



Ngātiwai Trust Board

Mandate Maintenance

Report on Objectives

For Te Arawhiti, the office for Maori Crown Relations

MANDATE MAINTENANCE REPORT 21

Activity Period: 1 October 2020 to 31 December 2020

Report Date: 26 March 2021

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.*

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Background Context

This is the twenty first 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 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

Strategic and Operational Change

1. With the Triennial election of Trustees completed in May and the new Chair elected in July 2020 the Board met in August to reflect, reset and recalibrate their next steps. An independent financial performance review conducted by Deloitte's was completed in September and presented to the Board in October 2020. The review recommendations included:
 - a. Review strategic aspirations and set future vision and mission.
 - b. Implement a fit for purpose organisation structure and reduce management positions.
 - c. Consolidate commercial assets and governance.
 - d. Investigate and implement operational cost control measures.
2. During October 2020, the Board commenced engagement with staff about the recommendations and in November the Board had several significant operational changes which had seen some operational team members depart the organisation.
3. During December 2020, the Board commenced strategic planning engagement hui with Ngatiwai holding three hui in Whangaruru, Whangarei and Auckland to receive feedback. An online survey also provided opportunities for those who could not make it to a hui to provide their feedback.

Terms of Negotiation

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

Mandate Mediation

5. On 14 December 2020, a hui was held with the Whangaruru claimants in the Ngatiwai mandate inquiry to discuss the mediation proposal. A request was made for funding to allow the claimants to hold hui over the Christmas break to develop a mediation proposal which would then be presented back to the Board after Waitangi weekend in 2021. The Board agreed to provide the funding from the advance provided by the Crown to help to get the mediation underway.
6. On 15 December 2020, a hui was held with Patuharakeke Trust Board representatives at the Ngatiwai Trust Board to discuss the mediation proposal. During the hui the representatives expressed a strong view that Patuharakeke wish to withdraw from the Ngatiwai Mandate subject to understanding the withdrawal process but agreed to continue the search for a mediator and a further meeting in February 2021.

Overlapping Claims

Ngati Paoa

7. On 6 October 2020, a zoom hui was organised with Ngatiwai, Ngati Paoa and the Crown to discuss alternatives to both the protocol map and the protocol text.
8. On 14 October 2020, the Crown provided a revised map for further discussions and undertook to seek feedback from the Ministry for Primary Industries. On 22 October 2020 feedback was received with a proposed disclaimer to be included.
9. On receipt of the revised map Ngatiwai requested a refinement to the map - to follow the coastline south of Tokatu/Takatu point to the upper reaches of the pukapuka inlet then west to maunga pohuehue.

10. On 23 October 2020, Ngati Paoa agreed to the changes and on 30 October 2020, Ngatiwai Trust Board formally agreed to the changes. After notifying the Crown of the agreements reached the Crown advised that it would proceed to prepare the Ngati Paoa deed for signing on this basis.

Ngati Whatua

11. On 28 October 2020, Te Rununga o Ngati Whatua sent a letter to Ngatiwai setting out changes to their settlement proposal, potential redress and next steps requesting written feedback by 30 November 2020. On 4 November 2020, Ngatiwai attended a hui hosted by Ngati Whatua in Whangarei to discuss the redress and on 14 December 2020, Ngatiwai sent written feedback on the proposed redress requesting further discussion.

Ngati Whanaunga

12. A preparation hui with the hau kainga on Aotea was planned to take place on 14 October 2020 to provide a briefing on the Hauraki Overlapping claims and in particular the tikanga process for dealing with Ngati Whanaunga's redress but this had to be postponed due to a tangi in Whangaruru. A further hui was planned to take place on 21 October 2020 but this had to be scaled back due to a tangi on Aotea. A small delegation did attend this tangi to show support and an opportunity was made available for some discussions on overlapping claims.
13. After receiving feedback from the hau kainga on the proposed hui with Ngati Whanaunga it was determined not to proceed with a hui on the Marae due to the deeply felt mamae that had been expressed. Instead it was felt more appropriate that the hui take place at Tryphena Hall because this was the site of the proposed redress.
14. The hui was scheduled to take place on 6 November 2020, but unfortunately Ngati Whanaunga were unable to make the hui and needed more time to consider the feedback that was passed onto them.

Other Hauraki Iwi and Collectives

15. On 25 November 2020, the Board attended a hui in Albany with the remaining Marutūāhu iwi representatives including Ngati Maru, Ngati Tamaterā, Te Patukirikiri, the Marutūāhu and Hauraki Collectives. The discussion largely focused on how each group came to be in the position it was in, the Crown's different processes, the Tribunal hearings and the tikanga based process recommended by the Tribunal.
16. A second hui was then scheduled to take place at Ngunguru Marae outside of Whangarei on 28 January 2021.

Marine and Coastal Area Act (MACA)

Waitangi Tribunal Kaupapa Inquiry

17. On 1 December 2020, the Board attended the Waitangi Tribunal's stage 2 Marine and Coastal Area Act hearings held at Otiria marae to support the remaining Ngatiwai claimants in presenting their evidence. This included Ngati Takapari and Ngatiwai ki Whangaruru.
18. Legal Counsel for the Board in the MACA inquiry then contracted Sarah Shaw a resource management expert to prepare technical evidence comparing rights available under the MACA Act with those available under the Resource Management Act (and other planning tools). The concern is that any rights able to be won under the MACA Act will be overridden by those available under the RMA and in particular by existing or new resource consents.

High Court Application Process

19. Work continues on the research needed as evidence in the High Court. No hearings have yet been scheduled in the Northland or Auckland regions.

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

5. A series of three information sharing and strategic planning hui “Te Huarahi Anga Mua o Ngatiwai” were held December 2020 to engage Ngatiwai to review the strategic aspirations and set future vision and mission of the Board.

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 30 September 2020 is 8528 (including 61 pending registrations). This is an increase of 108 registered members since 1 July 2020.
9. The registered members who are recorded as without a known postal address or are recorded as Gone-No-Address (GNA) is 14%.

Report on Objectives

Engagement Objective 1 a): Hui

Date	Details	Supporting Documents
01/10/2020	Oakura Marae Trustees monthly hui Whangaruru	Note of meeting S. Mitchell
06/10/2020	Whakapaumahara Marae Monthly Trustees hui Whananaki	Note of meeting K. Caldwell
23/10/2020	Otetao Marae Trustees hui Whangaruru	Note of meeting G. Reti
14/10/2020	Te Whanau a Rangiwakaahu Hapu Trust hui (via zoom)	Note of meeting A. Edwards
05/11/2020	Oakura Marae Trustees monthly hui Whangaruru	Note of meeting S. Mitchell
06/11/2020	Tuparehuia Marae Committee hui (via zoom)	Note of meeting R. Diamond
14/11/2020	Te Whanau a Rangiwakaahu Hapu Trust hui (via zoom)	Note of meeting A. Edwards
03/12/2020	Oakura Marae Trustees monthly hui Whangaruru	Note of meeting S. Mitchell
04/12/2020	Te Huarahi Anga Mua o Ngatiwai Hui Ngatiwai Trust Board	(see objective 5)
07/12/2020	Ngatiwai Kahui Kaumatua Monthly hui, Ngatiwai Trust Board	Treaty Claims Unit Power-Point highlighting achievements for the year and points to watch out for in the new year.
09/12/2020	Te Huarahi Anga Mua o Ngatiwai Hui Otetao Marae, Whangaruru	(see objective 5)
10/12/2020	Te Huarahi Anga Mua o Ngatiwai Hui St James Anglican Church, Mangere	(see objective 5)
11/12/2020	Otetao Marae Trustees hui Whangaruru	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			
09/11/2020	Whangaruru claimants	T. McPherson – Ngatiwai Trust Board (NTB)	Whangaruru claimant hui arrangements
10/11/2020 – 16/11/2020	K. Dixon on behalf of Patuharakeke Trust Board (PTB)	T. McPherson - NTB	Mediator search update and hui arrangements
09/11/2020 – 16/11/2020	D. Haines – Te Arawhiti (TA)	T. McPherson - NTB	Draft Mandate Maintenance report feedback
20/11/2020	Te Iwi o Ngatiwai	A. Kerepeti-Edwards - NTB	Te Poari o Ngatiwai Update, Information Sharing and Strategic Planning Hui
02/12/2020 – 03/12/2020	D. Haines - TA	T. McPherson - NTB	Mandate Maintenance report 20 final version
06/12/2020	T. McPherson - NTB	H. Lyndon – Whangaruru claimants	Proposed kaupapa for hui on 9 December 2020
07/12/2020	T. McPherson - NTB	R. Wellington – Ngunguru Marae kuia	Request for copy of Power Point presentation given out at the monthly Kaumatua Kahui hui
14/12/2020 – 21/12/2020	T. McPherson - NTB	H. Lyndon – Whangaruru claimants	Funding to prepare a draft mediation plan
Overlapping Claims – Ngati Paoa			
01/10/2020	A. Edwards - NTB	H. Rawiri – on behalf of Morehu Wilson Ngati Paoa	Hui organisation
03/10/2020 – 07/10/2020	A. Edwards - NTB	H. Rawiri – on behalf of Morehu Wilson Ngati Paoa	Overlapping claims redress options and advice from TA
06/10/2020	H. Rawiri – on behalf of Morehu Wilson Ngati Paoa	T. McPherson - NTB	Summary of Ngatiwai Understanding from hui
06/10/2020	H. Rawiri – on behalf of Morehu Wilson Ngati Paoa	T. McPherson - NTB	Comments on proposed TT wording
09/10/2020 – 14/10/2020	A. Edwards - NTB	H. Rawiri – on behalf of Morehu Wilson Ngati Paoa	Ngati Wai and Ngati Paoa Agreement for Overlapping Interests

Engagement Objective 1 b): Correspondence (continued)

Date	To	From	Topic
14/10/2020	H. Rawiri – on behalf of Morehu Wilson Ngati Paoa	T. McPherson - NTB	Refinement to northern extent of the protocol areas
15/10/2020 – 30/10/2020	NTB and Ngati Paoa	R. Bogardus - TA	MPI additional wording and refined protocol area map
Overlapping Claims – Ngati Whanaunga			
October – November 2020	Various e-mails with multiple parties	T. McPherson - NTB	Multiple attempts at organising hui
Overlapping Claims – Ngati Maru, Tamaterā, Patukirikiri and Marutūāhu Collective			
01/09/2020 – 24/11/2020	A. Edwards and T. McPherson - NTB	P. Majurey on behalf of N. Maru, Tamatera, Patukirikiri and the Marutuahu Collective	Various Hui arrangements
03/12/2020 – 17/01/2021	P. Majurey et al	T. McPherson - NTB	Various Hui arrangements
Overlapping Claims – Ngati Whatua			
28/10/2020	A. Edwards - NTB	Dame R. N. Glavish – Te Rununga o Ngati Whatua (TRoNW)	Consultation on potential Treaty settlement redress
28/11/2020	D. Gravatt - TRoNW	T. McPherson	Quick response
16/11/2020 – 17/11/2020	T. Te Rangi - TRoNW	T. McPherson	Hui organisation
18/11/2020	M. Hickey - TA	T. McPherson	Map request and hui arrangements
14/12/2020	T. Te Rangi - TRoNW	A. Edwards - NTB	Written feedback
MACA			
12/10/2020 – 03/11/2020	A. Neate - TA	T. McPherson - NTB	Acknowledging MACA funding request
30/10/2020	macafunding	T. McPherson - NTB	NTB Submission on the Takutai Moana financial assistance scheme
15/12/2020	H. Waaka - TA	T. McPherson - NTB	Confirming MACA funding reimbursement
17/12/25020	H. Waaka - TA	T. McPherson - NTB	Clarifying MACA and Overlapping Claims reimbursment
18/12/2020	T. McPherson – NTB	L. Anderson - TA	Panui Takutai Moana

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

Date	Details	Supporting documents
01/10/2020	Link shared for Day four of the Stage Two Hearings for Wai 2660 - Marine and Coastal Area (MACA) Inquiry at Whitiara Marae in Kerikeri, hosted by Ngāti Rēhia from Monday 28th September to Friday 2nd October.	Posted to Facebook
20/10/2020	Summary of the NTB meeting of Trustees held on 25 September 2020	Posted to Facebook, website incl. in newsletter
14/11/2020	Media Interview on Water: The Government in the assuming ownership of the water has not done a good job in looking after our countries crucial resource. Ngatiwai say these discussions around water rights must be had and as Kaitiaki Maori already have tools and strategies to fix the current water issues. We say maori must be at that table with our rights and interests.	Posted to Facebook
20/11/2020	Te Anga Mua O Ngatiwai: Sharing and Strategic Planning Hui	Posted to Facebook
24/11/2020	Te Anga Mua O Ngatiwai: As the Board continue to move forward in this time of change, we sought to engage with whānau, hapū and uri o Ngātiwai on our next steps – with 3 information hui held in Whangaruru, Whangarei and Auckland.	Posted to Facebook, Website and sent out via epanui
25/11/2020	Te Anga Mua O Ngatiwai Survey: As the Board continue to move forward in this time of change, whanau were asked to complete this engagement survery	Posted to Facebook, Website and sent out via epanui
27/11/2020	26/11/2020 whānau, hapū and iwi meet on Rangiora Marae in Takahiwai to discuss Northport's proposed growth and expansion in the Whangarei Harbour and how the various parties engage with Northport around the proposed development. Ngātiwai Trust Board Resource unit Manager, Alyx Pivac attended the hui to support and tautoko the position of our hapū Patuharakeke.	Posted to Facebook
30/11/2020	Week two of the Stage Two Hearings for Wai 2660 - Marine and Coastal Area (MACA) Inquiry - Our Ngātiwai whānau whanui, along with other Taitokerau claimants, presented their evidence at Otira Marae in Moerewa during Week two of the Stage Two Hearings for Wai 2660 from Monday 30th November to Friday 4th December.	Posted to Facebook and website We live streamed the hearings all week at the Ngatiwai Trust Board each day, invited whanau to come and view.
30/11/2020	** MACA Hearing Week 2 - Day 1 Live Stream Link **	Posted to Facebook

Engagement Objective 2: Pānui (continued)

Date	Details	Supporting documents
30/11/2020	Summary of the NTB meeting of Trustees held on 30 October 2020	Posted to Facebook, website incl. in newsletter
01/12/2020	** MACA Hearing Week 2 - Day 2 Live Stream Link **	Posted to Facebook
01/12/2020	** MACA Hearing Week 2 - It was wonderful to be at Otira to support our Ngātiwai whanui as Ngāti Takapari and Ngātiwai ki Whangaruru presented their evidence to the Waitangi Tribunal at week two of the Stage Two Hearings for Wai 2660 - Marine and Coastal Area (MACA) Inquiry.	Posted to Facebook
02/12/2020	** MACA Hearing Week 2 - Day 3 Live Stream Link **	Posted to Facebook
02/12/2020	**REMINDER PANUI** - Te Anga Mua O Ngatiwai Survey: As the Board continue to move forward in this time of change, whanau were asked to complete this engagement survey	Posted to Facebook, Website and sent out via epanui
03/12/2020	** MACA Hearing Week 2 - Day 4 Live Stream Link **	Posted to Facebook
03/12/2020	Te Huarahi Anga Mua o Ngātiwai (Hui #1 NTB office) - Information sharing and strategic planning hui advertised	Posted to Facebook and email sent out to base
03/12/2020	Te Huarahi Anga Mua o Ngātiwai (Hui #2 Otetao Marae) - Information sharing and strategic planning hui advertised	Posted to Facebook and email sent out to base
03/12/2020	Te Huarahi Anga Mua o Ngātiwai (Hui #3 St James Anglican Church, Mangarei) - Information sharing and strategic planning hui advertised	Posted to Facebook and email sent out to base
04/12/2020	**REMINDER PANUI** - Te Huarahi Anga Mua o Ngātiwai (Hui #1 NTB office) - Information sharing and strategic planning hui	Posted to Facebook
04/12/2020	Mihi to all our whanau that came to our first of three Te Huarahi Anga Mua o Ngātiwai - Information sharing and strategic planning hui in Whangarei. Reminder of Our next hui is on Tuesday the 8th December, 5pm at Otetao Marae in Whangaruru and Our third and final hui of the year is in Auckland next Thursday the 10th of December at the St James Anglican Church, Mangarei from 5pm. Also a reminder to complete the survey: https://forms.gle/mm8gMDNirMU73sjY6	Posted to Facebook

Engagement Objective 2: Pānui (continued)

Date	Details	Supporting documents
08/12/2020	**REMINDER PANUI** - Te Huarahi Anga Mua o Ngātiwai (Hui #2 Otetao Marae) - Information sharing and strategic planning hui	Posted to Facebook
09/12/2020	Mihi to whanau who attended the second Te Huarahi Anga Mua o Ngātiwai - Information sharing and strategic planning hui at Otetao Marae in Whangaruru. A reminder also of our third and final hui of the year is in Auckland tomorrow evening, Thursday the 10th of December at the St James Anglican Church, in Mangare from 5pm. A reminder to complete the survey: https://forms.gle/mm8gMDNirMU73sjY6	Posted to Facebook
10/12/2020	**REMINDER PANUI** - Te Huarahi Anga Mua o Ngātiwai (Hui #3 St James Anglican Church, Mangare) - Information sharing and strategic planning hui	Posted to Facebook
11/12/2020	Mihi to whanau who attended the third Te Huarahi Anga Mua o Ngātiwai - Information sharing and strategic planning in Auckland. Despite December being a very busy time, we acknowledge the whānau that have been able to attend these hui, their contributions will certainly be taken into account as the Board shapes its strategic direction and priorities into the new year. A reminder to complete the survey: https://forms.gle/mm8gMDNirMU73sjY6	Posted to Facebook
11/12/2020	Video: Shared thoughts of some of our whanau from the Te Huarahi Anga Mua o Ngātiwai - Information sharing and strategic planning in Auckland.	Posted to Facebook
17/12/2020	Xmas panui and office closure dates over Xmas and New Years.	Posted to Facebook
18/01/2020	Summary of the NTB meeting of Trustees held on 11 December 2020	Posted to Facebook, website incl. 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-lwi (including AGM)

A series of 3 information sharing and strategic planning hui “Te Huarahi Anga Mua o Ngatiwai – Ngatiwai moving forward together” were held in December 2020 to engage Ngatiwai to help set the future vision and mission for the Ngatiwai Trust Board. This was complemented with an online survey for those who were unable to make it to any of the hui. Approximately 100 participants attended these hui in total.

Date	Details	Supporting documents
20/11/2020	Online survey: Te Huarahi Anga Mua o Ngatiwai - Moving forward together	Panui for the hui schedule Online survey questions Power-point handout
04/12/2020	Hui #1: Ngatiwai Trust Board, Whangarei	
08/12/2020	Hui #2: Otetao Marae, Whangaruru	
10/12/2020	Hui #3: St James Anglican Church, Mangere	

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>
Ongoing	NTB communication and registration forms are made available online, onsite from the front desk at NTB offices – 129 Port Road, Whangarei and are made available by direct request which are sent out via post or email.
Outcomes	
30/09/2020	Total number of registered members is 8559. There are 70 pending registrations. Total number of “gone-no-address” identified for registered members are 14% of the total number of registered members.
30/09/2020	Total number of registered members who have identified at least one Ngātiwai hapū on their registration form is 7251