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## Ngātiwai Trust Board mandate hui observer report

<b>Iwi</b>	Ngātiwai		
<b>Location</b>	Matapōuri Marae 7 Mackie Place MATAPŌURI		
<b>Date</b>	Saturday, 31 August 2013		
<b>Start time</b>	11.10am	<b>Finish time</b>	12.20pm
<b>Chair</b>	Haydn Edmonds, Chair of the Ngātiwai Trust Board (NTB)		
<b>Observer</b>	Nancy Watters (Te Puni Kōkiri, Policy)		
<b>Presenters</b>	Haydn Edmonds, Kris MacDonald and Tania McPherson		
<b>Attendance</b>	<p>Total of <b>40 people 18 years or older*</b>, including <b>1 TPK observer</b>, and <b>1 independent election company official</b> (Dale Ofsoske) Trustees: Kris MacDonald, Alan Moore, and Gary Reti and Tania McPherson, Treaty claims manager.</p> <p>*people were arriving and leaving throughout the hui, so this is an approximate number.</p>		
<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 and the Ngātiwai Trust Board (NTB) and mandate process; and</li> <li>• seek the mandate for the NTB 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>• Karakia</li> <li>• Mihimihi</li> <li>• Morning Tea</li> <li>• Presentation / Question &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Presentation</b>	<p>Introductory comments from the Chair included an introduction of:</p> <ul style="list-style-type: none"> <li>• the NTB trustees present;</li> </ul>		

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- the returning officer, who explained the voting process; and
- the Crown observer and an explanation of her role.

The presenters closely followed the PowerPoint presentation and provided additional comments on specific slides, which are recorded below under the corresponding slide title.

#### **Slide 1: Ngātiwai Trust Board**

The presenter explained that the presentation would take approximately 30 to 45 minutes and asked attendees to hold their questions until the end of the presentation.

#### **Slide 4: Overview of the Direct Negotiations Pathway**

The presenter explained there were two pathways to Treaty settlements: through the Waitangi Tribunal resulting in a Tribunal report or through direct negotiations. He explained Ngātiwai is currently at the beginning of the first phase.

#### **Slide 5: Who is Te Iwi o Ngātiwai Claimant Definition?**

The presenter explained that the current Board model is marae based whereas the proposed future model could be hapū based. He further explained that the Crown wants to deal with a large natural group and know who it is dealing with.

#### **Slide 6: Our founding Tupuna**

The presenter explained that if someone can whakapapa to one of the tipuna on the slide or outlined in the mandate strategy then the settlement will include them.

#### **Slide 8: Our Hapū**

The presenter explained that Ngāti Manuhiri and Ngāti Rehua are both hapū of Ngātiwai and that they have already had their settlements within the Tāmaki Makaurau region. He explained that they are technically not included in the claimant definition but have other links through whakapapa.

#### **Slide 9: Our Rohe/Area of Interest**

The presenter explained that the area of interest does not imply exclusivity as there are overlapping interests with Ngāpuhi, Ngāti Whātua, Te Uri o Hau and other Hauraki iwi. He explained the area also includes the ocean space as Ngātiwai is of the water, like Tūhoe is of Te Urewera and Tainui is of the Waikato.

#### **Slide 10: Crown settlement policy on WAI Claims to be included**

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The presenter explained that the date (21 September 1991) is when the fisheries settlement was signed up to.

#### **Slide 11: WAI Claims Included**

The presenter explained that the blanket claims were those highlighted in red and that all claims had been looked at and any claims, or parts of any claims, that related to Ngātiwai had been included.

#### **Slide 13: WAI Claims Included (3)**

The presenter explained that the settlement would be for the benefit of all Ngātiwai no matter where they reside. He explained that for the supplementary claims, only the part that related to Ngātiwai would be settled.

#### **Slide 14: Crown settlement policy and NTB Accountability Measures**

The presenter explained that that these measures are to give Ngātiwai certainty that things are being done as they should be.

#### **Slide 15: NTB Structure & Accountability**

The presenter explained that the trustees were currently elected one per each of the 14 marae and that an alternate trustee will step in when the first trustee is unavailable. He explained the next election would occur in February/March 2014.

#### **Slide 17: Structure and Accountability**

The presenter explained that there are already standard reporting processes and that the website was being revamped, Facebook was being used more and they were producing an app that will alert people to Facebook posts. He explained that three information hui had been held earlier in the year and now they were holding nine mandate hui. They had employed an independent returning officer and they were taking the mandate strategy out for feedback. He explained it was proposed to have three negotiators, one from Ngātiwai Trust Board and the other two to be employed through a standard recruitment process.

#### **Slide 18: Te Iwi o Ngātiwai Claimant Community**

The presenter explained that the blue boxes were existing structures and the brown boxes were structures they want to develop. He advised that kaumātua would engage with the hapū to provide advice on tikanga. He explained how Ngātiwai would employ a qualified professional historian to work with all claimants as well as employing a professional editor to write Ngātiwai's story

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	<p>and turn it into a book.</p> <p><b>Slide 19: An Open and Transparent Mandate Process</b></p> <p>The presenter explained that they would have to demonstrate that the process had been open and transparent to the satisfaction of the Minister for Treaty of Waitangi Negotiations and that the submission period had been extended to the end of the voting period so that Ngātiwai would have a good understanding of the key issues raised. They would the engage with the submitters to see if they could get them to understand the process.</p> <p><b>Slide 20: Mandate hui Schedule</b></p> <p>The presenter stated that they have had requests from whānau to hold hui in Australia.</p>
<p><b>Questions and comments</b></p>	<p><b>Q1: An attendee asked what constitutes a hapū.</b></p> <p>A1: The presenter responded that they had looked at the historical hapū and the known hapū that are represented on the Board and that it comes back to whakapapa. He explained that the definition was sought by the Crown and was not necessarily how they would define hapū.</p> <p><b>Q2: An attendee asked where the statement that some groupings are more active than others had come from.</b></p> <p>A2: The presenter explained that at the moment the Ngātiwai Trust Board consists of 14 marae and that through this process they had found that some hapū have more formal structures such as hapū trusts and that some hapū were more active than others. He explained that whether the PSGE would be marae based/ hapū based or regionally based was a decision yet to be decided but they would like to see a tribal base that constitutes hapū and marae. He explained there are those who want to settle their individual claims and Ngātiwai needs to talk to them to include them and it was their desire not to be dictated to by the Crown. As an example he stated that Ngātiwai are all kaitiaki of the ocean.</p> <p><b>Q3: An attendee stated that if they were to choose to mandate the Board then they wanted to know what was included in all the claims so was there a document setting this out.</b></p> <p>A3: The presenter responded that the Board doesn't know everything which is why they want people to join the research team so that all the claims could be looked at</p>

and brought within Wai 244, the blanket claim. He explained that Wai 1711 had been lodged the day before historic claims closed and includes all interests of Te Whare o Rangiwahakaahu and as it was a last minute claim it needs to be reviewed. He explained that in 2008/9 a research report was prepared and presented at Ngunguru marae in 2010. He explained they would be happy to present the report again as it deals with the loss of lands and is a good piece of work around whakapapa.

**Q4: An attendee asked if the Board had decided on what percentage figure would give them a mandate.**

A4: The presenter responded that it is unclear what figure constitutes a mandate although they considered an overwhelming majority would be 75% or more. He stated this was a decision for the Minister for Treaty of Waitangi Negotiations. He explained they would need to resolve issues raised by submitters but the Board was a credible organisation with a good track record such as being the Mandated Iwi Organisation. He stated there were two shows in town at the moment, Ngātiwai and Tūhoronuku seeking the mandate for Ngāpuhi.

**Comment:** The a same attendee struggled with the logic that allowed a majority of over 50% for passing things in Parliament but demanded more for this process.

**Comment:** The presenter stated that Ngātiwai going through this process gives everyone an opportunity to participate and is an opportunity for the Board to assess if the tribe is willing to come together for the purpose of settling all claims while recognising the differences.

**Q5: An attendee asked what happens if Ngātiwai Trust board doesn't get the mandate.**

A5: The presenter responded that this is a possibility but he encourages everyone to vote. He explained that there was no strategy should they not get the mandate because the focus is on getting a mandate. He stated he understood there was talk out there and the media trying to undermine the Board but this is about Ngātiwai's future and the current strategy is to move forward.

**Q6: An attendee asked if there was a choice to enter direct negotiations or go to the Waitangi Tribunal.**

A6: The presenter responded that the choice being offered at the moment was basically whether to say yes for direct negotiations or no to direct negotiations.

**Q7: The same attendee asked what the implications were.**

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A7: The presenter explained that there were pros and cons to both processes and that the Tribunal process adds time to settlements and gave the example of how a 1987 claim had only been reported on last year. He explained that the Waitangi Tribunal may make a recommendation but iwi still have to negotiate with the Crown and that the negotiations will be intensive and wearing so they want to focus on them.

**Q8: An attendee asked if the Board had determined who the negotiators would be.**

A8: The presenter responded no as the focus is on getting the mandate but the process would be at Board level and they will need credentials.

**Q9: An attendee asked how many people are on the role.**

A9: The presenter responded that 2,485 voting packs had been sent out but there were lots more on the register – about 4,800. She explained that they did not have addresses for many which is a big problem as contact details can only be obtained if people want to give them and so people had to be directed to the website.

**Q10: The attendee asked if the research team could help.**

A10: The presenter responded yes because if they get a mandate they will get more resources.

**Q11: An attendee asked if people are saying no to the mandate was this because they wanted to go the Waitangi Tribunal or are there other agendas.**

A11: The presenter responded that these were both reasons and that there are some individuals who want to have their claims heard individually. He explained that this would be a problem because then how could Ngātiwai settle the ocean claim. He explained it is important for Ngātiwai to negotiate the ocean tribally as that is how the name evolved - Te Iwi o Ngātiwai.

**Q12: An attendee asked for confirmation that it was more than just the sea.**

A12: The attendee confirmed that it also concerns the land and added that every other iwi of the country recognises Ngātiwai as the people of the sea.

**Q13: An attendee asked if it is possible for the Board to stop deep sea drilling and mining.**

A13: The presenter responded that the Board is also in dialogue but that it constitutes a contemporary claim. He

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	gave the example of carbon credits where iwi are being given forests back but couldn't convert them to dairying without paying carbon credits and also mentioned the water claims. He stated that these issues would be dealt with in time.
<b>Resolution(s)</b>	<p>This was read out twice during the hui, at the beginning and after all questions had been answered. 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 15 September 2013.</p>
<b>Voting result</b>	The daily schedule of returns is 261 votes as at Thursday 29 August 2013, 10.56% 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>• 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> <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>

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