

Post Settlement Governance Entity Workshop



What is a PSGE?

A PSGE is an organisation that receives and manages a settlement on behalf of Iwi members after the settlement is ratified by the Iwi.

What does it do?

The PSGE:

- Represents the claimant community
- Operates as a commercial business
- Delivers services and other benefits to Iwi members
- Works closely with central and local government

What Legal Form does it take?

The Ngatiwai Trust Board is unable to be a PSGE because it is a Charitable Trust and the Crown will not transfer settlement assets to a Charitable Trust. The most common form of PSGE these days is a Private Trust.

Crown Requirements

The PSGE must:

- Adequately represent all members of the claimant group
- Have transparent decision-making and dispute resolution processes
- Be fully accountable to the whole claimant group
- The beneficiaries of the settlement and the beneficiaries of the PSGE must be identical

The type of “representation” is a decision for Iwi to ratify

There are 5 fundamental voting models that will be work-shopped at the Wananga:

- Vote via your Marae
- Vote via your Hapu
- Vote as an Individual
- Vote in a Takiwa
- Combination – with lots of variations

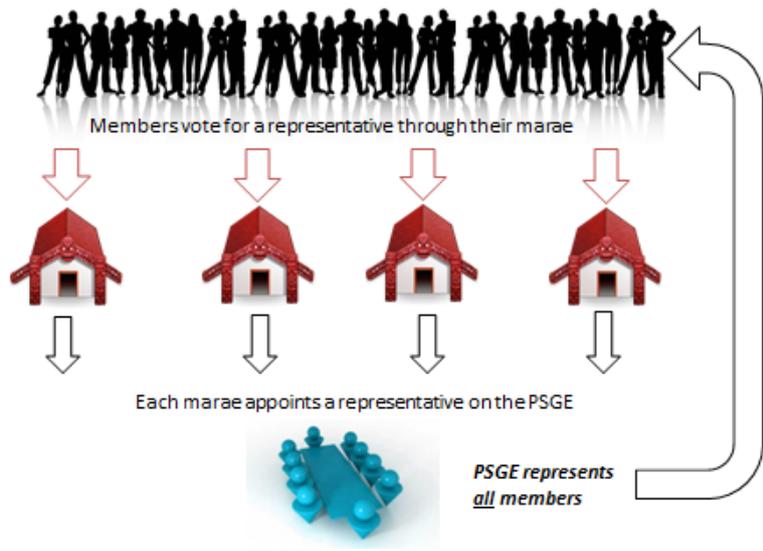
Issues for Ngatiwai to consider

- Feedback to date (i.e. submissions on Deed of Mandate)
- Relationship of the PSGE with NTB and Mandated Iwi Organisation (Fisheries)
- Efficiency / Cost of Governance (larger governance boards cost more than smaller ones to run)

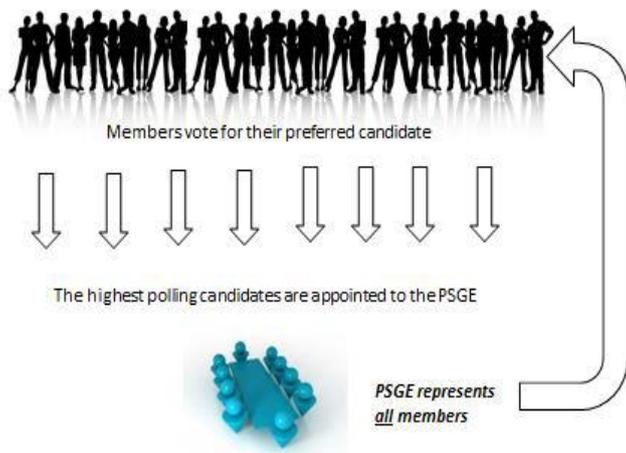
A Common PSGE Structure



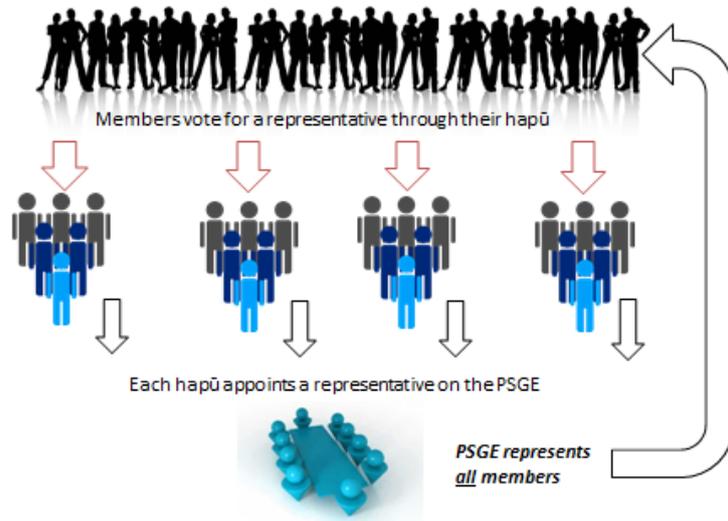
Marae-based PSGE



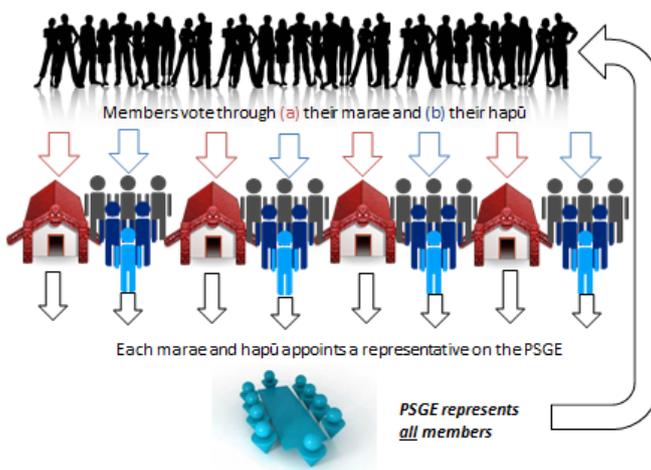
Hapū-based PSGE



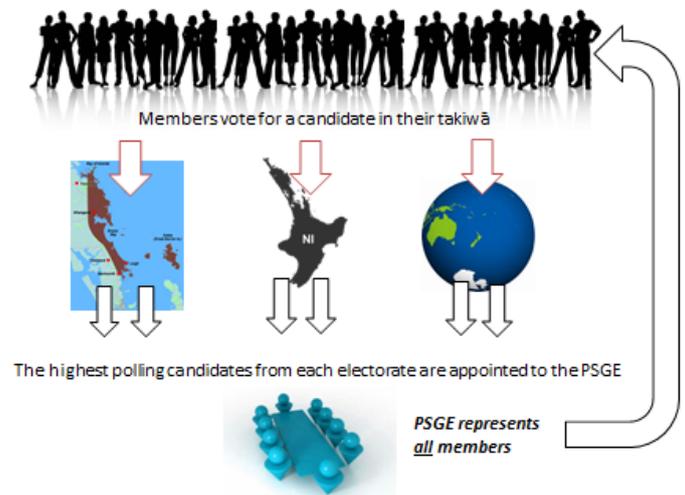
Individual Voting PSGE



Takiwā-based PSGE



Combination Model



Ngātiwai Trust Deed Workshop

Trust Deed Focus Group 2015



The Trust Deed Focus Group commenced their study of the Trust Deed in March 2015 through to November 2015.

Initially there were 12 members who worked on the Deed one day every fortnight and most continued throughout this period. We carefully studied every clause of the Deed and on one occasion called for clarification from the Board Financial Officer. At the beginning of November we had our first meeting with an independent lawyer from whom we sought a number of legal queries that had been raised throughout the study. We are currently awaiting a further meeting with him (early March) whereby he will offer his recommendations. After this meeting the Focus Group will meet to decide their own recommendations that will then be submitted to the Trust Board.

After this we will then commence our presentations of our findings to nga marae o Ngātiwai. To follow are some of the clauses that we felt needed further clarification from te Roopu Kaumatua o Ngātiwai that dealt with tikanga :

- 1 Definition of a “Whangai”
- 2 What is a Marae
- 3 What is the role of our Roopu Kaumatua/Kuia
- 4 Kaupapa of Ngātiwai Trust Board

Other clauses that needed further clarification were:

- 1 Marae Elections – Voting procedure
- 2 Beneficiary Registration access
- 3 Should the Treaty Claims and settlement be included in the Trust Deed
- 4 Suspension of trustees
- 5 Winding up of Trust

The Wananga workshop will present an overview of the Trust Deed and highlight some of the issues listed above. Please do not hesitate to ask any questions which will be responded to.

Naku noa na

Sarah Burkhardt – Focus Group Co-ordinator

Ngātiwai Trust Board Communications Workshop



The purpose of the Communications workshop at the Wananga on the 25th of February is to give an understanding of how we communicate with our whanau and key stakeholders, recognising the importance of good communications and the many ways and means of effective communication to get information distributed. We will be seeking feedback from whanau around the effectiveness of what we are doing today and what you think we could do better.

Communications Objectives

The overarching aim of the Communications Strategy is to support the achievement of Ngātiwai Trust Board's strategic goals which will be discussed at the Wananga. The three main objectives of Ngātiwai Trust Board describe the greater context for the organisation's communications activities.

Objective

- Increase engagement, awareness and knowledge of issues relevant to Ngātiwai including but not limited to Treaty Settlement processes
- Meet and address the communications needs of internal and external audiences
- Raise the profile of Ngātiwai as an iwi to external audiences outside the rohe

Audience

The following are the audience for Ngātiwai Trust Board communications activities:

Primary Audience:

- Those that identify as Ngātiwai, Trust Board kaimahi and the Trust Board trustees.

Secondary Audience:

- Other Iwi / Hapu, Media, Central / Regional and Local Government, Government Agencies, General Public, Crown Forestry Rental Trust, Office of Treaty Settlements.

Key Messages

Timely and effective communications are in place to:

- Ensure all Ngātiwai are informed on the issues that concern them including but not limited to Treaty Settlement processes.
 - Encourage participation and engagement on issues that concern them but not limited to Treaty Settlement process
 - Ensure all Ngātiwai are connected to whakapapa, culture, stories and each other.
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Financial Literacy Workshop

Wise money making decisions

Financial literacy is the ability of individuals and whanau to make appropriate decisions in managing their finances to sustain them now and for the future.

“Financial peace isn’t the acquisition of stuff. It’s learning to live on less than you make, so you can give money back and have money to invest. You can’t win until you do this” –Dave Ramsey.

We will discuss;

- ✚ Wise money making decisions
- ✚ Spending habits (spending goes up, spending goes down)
- ✚ Needs and wants
- ✚ Goal setting (leads to Sustainability) smart goals
- ✚ Sustainability
- ✚ Protecting what you have

“Many people take no care of their money till they come nearly to the end of it”-Benjamin Franklin



“A wise person should have money in their head, but not in their heart”-Jonathon Swift

Brief Update: Where are we now?



Terms of Negotiations

1. The Crown recognised the Ngātiwai Trust Boards Deed of Mandate on 21 October 2015 and the next phase is referred to as Terms of Negotiations (ToN).
2. While the ToN document is not legally binding on any party it does set out the scope, objectives and general procedures or “ground rules” for the formal negotiations with the Crown to commence once it is signed off.
3. ToN usually takes three months to complete. The Board anticipated that given the Christmas holidays it was expected to be completed by the end of February.

Urgency Applications to the Waitangi Tribunal

4. In late November 2015 an urgency application was lodged with the Waitangi Tribunal and this was quickly followed by further applications (see summary below).
5. The claimants in this case are against the Crown's decision to recognize the Boards mandate and they seek an urgent hearing of their claims before the Tribunal to hear their concerns.
6. If hearings are granted and it follows a similar timeframe as the urgency inquiry into the Crown's recognition of the Ngāpuhi mandate it may take approximately a year for the hearings process to be held and a report on the matter issued.

Timeframe to complete ToN extended to the end of April 2016

7. During the December and January period the Board committed its resources to responding to claims made against the Crown for recognising the Boards mandate.
8. This involved engaging Justine Inns from Ocean Law (see Deed of Mandate page 24) to prepare legal submissions while the Treaty Claims Committee (TCC) produced affidavits and compiled evidence to demonstrate its process for achieving a mandate was fair and robust.
9. As a consequence of this the Crown and the Board have agreed to extend the timeframe for completing ToN to the end of April 2016.

Summary of Urgency Applications

10. Three hapū or hapū groupings with “shared interests” (i.e. where these partly Ngātiwai claims are also listed in mandates of other large natural groupings recognised by the Crown for settlement negotiations).
11. Five overlapping “cross claim” groups (i.e. Non-Ngātiwai claims but overlapping areas of interest).
12. Five Ngātiwai members objecting to the Boards mandate.
13. Four “interested parties” who are following the applications process.

Terms of Negotiations Workshop



ToN Workshop topic: Sovereignty

A key issues has arisen concerning the ToN drafting that Trustees are aware of in advance of the wānanga and a workshops is proposed to discuss this topic.

Definition of the Crown

With the release of the Stage 1 Te Paparahi o Te Raki report relating to hapū sovereignty a concern has been raised with the Treaty Claims Committee that by signing up to the ToN and accepting the definition of the Crown as the sovereign we will in effect be ceding our sovereignty to the Crown.

To avoid any suggestion that Ngātiwai have ceded sovereignty to the Crown through the definition of the Crown in the ToN other Iwi (i.e. Ngāti Kahu and Ngāpuhi) have debated this point with the Crown and managed to agree on suitable wording to preserve their respective positions. See examples below.

Examples of how other Iwi have approached drafting of ToN

- The Tūhoronuku ToN defines the Crown as “*Her Majesty the Queen in Right of New Zealand*” as opposed to the “*the Sovereign in right of New Zealand*” as it is currently worded in the ToN templates.
- This is the same approach taken by Ngāti Kahu. There are a number of other modifications that Ngāpuhi have made to the standard ToN templates provided by the Crown that may need further discussion and legal advice.
- the inclusion of guiding principles that acknowledge Ngāpuhi tikanga in relation to Rangatiratanga where the parties agree to respect each other’s autonomy and
- that Ngāpuhi holds the view that sovereignty was not ceded under Te Tiriti o Waitangi and therefore does not intend for any sovereignty to be ceded through the negotiations while
- the Crown does not accept the views (above) concerning sovereignty but enters into negotiations on the basis that it holds sovereignty.