

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 Kokiri 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	Ngāti Wai		
Location	The Waipuna 58 Waipuna Road Mt Wellington, Auckland		
Date	4 September 2013		
Start time	6.35pm	Finish time	7.50pm
Chair	Haydn Edmonds		
Observer	Tony Tumoana, Policy , Head Office		
Presenter(s)	Haydn Edmonds; Merepeka Henley; Kris McDonald;		
Attendance	Total of ~13 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	<p>Each of the presenters followed the slide presentation very closely. The comments noted below are in addition to the slide presentation.</p> <p>Slide 1: Introductions</p> <p>Slide 2: Independent Elections Services</p> <p>Slide 3: Independent Elections Services (continued)</p> <p>Dale Ofoske (Independent Returning Officer) spoke to Slides 2 & 3. He reported that there has been a 14.5% response to the voting packs sent to Ngāti Wai. He emphasised the need for hui attendees to contact Ngāti Wai whanau and encourage them to</p>		

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	<p>register and vote.</p> <p>Slide 4: Agenda</p> <p>Slide 5: Purpose of mandate hui</p> <p>Haydn Edmonds explained that the settlement pathways open to Ngātiwai were either through the Waitangi Tribunal process or by direct negotiations. Ngātiwai preference is to settle by direct negotiations.</p> <p>Slide 6: Overview of the Direction Negotiations Pathway</p> <p>Slide 7: Who is Te Iwi o Ngātiwai claimant definition Kris McDonald spoke to Slides 8 to 19.</p> <p>Slide 8: Founding Tūpuna</p> <p>Slide 9: Our marae</p> <p>Slide 10: Our hapū</p> <p>Kris MacDonald explained the relationship that Ngātiwai has with Ngāti Rehua and Ngāti Manuhiri and their respective decisions to be part of the Tāmaki Collective. He also explained the Crown's large natural grouping policy and how this impacts Ngātiwai.</p> <p>Slide 11: Our Rohe/Area of Interest</p> <p>Mr MacDonald explained the affinity that Ngātiwai has with the water ways and the details of the Ngātiwai claim for water space.</p> <p>Slide 12: Crown settlement policy on WAI Claims to be included</p> <p>Mr MacDonald explained that Ngātiwai is recognised as a large natural grouping.</p> <p>Slide 13: WAI Claims included (1)</p> <p>Mr MacDonald acknowledged that the Wai Claims is indicative of the collective suffering experienced by Ngātiwai at the hands of the Crown. The Ngātiwai Trust Board (NWTB) wishes to provide a collective settlement to Ngātiwai uri and does not want to take an individual approach to settlement that may risk ripping Ngātiwai apart. He is of the view that the NWTB approach is inclusive.</p> <p>Slide 14: WAI Claims included (2)</p> <p>Slide 15: WAI Claims included (3)</p> <p>Slide 16: Supplementary Claims (1)</p> <p>Slide 17: Supplementary Claims (2)</p> <p>Mr MacDonald explained that each claim involves Ngātiwai on a whakapapa basis.</p> <p>Slide 18: Crown settlement policy and NTB Accountability Measures</p> <p>Slide 19: NTB Structure and Accountability</p> <p>Slide 20: Ngātiwai Marae, Trustees and Alternates</p>
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	<p>Slide 21: NTB Structure and Accountability</p> <p>Merepeka Henley explained the process required for the claimant community to withdraw the mandate from the NWTB should it be gained.</p> <p>Slide 22: Te Iwi o Ngātiwai “Claimant Community”</p> <p>Slide 23: An Open and Transparent Mandate Process</p> <p>Slide 24: Mandate Hui Schedule</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>Questions</p>	<p>Questions were asked at the end of the presentation.</p> <p>Q1: An attendee stated that Te Uri o Hau had claimed Te Arai Point and asked how that happened.</p> <p>A1: Mr MacDonald replied that Te Uri o Hau had settled in 2000. Initially Te Uri o Hau had claimed Te Arai Point but the claim ended up focussing on the Kaipara.</p> <p>Q2: An attendee asked how Te Uri o Hau got that far.</p> <p>A2: Mrs Henley stated that the Te Uri o Hau claim had been settled.</p> <p>Mr MacDonald added that the negotiations create an opportunity for Ngātiwai.</p> <p>Q3: An attendee stated that Ngāti Rehua had had put in a claim for the wai.</p> <p>A3: Mr MacDonald replied that this is part of the Ngātiwai claim.</p> <p>Q4: An attendee stated that Ngāti Rehua beneficiaries are included in the Ngātiwai mandate. The attendee asked if this could be sorted out.</p> <p>A4: Mr Edmonds replied that the sea is tribally owned. The boundaries are defined within this construct. How the various interests sit together will be settled in the post settlement space.</p> <p>Q5: An attendee asked how it was going to be settled in this space.</p> <p>A5: Mr Edmonds replied that it would be resolved through the post settlement governance entity structure.</p> <p>Tania McPherson added that the Water claims should be viewed in the same context as the land claims. The Water claim forms an iconic part of Ngātiwai’s negotiations with the Crown, similar to the approach that Tainui took with the river and Tūhoe took with Te Urewera.</p> <p>Q6: An attendee asked about the approach of Ngātiwai to:</p> <ul style="list-style-type: none"> • hapū mana motuhake; • marae that are governed by Trust deeds; • governance dynamics directly impacting marae,

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	<p>hapū, and iwi; and</p> <ul style="list-style-type: none">• how Ngātiwai expects to manage these divergent interests. <p>A6: Mr Edmonds replied that this is the year to hold these discussions with hapū and to apply what comes out of these discussions to the way forward for Ngātiwai. The Ngātiwai constitution may be shaped by these discussions and I acknowledge that. What is plain is that there are more discussions to occur.</p> <p>Q7: An attendee asked how this clashed with the foreshore and seabed legislation.</p> <p>A7: Ms McPherson replied that the Takutai Moana legislation is rubbish. It sets us up to fight each other. Ngātiwai is taking an iconic approach to settling its grievances in respect of the sea of which governance, management, and Ngātiwai's relationship with the Crown on these matters are a key aspect of this negotiations process. An outcome of these negotiations is that the legislation may need to be reassessed.</p> <p>Q8: An attendee asked if this affected whānau and hapū.</p> <p>A8: Ms McPherson replied that it did.</p> <p>Mr McDonald added that it was about the laws governing the ocean and how Ngātiwai may be able to change the impact of those laws.</p> <p>Mr Edmonds added that Ngātiwai needs to talk with a number of groups. We need to make submissions to OTS. We need to be talking about the iconic status of the moana and how Ngātiwai can effect change to the way the moana is seen. Ngātiwai has a clear intention to deal with the water space. Regarding the ownership of the foreshore and seabed - Ngātiwai needs to continue to talk with people.</p> <p>Q9: An attendee stated that Ngāti Manuhiri had put in its claim and asked if this was included as part of Ngātiwai's negotiations.</p> <p>A9: Mr MacDonald replied that Ngāti Manuhiri had completed its claim. Ngātiwai has come in behind and will be included in the way we approach the water space.</p> <p>Q10: An attendee stood to mihi to the Ngātiwai Trust Board. He stated that Ngātiwai has always used the waterways and this is entrenched in the whakapapa. He then spoke about a waka that visited Ngātiwai marae during the 1980s, which he was involved in, to illustrate his point. He encouraged all Ngātiwai to vote in favour of the resolution.</p> <p>Q11: An attendee asked if the voting numbers had an overall effect on the settlement that is reached.</p> <p>A11: Ms McPherson referred to Slide 7: '<i>Overview of the Direction Negotiations Pathway</i>' and went through this slide in detail to answer the question.</p>
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	<p>Q12: An attendee asked if these negotiations will be the same as the fisheries negotiations which required beach access and population to set the perimeters of the negotiations.</p> <p>A12: Ms McPherson replied that the fisheries settlement is full and final; the historical claims are currently being negotiated; and the contemporary claims are yet to be considered by the Crown.</p>
<p>Resolution(s)</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>
<p>Voting process</p>	<p>It was explained that iwi members could vote in three ways:</p> <ul style="list-style-type: none"> • in person at the various mandate hui; • by postal ballot; or • online. <p>The voting period is from 17 August 2013 to 15 September 2013 which has been extended to 13 October 2013 to allow more time for Ngatiwai to consider the mandate proposal, register and vote</p>
<p>Voting result</p>	<p>The daily schedule of returns is 361 votes as at Wednesday 4 September 2013, 14.5% return rate.</p>
<p>Other comments</p>	<ul style="list-style-type: none"> • The hui opened with karakia and waiata and was followed with mihimihi. • 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; • Ngāti Wai presentation • At the registration table: <ul style="list-style-type: none"> ▪ Attendance register; ▪ Registration application form; ▪ Special Votes register; ▪ Ngāti Wai register; ▪ Ballot box • The hui was conducted in an open and transparent manner. All questions were answered appropriately. • Questions were asked at the end of the presentation. • The role of the Observer was clearly explained to hui attendees. • Moana MacDonald took minutes of the hui. • The low attendance at the hui could be attributed to the inclement Auckland weather. • The hui closed with karakia and waiata