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## Ngātiwai Trust Board mandate hui observer report

<b>Iwi</b>	Ngātiwai		
<b>Location</b>	Ngātiwai Marae Russell Road Ngāiotonga		
<b>Date</b>	Saturday, 24 August 2013		
<b>Start time</b>	~10am	<b>Finish time</b>	~2pm
<b>Chair</b>	Haydn Edmonds		
<b>Observer(s)</b>	Lucy Te Moana		
<b>Presenter(s)</b>	Haydn Edmonds, Tania McPherson, and Merepeka Henley.		
<b>Attendance</b>	Total of approximately <b>72 people*</b> , including <b>1 TPK observer, 1 independent election company official (Dale Ofoske) and 5 Trust Board members</b>  *people were arriving and leaving throughout the hui, so this is an approximate number.		
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Pōwhiri and kapū tī</li> <li>• Himene / Karakia</li> <li>• Mihimihi</li> <li>• Presentation / Question &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Purpose</b>	<p>The purpose of the hui is to:</p> <ul style="list-style-type: none"> <li>• provide information about Crown settlement policy, the Ngātiwai Trust Board and mandate process; and</li> <li>• seek a mandate for the Ngātiwai Trust Board to represent Te Iwi o Ngātiwai in direct negotiations with the Crown for the comprehensive settlement of all historical Treaty claims of Ngātiwai.</li> </ul>		
<b>Presentation</b>	<p>Each of the presenters followed the slide presentation very closely. The comments noted below are in addition to the presentation slides.</p> <p><b>Slide 1: Introductions</b></p> <p><b>Slide 2: Independent Elections Services</b></p>		

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### **Slide 3: Independent Elections Services (continued)**

#### **Slide 4: Agenda**

- Purpose of the Hui;
- Te Iwi o Ngāti Wai Claimant Definition;
- Crown Settlement policy and WAI claims;
- The Ngāti Wai Trust Board;
- Open and Transparent mandate voting process;
- Questions and Answers; and
- Voting: Mandate Resolution.

#### **Slide 5: Purpose of the Mandate Hui**

The Chair welcomed all attendees to the hui and introduced the Ngātiwai Trust Board (the Trust Board) members sitting at the table.

The Chair advised that an attendance register was circulating and requested that attendees fill it in.

The Chair then introduced the Independent Returning Officer (IRO), Dale Ofoske, and the Crown observer (as Tony Tumoana). He identified that the IRO was from Elections Services and was there to manage the voting process, specifically referring to the resolution that the Trust Board was seeking agreement to. The Chair then invited the IRO to speak about the voting process, the iwi register, and the process for making special votes.

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

The Chair handed over to Kris MacDonald to continue with the presentation.

The presenter outlined the negotiations process and confirmed through his presentation that a Post-Settlement Governance Entity (PSGE) will not be the same as the Trust Board.

#### **Slide 7: Who is Te Iwi o Ngātiwai claimant definition**

The presenter confirmed with hui attendees that if they whakapapa to one of the Ngātiwai hapū and belong to one the 14 marae then their vote is being sought. The presenter also noted that, if people whakapapa to a Ngātiwai hapū but do not belong to a Ngātiwai marae, this process is not for them.

#### **Slide 8: Our Founding Tūpuna**

#### **Slide 9: Our Marae**

#### **Slide 10: Our Hapū**

#### **Slide 11: Our Rohe / Area of Interest**

#### **Slide 12: Crown Settlement Policy on Wai Claims to**

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**be included**

**Slide 13: WAI Claims included (1)**

The presenter advised that the claims highlighted in red are the blanket claims put in by the Trust Board. The presenter also explained that the Crown requires the Trust Board to have all other claims relating to Ngāti Wai included in the mandate strategy, and all Wai claims have been added based on that Crown requirement

**Slide 14: WAI Claims included (2)**

The presenter explained that the Trust Board does not want to see the iwi divided by individual Wai claims being pursued through the Waitangi Tribunal. The presenter explained that the Trust Board are offering a unified and shared approach by seeking a mandate for direct negotiations.

**Slide 15: Wai Claims Included (3)**

**Slide 16: Supplementary Claims (1)**

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 17: Supplementary Claims (2)**

**Slide 18: Crown settlement policy and Ngātiwai Trust Board Accountability Measures**

The presenter explained the establishment of the Trust Board. And, explained that the accountability measures the Trust Board have 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**

**Slide 20: Ngātiwai Marae, Trustees, Alternates**

**Slide 21: Structure and Accountability**

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

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	<p>process would need to be followed.</p> <p><b>Slide 22: Te Iwi o Ngātiwai “Claimant Community” (diagram)</b></p> <p><b>Slide 23: An Open and Transparent Mandate Process</b></p> <p>Mrs Henley explained that voting opened on 17 August and closes 15 September.</p> <p><b>Slide 24: Mandate Hui Schedule (table diagram)</b></p> <p>Miss Henley explained that the hui highlighted in red are marae based hui.</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><b>Questions and comments</b></p>	<p><b>Q1: An attendee questioned why the Trust Board is picking certain places, such as Pakiri, to hold mandate hui.</b></p> <p>A1: It was explained that the Trust Board is trying to get a fair coverage of Ngātiwai katoa (north, central and south).</p> <p><b>Comment:</b> An attendee noted they did not think holding mandate hui at Pakiri was fair because Pakiri has been settled, and the Trust Board are missing out Whananaki.</p> <p><b>Q2: An attendee asked the Trust Board to show attendees the register, so they know who the Trust Board is representing.</b></p> <p>A2: It was explained that the Trust Board is aiming to settle for all beneficiaries. And, that the IRO had a register for all to check.</p> <p><b>Comment:</b> An attendee noted that the Waitangi Tribunal is hopelessly underfunded, and the Office of Treaty Settlements is given heaps of putea. The attendee explained they want to go through a process of justice.</p> <p><b>Comment:</b> It was explained that the Trust Board is working for Te iwi o Ngātiwai katoa.</p> <p><b>Comment:</b> An attendee expressed concern about whether or not the Trust Board would continue to pursue a mandate should Ngātiwai kaumātua disagree with the mandate proposal. The attendee noted that their feelings are for Patukeha, and that the wishes of Ngātiwai kaumātua and kuia are to go another way. The attendee asked if the Trust Board would disrespect the wishes of Ngātiwai kaumātua and kuia?</p> <p><b>Comment:</b> An attendee explained that Ngātiwai land was</p>

lost – ka titro ki tēnei whakapapa – whakapapa. Ko ahau te kaumātua no Pakiri. The attendee explained that WAI 1307 would like to withdraw from this direct negotiations process.

The attendee explained that they started discussions with the Crown in 1967. And, will not give up the mahi regarding Takutai Moana.

**Comment:** A presenter explained that they understand you're [the attendee's] thoughts. The presenter then explained who the Trust Board members at the table were.

Ehara mātou I tēnei ingoa. Ko ngā he o Ngātiwai – mehemea kare koutou pīrangi I kōnei – haere atu – kua e pātai atu ko wai koutou te tēpu. Kei te mōhio koutou ko Ngātiwai.

The presenter noted Ngātiwai are not a hapū!

Kua ea ngā kōrero! Aroha mai – aroha atu.

**Comment:** An attendee explained that Ngāti Hine is disappointed that discussions about the mandate have not been held, and further discussions regarding overlapping claims and boundaries need to be had. The attendee also explained they do not want the Crown to get between Ngātiwai hapū.

**Comment:** It was explained that the Trust Board is seeking a mandate on behalf of Te iwi o Ngātiwai katoa, including all Ngātiwai hapū, who are not already in settlement negotiations or have finished settlement negotiations.

It was also explained that the Trust Board engaged with Ngāti Hine to discuss the moana. It was explained that an offer was made to have a hui in this marae, and have dialogue with kaumātua.

The presenter accepted that not all agree with the Trust Boards kaupapa. However, the Trust Board wish to continue a dialogue with Ngātiwai iwi members.

**Comment:** An attendee commented that a number of claimants voices are being taken away by being included in this process. The attendee questioned whether the time difference between direct negotiations and the Waitangi Tribunal process are much different.

The attendee reiterated that those who have worked hard on these claims are losing these voices. The attendee questioned why the Trust Board does not want to go to Waitangi Tribunal hearings, and questioned if the

decision to go to direct negotiations was politically motivated.

The attendee explained that they are a part of this marae, and have been pressured around their claims, and have been pushing back on the interests regarding Tūhoronuku. The attendee acknowledged what the Trust Board is presenting is different to that of what Tūhoronuku presented. However, they expressed concern that Ngātiwai will likely get split. The attendee urged the Trust Board not to let the process split Ngātiwai, and noted the sooner there is dialogue the better.

**Comment:** It was explained that the Trust Board is at the beginning of the process, and dialogue is exactly what the Trust Board want. First step is to have dialogue, then attain a mandate from Te iwi o Ngātiwia to hold that dialogue.

**Comment:** An attendee explained that they are not supportive of direct negotiations, and that they are against the process for voting on a mandate. The attendee explained that a process of voting to talk about Ngātiwai whakapapa is not needed. The attendee explained that Ngātiwai know their boundaries, so do not let a red or black line define them. The attendee also noted that they do not trust the Trust Board in terms of Ngātiwai whakapapa.

**Comment:** An attendee explained that they want a kaumātua driven process, not a Crown driven process that splits Ngātiwai. The attendee explained that Ngātiwai gave the Trust Board the mandate to negotiate the fisheries settlement. They explained that their whānau are a fishing whānau, and questioned where the benefits for Ngātiwai iwi members are from that settlement. They explained that they did not want to go through a settlement process again, as they could not see how it would be beneficial to Te iwi o Ngātiwai katoa.

**Comment:** It was explained that Ngātiwai can tell their story in direct negotiations, and there is no other way to change the historical account if the Wai claims are pursued through the Waitangi Tribunal.

The Chair explained that the Trust Board want to settle for all Ngātiwai. The Chair then reiterated the resolution, and invited attendees to take a vote.

**Comment:** An attendee explained that the Wai claimants for Wai numbers: 1140, 1307, 1449, 1667, and 2022 oppose the Trust Boards mandate proposal, and

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	<p>requested that their Wai numbers are withdrawn from the mandate – respectfully.</p> <p><b>Comment:</b> An attendee explained that they would seek their own settlement.</p> <p><b>Q3: An attendee explained they were uncertain about the process, and questioned if there is a withdrawal process.</b></p> <p>A3: It was explained that the submission process is a process to signal people’s desire to withdraw.</p> <p><b>Comment:</b> A number of attendees expressed concern about the lack of consultation from the Trust Board regarding the mandate proposal, and questioned why they are being told that a Waitangi Tribunal hearing could take between five and seven years.</p> <p><b>Q4: An attendee questioned if the Trust Board had spoken to Ngātiwai Wai claimants about whether or not they would prefer to go through direct negotiations or Waitangi Tribunal hearings.</b></p> <p><b>Comment:</b> An attendee expressed concern about the lack of consultation hui involving Patukeha.</p> <p><b>Q5: An attendee questioned whether or not Ngātiwai hapū will benefit from the direct negotiations process. The attendee noted that they would like to lodge an objection to the Trust Boards mandate proposal.</b></p> <p>A5: The presenter explained that Ngātiwai hapū will be part of the process, and noted that the Trust Board has always been clear about hapū being involved in the process.</p> <p>It was explained that the Trust Board will not be settling all of Patukeha. The Trust Board are only seeking to settle claims insofar as they relate to Ngātiwai.</p> <p><b>Comment:</b> An attendee commented that the Trust Board is letting the Crown dictate the process, and urged the Trust Board not to let the Crown split Ngātiwai.</p>
<p><b>Resolution(s)</b></p>	<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>

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<b>Voting process</b>	It was explained that voting could be done in a number of ways: <ul style="list-style-type: none"><li>• in person at the various ratification hui;</li><li>• postal ballot; or</li><li>• online.</li></ul> Voting opened 17 August 2013 and closes 15 September 2013.
<b>Voting result</b>	The daily schedule of returns is 185 votes received as at 23 August, 7% return rate.
<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>• Hui presentation started at approximately 11 am.</li><li>• Hui attendees had the opportunity to ask questions and questions were answered sufficiently.</li><li>• An attendance register was circulated around the hui.</li></ul>