



Ngātiwai Trust Board

Mandate Maintenance

Report on Objectives

For Te Arawhiti, the office for Maori Crown Relations

MANDATE MAINTENANCE REPORT 16

Activity Period: 1 August 2019 – 31 October 2019

Report Date: 28 August 2020

Kia Tūpato!

*Ka tangi a Tūkaiaia kei te moana, ko Ngātiwai kei te moana e haere ana;
Ka tangi a Tūkaiaia kei tuawhēnua, ko Ngātiwai kei tuawhēnua e haere ana.*

Beware!

*When Tūkaiaia calls at sea, Ngātiwai are at sea;
When Tūkaiaia calls inland, Ngātiwai are inland.*

| Contact Person | Representative Body |
|--|--|
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Background Context

This is the sixteenth quarterly mandate maintenance report produced by the Ngatiwai Trust Board (NTB) for the Crown (Te Arawhiti) following the Crown's recognition of the NTB Deed of Mandate (DoM) on 21 October 2015.

The purpose of this report is to document the work undertaken by the NTB to maintain its mandate and in particular to demonstrate its ongoing commitment to continually improve its communications and engagement with Ngātiwai members so as to keep members properly informed about the negotiations and Treaty settlement journey.

Mandate Maintenance requirements

Section 55 of the Deed of Mandate states:

“The NTB will ensure that Ngātiwai members are kept regularly informed and updated on negotiations progress through:

- *monthly newsletters/e-panui and website with regular updates*
- *hui or wananga on particular topics will be held regularly through the year*
- *the AGM or a Special General Meeting where the need arises (i.e. to present an iDoS and a proposal for a PSGE to the claimants community for approval and ratification)*
- *Negotiators will also be required to report to Te Iwi o Ngātiwai on negotiations as required by the NTB (see page 22)*
- *monthly Board meeting summaries to be released following each meeting providing regular updates on matters under discussion by the Board and*
- *Three additional hui-a-iwi (in addition to the AGM) in total providing quarterly opportunities for engagement and discussion.*

The focus will be on the progress of negotiations.”

Section 56 of the Deed of Mandate states:

“The NTB will provide regular three monthly reports to OTS to maintain the mandate. It will include information about:

- *communications with Ngātiwai (i.e. newsletters/e-panui, hui or wananga, website and Facebook updates),*
- *any AGMs or SGM held within the reporting period, and*
- *any other points of interest related to the progress of negotiations.”*

While it is acknowledged that the OTS have a standard form for mandate maintenance reports this report covers those requirements and builds on the previous commitments made by the Board in its Engagement and Communications Plan dated 13 December 2014. For this reason it includes a brief summary of progress made towards achieving specific objectives established in December 2014.

List of Abbreviations

| | | | |
|-------------|-----------------------------------|-------------|------------------------------|
| <i>NTB</i> | Ngātiwai Trust Board | <i>TA</i> | Te Arawhiti (Previously OTS) |
| <i>AGM</i> | Annual General Meeting | <i>SGM</i> | Special General Meeting |
| <i>DoM</i> | Deed of Mandate | <i>ToN</i> | Terms of Negotiation |
| <i>AiP</i> | Agreement in Principle | <i>iDoS</i> | Initialed Deed of Settlement |
| <i>PSGE</i> | Post Settlement Governance Entity | <i>OIA</i> | Official Information Act |

Issues Arising

Terms of Negotiation

1. Completion of Terms of Negotiations (ToN) were paused pending the outcome of the Ngātiwai Mandate Inquiry by the Waitangi Tribunal and remain paused until mandate mediation is complete.

Mandate Mediation

Triennial election of Trustees

2. On 31 October 2019 the Board commenced its triennial election process for Trustees on the Ngatiwai Trust Board by publishing a Notice of Election of Trustees. This notice provided information about the day of elections, the process for making nominations, eligibility for nominations and where nominations can be lodged.

Mediation Proposals and Funding

3. In August 2019 the Board responded to questions asked about the Board's position in relation to Te Whakapiko hapū from Whananaki and the claims Wai 156. In response the Board clarified:
 - a. that Te Whakapiko hapū of Whananaki is not and has never been included in the Boards mandate. Te Ure Whakapiko also known as Te Whakapiko from Aotea (Great Barrier Island) is mentioned in the Boards mandate for context as their claims are included in the Ngati Rehua Ngatiwai ki Aotea settlement. That being the case it is not possible to remove Te Whakapiko from Whananaki from the Board's mandate as they are not included in it.
 - b. As for the removal of the Wai 156 claim from the mandate, this claim was included to the extent that it was originally filed on behalf of the descendants' of Pita Tunua a recognised Ngatiwai tupuna. Removal of this claim from the mandate is the subject of the Tribunals recommended mediation process which has yet to get underway.
4. In mid-September 2019, the Board received a letter from Minister Little in relation to the Boards 6 March 2019 mediation proposal and budget confirming that:
 - a. the Crown supports the Ngatiwai claimant community coming together to resolve the current mandate issues, and
 - b. the Minister had approved up to \$401,177 funding for the Board to support the mediation process,
 - c. setting out the conditions of the funding release in accordance with draft quarterly milestones, proof of expenditure and quarterly reports,
 - d. agreed to write to the hapū who challenged the Boards mandate in the Tribunal to inform them of the ability to apply for their own funding to participate in the mediation, and
 - e. indicated that the Boards research proposal was currently considered to broad but would continue to through this to form a more suitable proposal.
5. In late-September 2019, the Board wrote to the hapū who challenged the Board's mandate and the Whangaruru whanau claimants providing them with an update on the Crowns response (described above) and asking if it was appropriate to convene a meeting to discuss the Boards draft mediation proposals.
6. In October 2019, the Crown wrote to the hapū concerned to provide them with an outline of the proposed mediation process and how to apply for their own funding to participate in the mediation.
7. Also in October 2019 the Ngatiwai Kahui Kaumatua held their monthly hui and following that advised the Board of their portfolio's areas and kaumātua representatives.

8. In late October 2019 Counsel for Te Whakapiko responded to the Boards position set out in its letter of August 2019 regarding Te Whakapiko and the Wai 156 claim. Te Whakapiko also clarified its approach to mediation and provided its estimated funding costs for the mediation engagement process.

Overlapping Claims

Ngati Whatua Overlapping Claims

9. In early August 2019, the Board received a letter dated 10 April 2019 from the Crown about the revised Ngati Whatua AIP. This letter had not reached the Treaty Claims committee until this point and an extended timeframe was provided until 30 August 2019 to respond. The Board then consulted with both Ngati Manuhiri and Patuharakeke about the overlapping claims and requested a hui with Ngati Whatua Rununga to discuss the revised redress.
10. On 12 September 2019 a hui was held with Ngati Whatua to further discuss their redress. The Board indicated that it had no issues with the Manukapua reserve on the West Coast, in relation to the Marsden Point properties it supports the hapū position, Awataha is outside the Boards scope so no issues. The remaining redress including the MPI relationship protocol, Kaipara Catchment Co-governance group and Fisheries RFR required further discussion. The meeting concluded that further hui needed to take place to work through the details of this redress.

Marine and Coastal Area Act (MACA)

Waitangi Tribunal Kaupapa Inquiry

11. During August 2019 the Board filed its written responses to the Tribunals stage 1 questions in writing.

High Court Application Process

12. On 13 September 2019 the Board received notice that its application to the High Court for filing fee waivers totalling \$6,370.00 had been declined subject to a right to apply for a review of the decision.
13. On 20 September 2019 a review of the decision was applied for and a fresh application was submitted to the High Court on 24 October 2019.

Communications and Engagement with Ngātiwai Whanui

Open Door Policy and Face to Face Engagement Hui

1. Progress on this objective has been maintained as set out in the table on the next page.

Monthly Board Updates and Newsletters

2. Monthly Board meeting summaries are posted to our website and Facebook pages following each Board meeting. They are also included in our Newsletter.

Trust Deed Review

3. The review of the Trust Deed is subject to the mandate mediation process.

Wananga Planning for PSGE

4. The PSGE planning is subject to the mandate mediation process.

Quarterly Hui-a-Iwi

5. There were no hui-a-iwi held during the period 1 August to 31 October 2019.

Finalise the Strategic Communications Plan

6. The plan has been completed and is available on our website for public view.

Review, refine and maintain the current database

7. Regular address updates and new registrations continue to be promoted and received.
8. The total number of registered members as at 31 October 2019 is 8222 including 72 pending registrations. This is an increase of 39 registered members since 31 July 2019.
9. The registered members who are recorded as without a known postal address or are recorded as Gone-No-Address (GNA) is 935 or 14%.

Report on Objectives

Engagement Objective 1 a): Hui

| Date | Details | Supporting Documents |
|--------------|---|-----------------------------|
| 03/08/2019 | Oakura Marae AGM at NTB Offices | Note of meeting H. Murphy |
| 03/08/2019 | Tuparehuia Marae Committee, Ngati Hine Forestry Trust | Note of meeting R. Diamond |
| 06/08/2019 | Whakapaumahara/Whananaki Marae Trustee's monthly meeting | Note of meeting K. Caldwell |
| 9-11/08/2019 | Te Whanau a Rangiwhakaahu Wananga hosted by the Hapu Trust , Matapouri Marae | Note of meeting A. Edwards |
| 10/08/2019 | Otetao Marae meeting | Note of meeting G. Reti |
| 03/09/2019 | Whakapaumahara/Whananaki Marae Trustee's monthly meeting | Note of meeting K. Caldwell |
| 6-8/09/2019 | Te Whanau a Rangiwhakaahu Wananga hosted by the Hapu Trust , Matapouri Marae | Note of meeting A. Edwards |
| 14/09/2019 | Marae Trust meeting Matapouri Marae | Note of meeting A. Edwards |
| 21/09/2019 | Ngati Rehua-Ngatiwai ki Aotea Trust Board Information Hui, Matapouri Marae | Note of meeting A. Edwards |
| 01/10/2019 | Whakapaumahara/Whananaki Marae Trustee's monthly meeting | Note of meeting K. Caldwell |
| 02/10/2019 | Otetao Marae meeting | Note of meeting G. Reti |
| 10/10/2019 | Punaruku Marae AGM | Note of meeting H. Edmonds |
| 11/10/2019 | Nga Marae (Five marae of Whangaruru) including all beneficiaries at Oakura Hall | Note of meeting G. Reti |

Engagement Objective 1 b): Correspondence

Correspondence available for Ngātiwai members to view at the Ngātiwai Trust Board office.

| Date | To | From | Topic |
|--------------------------|--|--|--|
| Mandate Mediation | | | |
| 14/08/2019 | D. Haines - TA | T. McPherson - NTB | Research proposal |
| 23/08/2019 | C. Hockley on behalf of Te Whakapiko | A. Edwards - NTB | Response to Te Whakapiko email and letter of 11 June 2019. |
| 12/09/2019 | A. Edwards - NTB | Hon Andrew Little | Request for mandate mediation funding |
| 14-23/08/2019 | D. Haines - TA | T. McPherson - NTB | Research Proposal (multiple emails) |
| 23/09/2019 | C. Hockley on behalf of Te Whakapiko | A. Edwards - NTB | Mandate mediation funding update: Te Whakapiko |
| 23/09/2019 | P. Mahanga, Te Waiariki/Ngati Korora and Ngati Taka Hapu Iwi Trust | A. Edwards - NTB | Mandate mediation funding update |
| 23/09/2019 | G. Paki, Patuharakeke Iwi Trust Board (PTB) | A. Edwards – NTB | Mandate mediation funding update |
| 26/09/2019 | Whangaruru Claimants, C/O Huhana Lyndon | A. Edwards – NTB | Mandate mediation funding update |
| 17/09/2019 10/10/2019 | T. McPherson – NTB | D. Haines - TA | Notes of hui re research, Sub group funding letter. |
| 12/10/2019 | Ngatiwai Trust Board | Pam Armstrong | Kaumātua portfolios and key contacts |
| MACA | | | |
| 23/08/2019 | A. Edwards – Chairman of Te Whanau a Rangiwhakaahu Hapu Trust | T. McPherson | MACA Update |
| 13/09/2019 | High Court of NZ | T. McPherson | MACA related Fee Waiver applications declined, subject to right to apply for a review of decision. |
| Wai262 | | | |
| 09/08/2019 | H. Edmonds – NTB | B. Wilson, Deputy Director-General New Zealand Food Safety | Manuka Honey Trademark application in China |

Engagement Objective 1 b): Correspondence (Continued)

Correspondence available for Ngātiwai members to view at the Ngātiwai Trust Board office.

| Date | To | From | Topic |
|---------------------------|--------------------------|---------------------------------------|---|
| Overlapping Claims | | | |
| 08/08/2019 | R. Thomson – TA | T. McPherson - NTB | Te Runanga O Ngati Whatua and the Crown (letter dated 10 April 2019 from Te Arawhiti included as reference) |
| 08/08/2019 | T. McPherson - NTB | A. Pitman – PTB | Te Runanga O Ngati Whatua and the Crown |
| 19/08/2019 | A. Riwaka – Ngati Whatua | T. McPherson - NTB | Te Runanga O Ngati Whatua and the Crown – hui request |
| 22/08/2019 | T. McPherson | A. Pitman – PTB | Response to Ngati Whatua redress at Marsden Point |
| 19-23/08/2019 | R. Thomson – TA | T. McPherson - NTB | Te Runanga O Ngati Whatua and the Crown – request for maps of redress |
| 23/08/2019 | Dame R.N. Glavish | A. Edwards - NTB | Ngatiwai response to revised redress |
| 12/09/2019 | Minutes of meeting | Aperahama Edwards and Tania McPherson | Minutes of overlapping claims hui with Tame Te Rangi of Ngati Whatua |

Engagement Objective 2: Pānui (newspaper, website, Facebook, e-mail and postal)

| Date | Details | Supporting documents |
|------------|---|---|
| 30/08/2019 | August/September Te Tukaiaia Newsletter Treaty Settlement Update <ul style="list-style-type: none"> • Mandate Mediation • Hauraki Overlapping Claims Inquiry • Marine and Coastal Area (MACA) Act update • MACA High Court Application Summary of NTB meeting of Trustees held on 26 July 2019 and 30 August 2019 | Posted to website, fb and mailed out to Ngatiwai kaumātua and kuia 65+ on the Boards mailing list |
| 13/09/2019 | Summary of the NTB meeting of Trustees held on 26 July 2019 | Posted to website, fb and included in newsletter |
| 20/9/2019 | Summary of the NTB meeting of Trustees held on 30 August 2019 | Posted to website, fb and included in newsletter |
| 26/9/2019 | Treaty Settlement update: Mandate mediation, Overlapping claims, MACA | Posted to website, fb and included in newsletter |

| | | |
|------------|--|--|
| 3/10/2019 | Shared Tuparehuia marae panui for marae hui, included NTB updates on a number of matters | Posted to facebook |
| 4/10/2019 | Shared Ngati Rehua Ngati Wai ki Aotea panui for Kaumatua Whakapapa wananga | Posted to facebookl |
| 31/10/2019 | Panui regarding the Election of Trustees for the Ngatiwai Trust Board | Posted to website, fb and included in newsletter |

Objective 3: Trust Deed Review

The review of the Trust Deed is subject to the mandate mediation process.

Objective 4: PSGE Planning

The PSGE planning is subject to the mandate mediation process.

Objective 5: Quarterly Hui-A-Iwi (including AGM)

There were no hui-a-iwi held during the period 1 August to 31 October 2019.

Objective 6: Strategic Communications Plan

This objective has been completed and the plan is available on the NTB website.

Objective 7: Database Maintenance and Functioning

Details of efforts to increase the number of registered members and update addresses.

| Date | Details |
|-----------------|--|
| Monthly | A consistent monthly report is provided to NTB Trustees which includes: <ul style="list-style-type: none"> • Total counts of registrations and GNA's for each Marae • List of members who have no current postal address |
| Ongoing | Promote registration and postal address updating with pānui on the NTB website, Facebook, E-Pānui and newsletter <i>Te Tūkaiaia</i> (see objective 2 Pānui) |
| Ongoing | NTB communication and registration forms are made available onsite from the front desk at NTB offices – 129 Port Road, Whangarei. NTB communication and registration forms are available online and are made available by direct request which are sent/received via post or email. |
| Outcomes | |
| 31/10/2019 | Total number of registered members 8,222 including 72 pending registrations. Total number of “gone-no-address” identified for registered members are 935 or 11% of the total number of registered members. |
| 31/10/2019 | Total number of registered members who have identified at least one Ngātiwai hapū on their registration form is 6,837. Registered members who have identified more than on Ngatiwai hapū is 150. |