

**TO:** Office of Treaty Settlements

**FROM:** Tuhoronuku Independent Mandated Authority

**DATRE:** 9 May 2014

**SUBJECT:** Mandate Maintenance Report One

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#### **PURPOSE**

This report is provided to report on Deed of Mandate (DOM) maintenance as required by the Office of Treaty Settlement (OTS) by Te Rōpū o Tūhoronuku Independent Mandated Authority as the group mandated by Ngāpuhi for negotiations with the Crown.

This report is also provided to report on the conditions of the Deed of Mandate..

#### **COMMENT**

1. On the 14<sup>th</sup> February 2014, the Crown recognised the Te Rōpū o Tūhoronuku Independent Mandated Authority (TIMA) Deed of Mandate. The recognition came with conditions which are discussed further in this report.
2. On the evening of the 14<sup>th</sup> February 2014, Tūhoronuku Rōpū Members met and agreed by resolution to the following:

*That Te Rōpū o Tūhoronuku Members agree to the terms of the following documents (dated 14 February 2014):*

- *Te Rōpū o Tūhoronuku Independent Mandated Authority Deed of Trust (14 February 2014);*
- *The Deed Poll (Memorandum of Understanding) by Te Rūnanga A Iwi O Ngāpuhi (14 February 2014); and*
- *The conditions listed in the letter from the Crown dated 14 February 2014 recognising Te Rōpū o Tūhoronuku as the mandated entity to represent Ngāpuhi in Treaty Settlement negotiations with the Crown.*

*Moved: Toko Tahere*

*Seconded: Tana Cooper*

*Unanimous*

3. On the 17<sup>th</sup> February 2014, TIMA wrote to Minister Finlayson and Minister Sharples officially accepting the conditions outlined in the Deed of Mandate.

4. The Crown's recognition brought into effect commitments agreed to by Tūhoronuku, specifically:
  - The separation from the Rūnanga;
  - The formal establishment of the independent entity;
  - The commencement of the nominations and election process; and
  - Addressing the mandate conditions agreed to by Tūhoronuku IMA
    - *Provide detailed and regular mandate maintenance reports*
    - *Explore options for the post settlement governance entity early in the negotiations*
    - *Allow votes for elected Tūhoronuku IMA members only*
    - *Tūhoronuku to confirm their claimant definition with overlapping iwi*

#### **Tūhoronuku IMA Separation from the Rūnanga**

5. Under the terms of the mandate and the Te Rōpū o Tūhoronuku Independent Mandated Authority Deed of Trust current Rōpū Members are official Trustees, referred to as 'Caretaker Trustees', with all the responsibilities of a Trustee and shall remain in office until the nomination and election process is completed.
6. On the 28<sup>th</sup> February 2014 Te Rōpū o Tūhoronuku Independent Mandated Authority Caretaker Trustees convened their first Board meeting. Sonny Tau was appointed the Interim Chair until such time as the nominations and election process is completed and the Tūhoronuku IMA members are appointed/re-appointed.
7. Tūhoronuku IMA separation from Te Rūnanga A Iwi O Ngāpuhi is 90% complete:
  - a. The Tūhoronuku IMA Trust Deed has been registered with the Companies Office;
  - b. Te Rūnanga A Iwi O Ngāpuhi Board of Trustees have signed the Deed Poll (Memorandum of Understanding);
  - c. Internal Affairs have confirmed the entity Te Rōpū o Tūhoronuku Independent Mandated Authority has Charitable Status;
  - d. A Service Level Agreement between the Rūnanga and Tūhoronuku IMA for financial, IT and rental arrangements is in place;
  - e. Banking Facilities with ASB are in place.
8. Outstanding tasks to complete the separation process are:
  - a. The Rūnanga to approve the loan agreement to support the funding facility provided by the Deed Poll (MoU); and
  - b. Tūhoronuku IMA to be appropriately resourced to be in a position to employ and contract personnel;
  - c. The appointment of Tūhoronuku IMA members post the nominations and election process.

#### **Nominations and Elections Update**

9. The TIMA nomination and election process commenced on the 28<sup>th</sup> February with nominations of Hapū Kaikōrero being called for. At the request of the Crown, TIMA agreed by majority resolution to extend the Hapū Kaikōrero nomination process to the 17<sup>th</sup> April 2014.
10. At the time of drafting this report, the nominations process for Hapū Kaikōrero, Urban Rohe representatives and Ngāpuhi Kaumatua Kuia representatives had been completed.
11. Electionz.com, the independent company managing the election process, says 60 nominations have come in from 50 hapu. Tuhoronuku IMA consider this to be significant representation of Ngapuhi hapu. To clarify, of the 109 hapu listed in the Deed of Mandate Addendum approximately 68 to 70 are considered 'active' in today's society.

### **Communication**

12. Tūhoronuku IMA are committed to engaging Ngāpuhi and keeping them informed. While Te Whare Tapu o Ngāpuhi is the home of the Ngāpuhi nation, the majority of Ngāpuhi reside in the greater Auckland area, 20% live in the North and a large population are domicile in Australia. Such an extensive population mostly domiciled outside of the traditional boundaries of Ngāpuhi presents a challenge engaging with Ngāpuhi.
13. Tūhoronuku IMA are aware that the Crown have received feedback that Tūhoronuku are not meeting the mandate conditions, particularly keeping Ngāpuhi updated. We would welcome any entity to demonstrate they have undertaken a similar communications exercise to engage their people.
14. We are confident that all efforts have been made for Ngāpuhi to participate. There are those who choose to stand outside this process or choose to ignore the majority voice is out of our control. Tūhoronuku IMA remain committed to keeping this an Ngāpuhi kaupapa that includes all Ngāpuhi and Hapū. No individual or Hapū is more or less important than the other.

### **Information Hui**

15. During the 2011 Mandating Hui, Ngāpuhi were advised Tūhoronuku would reconvene Hui once the Crown recognised (or not) the mandate. In support of this and by unanimous resolution, Ngāpuhi Kaumātua Kuia directed Tūhoronuku IMA to inform Ngāpuhi on the mandate and next steps:

*Resolution dated 15 February 2014:*

- *That Ngāpuhi Kaumātua Kuia support the Te Rōpū o Tūhoronuku resolution dated 14 February 2014*
- *Direct Tūhoronuku IMA to inform Ngāpuhi on the Deed of Mandate and next steps*  
*Moved: Fred Sadler                      Seconded: Popi Tahere                      Unanimous*

16. In keeping with this commitment and the above resolution, Tūhoronuku IMA are convened 17 Information Hui in March 2014 to update Ngāpuhi on the Deed of Mandate, the nominations and election process, next steps and provided an opportunity to introduce the Post Settlement Governance Entity (PSGE) discussion.
17. Attendees were keen to engage in discussion on negotiations and seek clarity regarding the nominations and election process. Due to disruptive behaviour at some hui, these discussions were held after the hui. And, in the interests of safety, two hui were rescheduled.
18. A PowerPoint presentation given at each Hui. This is available on [www.tuhoronuku.com](http://www.tuhoronuku.com).
19. Consistent messages were provided at each hui:
  - These Information Hui are not being held to relitigate the mandate;
  - Ngāpuhi do not have to be registered with the Rūnanga to participate; and
  - Ngāpuhi will decide who receives and manages settlement assets.
20. No resolutions were sought from these Hui.
21. Communications focused on engaging Ngāpuhi in a strategy that included:
  - Hui on Marae;
  - Hui in venues other than Marae – where possible;
  - Maintaining a web site and other electronic communication tools;

- Direct communication via e-panui and texts; and
  - Radio and print media campaigns.
22. To promote interest and participation a significant undertaking was made to capture the widest possible Ngāpuhi audience. These hui were advertised on the Tūhoronuku and Rūnanga websites, Facebook, radio and newspapers:
- Iwi radio - Northland
  - Community newspapers – Northland and Auckland
  - Newspaper advertising; and

#### **Attendance**

23. A head count was taken at every hui and in keeping with previous information hui more people attended these hui than signed attendance registers. Those who signed the attendance register will be included in the database maintained by Tuhoronuku IMA.

#### **Observation**

24. Ngāpuhi want to be kept informed on strategic issues and how they can participate.
25. Perth and Sydney attendees signalled an interest in formalising Ngāpuhi representation in their respective rohe to enable them to participate in key issues and decision making regarding Ngāpuhi.
- Sharing information among Ngāpuhi living in their area;
  - Providing a conduit back to Tūhoronuku and hapū; and
  - Calling Hui with Ngāpuhi in these areas as the need arises.

## Agreed Deed of Mandate Conditions

| DoM Condition   | Comment  | Status  |
|---|--|---|
| <b><i>Develop detailed communication and negotiation plans that recognise specific hapū interests</i></b>   | <p><b>A communication plan is in draft</b> and will be finalised for the Tūhoronuku IMA Board's consideration and approval once the nominations and elections process is completed and representatives to TIMA have been made.</p> <p><b>Negotiation plan</b> will be developed and finalised with confirmed TIMA and mandated Hapū Kaikōrero (July/August).</p> | <p>In progress - discussion and development phase</p> <p>To commence</p>                  |
| <b><i>Provide Detailed and regular mandate maintenance reports</i></b>  | Ongoing  | Maintenance Report One due 9 May 2014   |
| <b><i>Explore options for the post settlement governance entity early in the negotiations</i></b>   | <ul style="list-style-type: none"> <li>▪ PSGE discussion introduced during March Information Hui.</li> <li>▪ A 'think tank' to explore options to be scheduled including talking with other iwi who have completed this process.</li> <li>▪ Potential Pathways for Ngāpuhi's Future – document developed to support PSGE discussions.</li> </ul>                 | Development of models to commence post elections and appointment of TIMA and Negotiators. |
| <b><i>Allow votes for elected Tūhoronuku IMA members only</i></b>   | <p>TIMA Trust Deed addresses this.</p> <p>The Trust Deed defines meeting protocols and addresses this in clause 8.2 (i) of the Te Rōpū o Tūhoronuku Independent Mandated Authority Deed of Trust.</p>  | Completed   |
| <p><b><i>Tūhoronuku to confirm their claimant definition with overlapping iwi</i></b></p> <p><b><i>Tūhoronuku are required to agree the technical terms of the claimant definition with the Crown for inclusion in the Terms of Negotiations.</i></b></p> | <p>The following meetings dates have been scheduled:</p> <p>Te Aupōuri: 7 May 2014</p> <p>Te Roroa: 19 May 2014</p> <p>Ngāti Whātua o Kaipara: date to be confirmed</p> <p>Drafting to commence post discussions with the Crown.</p>   | <p>In progress</p> <p>To commence</p>   |

## Communication

| Panui (including website updates)   |   |
|---|---|
| Tūhoronuku IMA a satisfied with the efforts made to update and inform Ngāpuhi of the Deed of Mandate and particularly the nominations and election process and how Ngāpuhi are able to participate. | Appendix One provides a record of panui, advertisements and other communique. |

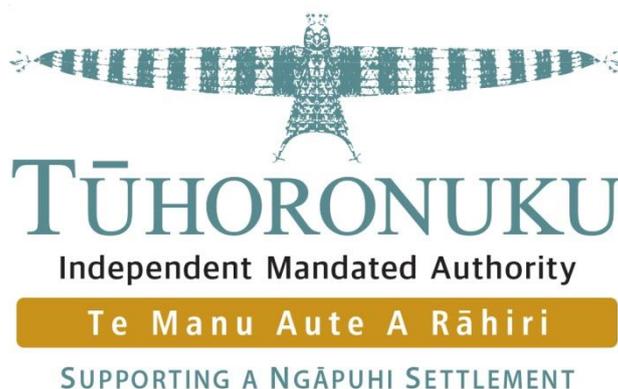
## Mandate Related Correspondence

| Date     | To                            | From                          | Details  |
|----------|-------------------------------|-------------------------------|--|
| 24 March | TIMA                          | J Kahukiwa Corban Revell      | Request to retract/redact Ngati Torohina from Mandate  |
| 25 March | Waitangi Tribunal             | TIMA Legal Counsel            | Election Process   |
| 26 March | J Kahukiwa, Corban Revell     | TIMA                          | Ngāti Torohina ki Matakana Request to retract/redact   |
| 31 March | Waitangi Tribunal             | TIMA Legal Counsel            | Advising Hapū Kaikōrero nominations being extended to 17 April                                 |
| 1 April  | Te Rūnanga o Ngāti Whātua     | TIMA                          | Overlapping agreement  |
| 2 April  | Woodward Law                  | TIMA                          | Whatatiri Maori Reserve Trust Confirming position of TIMA and nominations process              |
| 9 April  | Minister Finlayson            | TIMA                          | Funding and request to meet  |
| 9 April  | TIMA                          | J Kahukiwa Corban Revell      | Te Waiariki, Ngati Korora, Ngati Taka Pari<br>Remove, retract claims from Mandate              |
| 10 April | Rt Hon John Key               | TIMA                          | Report   |
| 14 April | TIMA                          | Whatatiri Maori Reserve Trust | Mandated Hapu Kaikōrero to have support from Maungarongo Marae before speaking on their behalf |
| 15 April | Whatatiri Maori Reserve Trust | TIMA                          | Confirming receipt, advising TIMA structure and nominations timeframes                         |
| 15 April | J Kahukiwa, Corban Revell     | TIMA                          | Retraction re Te Waiariki, Ngāti Korora, Ngāti Taka Pahi                                       |
| 7 May    | Waitangi Tribunal             | TIMA Legal Counsel            | Memorandum re Urgent Hearing applications  |
| 8 May    | Te Runanga Nui o Te Aupouri   | TIMA                          | Overlapping agreement  |

## Beneficiary Register

Tūhoronuku IMA has advised the Crown that they will not be developing and maintaining a beneficiary register. Te Rūnanga A Iwi O Ngāpuhi have agreed TIMA may have access to their registered members (50,000) for the purposes of communicating major decisions. Provision for this is via the MoU signed between the Rūnanga and TIMA.

- It should be noted access means that at any time TIMA has information to be sent to Ngāpuhi, this information will be provided to the Rūnanga for mailing to their members.
- Access does not mean, the Rūnanga will export or transfer their registration database details to TIMA.
- In lieu of a beneficiary register, Tūhoronuku IMA maintains a database of Ngāpuhi who have signed Hui attendance registers, for communication purposes.



**Post-Crown Mandate Recognition Communications Report  
May 2014**

***“Communications infrastructure to reach Ngapuhi everywhere”***

In the three-year lead up to the Ngapuhi mandate elections in 2011, Tuhoronuku held the largest awareness and communications campaign in the history of Iwi Maori. This campaign enabled Tuhoronuku to set up a communications infrastructure to reach tens of thousands of Ngapuhi everywhere: in the Tai Tokerau, Auckland, elsewhere in Aotearoa, Australia and throughout the world.

This communications infrastructure is focussed on the world-class interactive [www.tuhoronuku.com](http://www.tuhoronuku.com) website, as the primary source of all information about the Ngapuhi settlement. The infrastructure also includes extensive media, Ngapuhi, Maori and Northland databases; Facebook page, e-panui and includes using Te Runanga A Iwi O Ngapuhi communication conduits.

On 14 February 2014, the Crown recognised the Tuhoronuku Deed of Mandate.

Our communications infrastructure has allowed Tuhoronuku IMA (TIMA) to alert Ngapuhi everywhere that:

- The Tuhoronuku Deed of Mandate has been recognised by the Crown
- New elections are being held for TIMA’s 22 Trustees between January - June 2014
- All Ngapuhi 18 and over can participate in the elections, and how they can do so

**A record of TIMA election communication activity - from 14 February to 23 April**

- [www.tuhoronuku.com](http://www.tuhoronuku.com) website: re-launched with YouTube features, links through to Electionz.com site and updated almost daily with news from or about TIMA
- **Tuhoronuku Facebook:** externally managed, and updated daily with election news, statements and/or relevant media coverage
- **17 x Information Hui** held throughout Tai Tokerau, Auckland, Aotearoa, Sydney and Perth
- **Public Notices:** In national, regional and community newspapers to alert Ngapuhi to:
  - Information Hui
  - Election nomination information and deadlines

- **12 x Open letters to Ngapuhi:** half page advertorials, published in Northland and metropolitan newspapers with a combined circulation of 1,339,000
- **Documents:** *“Everything you need to know about Tuhoronuku IMA voting”* – this document was updated regularly, posted on the website and Facebook, and distributed through all databases
- **23 x media statements** have been released since 14 February, many of which have been picked up by Maori and mainstream media
- **Te Runanga A Iwi O Ngapuhi media vehicles:** all TIMA media statements have been distributed through Runanga media vehicles, and featured in the weekly E Mara E Panui with a database of 6000
- **Radio, television and print coverage:** Wide-spread coverage has been given to the Ngapuhi settlement, Tuhoronuku mandate recognition and election process by Maori and mainstream media. Many of these stories, including Ngapuhi settlement television features from **Campbell Live** and **TVNZ Marae**, are on tuhoronuku.com and Tuhoronuku Facebook.
- **Electionz.com** – a free phone and email address was published widely to give assistance to those