



## Office of Hon Christopher Finlayson

Attorney-General  
Minister for Treaty of Waitangi Negotiations  
Minister for Arts, Culture and Heritage  
Associate Minister of Māori Affairs

**08 OCT 2012**

Raniera (Sonny) Tau  
Interim Chairperson  
Te Rōpū o Tūhoronuku  
PO Box 263  
**KAIKOHE 0440**

Tēnā koe Sonny

It is unfortunate we were not able to meet on 3 October 2012. In addition to acknowledging the assistance both Tūhoronuku and Te Kōtahitanga afforded Mr Morgan during his recent facilitation within Ngāpuhi, I had intended to discuss the position that the Minister of Māori Affairs and I had arrived at in terms of your Deed of Mandate.

As you may know, I will be out of the country for the next week. I am concerned however that both Tūhoronuku and Kōtahitanga have a clear understanding of Ministers' expectations and our intentions over the coming months, particularly in so far as these have implications for the two groups.

I have indicated to you on several previous occasions that we are not prepared to advertise the Tūhoronuku mandate in its present form. Our position in this regard remains unchanged.

We agree that the vote in favour of the model presented by Tūhoronuku reflects a broad level of support, among those people within Ngāpuhi who voted, for the mandate. However, this needs to be weighed against what we also consider to be a number of valid concerns relating to aspects of the proposed representation arrangements.

This is a view we have reached based on our assessment of:

- the original Deed of Mandate strategy prepared by Tūhoronuku;
- concerns raised throughout the mandating process, including at your mandate hui, concerning the level of hapū representation, election processes and the role of the Rūnanga; and
- concessions made by Tūhoronuku during the period of Mr Bolger's facilitation concerning:
  - i. fresh elections to the representative body being held once a mandate has been recognised; and
  - ii. the separation of Tūhoronuku from the Rūnanga; to become a 'stand-alone' entity.

I asked Mr Morgan to work directly with Tūhoronuku, Te Kōtahitanga and others in Ngāpuhi to assist parties to reach agreement, if possible, on a united pathway forward. I understand the parties have not been able to achieve this.

I have previously indicated to both Tūhoronuku and Te Kōtahitanga that I want to build on work undertaken by Tūhoronuku and strengthen it by addressing concerns raised by members of Ngāpuhi to date. I remain of that view and consider the Morgan report useful in indicating some ways that can be achieved.

I want to meet with both parties together. In the meantime, I set out those changes to the Tūhoronuku Deed of Mandate the Minister of Māori Affairs and I consider would adequately address issues raised throughout the mandate process. Such changes would allow us to advertise a Deed of Mandate and seek the final views of Ngāpuhi on that Deed. We would then be in a position to finally assess whether there is sufficient mandate from the people of Ngāpuhi for the proposed representative entity.

### **Elections**

We support Tūhoronuku proposals that elections be held if the mandate is approved by the Crown. One of the concerns from people participating in the mandate hui was a lack of clarity about Tūhoronuku election processes. We agree with the Morgan report that having a defined and transparent election process is important to strengthen the accountability of the entity to the people of Ngāpuhi. It seems to us that what is proposed in the Morgan Report would strengthen transparency and accountability of the representative entity to the people of Ngāpuhi.

### **Independent 'Stand-Alone' Representative Body**

We understand Tūhoronuku's intention was to become an independent stand-alone representative entity once a mandate was recognised and funding became available directly to it. This would mean no longer being financially accountable to the Rūnanga. We support that and believe it is consistent with the Morgan report in relation to the stand-alone accountability to Ngāpuhi directly.

### **Representative Structure**

A key concern identified in the mandate process was hapū representation being outnumbered by other representation and election processes lacking clarity. We are aware that when the Deed of Mandate was submitted to the Crown only four of the seven hapū representation seats had been filled. We are concerned this could suggest a lack of support from hapū for the proposed representative structure. To address that we think there is merit in accepting the proposal in the Morgan report that:

- hapū representatives should be elected on a rohe pōtae (or similar) basis as contemplated by the Morgan report; and
- there should be a maximum of three hapū members elected from each rohe pōtae, dedicated to kaumatua/kuia, rangatahi and general hapū representatives respectively.

We consider the approach to urban and Rūnanga representatives in the Tūhoronuku Deed of Mandate should be retained, rather than having these categories aligned with the rohe pōtae framework as suggested in the Morgan report.

Our view is that this approach would address key concerns raised through the mandate process. Because it would considerably increase hapū representation (a key concern of Kōtahitanga), we do not think it will be necessary to have dedicated Kōtahitanga seats or election processes. Furthermore, introducing Kōtahitanga seats would be a material departure from the structure voted on by the people of Ngāpuhi in August and September 2011.

I wanted to clearly outline the type of changes which would put the Minister of Māori Affairs and me in a position to consider advertising a Deed of Mandate.

I have also communicated these points to Kōtahitanga. I want to discuss this directly with both parties together when I return from overseas before progressing with this further. I am optimistic that the leadership demonstrated by the parties will allow us to arrive at a workable representative model for the people of Ngāpuhi.

Nāku noa, nā



Hon Christopher Finlayson  
**Minister for Treaty of Waitangi Negotiations**