

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	Ngāti Wai		
Location	Northtec Marae, 55 Raumanga Valley Road Whangārei		
Date	Saturday, 7 September 2013		
Start time	~10.45 am	Finish time	~12.45pm
Chair	Haydn Edmonds		
Observer(s)	Tony Tumoana, (Te Puni Kōkiri, Policy)		
Presenter(s)	Haydn Edmonds; Merepeka Henley; and Kris McDonald.		
Attendance	Total of ~41 people* , including 6 Ngātiwai Trust Board members, 2 Ngātiwai kaumātua, 1 TPK observer, and 1 independent election company official (Dale Ofsoske) *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	Each of the presenters followed the slide presentation very closely. The comments noted below are in addition to the presentation slides. Slide 1: Introductions Slide 2: Independent Elections Services		

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	<p>Slide 3: Independent Elections Services (continued)</p> <p>Dale Ofsoske (Independent Returning Officer) spoke to Slides 2 & 3. He emphasised the need for hui attendees to contact Ngāti Wai whānau and encourage them to register and vote. He also advised that the voting period had been extended to 13 October 2013.</p> <p>Slide 4: Agenda</p> <p>Haydn Edmonds spoke to Slides 4 to 7. He stated that questions would be taken after the presentation.</p> <p>Mr Edmonds explained that the Ngātiwai Trust Board (the Trust Board) would be holding mandate hui in Sydney on 10 September, and in Brisbane on 11 September to engage with Ngāti Wai whānau, and inform them about the mandate process.</p> <p>He noted that there were people who may not agree with the Trust Board's proposal and that he was fine with that. People have the right to vote, and this is the process to be followed. He reminded people that they still had an opportunity to participate by making submissions when they are called for. He stated that the Trust Board will abide by what the people say.</p> <p>Slide 5: Purpose of mandate hui</p> <p>Mr Edmonds explained that the settlement pathways open to Ngātiwai were either through the Waitangi Tribunal process or by direct negotiations. The Trust Board's preference is to settle by direct negotiations and he explained the reasons for this approach.</p> <p>Slide 6: Overview of the Direction Negotiations Pathway</p> <p>Slide 7: Who is Te Iwi o Ngātiwai claimant definition</p> <p>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>Slide 11: Our Rohe/Area of Interest</p> <p>Slide 12: Crown settlement policy on WAI Claims to be included</p> <p>Slide 13: WAI Claims included (1)</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>Slide 18: Crown settlement policy and Ngātiwai Trust Board Accountability Measures</p>
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	<p>Slide 19: Supplementary Claims</p> <p>Merepeka Henley spoke to Slides 20 to 26.</p> <p>Slide 20: Ngātiwai Marae, Trustees, Alternates</p> <p>Slide 21: Structure and Accountability</p> <p>Miss Henley explained the process required for the claimant community to withdraw the mandate from the Trust Board, 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 and comments</p>	<p>Questions were generally asked at the end of the presentation unless stated otherwise.</p> <p>Q1: An attendee asked Mr Ofsoske during his presentation about the eligibility to vote, and the process on who decides on the eligibility to vote. The attendee stated that her niece’s application for voting papers had been rejected. Other attendees added that they had heard of similar stories.</p> <p>A1: Mr Ofsoske explained the registration form and the role of the Whakapapa Committee. He also stated that he was available to resolve any issues on eligibility and could talk further after the hui.</p> <p>Ms McPherson stated that Marae Trustees could verify whakapapa.</p> <p>Q2: An attendee asked Mr McDonald during his presentation at Slide 13: ‘Crown settlement policy on Wai Claims to be included’ if hapū can settle their Wai claims.</p> <p>A2: Mr MacDonald explained the effect of the settlement process through direct negotiations meaning that the Ngatiwai Trust board will settle all registered and unregistered claims with the Crown on behalf of Hapu.</p> <p>Q3: An attendee asked how the people were supposed to place trust in a group of people for which there is no trust. She spoke to the Te Hauturu-o-Toi process, how the Trust Board had acted in respect to previous resolution, and why the people should trust that this process would be any different. This question prompted a strong debate amongst attendees and the Ngātiwai presenters.</p> <p>A3: Mr MacDonald explained that this was a difficult period for the Trust Board and that the process probably wasn’t as clearly</p>

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	<p>defined for people as it should have been. The Crown process meant that Ngāti Rehua and Ngāti Manuhiri were drawn into a settlement and it became a situation of whether to support the settlement or not.</p> <p>Secondly, people may not be aware but the Trust Board was split on the decision. The outcome was that your rights to Te Hauturu-o-Toi have not been extinguished and that this will be part of our negotiations with the Crown.</p> <p>Q4: An attendee stated that this needs to be clearly stated as the current position by the Office of Treaty Settlements. Otherwise the option to take the Waitangi Tribunal option.</p> <p>A4: Mr MacDonald agreed with this view.</p> <p>Q5: An attendee stated that the Minister had said that Hauturu had not been dealt with.</p> <p>A5: Mr Edmonds replied that this process is about the Trust Board and whether or not Ngātiwai is prepared to support them to negotiate a settlement with the Crown. In respect to the Te Hauturu-o-Toi process not everyone was there on the day and the vote was not a fair reflection in that 130 voted for the resolution on the day but we have 4000 Ngātiwai registered with us.</p> <p>Q6: An attendee asked if the mandate process was a numbers game.</p> <p>A6: Mr Edmonds responded that it was not a simple matter of securing numbers. The process is about representation and talking to people to consolidate the process for people. There is an Annual General Meeting on 28 September, which some of these matters can be addressed further.</p> <p>Ms McPherson added that in regards to Question 3, the process will sort this out, and there will also be elections next year, and people will have the opportunity to vote for change if that is what people wanted.</p> <p>In regards to Question 5; if 9 out of 10 people vote yes then that would be considered to be a majority. However, the vote is one aspect of the process. The process that the Trust Board is engaged in has to be fair, open and transparent in this regard. Ms McPherson explained that the Trust Board are following the applied Crown policy. There is also the submissions process that allows for people to be part of this process.</p> <p>Q7: An attendee asked a number of questions in one statement:</p> <ul style="list-style-type: none">• why did Ngātiwai have to follow Crown policies and why didn't Ngātiwai use its own tikanga?• why does Ngātiwai have to prove who they are? Ngātiwai is Māori.
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	<ul style="list-style-type: none">• should Ngātiwai trust this process, or the Pākehā?• the Post-Settlement Governance Entity (PSGE) – where do hapū fit within this structure? <p>The attendee stated that he trusted tikanga structures.</p> <p>A7: Mr Edmonds responded that this meeting is about the Trust Board gaining a mandate to represent Ngātiwai in Treaty settlement negotiations with the Crown. He referred to Slide 8: <i>‘Who is Te Iwi o Ngātiwai, claimant definition’</i>. He discussed Ngātiwai tribal representation and reminded attendees that next year’s elections will provide people with the opportunity to vote for change.</p> <p>Q8: An attendee stated that Ngātiwai needed to be Māori and that he didn’t want to be part of this process. He asked for a more robust communications in this process.</p> <p>A8: Mr MacDonald replied that he thought that the Ngātiwai statement was very clear.</p> <p>Q9: An attendee asked how this process reflected a Māori process.</p> <p>A9: Mr Edmonds replied that this process is about Ngātiwai seeking a mandate to negotiate and that people have the right to say no.</p> <p>Q10: An attendee stated that they tautoko the last speaker. She referred to her experiences of the registration process and the rejection of her whakapapa. She stated that she expected to be respected throughout this process and felt that the process had failed her. The problem was finally sorted but she didn’t know the reasons for her whakapapa being rejected and hadn’t realised that her registration didn’t go through until she followed things up. She felt that this didn’t have to happen.</p> <p>A10: Mr Edmonds apologised to her for this experience and was pleased that it had been resolved. The point of the registration process is for people to be able to vote on the future of Ngātiwai.</p> <p>Q11: An attendee asked what would happen if Ngātiwai refused to provide the Trust Board a mandate. The attendee discussed an Information hui that he had previously attended. The attendee asked about the process for withdrawing a mandate. The attendee asked if the Trust Board did not gain a mandate could the claimants go down the Waitangi Tribunal path.</p> <p>There was a lot of open discussion amongst the attendees in regards to these questions.</p> <p>A11: Ms McPherson replied that the Information hui were followed by discussions on a draft mandate strategy and a possible parallel process for claimants to be heard. The Trust Board did not receive</p>
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	<p>submissions on this option and it was clear that claimants weren't ready to take this option up. A specific request was made to the WAI claimants if they would support this option. It is the Trust Board's opinion that nobody supported this option. She referred to Slide 22: '<i>Structure and Accountability</i>' regarding withdrawing a mandate.</p> <p>Q12: An attendee stated that Ngātiwai claimants wanted to go through the Waitangi Tribunal process next year and didn't realise that the mandate was coming and now the Trust Board wants to take the direct negotiations pathway. The attendee also stated that in this presentation there is no information on the PSGE structure, how it will function, and its accountabilities.</p> <p>A12: Mr Edmonds replied that he supported this kōrero and acknowledged that there was little information on the PSGE included in this presentation. He referred to Slide 8: '<i>Who is Te Iwi o Ngātiwai, claimant definition</i>' and talked about the PSGE in the context of governance and being the vehicle to take Ngātiwai forward into the future. His view is that the mandate will led into the future governance structure for Ngātiwai.</p> <p>Q13: An attendee stated that the future governance structure wasn't the Trust Board, and that it should be affiliated to marae as it is time for kōtahitanga.</p> <p>At this point there was a general conversation involving presenters and attendees regarding governance, Wai claims and marae.</p> <p>An attendee asked that Wai 1464 and Wai 1546 be withdrawn from the Trust Board's mandate proposal.</p> <p>Q14: An attendee asked about voting. She provided an example of a family living at the same postal address missing out on voting papers because there was uncertainty surrounding the number of eligible people living at the house.</p> <p>A14: Mr Ofsoske advised that this mistake had been rectified.</p> <p>Mr Edmonds apologised for this error.</p> <p>Q15: An attendee asked how voting forms could be circulated to people who had yet to receive these. The attendee's opinion was that there were a lot of people who had yet to receive voting papers and was critical of the Trust Board role in this.</p> <p>A15: Mr Edmonds referred to the registration process and advised that there is still an opportunity for people to participate. If attendees know who these people are please share there contact details with Trust Board so that they have the opportunity to be involved. He said that it is vital for the integrity of the vote to be maintained. He also said that it was incumbent on the trustees to</p>
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	<p>share information on the mandate process.</p> <p>Q16: An attendee asked why there were identifying numbers on the voting papers.</p> <p>Q16: Mr Ofsoske explained that this was to ensure that people voted only once. It happens in general elections and is standard voting practice.</p> <p>Q17: An attendee asked what happened to the voting papers after they have been counted.</p> <p>A17: Mr Ofsoske replied that they are destroyed. He confirmed that the voting papers would not be returned to the Trust Board.</p> <p>Q18: An attendee asked what happens if there is a low voting response and the majority of Ngātiwai votes not to support the resolution.</p> <p>A18: Ms McPherson replied that if 9 out of 10 people vote yes then that would be considered to be a majority. However, the vote is one aspect of the process. The process that the Trust Board is engaged in has to be fair, open and transparent and in this regard it follows Crown policy. There is also the submissions process that allows for people to be part of this process.</p> <p>If the majority vote not to support the resolution then it is likely that Ngātiwai will stay with the Waitangi Tribunal process.</p> <p>Q19: An attendee asked what happens to the Trust Board if the vote is no.</p> <p>A19: Mr Edmonds replied that the Trust Board wouldn't gain a mandate to enter into negotiations with the Crown.</p> <p>At this point there was a general conversation involving presenters and attendees regarding Hauturu and the process that led to this settlement.</p> <p>Q20: An attendee stated that united we stand, and divided we fall. The Ngātiwai take is with the Crown not with the Trust Board. It is the actions of the Crown that has put us in this position, not the Trust Board and we must remain united in the pursuit of justice against them. Anything other than this approach weakens Ngātiwai position and makes it easier for the Crown to dismiss us with an unjust settlement. The Trust Board must act with integrity. Ngātiwai must give the Trust Board a mandate to negotiate with the necessary checks and balances that ensures its accountability back to us.</p> <p>There was a further general conversation involving presenters and attendees on these points.</p> <p>An attendee asked if Ngātiwai had faith in the collective capacity to do this, outside of those seated here. He suggested that there were other options that could be</p>
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	<p>pursued.</p> <p>Another attendee spoke about the history of Trust Board, fisheries, issues of trust and stewardship.</p> <p>Q19: An attendee referred to Slide 23: ‘Te Iwi o Ngātiwai Claimant Community’ and asked why the kaumātua and hapu relationships were advisory rather than presented as a reporting relationship.</p> <p>A19: Ms McPherson replied that this slide is indicative of the relationship between Trust Board, hapū, and kaumātua. She confirmed reporting by Trust Board to hapū and kaumātua would take place. She also confirmed that the Trust Board will continue to engage with Ngātiwai community.</p> <p>Mr Edmonds spoke to the hui about the mandate process and the settlement conversations that had taken place as part of it. He also talked about the last 20 years for Ngātiwai and what is required to move Ngātiwai forward. The Ngātiwai whakapapa slide was presented. He then closed the hui.</p>
Resolution	<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 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 13 October 2013.</p>
Voting result	<p>The daily schedule of returns is 405 votes as at Friday 6 September 2013, 14.8% return rate.</p>
Other comments	<p>The hui opened with karakia and was followed with mihimihi.</p> <p>The following documents were available to attendees:</p> <ul style="list-style-type: none"> • Mandate strategy and supplement; • Notification letter; • Waitangi Tribunal claims settlement process document (photocopy); • Crown Forestry Rental Trust Treaty Settlements pamphlet; and • Ngāti Wai presentation. <p>At the registration table:</p>

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	<ul style="list-style-type: none">• Attendance register;• Registration application form;• Special Votes register;• Ngāti Wai register; and• Ballot box. <p>Questions were asked at the end of the presentation.</p> <p>A number of attendees at this hui openly oppose the Ngātiwai Trust Board gaining a mandate to negotiate a settlement with the Crown. Their objections centre on the Trust Board's previous handling of Te Hauturu-o-Toi process and the preference of some to participate in the Waitangi Tribunal process. The information provided in this hui did not seem to change their views.</p> <p>Due to the nature of the hui, at times the Chair had to regain control of the hui as attendees openly discussed the points raised.</p> <p>One attendee injected constantly throughout the presentation.</p> <p>Attendees were reminded by the Chair that mandate process provided the option to vote against the resolution.</p> <p>Attendees were advised that the voting period had been extended to 13 October 2013.</p> <p>The role of the Observer was clearly explained to hui attendees.</p> <p>The hui closed with karakia and waiata.</p>
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