



# Ngātiwai Trust Board

## Mandate Maintenance

Report on Objectives

For Te Arawhiti, the office for Maori Crown Relations

**MANDATE MAINTENANCE REPORT 17**

**Activity Period:** 1 November 2019 – 31 January 2020

**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
Tania McPherson Treaty Claims Manager Phone: (09) 283 9553 Mobile: (021) 6677 98 e-mail: <a href="mailto:tania.mcpherson@ngatiwai.iwi.nz">tania.mcpherson@ngatiwai.iwi.nz</a>	Ngātiwai Trust Board 129 Port Road P.O. Box 1332 Whangarei 0140 Phone: (09) 430 0939

## Background Context

This is the seventeenth 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

#### *Mediation Proposals and Funding*

2. On 12 November 2019, the Board responded to legal counsel for Te Whakapiko hapū of Ngāti Manaia in relation to their letter of 25 October 2019 setting out their approach and funding proposal for mediation. In response the Board noted that:
  - a. the “claimant definition” was identified by the Waitangi Tribunal in its report on the Ngātiwai Mandate Inquiry as one of the “matters to be resolved” including with the help of independent research,
  - b. there are further “matters to be resolved” that may need to be considered,
  - c. a revised research proposal for a scoping report had been developed following feedback from the Crown and now seeking feedback from Te Whakapiko,
  - d. the Boards funding was subject to providing proof of costs, reporting and milestones,
  - e. the Boards planning approach to the mediation had been to faithfully follow the Tribunals recommendations,
  - f. the current membership of the Treaty Claims Committee,
  - g. in the event that mediation progresses well a recommendation that the Te Whakapiko budget allow for up to 5 mediation hui and associated costs.
3. During November 2019, the Crown advised that it had received enquiries or funding proposals from those groups to be included in the mediation.
4. On 3 December 2019, the Board received a copy of a letter sent to the Minister for Treaty of Waitangi negotiations from legal counsel for Te Whakapiko noting:
  - a. their concerns about the role thus far assumed by the Ngātiwai Trust Board in seeking to facilitate the mediation process,
  - b. proposing that an independent mediator, agreed upon by all parties, be selected immediately and all mediation related communications concerning preliminary meetings, terms of reference and the mediation meetings themselves be co-ordinated via this role,
  - c. the view of Te Whakapiko is that no research is needed for their mediation, Te Whakapiko is neither a hapū or whanau of Ngātiwai,
  - d. a preliminary meeting needs to wait until the appointment of the mediator.
5. On 4 December 2019, the Crown announced that it had “discontinued” recognition of the Tūhoronuku mandate. At the same time the Crown sent a letter to the Board explaining the new approach to Ngāpuhi settlement negotiations concluding that:

*“This process is separate from and does not alter Crown recognition of the mandate that the Ngātiwai Trust Board holds to negotiate a settlement of any Ngātiwai claims of the “shared” hapū. The Crown will continue to support the mediation process currently underway between the Trust Board and hapū.”*
6. On 13 December 2019, the Board received a copy of a letter sent by Hon Andrew Little to legal Counsel for Te Whakapiko advising that the Crown must necessarily be impartial

and encouraging Te Whakapiko to engage directly with the Board and other affected hapū on in relation to the appointment of a mediator.

7. On 20 December 2019, the Board wrote to update all of the affected hapū who challenged the Boards mandate in the Tribunal about:
  - a. the discontinuance of the Ngapuhi mandate which the Crown have advised does not alter Crown support for the mediation being worked on,
  - b. that the mediation proposals and budget are still in draft until agreed,
  - c. how should the appointment of the mediator(s) be achieved?, key characteristics, people who have performed similar roles well in the past, ideas on agreement process invited,
  - d. the Board is taking the initiative to try to get the process underway which is quite separate to the role the Board will take once it gets underway,
  - e. the Waitangi Tribunal has released its report on the Hauraki Settlement Overlapping Claims Inquiry providing useful guidance on what in the Waitangi Tribunal's view a tikanga based process might entail.

### **Overlapping Claims**

#### *Hauraki*

8. On 18 December 2019, the Waitangi Tribunal released its report on the Hauraki Overlapping Claims Inquiry. In short, the report validated Ngatiwai claims and recognised the rightful place of tikanga in the settlement process in relation to overlapping claims.
9. On 25 December 2019 (Christmas Eve), Paul Majurey negotiator for Ngati Maru, the Hauraki Collective and the Marutūāhu Collective commenced sending the Board correspondence requesting hui to resolve the disputed redress.
10. On 13 January 2020 the Boards offices reopened and on 16 January 2020 the TCC convened to consider the correspondence.
11. On 22 January 2020 the Board wrote to the Prime Minister asking for confirmation that the Hauraki Settlements do not proceed and that the Crown fully commits to and facilitates consultation, information sharing, and the use of tikanga-based resolution processes consistent with the Tribunals recommendations. This letter was copied to Paul Majurey on the same day.

#### *Ngati Whatua*

12. On 28 November 2019, the TCC met with Te Rununga o Ngati Whatau (Ngati Whatua) negotiators to continue discussions about their revised redress. Ngati Whatua advised that they are working to keep the Kaipara catchment and moana remediation kaupapa separate from Historical Treaty Claims. Despite that the Board indicated that where the catchment overlaps with Ngatiwai AoI, those hapū/marae need to be included and Ngati Whatua indicated that they would like to have hui with those ones on the Marae.
13. It was agreed:
  - a. that the Fisheries RFR Map will not be included in the Ngati Whatua settlement but that the RFR will remain in the settlement without the map,
  - b. further discussions are require about the eastern border of the Protocol area.

### **Marine and Coastal Area Act (MACA)**

14. On 13 November 2019, the Board hosted a hui for Ngatiwai or Ngatiwai related MACA Applicants in either the Crown Engagement Process or the High Court or both. The purpose or kaupapa of the hui was to discuss "What is the best approach to take to the MACA Act?" Given the history of Ngatiwai not acting collectively or collaboratively (i.e. in

the mandate and urgent hearing space) it was great to have a good turnout (with approximately 30 participants). Discussions were very respectful with everyone able to present their applications to the hui and talk about where they are up to in advancing them. A number of positive suggestions were made but a lingering concern was raised that the Trust Board was somehow attempting to take over their applications.

15. The Board's position in relation to all Ngatiwai MACA applications in the High Court has been to support "in principle" those applications and to provide a protective blanket for any Ngatiwai whanau, hapū or Marae who were unable to file their own applications by the deadline of 3 April 2017. The TCC have been working to identify who those group are to offer to include them in the Board's application. Te Whanau a Rangiwhakaahu have been approached and a hui took place at Matapouri Marae on 16 November 2019 where the hapū resolved to join the Board's application on condition that any rights recognised under the MACA are to be held at the hapū level.

## **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 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-lwi (or AGM)**

5. The AGM was held on 14 December 2019 at the ASB Leisure Centre in Kensington. As the business was not concluded the AGM is to be reconvened in the new year.

### **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 January 2020 (including 73 pending registrations) is 8294. This is an increase of 72 registered members since 31 October 2019.
9. The registered members who are recorded as without a known postal address or are recorded as Gone-No-Address (GNA) is 977 or 11%.

## Report on Objectives

### Engagement Objective 1 a): Hui

Date	Details	Supporting Documents
November		
05/11/2019	Whakapaumahara/Whananaki Marae Trustees monthly meeting	Note of meeting K. Caldwell
13/11/2019	Ngatiwai MACA Applicant Hui Ngatiwai Trust Board	Minutes and Summary (see correspondence in objective 1)
16/11/2019	Te Whanau a Rangiwhakaahu Hapu Trust and whanau hui	See letter attached
09/11/2019	Tuparehuia Marae	Note of meeting R. Diamond
December		
07/12/2019	Te Whanau a Rangiwhakaahu Hapu Trust and whanau hui	See letter attached
07/12/2019	Otetao Marae meeting	Note of meeting G. Reti
14/12/2019	Ngatiwai Trust Board AGM ASB Lounge1, ASB Leisure Centre, 93 Western Hills Drive, Kensington	Draft Minutes to be ratified at the next AGM, Attendance Register Annual Report (see objective 5)
January		
There were no hui held in January		

## Engagement Objective 1 b): Correspondence

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

Date	To	From	Topic
<b>Mandate Mediation</b>			
12/11/2019	C. Hockley on behalf of Te Whakapiko	A. Edwards - NTB	Mediation and Funding Proposal feedback
14/11/2019	T. McPherson - NTB	M. Sheldon – Land information NZ	Property located to Tamingi/Te One and Karawai Streets Ruakaka
22/11/2019	A, Edwards - NTB	L. Campbell - TA	Te Arawhiti role in Ngatiwai mandate mediation process
03/12/2019	Minister A. Little and M. Hickey – T/A	C. Hockley on behalf of Te Whakapiko	Mediation proposal – Te Whakapiko
04/12/2019	A. Edwards & T. McPherson - NTB	D. Haines - TA	Ngapuhi mandate withdrawn, proposals for takiwa-specific mandate proposals (and associated references included)
04/12/2019	A. Edwards - NTB	L. Campbell - TA	Ngapuhi mandate separate from Ngatiwai mandate
10-19/12/2019	T. McPherson - NTB	D. Haines – T/A	Ministers Letter to C. Hockley 13 December 2019, appointment of mediator, Crown to be impartial.
20/12/2019	C. Hockley – Te Whakapiko	A. Edwards - NTB	Mediation update
20/12/2019	G. Paki - PTB	A. Edwards - NTB	Mediation update
20/12/2019	P. Mahanga – Te Waiariki, Ngati Korora, Ngati Taka Hapu Iwi Trust	A. Edwards - NTB	Mediation update



**Engagement Objective 1 b): Correspondence (Continued)**

Date	To	From	Topic
<b>Overlapping Claims – Ngati Whatua</b>			
28/11/2019	A. Riwaka and T. Te Rangi	T. McPherson	Confirmation of meeting attendance (attached notes of previous meeting between NTB and Ngati Whatua on 12 September 2019)
16/12/2019	A. Riwaka and	T. McPherson	Draft notes of hui held on 28 November 2019 for review
23/12/2019	T. McPherson	T. Te Rangi	Amendments to draft notes marked in track changes. Finalised notes.
<b>Overlapping Claims – Hauriaki</b>			
24/12/2019	H. Edmonds - NTB	P. Majurey – Hauraki Collective	Pare Hauraki Collective Redress Deed
24/12/2019	H. Edmonds - NTB	P. Majurey – Ngati Maru	Ngati Maru Deed
24/12/2019	H. Edmonds - NTB	P. Majurey – Marutuahu Collective	Marutuahu Collective Redress Deed
25/12/2019	P. Majurey	H. Edmonds - NTB	TCC to address matters raised in January 2020
13/01/2020	H. Edmonds - NTB	P. Majurey - Hauraki	Requesting an urgent response to emails on 24 December 2019
13/01/2020	P. Majurey - Hauraki	T. McPherson - NTB	Acknowledgement of e-mails sent to Haydn on Christmas Eve, NTB office 13 January 2020, TCC to consider correspondence when next convened, address correspondence to Aperahama Edwards
18/01/2020	A. Edwards - NTB	P. Majurey - Hauraki	Request for a response date
18/01/2020	A. Edwards - NTB	P. Majurey - Hauraki	Pare Hauraki Collective Redress Fisheries Quota RFR
20/01/2020	P. Majurey - Hauraki	T. McPherson - NTB	Update: Wider issues for Ngatiwai than e-mails from P. Majurey to date.

**Engagement Objective 1 b): Correspondence (Continued)**

Date	To	From	Topic
20/01/2020	T. McPherson - NTB	P. Majurey - Hauraki	Appreciate response, available to meet in January
22/01/2020	<p>Hon J. Ardern – PM Cc'd: Hon A. Little, Hon N. Mahuta, Hon K. Davie T. Honeck – Ngati Manhiri, Tavake Afecki – Ngati Rehua Ngatiwai ki Aotea, P. Majurey – Ngatiwai Maru, Hauraki Collective, Marutuahu Collective, Wati Ngamane – Ngati Maru, Hauauru Rawiri and Morehu Wilson – Ngati Paoa, Tipa Compain and Nathan Kennedy – Ngati Whanaunga, Liane Ngamane and John McEnteer – Ngati Tamatera, William Peters and David Williams – Te Patukirikiri, Josie Anderson and John Linstead – Ngati Hako</p>	A. Edwards - NTB	<p>Seeking Crown confirmation:</p> <ul style="list-style-type: none"> <li>• That Hauraki Settlements do not proceed</li> <li>• The Crown fully commits to and facilitates consultation, information sharing, and the use of tikanga-based resolution processes</li> <li>• Full disclosure of all current overlapping redress</li> <li>• Appendix 1: Summary of findings and Recommendations of the Waitangi Tribunal (Chapter 7) from the Hauraki Settlement Overlapping Claims Inquiry</li> <li>• Appendix 2: Extract from pages 86 to 92 of the Tribunal report concerning the use of tikanga-based processes to resolve conflict over redress.</li> </ul>
23/01/2020	T. McPherson - NTB	P. Majurey - Hauraki	Checking whether this is the foreshadowed response?
January 2020 Various e-mail exchanges	T. McPherson - NTB	L. Campbell - TA	Misplaced correspondence re Decision regarding the Pare Hauraki Collective Redress - Minerals relationship area dated 26 July 2018

**Engagement Objective 1 b): Correspondence (Continued)**

Date	To	From	Topic
<b>MACA</b>			
01-05/11/2019	MACA Claimants	T. McPherson - NTB	Ngatiwai MACA hui – invite
05/11/2019	MACA Claimants	A. Edwards - NTB	MACA Hui Panui
11/11/2019	T. McPherson - NTB	M. Hohneck – Ngati Manuhiri	MACA Hui invite declined
12/11/2019	T. McPherson - NTB	E. Bayne	MACA Hui invite accepted, petrol costs and koha
12/11/2019	T. McPherson - NTB	N. MacDonald	MACA Hui invite apologies
12/11/2019	T. McPherson - NTB	M. George	MACA Hui invite accepted
13/11/2019	T. McPherson - NTB	R. Bouchier	MACA Hui invite accepted
13/11/2019	T. McPherson - NTB	T. Toia - PTB	MACA Hui invite apologies
14/11/2019	M. Hughes	T. McPherson - NTB	MACA Meeting
15/11/2019	V. Toki	T. McPherson - NTB	MACA Hui apologies
18/11/2019	MACA Claimants	T. McPherson - NTB	MACA Hui Follow up
18/11/2019	T. McPherson - NTB	N. MacDonald	MACA Hui Follow up
18/11/2019	T. McPherson - NTB	M. Hohneck	MACA Hui Follow up
20/11/2019	T. McPherson - NTB	M. Hughes	Meeting resolutions and meeting notes for Henare Waata MACA application
22/11/2019	MACA Claimants	T. McPherson - NTB	MACA hui draft notes
03/12/2019	T. McPherson - NTB	E. Hoey	MACA hui thoughts
19/12/2019	MACA Team - TA	T. McPherson - NTB	MACA funding requests x 2, pre notification and pre hearing
14/01/2020	S. Hawken – Te Whanau a Rangiwhakaahu	T. McPherson - NTB	NoA template, late filing application template, fee waiver application
21/01/2020	Tania McPherson	Alisdair Neate	MACA Funding (emails 17/01/2020 and 19/12/2019)

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

Date	Details	Supporting documents
13/11/2019	Event and panui posted for the NTB Annual General meeting, scheduled for 14/12/2019 at ASB Stadium Whangarei	Posted to facebook and Website
18/11/2019	NTB Annual Report released	Posted to facebook and Website
19/11/2019	Reminder Panui Nominations are open for the Election of Trustees for the Ngatiwai Trust Board	Posted to website, Facebook
29/11/2019	Reminder to register to be able to participate in the Election of Trustees for the Ngatiwai Trust Board	Posted to website, Facebook and included in newsletter
04/12/2019	Reminder Panui Nominations are open for the Election of Trustees for the Ngatiwai Trust Board	Posted to website, Facebook
06/12/2019	Reminder Panui Nominations close today for the Election of Trustees for the Ngatiwai Trust Board	Posted to website, Facebook
13/12/2019	Office close for Xmas notice	Posted to website, Facebook
17/12/2019	MEDIA STATEMENT: "Ngatiwai welcome the findings of the Waitangi Tribunal". In relation to the Waitangi Tribunal releasing their report into the Hauraki Overlapping Claims urgency inquiry.	Posted to website, Facebook and sent out to all media agencies
18/12/2019	RNZ article regarding the Waitangi Tribunal releasing their report into the Hauraki Overlapping Claims urgency inquiry and comments from Aperahama Edwards.	Posted to facebook
19/12/2019	Scathing report released by the Waitangi Tribunal.	Posted to Facebook
19/12/2019	Tribunal releases Hauraki Settlement overlapping claims inquiry report	Posted to Facebook
19/12/2019	Ngati Rehua Ngatiwai ki Aotea uri Kelly Klink statements relating to the Waitangi Tribunal releasing their report into the Hauraki Overlapping Claims urgency inquiry.	Posted to website, Facebook
20/12/2019	NZ Herald article regarding the Waitangi Tribunal releasing their report into the Hauraki Overlapping Claims urgency inquiry and comments from Aperahama Edwards.	Posted to facebook
23/12/2019	Notice of day of Elections of Trustees panui	Posted to website, Facebook and included in newsletter
13/01/2020	NTB Election Clarification – Takahiwai Marae representation on the NTB withdrawn	Posted to website, Facebook

17/01/2020	Reminder: Notice of day of Elections of Trustees panui	Posted to website, Facebook and included in newsletter
24/01/2020	Treaty Settlement Update <ul style="list-style-type: none"> <li>• Ngatiwai welcome findings of Waitangi Tribunal - Hauraki Overlapping Claims</li> <li>• Mandate Mediation</li> <li>• Marine and Coastal Area (MACA) Act update</li> </ul>	Posted to website, Facebook
30/01/2020	Special General Meeting Event and panui posted – Election results	Posted to website, Facebook
31/01/2020	<b>December/January Te Tukaiaia Newsletter</b> Treaty Settlement Update <ul style="list-style-type: none"> <li>• Ngatiwai welcome findings of Waitangi Tribunal - Hauraki Overlapping Claims</li> <li>• Mandate Mediation</li> <li>• Marine and Coastal Area (MACA) Act update</li> </ul> <b>Summary of NTB meeting of Trustees held</b> <ul style="list-style-type: none"> <li>• on 29 November and</li> <li>• 13 December 2019</li> </ul>	Posted to facebook, website and mail out to Ngatiwai kaumātua and kuia 65+ on the Boards mailing list
03/02/2020	Reminder: Final day for voting for Elections of Trustees	Posted to website, Facebook

### 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)

The AGM was held on 14 December 2019 at the ASB Leisure Centre in Kensington. Approximately [xx] people attended. As the business was not concluded the AGM is to be reconvened in the New Year.

Date	Details	Supporting documents
13/11/2019	Panui for AGM held on 14 December 2019	(see objective 2 above)
18/11/2019	Annual Report	Posted to website
14/12/2019	Record of proceedings of the AGM	Minutes, Attendance register.

## 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"><li>• Total counts of registrations and GNA's for each Marae</li><li>• List of members who have no current postal address</li></ul>
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	
31/01/2020	Total number of registered members 8294 including 73 pending registrations. Total number of “gone-no-address” identified for registered members are 977 or 11% of the total number of registered members.
31/01/2020	Total number of registered members who have identified at least one Ngātiwai hapū on their registration form is 6908. Registered members who have identified more than one Ngātiwai hapū are 150.