would have to undertake a process similar to that of what the Trust Board has undertaken to date. For example, the Trust Board held three information hui prior to mandating hui and are scheduled to hold nine mandating hui. Miss Henley explained that to remove the mandate the same process would need to be followed.

Slide 22: Te Iwi o Ngātiwai “Claimant Community” (diagram)

Mrs Henley explained that the Trust Board are currently constituted by the 14 marae of Ngātiwai, and that the Trust Board will develop supporting structures which will include two additional branches to the Trust Board's governance structure, including a kaumātua branch and hapū branch. The kaumātua branch will allow the Trust Board to seek advice and guidance and will also allow Ngātiwai kaumātua to have a say. The hapū branch will allow hapū to have a stronger presence in governance.

Mrs Henley explained that at the operational level, the Trust Board will develop a research committee which will provide an opportunity for Ngātiwai Wai claimants to have an input, and to engage in an airing of grievances type forum. Miss Henley also explained that the final arm is the negotiators, of which the Trust Board will nominate one person from the Trust Board, and will advertise the final two positions with job descriptions relevant to the needs of Ngātiwai.

Slide 23: An Open and Transparent Mandate Process

Mrs Henley explained that voting opened on 17 August 2013 and was due to close on 15 September 2013, however, the Trust Board decided to extend the voting period to 13 October 2013 to ensure people have the more time to make an informed decision when voting on the mandate proposal. She explained that there are nine mandating hui scheduled for around the country.

Mrs Henley explained that the Trust Board have received several submissions and have responded and will continue to respond to submissions until the close off date of 16 September 2013. Mrs Henley also explained that the Office of Treaty Settlements wrote to Ngātiwai Wai claimants informing them of the process.

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	<p>Slide 24: Mandate Hui Schedule (table diagram)</p> <p>Slide 25: Where can I get more Information</p> <p>Slide 26: Questions and Answers</p> <p>Slide 27: Voting Mandate Resolution</p> <p>Mr Edmonds read the resolution aloud and encouraged hui attendees to register and vote and encourage whānau to register and vote. Mr Edmonds also encouraged hui attendees to check the register for correct details of themselves and whānau who were not present.</p>
<p>Questions and comments</p>	<p>Q1: An attendee questioned what the response has been like from the mandate hui held in New Zealand.</p> <p>A1: Mr MacDonald explained that there had been a positive response overall, particularly away from home. Mr MacDonald explained that two of the hui at home were quite tense, and noted there is probably a perception of the Trust Board as being untrustworthy. Mr MacDonald also noted that the Ngātiwai Annual plan was available for attendees to view if they would like.</p> <p>Ms McPherson explained that some of the issues that had been raised were in regards to how hapū can be involved, as the Trust Board is marae constituted. Ms McPherson explained that the Trust Board will develop the hapū, kaumātua, and research space, in governance and operations, outlined in the presentation, because the Trust Board want an open process whereby all Ngātiwai can participate.</p> <p>Q2: An attendee asked what would happen to the dissenting groups if the Trust Board achieves a mandate.</p> <p>A2: Mr Edmonds explained that should the Trust Board receive a mandate, all beneficiaries of Ngātiwai will be entitled to participate in the process and noted that the governance and operations structures will always allow for hapū and Wai claimants to participate.</p> <p>Q3: An attendee sought clarification about why they had the right to vote on the Ngātiwai mandate as Ngāti Rehua, although, Ngāti Rehua would not be included in the Ngātiwai process.</p> <p>A3: Mr MacDonald explained that Ngāti Rehua and Ngāti Manuhiri are geographically aligned with Tāmaki. As such, the Minister for Treaty of Waitangi Negotiations invited them, as well as Ngātiwai, to participate in the Tāmaki collective process. Mr MacDonald explained that Ngātiwai were unable to get prepared in time and Ngāti</p>

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Rehua, and Ngāti Manuhiri were. Mr MacDonald explained that because of generations of intermarriage between Ngāti Rehua and Ngātiwai, Ngāti Rehua would not exist without Ngātiwai. Mr MacDonald explained that Ngāti Rehua will settle Ngāti Rehua aspects of Treaty breaches and Ngātiwai will settle all wai claims insofar as they relate to the remaining historical claims of Ngātiwai.

Q4: An attendee asked if Ngāti Rehua would seek to settle interests in the ocean as well.

A4: Mr MacDonald explained that Ngāti Rehua would only seek to settle at Great Barrier. Mr MacDonald added Ngātiwai will settle remaining land claims and will seek to settle interests in the ocean which Ngātiwai and Ngāti Rehua would benefit from, as Ngāti Rehua whakapapa to Ngātiwai, and will therefore be beneficiaries of a Ngātiwai settlement.

Comment: Mr Edmonds commented that the Minister for Treaty of Waitangi Negotiations wrote to Ngātiwai explaining that Ngātiwai interests have not been extinguished at Hauturu and Ngātiwai will negotiate Ngātiwai interests at Hauturu.

Q5: An attendee questioned how whānau and individual claims outside of the Ngātiwai blanket claims would be settled.

A5: Mr MacDonald explained that the Trust Board will negotiate to settle a comprehensive settlement including all Ngātiwai historic Treaty of Waitangi claims for the benefit of all Ngātiwai iwi members. Mr MacDonald noted that the Trust Boards approach is an inclusive approach for the benefit of all Ngātiwai. Mr MacDonald also explained that the Trust Board will develop a post-settlement governance entity should they be mandated which will look at ways in which settlement assets will be managed best.

Q6: An attendee expressed concern about their Mothers land at Whananaki and explained they wanted it left alone.

A6: Mr MacDonald explained that if the land referred to is whānau land then it cannot be touched as it is private. Mr MacDonald explained that the mandate being sought is to negotiate historic breaches by the Crown.

Q7: An attendee questioned if including Ngātiwai Wai claimants in the Trust Board structure is in response to submissions.

A7: Ms McPherson explained that the reason for the

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	Trust Boards structure was to have an inclusive, transparent and open process. Ms McPherson also explained that because the Trust Board is marae constituted the Trust Board wanted a way whereby hapū, kaumātua and Wai claimants could offer their advice, research and expertise to the process, to ultimately negotiate a comprehensive Ngātiwai settlement. However, Ms McPherson noted that the structure cannot be implemented unless the Trust Board is mandated.
Resolution(s)	The Ngātiwai Trust Board are asking all Ngātiwai iwi members 18 years and over to vote on the following resolution: <i>“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.”</i>
Voting process	It was explained that voting could be done in a number of ways: <ul style="list-style-type: none"> • in person at the various ratification hui; • postal ballot; or • online. Voting opened 17 August 2013 and closes 13 October 2013.
Voting result	The daily schedule of returns is 481 votes as at 10 September 2013, 19.3% return rate.
Other comments	<ul style="list-style-type: none"> • The observer’s role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • The following documents were available to attendees: <ul style="list-style-type: none"> • Mandate strategy and supplement; • Notification letter; • Waitangi Tribunal claims settlement process document (photocopy); • CFRT Treaty Settlements pamphlet; and • Ngāti Wai presentation. • At the registration table: <ul style="list-style-type: none"> ▪ Attendance register; ▪ Registration application form; ▪ Special Votes register; ▪ Ngāti Wai register; and ▪ Ballot box. • Hui attendees had the opportunity to ask questions

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	and questions were answered sufficiently. <ul style="list-style-type: none">• An attendance register was circulated at the hui.
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