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## Ngātiwai Trust Board mandate hui observer report

<b>Iwi</b>	Ngātiwai		
<b>Location</b>	Kingsgate Hotel 100 Garnett Ave, Te Rapa Hamilton		
<b>Date</b>	Tuesday, 3 September 2013		
<b>Start time</b>	~6:15pm	<b>Finish time</b>	~8:00pm
<b>Chair</b>	Haydn Edmonds		
<b>Observer(s)</b>	Michael Hollis (Te Puni Kōkiri, Policy)		
<b>Presenter(s)</b>	Haydn Edmonds (Ngātiwai Trust Board Chair), Merepeka Henley Ngātiwai Trust Board Deputy Chair and Kris MacDonald (Ngātiwai Trust Board Trustee)		
<b>Attendance</b>	<p>Total of <b>~29 people*</b>, including <b>5 Ngātiwai Trust Board members, 2 Ngātiwai Kaumātua, 1 TPK observers, and 1 independent election company official</b> (Dale Ofsoke)</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, the Ngātiwai Trust Board and mandate process; and</li> <li>• 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.</li> </ul>		
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Himene / Karakia</li> <li>• Mihimihi</li> <li>• Presentation / Question &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Presentation</b>	<p>Haydn Edmonds, Kris MacDonald and Merepeka Henley provided a PowerPoint presentation to hui attendees, which was followed closely.</p> <p>Additional comments to the slides are recorded under the</p>		

corresponding slide title:

**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 attendees to check the register for correct details, and to register and encourage whānau to register if they had not already.

**Slide 3: *Independent Election Services***

The IRO noted that approximately 3600 voting packs had been sent to Ngātiwai iwi members and to date approximately 260 (10%) votes had been cast. The IRO encouraged hui attendees to vote and encourage their whānau to vote.

**Slide 4: *Agenda***

Mr Edmonds explained that the Ngātiwai Trust Board (Trust Board) was presenting its proposal to seek a mandate from Te iwi o Ngātiwai and encouraged attendees to take information available at the hui away with them and share with whānau so they can make an informed decision when voting.

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

Mr Edmonds explained that there are two different pathways for settlement the Waitangi Tribunal and then negotiations or direct negotiations. Mr Edmonds explained that the Trust Board had weighed up the pros and cons of both pathways and agreed to bypass the Waitangi Tribunal process in favour of seeking a mandate to enter into direct negotiations with the Crown.

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

Mr Edmonds noted that the 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 is 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.

Mr Edmonds also explained that finally a Bill will be put through the house and made law after going through three readings and select committee for scrutinizing. He then explained that once the bill has been passed through the house the ratified Post-Settlement Governance Entity will receive settlement redress.

**Slide 7: *Who is Te Iwi o Ngātiwai? Claimant Definition***

Mr MacDonald explained that before seeking a mandate it is Crown Policy for iwi to set out who they are as an iwi and who will be represented should the Trust Board be mandated. Mr MacDonald also explained that the Trust Board is seeking a mandate to represent those who whakapapa to the claimant definition set out in the mandate strategy.

**Slide 8: *Our Founding Tūpuna***

Mr MacDonald explained that some other iwi whakapapa to the same Tupuna as Ngātiwai and explained that to vote and be a beneficiary of any Ngātiwai settlement, Ngātiwai iwi members would need to whakapapa to Ngātiwai Tupuna, Marae and hapū.

**Slide 9: *Our Marae***

Mr MacDonald explained that to have voting rights and be a beneficiary of a Ngātiwai settlement, people must affiliate to one of the listed marae.

**Slide 10: *Our Hapū***

Mr MacDonald explained that Ngāti Manuhiri and Ngāti Rehua are settling their interests separately to Ngātiwai as Ministers gave them an opportunity to settle alongside other hapū/iwi that are geographically aligned with Tāmaki and are not included in the claimant definition. He then explained that if people whakapapa to either Ngāti Rehua or Ngāti Manuhiri and another Ngātiwai hapū they can still participate in the Ngātiwai process. Mr MacDonald noted that there had been questions around the inclusion of Patu Keha and Ngāti Tautahi as hapū of Ngātiwai, and explained that both 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 presentation diagram is not exclusively Ngātiwai's rohe and the Trust Board acknowledge there are several other iwi with overlapping interests in the rohe.

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Mr MacDonald also explained that the Trust Board would seek to negotiate the ocean space around the Ngātiwai rohe, just as Waikato done with the river settlement.

**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**

Mr MacDonald reiterated that the Trust Board would only seek to negotiate and settle claims insofar as they relate to Ngātiwai.

**Slide 17: Supplementary Claims (table diagram)**

Mr MacDonald noted that the supplementary claims were included because of Crown policy to settle comprehensively, all claims in relation to an iwi. 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 that 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, to remove the mandate a group would need to do the same.

**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 that the Trust Board will develop supporting structures which will include two additional branches to the Trust Board's 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.

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

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	<p>needs of Ngātiwai.</p> <p><b>Slide 23: An open and Transparent Mandate Process</b></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><b>Slide 24: Mandate Hui Schedule (table diagram)</b></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>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><b>Questions and comments</b></p>	<p><b>Q1: An attendee asked what the major differences were between the Waitangi Tribunal process and direct negotiations.</b></p> <p>A1: Mr MacDonald explained that the Waitangi Tribunal process will look into claims and breaches, and produce a report which substantiates the claims. Following the Waitangi Tribunal process, an entity will need to seek a mandate to enter into negotiations with the Crown. Mr McDonald explained that the Trust Board have considered and discussed both processes and based on time, and the pros and cons of the two processes, the Trust Board decided to seek a mandate to enter into direct negotiations with the Crown.</p> <p>Miss Henley explained that in 2010 Ngātiwai went through stage one hearings and is still waiting for a report.</p> <p>Mr Edmonds explained that the Waitangi Tribunal process is often longer and takes its toll on people, while direct negotiations can reduce time and cost.</p> <p><b>Q2: An attendee questioned if the 50 per cent simple majority referred to in the Ngātiwai Trust Boards ‘Structure and Accountability’ slide, was the percentage required to receive a mandate.</b></p> <p>A2: Mr MacDonald explained that the 50 per cent referred to in that slide is for the Trust Boards decision making process, not to receive a mandate.</p> <p><b>Q3: An attendee questioned what the default for Ngātiwai was if a mandate is not received and what</b></p>

**the threshold for receiving a mandate is.**

A3: Mr MacDonald explained that the Trust Board is unsure of what the threshold for getting a mandate is however, the Trust Board are looking to get as many votes in favour as possible. Mr MacDonald explained that Ministers will make a decision based on whether or not the process undertaken by the Trust Board has been open and transparent, whether or not the Trust Board is accountable to the Ngātiwai claimant community, whether or not the concerns and issues raised in submissions have been addressed, and what the voting return and results are.

Miss McPherson explained that the default would be to see out the Waitangi Tribunal inquiry. Miss McPherson also noted that the Trust Board would continue to talk to submitters and address issues as a part of an open and transparent process.

**Q4: An attendee questioned what would happen if Ngāti Kapotai and Ngāti Takapari wanted to exit from Ngātiwai.**

A4: Mr MacDonald explained that those two hapū whakapapa to Ngātiwai, and the Trust Board are acting in the interests of the marae of those two hapū that whakapapa to Ngātiwai.

**Q5: An attendee asked if the structure outlined in the Te Iwi o Ngātiwai slide would also be the post-settlement governance entity structure.**

A5: Mr MacDonald explained that the structure referred to is a supporting structure to support the Trust Board and explained that it is a vehicle to enable dialogue with hapū and Wai claimants. Mr MacDonald explained that the structure will take Ngātiwai through to settlement, and a post-settlement governance entity will be developed during that time.

**Q6: An attendee questioned what the timeframes are for the negotiations process.**

A6: Mr MacDonald explained that the Trust Board will work towards Deed of Mandate recognition by December 2013, and Terms of Negotiation by mid-2014. Mr MacDonald then explained that beyond reaching a Terms of Negotiation, it is uncertain. However, the goal is to reach a Deed of Settlement by late 2014, early 2015.

**Q7: An attendee asked what happens if the voting result is not favourable.**

A7: Mr MacDonald explained that the Trust Board

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	believes they have run a good process and will get a positive voting result however, if they do not, they will look at where things may have gone wrong, and consider undertaking another mandate process.
<b>Resolution(s)</b>	<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>
<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 result will be announced approximately two weeks after the voting closing date.
<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 at the hui.</li> </ul>



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