



Ngātiwai Trust Board

Mandate Maintenance

Report on Objectives

For the Office of Treaty Settlements

MANDATE MAINTENANCE REPORT 6

Activity Period: 1 February 2017 – 30 April 2017

Report Date: 24 May 2017

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 sixth quarterly mandate maintenance report produced by the Ngātiwai Trust Board (NTB) for the Office of Treaty Settlements (OTS) following the Crown's recognition of the NTB Deed of Mandate (DoM) on 21 October 2014.

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

NTB	Ngātiwai Trust Board	OTS	Office of Treaty Settlements
AGM	Annual General Meeting	SGM	Special General Meeting
AiP	Agreement in Principle	PSGE	Post Settlement Governance Entity
iDoS	Initialled Deed of Settlement	OIA	Official Information Act
RFR	Right of First Refusal		

Issues Arising

1. Terms of Negotiation and Urgent Hearings

- Completion of Terms of Negotiations are paused pending the outcome of the Ngātiwai Mandate Inquiry by the Waitangi Tribunal.
- The Board now awaits a report on the Tribunal's findings and any recommendations.

2. Overlapping Claims with other Iwi / Large Natural Groupings

- The Board received and/or responded to a number of overlapping claims matters including redress that has been offered to the following groups by the Crown:
 - Hako - concerning their statement of association with a Pa site on Aotea (Great Barrier Island).
 - Ngati Maru, Ngati Paoa and Ngaati Whanaunga concerning – proposed protocol area map for the Taonga Tuturu and Primary Industries protocols
 - Hauraki collective proposed area over which the fisheries quota RFR applies.
 - Ngaati Whanaunga – concerning vestings at Orewa.
- The Board is awaiting confirmation of hui with the above groups to discuss overlapping claims and redress proposals before submitting its final views on these matters to the Crown in writing.

3. Marine and Coastal Area (Takutai Moana) Act

- The Board filed applications under the Act for recognitions of protected customary rights and customary marine title on behalf of all Ngātiwai to the High Court and the Crown by the deadline of 3 April 2017.
- A Public Notice of the application to the High Court was published in the New Zealand Herald and Northern Advocate on 26 April 2017. The notice required any interested party to file a notice of appearance (in support or in opposition) in relation to the application with the Registrar of the High Court, Auckland no later than 31 May 2017.
- The Board sought to become an interested party to several applications filed with the Waitangi Tribunal for an urgent hearing into the prejudice created by this legislation and in particular the deadline by which applications must have been made.

Communications and Engagement with Ngātiwai Whanui

1. Open Door Policy and Face to Face Engagement Hui

Progress on this objective has been maintained.

2. Monthly Board Updates and Newsletters

A combined February/March and an April newsletter containing monthly Board meeting summaries were produced by the Board during the period.

These newsletters including monthly Board meeting summaries were also posted to our website, Facebook page and mailed to Kaumātua on our distribution list.

3. Trust Deed Review

The review group provided a report to the Board in November 2016 which was discussed by the Board at its regular monthly meeting in 16 December 2016.

The new board is familiarising themselves with the review and is yet to outline a strategy for consultation with marae and hapū.

4. Wananga Planning for PSGE

At this point the wananga is to be held-off until the Waitangi Tribunal reports on its findings and any recommendations resulting from the Ngātiwai Mandate Inquiry. In the meanwhile Hui a iwi will continue to workshop PSGE representative options.

5. Quarterly Hui-a-Iwi

The Hui-a-iwi was held on 4 March 2017 at Otetao Marae, Whangaruru. The hui discussed the Marine and Coastal Area Takutai Moana Act Applications, Overlapping Claims and Post Settlement Governance Entity Representative options.

6. Finalise the Strategic Communications Plan

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

7. Review, refine and maintain the current database

Regular address updates and new registrations continue to be promoted and received.

The total number of registered members as at 30 April 2017 is 7716 with 68 pending registrations. This is an increase of 161 registered members within the quarter.

The percentage of 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
08/02/2019	Punaruku	H. Edmonds note of meeting
10/02/2017	Tuparehuia Marae	G. Reti note of meeting
11/02/2017	Otetao Marae	G. Reti note of meeting
04/03/2017	Hui-A-Iwi	See objective 5 (below)
07/03/2017	Oakura Marae	H. Murphy note of meeting
07/03/2017	Whananaki/Whakapaumahara Marae Trustees Monthly meeting, Women's Committee	K. Caldwell note of meeting and extract of minutes
22/03/2017	Oakura whanau hui	H. Murphy note of meeting
24/03/2017	Whananaki/Whakapaumahara Marae Trustees Monthly meeting, Women's Committee and others	K. Caldwell note of meeting and extract of minutes
24/03/2017	Punaruku	H. Edmonds note of meeting
05/04/2017	Punaruku	H. Edmonds note of meeting
15/04/2017	Matapouri, Te Whanau o Rangiwakaahu Whanau, Marae and Hapu members	Hapu meeting following the Marae Trustees AGM K. MacDonald note of meeting
20/04/2017	Tuparehuia Marae Trustees	G. Reti note of meeting

Engagement Objective 1 b): Correspondence

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

Date	To	From	Topic
Correspondence with the Office of Treaty Settlements			
13/01/2017	Haydn Edmonds – NTB	Leah Campbell – OTS	Overlapping claims regarding the proposed Protocol Area map for the Taonga Tuturu and Primary Industries protocol
18/01/2017	Haydn Edmonds – NTB	Leah Campbell – OTS	Overlapping claims regarding the proposed area over which the Haruaki Collective Fisheries Quota RFR applies
20/01/2017	Haydn Edmonds – NTB	Hon Christopher Finlayson	Ngati Rehua – Ngātiwai ki Aotea: Final overlapping claims decision
20/01/2017	John Linstead - Hako	Tania McPherson - NTB	Confirmation of telephone conversation and request for overlapping claims engagement hui with NTB
22/01/2017	Tania McPherson - NTB	John Linstead - Hako	Need to reschedule engagement hui
23/01/2017	John Linstead - Hako	Tania McPherson - NTB	Request for suitable date for postponed engagement hui
31/01/2017	Tania McPherson – NTB	Ryan Bogardus – OTS	OTS File note of meeting with NTB TCC regarding Hauraki redress
31/01/2017	Ryan Bogardus – OTS	Tania McPherson – NTB	Minutes of meeting with OTS regarding Hauraki redress
09/02/2017	John Linstead - Hako	Tania McPherson - NTB	Follow up request for date for postponed engagement hui
27/02/2017	Haydn Edmonds - NTB	Leah Campbell - OTS	Overlapping claims for the Taonga Tuturu and Primary Industries protocol area
28/02/2017	Meremine Auelua - OTS	Tania McPherson - NTB	OIA request for any and all advice provided to the Minister following the release of the official ratification results relating to the Ngati Rehua Ngātiwai ki Aotea settlement

Date	To	From	Topic
Correspondence with the Office of Treaty Settlements (Continued)			
01/03/2017	Haydn Edmonds – NTB	Trina Dyall – OTS	Ngati Whanaunga: Overlapping claims
02/03/2017	Emily Owen – OTS	Tania McPherson – NTB	Additional Exceptional Circumstances Funding Request
08/03/2017	Matthew Cross – OTS	Tania McPherson – NTB	Acknowledgement of receipt of letter re Ngaati Whanaunga
15/03/2017	Leah Campbell – OTS	Haydn Edmonds – NTB	Preliminary Response: Feedback on Proposed Redress for Hauraki Iwi
24/03/2017	Tania McPherson - NTB	Leah Campbell - OTS	OIA response to request of 28 February 2017 re Ngati Rehua Ngātiwai ki Aotea ratification results and advice to the Minister
24/03/2017	Haydn Edmonds - NTB	Lil Anderson – OTS	Changes at the Office of Treaty Settlements
28/03/2017	Tania McPherson	Hon Christopher Finlayson	Approval of exceptional circumstances funding request
29/03/2017	Hon Christopher Finlayson	Haydn Edmonds - NTB	Letter of Appreciation for Additional Funding
06/04/2017	Haydn Edmonds - NTB	Hon Christopher Finlayson	Overlapping claims regarding the Hauraki Collective Fisheries RFR Deed Over Quota area
9/04/2017	Tania McPherson - NTB	Leah Campbell - OTS	Questions re Hauraki Collective “Fisheries RFR deed over quota” area
10/04/2017	Leah Campbell - OTS	Tania McPherson- NTB	Response to e-mail above
12/04/2017	Waitangi Tribunal Wai 2616 Ngai Te Rangī and Wai 2617 Te Arawa	Haydn Edmonds - NTB	Memorandum seeking to be joined as an interested party
21/04/2017	Haydn Edmonds - NTB	Leah Campbell - OTS	Response to questions re: Hauraki Collective Fisheries RFR area
27/04/2017	Hon Christopher Finlayson	Haydn Edmonds - NTB	Response to revised Hauraki Collective Quota RFR
28/04/2017	Haydn Edmonds - NTB	Hon Christopher Finlayson	Acknowledgement of letter from NTB dated 27 April 2017

Date	To	From	Topic
Correspondence with the Crown Forestry Rental Trust			
27/02/2017	Haydn Edmonds - NTB	Darrin Sykes - CFRT	CFRT Trustees resolved to rescind NTB Approved Client Status and revoke the balance of ToN Funding 23 February 2017. Funding to be made available when settlement negotiations resume.
06/03/2017	Haydn Edmonds - NTB	Darrin Sykes - CFRT	Return of Unspent Funds under Contract CFRT 2701
30/03/2017	Haydn Edmonds - NTB	Darrin Sykes - CFRT	Further Letter of Demand Return of Unspent Funds under Contract CFRT 2701
31/03/2017	Darrin Sykes - CFRT	Kris MacDonald - NTB	Return of Unspent Funds under Contract 2701
24/04/2017	Haydn Edmonds - NTB	Darrin Sykes - CFRT	Return of unspent funds under CFRT 2701
26/04/2017	Darrin Sykes - CFRT	Kris MacDonald - NTB	Response to letter regarding unspent funds
27/04/2017	Kris MacDonald - NTB	Darrin Sykes - CFRT	Acknowledgement of e-mail and proposal to ring to discuss further
28/04/2017	Kris MacDonald - NTB	Darrin Sykes - CFRT	Acknowledgement of e-mail, telephone conversation and agreed way forward
28/04/2017	Darrin Sykes - CFRT	Kris MacDonald - NTB	Confirmation of agreed way forward, return of unspent funds and follow up with invoices with Tania Smith
28/04/2017	Darrin Sykes - CFRT	Angela Gill - NTB	Confirmation of payment of unspent funds

Date	To	From	Topic
Correspondence regarding the Marine and Coastal Area (Takutai Moana) Act			
21/02/2017	TCC minutes	Tania McPherson	MACA application deadline and approach
22/02/2017	Haydn Edmonds – NTB	Winston McCarthy Manaia Legal	Approach to MACA applications
27/02/2017	Harry Waaka – OTS	Tania McPherson - NTB	Request for updated MACA application forms
27/02/2017	Tania McPherson - NTB	Harry Waaka – OTS	Online application form and funding guidelines
28/02/2017	Emily Owen - OTS	Tania McPherson - NTB	Clarification of NTB options for making MACA applications
01/03/2017	Tania McPherson - NTB	Harry Waaka – OTS	Acknowledgement of questions
03/03/2017	Tania McPherson - NTB	Harry Waaka – OTS	Full response to questions for clarification
04/03/2017	Barry Caldwell - NTB	Winston McCarthy – Manaia Legal	Powerpoint presentation for Hui-a-iwi at Otetao Marae
10/03/2017	Waitangi Tribunal WAI 2577 MACA Urgency Applications	Justine Inns OCEANLAW NZ on behalf of NTB	Memorandum filed requesting interested party status
15/03/2017	Russel Kemp – Ngati Whatua Ranier Tau –Ngapuhi	Haydn Edmonds - NTB	MACA 2011 notice of NTB “Blanket” claims and request for collaboration
16/03/2017	Tania McPherson – NTB	Harry Waaka – OTS	Applications under the MACA: Application form and template
16/03/2017	Waitangi Tribunal distribution list for Wai 2577 and others	Chief Judge WW Isaac – Chairperson Waitangi Tribunal	Decision of the Chairperson on applications for an urgent hearing
19/03/2017	Tania McPherson - NTB	Sonny Tau	Acknowledging letter dated 15/03/2017
31/03/2017	The Registrar High Court	Justine Inns – OCEANLAW NZ on behalf of NTB	MACA Application, Affidavit of Hori Temoanaroa Parata and Memo of Applicant.
31/03/2017	maca@justice.govt.nz – OTS	Justine Inns – OCEANLAW NZ on behalf of NTB	MACA Application, Map and Affidavit of Hori Temoanaroa Parata
03/04/2017	Harry Waaka – OTS	Tania McPherson on behalf of Marie Coward	Marie Coward MACA Application – Direct pathway
03/04/2017	Tania McPherson – on behalf of Marie Coward	Paige Bradley – OTS Takutai Moana Team	Acknowledgement of Marie Coward Application

Date	To	From	Topic
Correspondence regarding the Marine and Coastal Area Act (Continued)			
03/04/2017	Hon Christopher Finlayson	Tania McPherson on behalf of Hepi Haika	Hepi Haika MACA Application – Direct pathway
03/04/2017	Tania McPherson	Office of Hon Christopher Finlayson	Acknowledgement of e-mail
03/04/2017	Tania McPherson – on behalf of Hepi Haika	Page Bradley – OTS Takutai Moana Team	Acknowledgement of Hepi Haika Application
05/04/2017	Haydn Edmonds – NTB	Dixon and Co Lawyers	Notification of Patuharakeke Te Iwi's applications
06/04/2017	Tania McPherson – NTB	Hon Christopher Finlayson	Acknowledgement of MACA Application dated 31 March 2017
06/04/2017	Tania McPherson – NTB	Hon Christopher Finlayson	Application for recognition of customary rights under the MACAA
11/04/2017	Ngātiwai Marae and Hapu Chairpersons	Haydn Edmonds – NTB	NTB "Blanket" applications under both pathways
13/04/2017	Tania McPherson – NTB	Harry Waaka – OTS	Important message for groups with applications in the High Court under the MACA 2001
26/04/2017	File Note:	New Zealand Herald Northern Advocate	Public Notice of High Court MACA application
19-28/04/2017	Tania McPherson - NTB	Mylie George	Request for financial support with MACA application costs
28/04/2017	Registrar Wellington High Court	Kris MacDonald - NTB	H.C. Payment of MACA Application filing fee for Huhana Lyndon

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

Date	Details	Supporting documents
07/02/2017	REMINDER: Notice of Day of Election of Trustees	Posted to website and Facebook
08/02/2017	<p>NTB Announce Trustee Election results:</p> <p>Elections to be held 7 February 2017 for; Ngaiotonga, Ngunguru, Oakura, Punaruku, Tuparehuia, Whananani Marae.</p> <p>Elections not required for Kawa, Motairehe, Otetao and Omaha Marae.</p> <p>Extension of nomination period for Matapouri, Mokau, Pataua and Takahiwai Marae.</p>	Posted to website and Facebook
08/02/2017	Announcement of new CEO – Kris MacDonald	Posted to website and Facebook
10/02/2017	Summary of NTB Meeting of Trustees 27 January 2017	Posted to website and Facebook
11/02/2017	<p>Declaration of Results of Election of Trustees for: Ngaiotonga, Ngunguru, Oakura, Punaruku, Tuparehuia, Whananaki Marae.</p> <p>Pataua Marae Trustee elected unopposed.</p>	Posted to website and Facebook
13 and 16/02/2017	Treaty Settlement update: Ngātiwai Mandate Inquiry – Next Steps, Overlapping Claims and Where to from here?	Posted to website and Facebook and included in Feb/March newsletter (below).
17/02/2017	Pānui: Notice of first Hui-a-iwi for the year to be held at Otetao Reti Marae on 4 March 2017	Posted to website and Facebook, included in Feb/March newsletter (below).
23/02/2017	Annual General Meeting Confirmed/Signed minutes.	Posted to website and Facebook
24/02/2017	Pānui: Hui-a-iwi reminder and agenda released for Hui-a-iwi to be held 4 March 2017	Posted to website and Facebook

Date	Details	Supporting documents
28/02/2017	Notice of election of Trustees for Matapouri and Mokau marae (extension given as no valid nominations received in first election)	Posted to website and Facebook
28/02/2017	Notice of election of Trustees (as above)	Public Notices placed in the NZ Herald and Northern Advocate
03/03/2017	Pānui: Hui-a-iwi reminder to be held on 4 March 2017 at Otetao Marae	Posted to website and Facebook
03/03/2017	Fifth mandate maintenance report made available on our website	Posted to website and Facebook
06/03/2017	Pānui: Pōwhiri for new CEO and new Trustees	Posted to website and Facebook
06/03/2017	Summary of the NTB Meeting of Trustees 24 February 2017	Posted to website and Facebook and included in Feb/March newsletter (below).
06/03/2017	Panui on behalf of Mylie George and Whanau Ngātiwai MACA Info Hui	Posted to Facebook
08/03/2017	Important Panui: Marine and Coastal Area Act Deadline for Applications 3 April 2017	Posted to website and Facebook Workshop held at hui-a-iwi 4 March 2017
16/03/2017	Marine and Coastal Area Act 2011 information videos	Posted to website and Facebook
22/03/2017	Notice of Day of Election of Trustees for Matapouri Marae 20 April 2017 and nominations received.	Posted to website and Facebook.
23/03/2017	Notice of Day of Election of Trustees for Mokau Marae. Extension for nominations to be received by 12 April 2017.	Posted to website and Facebook
07/04/2017	February and March Newsletter <i>Te Tukaiaia</i> <i>Bland Bay Camp Ground, MACA, Notice of Day of Election of Trustees</i>	Copy of Cover letter to Kaumātua included. E-panui, posted to website and Facebook. Posted by mail to Kaumātua.
05/04/2017	Pānui: NTB Marine and Coastal Area Act 2011 applications to the Crown and High Court and other supporting documents	Posted to website and Facebook

Date	Details	Supporting documents
07/04/2017	Pānui: Marine and Coastal Area Act 2011 Hui-a-Iwi workshop article	Posted to website and Facebook Included in Feb/March newsletter & posted to Kaumātua by mail.
07/04/2017	Summary of NTB Meeting of Trustees on 31 March 2017	Posted to website and Facebook and included in Feb/March newsletter (below).
21/04/2017	Special Election Meeting to announce the results of the Trustee and Alternate for Matapouri Marae	
04/05/2017	Treaty update including MACA	Posted to website and Facebook and included in April newsletter.
5/5/2017	Summary of NTB Meeting of Trustees on 28 April 2017	Posted to website and Facebook and included in April newsletter (below).
5/5/2017	April Newsletter <i>Te Tukaiaia Soil & Sand, Rau Ora Celebration, Treaty Settlement update, Kahui Kaumātua pānui, Matapouri Election Result</i>	E-panui, posted to website and Facebook, Posted to Kaumātua by mail on 12/5/2017 with cover letter.

Objective 3: Trust Deed Review

The new board is familiarising themselves with the review and is yet to outline a strategy for consultation with marae and hapū.

Objective 4: PSGE Planning

Planning towards a wananga will recommence after the Ngātiwai Mandate Inquiry is completed and any recommendations received. Hui-a-iwi workshop discussions on PSGE representational options to continue in the intervening period.

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

Date	Details	Supporting Documents
Various	Panui, Reminder, Agenda (See objective 2 Panui)	Posted to website and Facebook page and included in newsletter which was posted out to all Kaumātua
4/3/2017	MACA power-point presentation presented by Winston McCarthy Overlapping Claims power-point presentation presented by Tania McPherson	MACA ppt January 2017 Newsletter summarising overlapping claims and one page handout extract from the Red Book on overlapping claims provided in hard copy.
4/3/2017	Information Pack	Agenda, January newsletter and Quarterly Report for each of the following Board Units: Communications, Database, Education, Finance, Resource Management, Treaty Claims

4/3/2017	Hui A Iwi Minutes	Minutes posted to NTB website
4/3/2017	There were 30 people who signed the attendance register although others came and left without doing so	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"> • 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 Panui on the NTB website, Facebook, E-Panui and newsletter <i>Te Tukaiaia</i> (see objective 2 Panui)
4/3/2017	Hui-a-Iwi: NTB Communication forms and registration forms were made available for the duration of the Hui. Attendance sheets distributed at the Hui are also checked for members updated contact details.
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	
31/04/17	Total number of registered members 7716 with 68 pending registrations. Total GNA's 1081 or 14% of registered members.
31/04/17	Total number of registered members who have identified at least one Ngātiwai hapu on their registration form is 6411. Total number of members who have identified more than one Ngātiwai hapu on their registration forms is 58