



# **Ngātiwai Trust Board**

## **Mandate Maintenance**

Report on Objectives

For the Office of Treaty Settlements

**MANDATE MAINTENANCE REPORT 14**

**Activity Period:** 1 February 2019 – 31 April 2019

**Report Date:** 31 May 2019

*Kia Tūpato!*

*Ka tangi a Tūkaiaia kei te moana, ko Ngātiwai kei te moana e haere ana;  
Ka tangi a Tūkaiaia kei tuawhēnua, ko Ngātiwai kei tuawhēnua e haere ana.*

*Beware!*

*When Tūkaiaia calls at sea, Ngātiwai are at sea;  
When Tūkaiaia calls inland, Ngātiwai are inland.*

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## Background Context

This is the twelfth quarterly mandate maintenance report produced by the Ngātiwai Trust Board (NTB) for the Office of Treaty Settlements (OTS) following the Crown's recognition of the NTB Deed of Mandate (DoM) on 21 October 2015.

The purpose of this report is to document the work undertaken by the NTB to maintain its mandate and in particular to demonstrate its ongoing commitment to continually improve its communications and engagement with Ngātiwai members so as to keep members properly informed about the negotiations and Treaty settlement journey.

## Mandate Maintenance requirements

### Section 55 of the Deed of Mandate states:

*“The NTB will ensure that Ngātiwai members are kept regularly informed and updated on negotiations progress through:*

- *monthly newsletters/e-panui and website with regular updates*
- *hui or wananga on particular topics will be held regularly through the year*
- *the AGM or a Special General Meeting where the need arises (i.e. to present an iDoS and a proposal for a PSGE to the claimants community for approval and ratification)*
- *Negotiators will also be required to report to Te Iwi o Ngātiwai on negotiations as required by the NTB (see page 22)*
- *monthly Board meeting summaries to be released following each meeting providing regular updates on matters under discussion by the Board and*
- *Three additional hui-a-iwi (in addition to the AGM) in total providing quarterly opportunities for engagement and discussion.*

*The focus will be on the progress of negotiations.”*

### Section 56 of the Deed of Mandate states:

*“The NTB will provide regular three monthly reports to OTS to maintain the mandate. It will include information about:*

- *communications with Ngātiwai (i.e. newsletters/e-panui, hui or wananga, website and Facebook updates),*
- *any AGMs or SGM held within the reporting period, and*
- *any other points of interest related to the progress of negotiations.”*

While it is acknowledged that the OTS have a standard form for mandate maintenance reports this report covers those requirements and builds on the previous commitments made by the Board in its Engagement and Communications Plan dated 13 December 2014. For this reason it includes a brief summary of progress made towards achieving specific objectives established in December 2014.

## List of Abbreviations

<i>NTB</i>	Ngātiwai Trust Board	<i>TA</i>	Te Arawhiti (Previously OTS)
<i>AGM</i>	Annual General Meeting	<i>SGM</i>	Special General Meeting
<i>DoM</i>	Deed of Mandate	<i>ToN</i>	Terms of Negotiation
<i>AiP</i>	Agreement in Principle	<i>iDoS</i>	Initialed Deed of Settlement
<i>PSGE</i>	Post Settlement Governance Entity	<i>OIA</i>	Official Information Act

## Issues Arising 1 February to 31 April 2019

### Terms of Negotiation and *The Ngātiwai Mandate Report*

1. Completion of Terms of Negotiations (ToN) were paused pending the outcome of the Ngātiwai Mandate Inquiry by the Waitangi Tribunal and remain paused.
2. The Board continued work to develop a DRAFT mandate mediation proposal based on the recommendations from the Waitangi Tribunal and to seek a meeting with the Minister to discuss the DRAFT. A meeting took place with Minister Little on 2 February 2019 at Waitangi.
3. On 26 February 2019, the Minister wrote to the Board requesting that it submit its proposals even if it is only in DRAFT so that officials can begin assessing it. On 6 March 2019, the Board submitted its proposal and budget to the Minister and copied it to the hapū who sought the urgent inquiry to alert them to work in progress.
4. The third wananga-a-iwi in the series (which had been postponed in 2018) was reorganised into two discrete hui. The first of which was a kaumātua wananga held on 29 March 2019 at Ngunguru Marae. The second of which was a hui-a-iwi held on 30 March 2019 also at Ngunguru Marae to which the kaumātua presented the recommendations from their wananga. Of note the Kaumātua recommended that:
  - a. a hui-a-iwi be held for whanau to express their aspirations for the future of Ngatiwai;
  - b. a completely new constitution be developed and that the role of the kaumātua “to maintain the cultural and spiritual integrity” of the iwi be reflected accordingly; and
  - c. work-streams are being formed based on key interests/knowledge of kaumātua (i.e. Environment, Treaty, Education, Health, Kapa Haka, Music, Te Reo etc.)
5. At the hui-a-iwi the Treaty Claims Committee provided an update on the work that it had been undertaking to develop a mediation plan. It was noted that:
  - a. a DRAFT mediation proposal and budget had been submitted to the Crown and the Board were awaiting a response before mediation discussions could take place with the affected hapū; and
  - b. that the Board had requested that funding also be made directly available to the affected hapū so that they could take part in any agreed mediation process with the Board on an equal footing.
6. On 11 April 2019, the Minister confirmed that officials are currently assessing the Boards DRAFT proposal and will be in contact if they have any questions. Once the Minister has received their assessment he will provide a comprehensive response regarding the proposal and funding.

### Overlapping Claims with other Iwi / Large Natural Groupings

7. On 5 March 2019, the Board requested confirmation from Minister Little that the Hauraki Settlements will be put on pause pending the outcome of the Waitangi Tribunal’s urgent inquiry into the Hauraki overlapping claims to be held in Wellington from 8 to 12 April 2019.
8. On 11 March 2019, the Board requested that the Minister pause harbour negotiations as it considered such discussions an extension of the Hauraki overlapping claims matters before the Waitangi Tribunal.
9. On 11 April 2019, the Minister confirmed that:
  - a. the Crown does not intend to introduce Hauraki settlement legislation while the Tribunal inquiry into the six claims granted urgency is ongoing.

- b. harbour discussions are preliminary only and negotiations have not yet begun. No negotiations regarding the Hauraki Gulf will commence until matters such as the structure of negotiations and who should be involved in negotiations are confirmed.

10. The Waitangi Tribunal held hearings concerning the Hauraki overlapping claims at Waiwhetu Marae in Wellington from 8 to 12 April 2019. The Board sent a delegation of kaumātua, Trustees, staff and hau kainga from within the disputed area to present its case at these hearings.

#### **Marine and Coastal Area Act (MACA)**

11. The Waitangi Tribunal held stage one hearings concerning the MACA from 25 to 29 March 2019. Stage one concerned the procedural arrangements and resources provided under the MACA and whether or not these procedures and arrangements breached the Treaty of Waitangi. The Board sent a delegation to present its case at these hearings.

### **Communications and Engagement with Ngātiwai Whanui**

#### **Open Door Policy and Face to Face Engagement Hui**

- 1. Progress on this objective has been maintained.

#### **Monthly Board Updates and Newsletters**

- 2. Monthly Board meeting summaries are now regularly posted to our website and Facebook pages following each Board meeting. They are also included in our newsletter which is then sent to our Kaumātua by post along with a hard copy of the newsletter.

#### **Trust Deed Review**

- 3. The review group has suffered again from loss of membership. See kaumātua recommendations (above).

#### **Wananga Planning for PSGE**

- 4. This topic is likely to be discussed as part of the mediation plan (see above).

#### **Quarterly Hui-a-Iwi**

- 5. A hui-a-iwi took place on 30 March 2019 at Ngunguru Marae. This was preceded by a Ngatiwai Kaumatua wananga the evening before.

#### **Finalise the Strategic Communications Plan**

- 6. The plan has been completed and is available on our website for public view.

#### **Review, refine and maintain the current database**

- 7. Regular address updates and new registrations continue to be promoted and received.
- 8. The total number of registered members as at 30 April 2019 is 8143 (including 53 pending registrations). This is an increase of 80 registered members within the quarter.
- 9. The registered members who are recorded as without a known postal address or are recorded as Gone-No-Address (GNA) is 933 or 11%.

### **Report on Objectives**

#### **Engagement Objective 1 a): Hui**

Date	Details	Supporting Documents
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10/02/2019	Otetao Reti Marae hui	Note of meeting G. Reti
16/02/2019	Tuparehuia Marae Trustees and NTB Trustees	Note of meeting R. Diamond
05/03/2019	Whakapaumahara/Whananaki Marae monthly hui	Note of meeting K. Caldwell
16/03/2019	Matapouri Marae Trustees and whanau hui	Note of meeting A. Edwards
16/03/2019	Te Whanau a Rangiwakaahu Hapu Trust and whanau hui	Note of meeting A. Edwards
30/3/2019	Hui-a-iwi	(see objective 5 below)
02/04/2019	Whakapaumahara/Whananaki Marae monthly hui	Note of meeting K. Caldwell
14/04/2019	Otetao Reti Marae hui	Note of meeting G. Reti

### Engagement Objective 1 b): Correspondence

Correspondence available for Ngātiwai members to view at the Ngātiwai Trust Board office.

Date	To	From	Topic
<b>MACA</b>			
7/3/2019	R. Paratene	NTB –T.McPherson	MACA discussion
<b>Overlapping Claims</b>			
1/2/2019	Te Arawhiti (TA) – M. Hickey	NTB –T.McPherson	Meeting with Minister
4/2/2019	TA – M. Hickey	NTB –T.McPherson	Response to 11 <sup>th</sup> Mandate Maintenance Report
5/3/2019	Hon A. Little	NTB – A. Edwards	Hauraki Settlements
5/3/2019	TA – T. Cameron	NTB –T.McPherson	Harbours hui
11/03/2019	T. Afeaki	NTB –T.McPherson	Hauraki hearings
11/3/2019	Hon A. Little	NTB – A. Edwards	Harbour negotiations
11/4/2019	NTB – A. Edwards	Hon A. Little	Hauraki Settlements, Harbour discussions, mandate mediation funding.
<b>Mandate Mediation</b>			
1/02/2019	T A - M. Hickey	NTB –T.McPherson	Meeting with Minister
26/2/2019	NTB – A. Edwards	Hon A. Little	Mandate work support (multiple emails)

### Engagement Objective 1 b): Correspondence (continued)

Date	To	From	Topic
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06/03/2019	Te Waiariki, Ngāti Takapari, Ngāti Korora Iwi/Hapū Trust – P. Mahanga	NTB –T.McPherson	Draft mediation work plan
06/03/2019	Patuharakeke Te Iwi Trust Board (PTB) – G. Paki	NTB –T.McPherson	Draft mediation work plan
06/03/2019	Te Whakapiko hapū of Ngāti Manaia – M. Tautari	NTB –T.McPherson	Draft mediation work plan
06/03/2019	Hon A. Little, cc: G. Paki, P. Mahanga, M. Tautari,	NTB –T.McPherson	Draft mediation work plan
11/3/2019	NTB – T. McPherson	PTB – G. Paki	Draft mediation work plan
02/03/2019	Ngatiwai claimants C/o W. McCarthy	NTB –T.McPherson	Draft mediation work plan
02/03/2019	PTB – G. Paki	NTB –T.McPherson	Draft mediation work plan
03/03/2019	NTB – T. McPherson	W. McCarthy	Draft mediation work plan
16/4/2019	NTB – A. Edwards	PTB – G. Paki	Draft mediation work plan

#### Engagement Objective 2: Pānui (newspaper, website, Facebook, e-mail and postal)

Date	Details	Supporting documents
15/02/2019	Pou rāhui at Te Wai O Taniwha pānui	Shared to Facebook
19/02/2019	Media Statement released: “Dismay after rushed signing of Hauraki Settlement	Posted to website and Facebook, sent out to media distribution lists.
20/02/2019	‘Huge concern’ over rushed Hauraki settlement, shared post	Facebook post
25/02/2019	Dismay at another iwi signed up to the Pare Hauraki Collective Settlement.	Facebook Post, Website post
01/03/2019	Treaty Settlement update: Meeting with Minister Little, MACA Update, Dismay after rushed signing of Hauraki Settlement.	Posted to website and Facebook and included in December newsletter (below)
01/03/2019	<b>January/ February Te Tūkaiaia Newsletter Includes Summary of NTB meeting of Trustees on 14 December 2018</b>	Posted to website, FB, mail out to Ngātiwai kaumātua & Kuia 65+ on the Board’s mailing list.
04/03/2019	<b>Summary of NTB Meeting of Trustees 1st February 2019</b>	Posted to website and Facebook.

<b>Date</b>	<b>Details</b>	<b>Supporting documents</b>
05/03/2019	Notice of Election of Trustee for Mokau Marae	Posted to fb, website and published in newspapers.
08/03/2019	Pānui: Hui-a-iwi, Ngunguru Marae, Sat 30 March 2019, plus agenda	Posted to website and Facebook.
11/03/2019	Pānui: Ngātiwai Kaumātua marae noho, Ngunguru Marae, Fri 29 March 2019.	Posted to website and Facebook.
13/03/2019	Dumping of toxic sludge near Aotea	Posted to website and Facebook.
18/03/2019	ePānui: Waitangi Tribunal Hearings 8 – 12 April.	Email sent to Poneke whānau
25/03/2019	Livestream link to day ONE of MACA Kaupapa inquiry	Posted to Facebook
25/03/2019	Reminder of Notice of Election of Trustee for Mokau Marae	Published to Facebook, website.
26/03/2019	Livestream link to day TWO of MACA Kaupapa inquiry	Posted to Facebook
27/03/2019	Livestream link to day THREE of MACA Kaupapa inquiry	Posted to Facebook
27/03/2019	Pānui: Reminder of Hui-a-iwi, Ngunguru Marae, Sat 30 March 2019, plus agenda	Posted to website and Facebook.
27/03/2019	Pānui: Reminder of Ngātiwai Kaumātua marae noho, Ngunguru Marae, Fri 29 March 2019.	Posted to website and Facebook.
28/03/2019	Reminder of Notice of Election of Trustee for Mokau Marae	Posted to Facebook, website.
27/03/2019	Livestream link to day FOUR of MACA Kaupapa inquiry	Posted to Facebook
29/03/2019	MACA kaupapa inquiry hearings in Wellington	Posted to Facebook
01/04/2019	Kaumātua marae noho and hui-a-iwi. Presentation and Business unit reports also shared.	Posted to Facebook
02/04/2019	Hauraki inquiry: Ngatiwai reply evidence	Posted to Facebook
02/04/2019	ePānui: Hauraki inquiry venue change	Email to Poneke whānau
03/04/2019	Hauraki inquiry hearings	Event Posted to Facebook, whanau invited to event.
05/04/2019	Treaty Settlement update: MACA Stage 1 – Week 1 Hearings	Posted to website and Facebook
05/04/2019	Revised timetable for the Waitangi Tribunal Hearings at Waiwhetu marae 8 – 12 April.	Posted to Facebook
07/04/2019	Update on whānau movements attending the Waitangi Tribunal Hearings	Posted to Facebook



Date	Details	Supporting documents
07/04/2019	Livestream viewing of Hauraki hearings available at the Ngātiwai Trust Board.	Posted to Facebook
08/04/2019	Reminder: livestream of Hauraki hearings coming up	Posted to Facebook
08/04/2019	Pou rāhui ceremony, 13 April 2019	Facebook post
08/04/2019	Reminder: livestream of Hauraki hearings available at the Ngatiwai Trust Board	Posted to Facebook
08/04/2019	Radio NZ story: 50 Complaints against Andrew Little over Treaty Settlement.	Shared to Facebook
08/04/2019	Day 1 Hauraki overlapping claims hearings	Posted to Facebook
09/04/2019	Day 2 Hauraki overlapping claims hearings	Posted to Facebook
10/04/2019	Day 3 Hauraki overlapping claims hearings	Posted to Facebook
11/04/2019	Day 4 Hauraki overlapping claims hearings	Posted to Facebook
12/04/2019	Day 5 Hauraki overlapping claims hearings	Posted to Facebook
12/04/2019	Pou rāhui ceremony 13 April 2019 postponed	Facebook post
16/04/2019	Rescheduled Pou rāhui ceremony 19 April 19	Facebook post
20/04/2019	Pou rāhui at Te Wai O Taniwha now applied	Facebook post
23/04/2019	1 News story Pou rāhui at Te Wai O Taniwha	Shared to Facebook
23/04/2019	Maori TV story shared of Pou rāhui	Facebook post
28/04/2019	Ngātiwai Kāhui Kaumātua Meeting 29 April.	Posted to Facebook
29/04/2019	Photo Board shared of Pou rāhui	Facebook post
03/05/2019	<b>Summary of NTB meeting of Trustees on 1 March 2019</b>	Posted to fb, website and included in newsletter
06/03/2019	<b>Summary of NTB meeting of Trustees on 29 March 2019</b>	Posted to fb, website and included in newsletter
08/05/2019	<b>Summary of NTB meeting of Trustees on 26 April 2019</b>	Posted to fb, website and included in newsletter
30/04/2019 and 08/05/2019	<b>March / April Te Tūkaiaia Newsletter</b> MACA Inquiry update Hauraki overlapping claims Inquiry update <b>Includes Summary of NTB meeting of Trustees on 29 March and 26 April 2019</b>	Posted to website and Facebook and mail out to Ngātiwai kaumātua & Kuia 65+ on the Board's mailing list.

### Objective 3: Trust Deed Review

See summary on page 4 and 5.

### Objective 4: PSGE Planning

See summary on page 4 and 5.

### Objective 5: Quarterly Hui-A-Iwi (including AGM)

A hui-a-iwi took place at Ngunguru Marae on 30 March 2019.

Date	Details	Supporting documents
Various	Pānui	(see objective 2 above)
30/03/2019	Information packs provided at the hui	Quarterly reports, ppt presentation Copies of March / April newsletter
30/03/2019	Record of proceedings	Minutes of meeting Attendance register
29/03/2019	Kaumātua recommendations	e-mail from Kaumātua Secretary

### Objective 6: Strategic Communications Plan

This objective has been completed and the plan is available on the NTB website.

### Objective 7: Database Maintenance and Functioning

Details of efforts to increase the number of registered members and update addresses.

Date	Details
Monthly	A consistent monthly report is provided to NTB Trustees which includes: <ul style="list-style-type: none"><li>• Total counts of registrations and GNA's for each Marae</li><li>• List of members who have no current postal address</li></ul>
Ongoing	Promote registration and postal address updating with pānui on the NTB website, Facebook, E-Pānui and newsletter <i>Te Tūkaiaia</i> (see objective 2 Pānui)
Ongoing	NTB communication and registration forms are made available onsite from the front desk at NTB offices – 129 Port Road, Whangarei. NTB communication and registration forms are available online and are made available by direct request which are sent/received via post or email.
<b>Outcomes</b>	
30/04/18	Total number of registered members 8143 including 53 pending registrations. Total number of “gone-no-address” identified for registered members were 933 or 11% of the total number of registered members.
30/04/18	Total number of registered members who have identified at least one Ngātiwai hapū on their registration form is 6756. Total number of members who have identified more than one Ngātiwai hapū on their registration forms is 142.