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## Ngātiwai Trust Board mandate hui observer report

<b>Iwi</b>	Ngātiwai		
<b>Location</b>	Springwood Hotel, Cnr Springwood & Rochedale Roads Springwood Brisbane		
<b>Date</b>	Wednesday, 11 September 2013		
<b>Start time</b>	~6:00pm	<b>Finish time</b>	~9:00pm
<b>Chair</b>	Haydn Edmonds		
<b>Observer(s)</b>	Michael Hollis (Te Puni Kōkiri, policy)		
<b>Presenter(s)</b>	Haydn Edmonds (Ngātiwai Trust Board Chair), Merepeka Henley Ngātiwai Trust Board Deputy Chair and Kris MacDonald (Ngātiwai Trust Board Trustee)		
<b>Attendance</b>	Total of <b>~54 people*</b> , including <b>5 Ngātiwai Trust Board members, 2 Ngātiwai kaumātua, 1 TPK observer, and 1 independent election company official</b> (Dale Ofsoke)  *people were arriving and leaving throughout the hui, so this is an approximate number.		
<b>Purpose</b>	The purpose of the hui is to: <ul style="list-style-type: none"> <li>• provide information about Crown settlement policy, the Ngātiwai Trust Board and mandate process; and</li> <li>• 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.</li> </ul>		
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Himene / Karakia</li> <li>• Mihimihi</li> <li>• Presentation / Question &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Presentation</b>	Haydn Edmonds, Kris MacDonald and Merepeka Henley provided a PowerPoint presentation to attendees, which was closely followed.  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 the hui to check the register for correct details, and encouraged the hui 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 511 votes (20.5% return rate) 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**

Mr Edmonds explained that the purpose was for the Ngātiwai Trust Board (Trust Board) to seek 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.

### **Slide 6: Overview of the Direct Negotiations Pathway**

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 people have asked what the Post Settlement Governance Entity (PSGE) will look like , and Mr Edmonds explained a new structure (PSGE) 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 it is Crown policy that before seeking a mandate the Trust Board must set out who Ngātiwai is and who will be represented should the Trust Board be mandated.

Mr MacDonald noted that the four key criteria for a claimant definition are:

- identifying founding tūpuna;
- identifying hapū;
- identifying marae; and

- identifying the area of interest.

### **Slide 8: Our Founding Tūpuna**

Mr MacDonald explained that some other iwi whakapapa to the same Tūpuna as Ngātiwai and 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. Mr MacDonald explained that if someone whakapapa's to a Ngātiwai tūpuna but not a Ngātiwai marae then they will not be included in the Ngātiwai mandate process.

### **Slide 9: Our 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 is not exclusively Ngātiwai's rohe 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**

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Mr MacDonald explained that all claims that relate to 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.

**Slide 14: Wai Claims Included**

**Slide 15: Wai Claims Included**

Mr MacDonald 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 16: Supplementary Claims**

Mr MacDonald explained that when developing the mandate strategy, the Trust Board looked at all Ngātiwai claims and added all that were relevant to Ngātiwai. Mr MacDonald added that there were some claims that were marginal, and following the advertising of the mandate strategy, the Crown asked that the marginal Wai claims be included in the mandate strategy, and noted that they would only be negotiated insofar as they relate to Ngātiwai.

**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

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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 undertaken a lot of work in maximising their communications and reporting capabilities in addition to Annual General Meetings and Special General Meetings 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. Mrs 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. Miss Henley explained that the supporting structure is designed to be inclusive, open and transparent.

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

	<p>needs of Ngātiwai.</p> <p><b>Slide 23: An Open and Transparent Mandate Process</b></p> <p>Mrs Henley explained that voting opened on 17 August 2013 and was due to close on 15 September 2013, however due to the unscheduled Australian hui, the Trust Board decided to extend the voting period to 13 October 2013 to ensure people have the opportunity to make an informed decision when voting on the mandate proposal. She explained that there are nine mandating hui scheduled for around the country.</p> <p>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.</p> <p><b>Slide 24: Mandate Hui Schedule (table diagram)</b></p> <p><b>Slide 25: Where can I get more Information</b></p> <p><b>Slide 26: Questions and Answers</b></p> <p><b>Slide 27: Voting Mandate Resolution</b></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><b>Questions and comments</b></p>	<p><b>Q1: An attendee commented that South East Queensland has one of the highest Māori populations in Australia and noted that they want information and dialogue with the Trust Board. The attendee then questioned how communications with Ngātiwai living in Australia will be strengthened.</b></p> <p>A1: Mr Edmonds apologised for the Trust Board’s oversight in scheduling a hui in Australia and explained that a continued dialogue with Ngātiwai living in Australia is a priority for the Trust Board.</p> <p>Ms McPherson explained that the Trust Board had responded to requests from whānau in Australia to present the mandate proposal and explained that the Trust Board will continue to keep Ngātiwai in Australia informed of the process as it progresses through various forms of communication such as Facebook, e pānui, and email. Ms McPherson also encouraged hui attendees to check the register to ensure they are registered and if they are ensure theirs and their whānau’s addresses and</p>

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details are correct to ensure everybody can receive the same information. Ms McPherson also explained that the voting period had been extended so that Ngātiwai everywhere including t whānau in Australia can make an informed decision before voting.

**Comment:** An attendee thanked the Trust Board for coming to Australia to present the mandate proposal and noted that although they have always affiliated with Ngāti Rehua, they would register with Ngātiwai. The attendee also wished the Trust Board luck on getting a mandate and negotiating a comprehensive Ngātiwai settlement.

**Comment:** Mr MacDonald reiterated the Ngāti Rehua whakapapa links to Ngātiwai through intermarriages by explaining the links on a diagram of Ngātiwai/Ngāti Rehua whakapapa, and thanked the attendee for their support.

**Q2: An attendee sought clarification about some of the connection between Ngātiwai and Ngāpuhi.**

A2: Mr MacDonald acknowledged that there is a connection between Ngātiwai and Ngāpuhi and explained that Ngātiwai has one of the oldest whakapapa lines of any iwi and can whakapapa directly to Manaia without going through any Ngāpuhi lines.

**Q3: An attendee questioned why Ngātiwai Wai claimants are in opposition to the mandate proposal.**

A3: Mr Edmonds explained that Ngātiwai Wai claimant's preference is to present their claims before the Tribunal in a Waitangi Tribunal Inquiry. Mr Edmonds explained that the Trust Boards proposal is to involve and represent all Ngātiwai iwi members so a comprehensive settlement for the benefit of all Ngātiwai can be accomplished.

**Q4: An attendee asked if the Trust Board is mandated will they fight for Ngātiwai with the Crown in negotiations.**

A4: Mr Edmonds explained that the Trust Board will appoint the best negotiators to negotiate the best possible settlement for Ngātiwai. Mr Edmonds explained that the Trust Board are being realistic and in no way expect to be compensated for the losses suffered by Ngātiwai. Mr Edmonds also explained that the Crown policy dictates how Ngātiwai can negotiate.

**Q5: An attendee asked if there would be a wānanga before negotiations.**

A5: Mr Edmonds explained that there would be a three

day wānanga before negotiations.

**Q6: An attendee asked if direct negotiations will be as timely as the Waitangi Tribunal process.**

A6: Mr Edmonds explained that both processes take time, however the benefits of direct negotiations process are that it takes less time and less toll on our people.

**Q7: An attendee questioned how much Ngātiwai will give up in negotiations, because it seems as though the Crown dictates how things go.**

A7: Mr MacDonald explained that iwi going into direct negotiations are restricted by Crown policy, however the Trust Board are going to ensure that the best deal possible is negotiated with the Crown and will fight to have the ocean space at Ngātiwai negotiated with the Crown.

**Q8: An attendee asked if individual negotiations will be part of settlement, and if negotiators will be appointed by marae.**

A8: Mr MacDonald explained that if the Trust Board is mandated the governance and operational structures will be implemented to research and negotiate claims, therefore individual claims will be discussed and researched if mandated. Mr MacDonald also explained that the Trust Board will appoint one negotiator from the Board and advertise two positions with a job description.

**Q9: An attendee questioned if Ngātiwai still had interests at Great Barrier.**

A9: Mr MacDonald explained that Ngāti Rehua are settling their interests at Great Barrier and Ngātiwai will build on the Ngāti Rehua claim and settle the remaining interests.

**Q10: An attendee commented that the Trust Boards actions of coming to Australia to present their proposal speak louder than the words of the opposition seen on Facebook. The attendee questioned what benefits Ngātiwai living in Australia will see from settlement.**

A10: Mr MacDonald explained that the Trust Board will continue to develop their communication strategy to include ways of continuing dialogue with Ngātiwai living in Australia. Mr MacDonald explained that the Trust Board currently have grants available for Ngātiwai iwi members to apply for. The Trust Board have also given 140 thousand dollars to Ngātiwai marae to enable marae

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	<p>projects.</p> <p>Mrs Henley explained that how grants are distributed to Ngātiwai living in Australia is a logistical challenge and would be something that is discussed further. Mrs Henley also explained that meeting with Ngātiwai whānau in Australia was a starting point and an opportunity to build on the relationship. Mrs Henley also noted that the Trust Board welcomes any ideas on how Ngātiwai iwi members can get benefits from a Ngātiwai settlement.</p>
<b>Resolution(s)</b>	<p>The Ngātiwai Trust Board are asking all Ngātiwai iwi members 18 years and over to vote on the following resolution:</p> <p><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></p>
<b>Voting process</b>	<p>It was explained that voting could be done in a number of ways:</p> <ul style="list-style-type: none"> <li>• in person at the various ratification hui;</li> <li>• postal ballot; or</li> <li>• online.</li> </ul> <p>Voting opened 17 August 2013 and closes 13 October 2013.</p>
<b>Voting result</b>	<p>The daily schedule of returns is 511 votes as at 11 September 2013, 20.5% return rate.</p>
<b>Other comments</b>	<ul style="list-style-type: none"> <li>• The observer’s role at the hui was explained accurately.</li> <li>• The hui was conducted in an open and transparent manner.</li> <li>• The following documents were available to attendees: <ul style="list-style-type: none"> <li>• Mandate strategy and supplement;</li> <li>• Notification letter;</li> <li>• Waitangi Tribunal claims settlement process document (photocopy);</li> <li>• CFRT Treaty Settlements pamphlet; and</li> <li>• Ngāti Wai presentation.</li> </ul> </li> <li>• At the registration table: <ul style="list-style-type: none"> <li>▪ Attendance register;</li> <li>▪ Registration application form;</li> <li>▪ Special Votes register;</li> <li>▪ Ngāti Wai register; and</li> <li>▪ Ballot box.</li> </ul> </li> </ul>

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|  | <ul style="list-style-type: none"><li>• Hui attendees had the opportunity to ask questions and questions were answered sufficiently.</li><li>• An attendance register was circulated at the hui.</li></ul> |
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