

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

Ngātiwai Trust Board mandate hui observer report

Iwi	Ngātiwai		
Location	Cophorne Hotel 111 Fenton St Rotorua		
Date	Monday, 2 September 2013		
Start time	~6:00pm	Finish time	~8:30pm
Chair	Haydn Edmonds		
Observer(s)	Michael Hollis (Te Puni Kōkiri, policy)		
Presenter(s)	Haydn Edmonds (Ngātiwai Trust Board Chair) Merepeka Henley Ngātiwai Trust Board Deputy Chair and Kris MacDonald (Ngātiwai Trust Board Trustee)		
Attendance	Total of ~17 people* , including 5 Ngātiwai Trust Board members, 2 Ngātiwai kaumātua, 1 TPK observer, and 1 independent election company official (Dale Ofoske) *people were arriving and leaving throughout the hui, so this is an approximate number.		
Purpose	The purpose of the hui is to: <ul style="list-style-type: none"> • provide information about Crown settlement policy, the Ngātiwai Trust Board and mandate process; and • 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. 		
Agenda	<ul style="list-style-type: none"> • Himene / Karakia • Mihimihi • Presentation / Question & Answers • Karakia whakamutunga • Hākari whakanoa 		
Presentation	Haydn Edmonds, Kris MacDonald and Merepeka Henley provided a PowerPoint presentation to hui 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 hui attendees to check the register for correct details, 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 288 votes 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

Slide 6: Overview of the Direct Negotiations Pathway

Mr Edmonds noted that the Ngātiwai Trust Board (Trust Board) is seeking 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.

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 a new structure (Post-Settlement Governance Entity) 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 that before seeking a mandate the Trust Board had to set out who Ngātiwai is and who will be represented should the Trust Board be mandated.

Mr MacDonald noted that he would explain the different aspects of the claimant definition in the following slides.

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

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Ngātiwai Tūpuna, Marae and hapū.

Slide 9: Our Marae

Slide 10: Our Hapū

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 and Whanganui have done with the river settlements.

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

Mr MacDonald explained that all claims that relate to Ngātiwai have been included in the Ngātiwai 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. Mr MacDonald also 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 14: Wai Claims Included

Slide 15: Wai Claims Included

Slide 16: Supplementary Claims

Slide 17: Supplementary Claims (table diagram)

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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

Miss Henley explained that the next elections for Trust Board members would be held between February and March 2014.

Slide 20: Marae Trustees and Alternatives

Miss Henley noted that it was up to individual marae to appoint an alternative to the Trust Board marae positions.

Slide 21: Structure and Accountability

Miss Henley explained that over the last year, the Trust Board have worked hard to develop their communications strategy 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.

Miss 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 process would need to be followed.

Slide 22: Te Iwi o Ngātiwai "Claimant Community" (diagram)

Miss Henley explained that the Trust Board are currently constituted by the 14 marae of Ngātiwai, and the Trust Board will develop supporting structures which will include two additional branches to the Trust Board's

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	<p>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.</p> <p>Miss 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 needs of Ngātiwai.</p> <p>Slide 23: An Open and Transparent Mandate Process</p> <p>Miss Henley explained that voting opened on 17 August 2013 and will close on 15 September 2013. She explained that there are nine mandating hui scheduled for around the country.</p> <p>Slide 24: Mandate Hui Schedule (table diagram)</p> <p>Slide 25: Where can I get more Information</p> <p>Slide 26: Questions and Answers</p> <p>Slide 27: Voting Mandate Resolution</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>Questions and comments</p>	<p>Q1: An attendee questioned whether or not the Trust Board would be seeking to negotiate in Hauraki.</p> <p>A1: Mr Edmonds explained that Ngātiwai do not have interests in the Hauraki.</p> <p>Q2: An attendee questioned what was driving the Trust Board to seek a mandate for direct negotiations. The attendee questioned how Ngātiwai hapū would feature in the process as the Trust Board is constituted by marae. The attendee also expressed concern about the communication of the Trust Board regarding the mandate proposal.</p> <p>A2: Mr Edmonds explained that the Trust Board had researched and discussed and the two options of Waitangi Tribunal and direct negotiations and voted to seek a mandate to enter into direct negotiations with the Crown. Mr Edmonds also explained that the Trust Board</p>

have had three information hui with hapū and Wai claimants, and made clear the Trust Board's intent to seek a mandate to enter into direct negotiations.

Mr Edmonds explained that communications with the Ngātiwai claimant community had been difficult. However, the Trust Board have developed a Ngātiwai smart phone application, upgraded the Ngātiwai website, will introduce Electronic pānui, and will continue to seek better ways of communicating with the claimant community. Mr Edmonds also encouraged hui attendees to check the register for correct addresses so information can be sent to people.

Q2a: The same attendee expressed concern that people may not be aware of the options available to them. The attendee also expressed concern about people's lack of knowledge of the Ngātiwai claims.

A2a: Mr MacDonald explained that the Trust Board have made their best efforts to make information available to people, by having hui, information on the Ngātiwai website, and pānui. Mr MacDonald also explained that all Ngātiwai iwi members 18 and over have a right to make a choice by casting a vote on the Ngātiwai mandate resolution, and people can have a say by making a submission. Mr MacDonald noted that the Trust Board represent all of Ngātiwai, and have done their best to communicate with Ngātiwai.

Miss McPherson explained that the Trust Board had three hui in February and March 2013 which presented an outline of Ngātiwai claims, and the pros and cons of direct negotiations. Miss McPherson also noted attendees could view the presentation on request.

Q3: The same attendee expressed concern about the amount of work between negotiations and settlement. And, questioned the lack of detail regarding the negotiations phase in the presentation.

A3: Miss McPherson explained that the mandate process is about making a decision on whether or not to mandate the Trust Board. Miss McPherson noted that if the Trust Board achieves a mandate, they will be in a position to develop the governance and operational structures outlined in the presentation.

Miss McPherson also explained that the Trust Board want to make space for hapū and Ngātiwai Wai claimants in their structure moving forward, as the Trust Board are constituted by the 14 Ngātiwai Marae.

Q4: An attendee questioned whether or not

mandating the Trust Board would limit the extent in which Ngātiwai is represented.

A4: Mr MacDonald explained that the Trust Board's approach is to represent all of Te iwi o Ngātiwai, and include Ngātiwai hapū and Wai claimants in its structure, so that there is a wider representation. Mr Edmonds also explained that the Trust Board will provide an opportunity for hapū, kaumātua and Wai claimants to participate in the process, which is currently not possible, as the Trust Board is marae constituted.

Q5: An attendee questioned what the criteria are for recognition of a mandate.

A5: Mr MacDonald explained that Ministers will make a decision based on a number of factors including; an open and transparent process was undertaken, submitters concerns are dealt with, and what the voting return and results are.

Q5a: The attendee asked if the Trust Board had a percentage of votes returned and votes in favour in mind.

A5a: Mr MacDonald explained that there is not a percentage in mind, and the final decision by Ministers, will be made on the factors mentioned previously.

Comment: An attendee commented that they had 16 years of Waitangi Tribunal experience and was dead against direct negotiations and how Ngāpuhi have run there process, however, the process run by the Ngātiwai Trust Board is a good one. The attendee noted that the only concern with going through direct negotiations was where the research money would come from.

Comment: Mr Edmonds explained that the Trust Board will fund the research for direct negotiations.

Mr Edmonds noted that the mandate hui and mandate strategy are to provide an opportunity for Ngātiwai iwi members to make an informed decision when voting on whether or not to mandate the Ngātiwai Trust Board, and if there are any concerns or issues to write a submission.

It was also noted that Ngātiwai iwi members would be kept informed throughout the whole process.

Q6: An attendee questioned whether enough Ngātiwai iwi members had been informed about the process, and engaged with the process. The attendee questioned whether the Trust Board need to develop a more effective communications process.

A6: Mr MacDonald agreed that more work needed to be done to develop the communications strategy, and noted that the Trust Board have informed as many Ngātiwai iwi members of the process as possible, by sending voting and information packs to registered members, pānui in local and national newspapers, holding information hui, and using social media. Mr MacDonald also noted that every Ngātiwai iwi member 18 and over deserves to have their voice heard, and encouraged hui attendees to inform their whānau, and encourage them to register and vote.

Miss Henley explained that the Trust Board had been holding hui since 2006 and at those hui encouraged attendees, to encourage whānau to register so they could be informed. Miss Henley noted that it would be impossible to reach every Ngātiwai iwi member and the Trust Board will continue to develop the communications strategy to reach as many Ngātiwai iwi members as possible.

Mr Edmonds encouraged hui attendees to check the register for correct details, of themselves and whānau, to register and vote.

Q7: An attendee expressed concern about Ngāti Manuhiri being allowed to branch off from Ngātiwai and questioned if the Ngātiwai Trust Board had their their kids, moko's and whānau's best interests at heart.

A7: Mr MacDonald explained that it was a political decision for Ngāti Manuhiri and Ngāti Rehua to branch off from Ngātiwai. Mr MacDonald explained that the Minister for Treaty of Waitangi Negotiations gave them, as well as Ngātiwai, the opportunity to participate in the Tāmaki Collective process. The Trust Board could not get ready to participate in the Tāmaki Collective process, and Ngāti Rehua and Ngāti Manuhiri were. Mr MacDonald explained that the Trust Board voted to keep them as a part of Ngātiwai for Treaty settlements, and the vote was in favour. However, there was little the Trust Board could do to keep them from branching off. Mr MacDonald explained that there is a great desire from the Trust Board to come together again with Ngāti Rehua, and Ngāti Manuhiri towards the end of the settlement processes/post-settlement.

Q8: An attendee asked how Ngātiwai can have a shared, unified approach for Treaty settlements.

A8: Mr MacDonald explained that should the Trust Board be mandated, further discussions would be held

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	<p>regarding what a post-settlement governance entity would look like, and how Ngātiwai will be represented by that. Mr MacDonald explained that people will have the ability to feed into how the post-settlement governance entity will look. Mr MacDonald also explained that the Trust Board are accountable to the Ngātiwai claimant community and would report back to the claimant community at every stage of the process.</p>
Resolution(s)	<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>
Voting process	<p>It was explained that voting could be done in a number of ways:</p> <ul style="list-style-type: none"> • in person at the various ratification hui; • postal ballot; or • online. <p>Voting opened 17 August 2013 and closes 15 September 2013.</p>
Voting result	<p>The daily schedule of returns is 288 votes as at 30 August 2013, 10.5% return rate.</p>
Other comments	<ul style="list-style-type: none"> • The Observer’s role at the hui was explained accurately. • The hui was conducted in an open and transparent manner. • The following documents were available to attendees: <ul style="list-style-type: none"> • Mandate strategy and supplement; • Notification letter; • Waitangi Tribunal claims settlement process document (photocopy); • CFRT Treaty Settlements pamphlet; and • Ngāti Wai presentation. • At the registration table: <ul style="list-style-type: none"> ▪ Attendance register; ▪ Registration application form; ▪ Special Votes register; ▪ Ngāti Wai register; and ▪ Ballot box. • Hui attendees had the opportunity to ask questions and questions were answered sufficiently.

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| | <ul style="list-style-type: none">• An attendance register was circulated at the hui. |
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