



# Ngātiwai Trust Board

## Mandate Maintenance

Report on Objectives

For the Office of Treaty Settlements

**MANDATE MAINTENANCE REPORT 15**

**Activity Period:** 1 May 2019 – 31 July 2019

**Report Date:** 30 October 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 fifteenth 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 May to 31 July 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.

#### *Mandate Mediation*

2. On 6 March 2019, the Board submitted a DRAFT mandate mediation proposal and budget to the Minister seeking funding support to undertake mediation as recommended by the Waitangi Tribunal in *The Ngātiwai Mandate Report*. The mediation proposal was also copied to those hapū who sought the inquiry to alert them to the work in progress and to seek their feedback.
3. Throughout May to July the Board's Treaty Claims Committee (TCC) responded to Te Arawhiti's staff in relation to the mediation proposal and responded to claimants as this work progressed.

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

#### *Ngati Whatua Overlapping Claims*

4. On 10 April 2019, the Board was sent a letter from Te Arawhiti concerning revised redress for Ngati Whatua. Unfortunately the letter did not reach the TCC until 8 August 2019 with a response due on 30 August 2019.

### Marine and Coastal Area Act (MACA)

#### *Waitangi Tribunal Kaupapa Inquiry*

5. Hearings for stage 1 closing submissions took place in Wellington from 31 July to 2 August 2019. Law firm Henderson Reeves presented the Board's closing submissions.

#### *High Court Application Process*

6. On 16 May 2019, the Board sought an adjournment of its application in the High Court, preferring the Crown engagement process but also to allow Ngatiwai whanau, hapū and marae applicants to have their applications prioritised over the Boards application.
7. On 4 June 2019, the High Court confirmed that the Board's application will be adjourned until July 2020.
8. In June 2019, the Board contracted an historian to assist the Board with undertaking historical research to support the Boards application. The historian will undertake research into written source material while oral and traditional evidence gathering is yet to get underway.
9. On 17 June 2019, the Crown agreed that there needed to be a standardised approach to mapping of applicants areas and that a temporary working group be formed to develop agreed guidelines for the maps to be filed in the High Court.
10. The High Court undertook a second round of Case Management Conferences (CMC's) around the country between 10 – 27 June 2019. CMC's are preparatory meetings to get ready for substantive hearings about actual applications. Janet Mason on behalf of her client Louisa Collier was also given a half day after the Whangarei CMC to explain why her "Ngapuhi Test Case" proposal should proceed. It was noted that the Judge was well aware of 20 odd objections to the proposal.
11. In July 2019, the Board sought a fee waiver-refund from the High Court for filing fees totalling \$6,370.

## **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 Ngatiwai Kaumātua roopu have recommended that a completely new constitution be developed and the role of the kaumātua *“to maintain the cultural and spiritual integrity of the iwi be reflected accordingly...”*

### **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 13 July 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 31 July 2019 is 8183 (including 48 pending registrations). This is an increase of 40 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 937 or 11%.

## Report on Objectives

### Engagement Objective 1 a): Hui

Date	Details	Supporting Documents
04/05/2019	Tuparehuia Marae, TMCCO meeting	Note of meeting R. Diamond
07/05/2019	Whananaki Marae Trustee's monthly meeting	Note of meeting K. Caldwell
18/05/2019	Marae Trust meeting Matapouri Marae	Note of meeting A. Edwards
27/05/2019	Ngatiwai Kahui Kaumatua hui Ngatiwai Trust Board	Panui posted by P. Armstrong Updates and upcoming events, Confirm Kaumatua representation for some of the groups/forums
04/06/2019	Whananaki Marae Trustee's monthly meeting	Note of meeting K. Caldwell
08/06/2019	Otetao Marae, Te Kapotai, Ngati Takapari, Ngati Tapu, Ngati Toki hapu	Note of meeting G. Reti
12/06/2019	Marae Trust meeting Matapouri Marae	Note of meeting A. Edwards
02/07/2019	Whananaki Marae Trustee's monthly meeting	Note of meeting K. Caldwell
04/07/2019	Oakura Marae meeting 2514 Russell Road	Note of meeting H. Murphy
06/07/2019	Tuparehuia Marae Committee meeting	Note of meeting R. Diamond
12/07/2019	Ngatiwai Kaumatua Wananga Ngunguru Marae	Note of meeting P. Armstrong
13/07/2019	Ngatiwai Hui-a-iwi Ngunguru Marae	(see objective 5 below)
18/07/2019	Oakura Marae meeting 2514 Russell Road	Note of meeting H. Murphy
20/07/2019	Marae Trust meeting Matapouri Marae	Note of meeting A. Edwards

## Engagement Objective 1 b): Correspondence

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

Date	To	From	Topic
<b>Overlapping Claims</b>			
4/6/2019	Te Arawhiti – M. Hickey	Te Runanga O Iwi O Ngapuhi - Raniera Tau	Te Runanga O Ngati Whatua and the Crown (letter)
13/6/2019	NTB – T. McPherson	Te Arawhiti – E. Stokes	Confirmation documents received
26/6/2019	Ngati Manuhiri – M. Hooneck	NTB – T. McPherson	Te Runanga O Ngati Whatua and the Crown
<b>NTB Mandate / Mediation</b>			
15/5/2019	Te Arawhiti - L. Kuperus, M. Hickey, E. Stokes	NTB – T. McPherson	Ngātiwai mandate mediation proposal
16/5/2019	NTB – T. McPherson	Te Arawhiti – M. Hickey	Ngātiwai mandate mediation proposal
22/5/2019	Te Arawhiti – D. Haines, E. Stokes, M. Hickey	NTB – T. McPherson	Ngātiwai mandate mediation proposal
23/05/2019	NTB – T. McPherson	Te Arawhiti – D. Haines, E. Stokes, M. Hickey	Ngātiwai mandate mediation proposal
21/05/2019 – 23/6/2019	Whangaruru Claimants H. Lyndon, W. McCarthy, M. George.	NTB - T. McPherson, B. Caldwell	Mandate Mediation, hui organisation
5/6/2019	NTB – H. Edmonds, K. MacDonald, A. Edwards, T. McPherson	P. Armstrong (Ngātiwai Kaumātua kahui secretary)	Treaty Settlement – Kaumātua representatives
4-7/6/2019	Te Arawhiti – D. Haines	NTB – T. McPherson	Ngātiwai mandate mediation proposal – Communication costs
7/6/2019	Te Arawhiti – J. Daniel, H. Waaka, P. Agnew, B. Kennedy	NTB – T. McPherson	MACA Notice of Appearances Filing Fee Waivers
8/6/2019	NTB – T. McPherson	Claimants (Te Whakapiko) - Cameron Hockley	Draft mediation work plan – acknowledgement of receipt
14/6/2019	NTB – T. McPherson	Te Arawhiti – D. Haines	Further correspondence on the draft Ngātiwai mandate mediation proposal

13-18/6/2019	P. Armstrong (Ngātiwai Kaumātua kahui secretary)	NTB – M. . MacDonald	Hui-a-iwi preparations
26/6/2019	Te Arawhiti – D. Haines	NTB – T. McPherson	Hui with Te Arawhiti – notes
28/6/2019	NTB – T. McPherson	Te Arawhiti - D. Haines	Hui with Te Arawhiti – notes
11/7/2019	NTB – T. McPherson, Cc'd Hon A. Little	Claimants (Te Whakapiko) – C. Hockley	Mediation Proposal
29/7/2019	Claimants (Te Whakapiko) – C. Hockley	NTB – T. McPherson	Mediation – NTB and Te Whakapiko
8-17/7/2019	Te Arawhiti - D. Haines	NTB – T. McPherson	Mandate mediation – Operational Costs
<b>WAI 262</b>			
27/6/2019	Hon Nanaia Mahuta	NTB - Haydn Edmonds	WAI 262 Matters
<b>MACA</b>			
27/5/2019	M. George	NTB - Tania McPherson	MACA refunds
27/5/2019	NTB - Tania McPherson	M. George	MACA refunds



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

Date	Details	Supporting documents
1/05/2019	Tautoko of our hapu, promoting the signing of the petition against the dumping of toxic sludge near Aotea	Posted to facebook.
3/5/2019	Overlapping Claims update: WAI 2840: Hauraki Overlapping Claims Inquiry	Posted to website, Facebook and included in newsletter
4/5/2019	Article in tautoko of our hapu, Pou rāhui erected to restore mauri of Rangitapu headlands and Te Wai o te Taniwha (Matapouri mermaid pools)	Posted to website, Facebook and included in newsletter
4/5/2019	Ngatiwai Kahui Kaumatua hui update	Posted to website, Facebook and included in newsletter
20/5/2019	WAI2870 Maori prisoner voting right Waitangi Tribunal Inquiry – Live Stream of our whanaunga Carmen Hetaraka participating for Ngatiwai	Posted to facebook.
22 /05/2019	Tautoko of our hapu, promoting the protest march against the dumping of toxic sludge near Aotea	Posted to facebook.
23/05/2019	Pānui: Ngātiwai Kahui Kaumātua hui – Monday 27 May 2019 NTB Boardroom	Posted to website and Facebook.
30/05/2019	Tautoko of our hapu, promoting the protest march against the dumping of toxic sludge near Aotea	Posted facebook.
10/6/2019	Shared closing submissions to WAI 2840	Posted to website and Facebook.
26/6/2019	Pānui: advising of Hui-a-iwi, 13 July 2019	Posted to website and Facebook.
26/06/2019	Article in Tautoko of our hapu, promoting the protest march against the dumping of toxic sludge near Aotea	Posted to website and Facebook
3/7/2019	Pānui: Ngātiwai Kaumātua marae noho, Ngunguru Marae, Fri 12 July 2019.	Posted to website and Facebook.
3/7/2019	Pānui: Ngātiwai Hui-a-iwi, Ngunguru Marae, Sat 13 July 2019, plus agenda	Posted to website and Facebook.
4/7/2019	Reminder of the protest march against the dumping of toxic sludge near Aotea	Posted facebook.
7/7/2019	LIVE facebook coverage of protest march against the dumping of toxic sludge near Aotea	Posted facebook.
7/7/2019	Photos shared from the protest march against the dumping of toxic sludge near Aotea and various news article coverage	Posted facebook.

9/07/2019	<b>Summary of the NTB meeting of Trustees held on 31 May 2019</b>	Posted to facebook, website and included in newsletter
10/7/2019	Reminder Pānui: Ngatiwai Kaumatua Marae Noho Friday 12 July 2019 and Ngatiwai Hui-a-iwi, Saturday 13 July 2019, Ngunguru Marae plus agenda	Posted to website and Facebook.
22/7/2019	Ngātiwai response to Crown closing submissions on the Waitangi Tribunals Hauraki Overlapping Claims inquiry.	Posted to website and Facebook.
23/7/2019	Ngatiwai closing submission to stage 1 of the Waitangi Tribunal inquiry on the Marine and Coastal Area (Takutai Moana) Act 2011.	Posted to website and Facebook.
23/7/2019	Day 1 updates from Ngāti Rehua whānau who are currently in the High court appealing against Environment Protection Authority's decision to grant Coastal Resources Ltd permission to increase the amount of sediment it dumps	Posted to facebook.
24/7/2019	Day 2 updates from Ngāti Rehua whānau	Posted to facebook.
31/7/2019	Waitangi Tribunal livestream links for Day 1, 2 and 3 on the stage 1 Wai 2660 MACA hearings week, being held from Wednesday 31 July – Friday 2 August.	Posted to facebook.
30/08/2019	<b>August/September Te Tukaiaia Newsletter</b> Treaty Settlement Update <ul style="list-style-type: none"> <li>• Mandate Mediation</li> <li>• Hauraki Overlapping Claims Inquiry</li> <li>• Marine and Coastal Area (MACA) Act update</li> <li>• MACA High Court Application</li> </ul> Summary of NTB meeting of Trustees held on 26 July 2019 and 30 August 2019	Posted to facebook, website and mail out to Ngatiwai kaumātua and kuia 65+ on the Boards mailing list
13/09/2019	<b>Summary of the NTB meeting of Trustees held on 26 July 2019</b>	Posted to facebook, website and included in newsletter

### **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 13 July 2019.

Date	Details	Supporting documents
Various	Panui	(see objective 2 above)
13/07/2019	Information packs provided at the hui	Business Unit Quarterly reports Copies of March / April newsletter
13/07/2019	Record of proceedings	Minutes of meeting Attendance register

### 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 8183 including 48 pending registrations. Total number of “gone-no-address” identified for registered members were 937 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 6797. Total number of members who have identified more than one Ngātiwai hapū on their registration forms is 150.