



TO: Office of Treaty Settlements

FROM: Te Rōpū o Tūhoronuku Independent Mandated Authority

DATE: February 2016

SUBJECT: Mandate Maintenance Report 8: November 2015 to February 2016

PURPOSE

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

This report fulfils the requirements of the OTS for Tūhoronuku IMA to report on DOM maintenance for the period 10 November 2015 – 9 February 2016.

This report is provided as a condition of the Crown's recognition of the DOM.

Summary of achievement throughout the reporting period

Since the last report dated 9 November 2015, Tūhoronuku IMA has undertaken the following activity:

Project Team

The resignation of Ms Lorraine Toki, Project Manager was received and accepted and her final day of employment was 12 November 2015.

In light of the resignation and the likely environmental change in 2016, practical and cost efficient solutions have been initiated to ensure the capacity and capability of the Tūhoronuku IMA project team is maintained. In line with previous practice, the Project Manager functions will be retained and carried out by the Hapū Kaikōrero Coordinator as Interim Project Manager. This interim arrangement will be reassessed following the outcome of the Hapū Engagement process.

Engaging Ngāpuhi Hapū - Developing Hapū Profiles for Settlement Negotiations

The second round of five Hapū Kaikōrero (HK) hui were held over three days in the middle of November 2015. These hui with HK are vital for building the platform for negotiations and two

negotiators Joe Davis and Alison Thom attended all five hui, sharing fees in line with Tūhoronuku IMAs commitment to reduce expenditure. The project team did a lot of preparation work for the hui and the negotiators were well supported at each hui.

While the last hui held in July/August 2015 between Negotiators and HK were to talk about broader settlement interests and priorities, the purpose of these hui was to provide information, training and support to the HK in their role of information gathering and analysis, to build the Hapū negotiation profiles.

With potentially 110 Hapū involved in this settlement it is assumed that the body of data that will profile Hapū and lead to the identification of Hapū grievances and redress interests is large. To ensure that this is done efficiently and that all Hapū are equally represented Hapū Negotiation Profile templates will be used. In the workshops discussion was stimulated with a presentation of the template prepared for the collection of research data. Good feedback was received and a Hapū Negotiation Profile template is now being finalised which will be distributed to HK as part of a wider HK Toolkit.

The hapū negotiations profile development and research work streams form a critical plank in the maintenance of the mandate. Management of this work stream will require on-going support from the project team and will be greatly advanced if funding for a Hapū support role can be accessed.

Hapū Engagement Process

The Waitangi Tribunal released its urgent report on the Ngāpuhi Mandate on Friday 11 September 2015.

On 11 September 2015, the Tūhoronuku IMA board agreed to establish a committee of Trustees to engage with hapū who are in opposition to Tūhoronuku IMA. This committee has been led by Moana Tuwhare. Members who have attended these engagement meetings include Helene Leaf, Bill Hori, Mere Mangu and Nora Rameka. Other Board members who have attended meetings at various times throughout the engagement process include Kaumātua John Klaricich, the Chair Hōne Sadler, Deputy Chair Kara George and the Chair of the Audit & Risk Committee Erin Shanks.

At the 4 December 2015 Tūhoronuku IMA Board meeting, the Board unanimously resolved to adopt the Terms of Engagement and proceed to support and prioritise the Hapū Engagement process (HEP) between three groups - Te Kotahitanga o Ngā Hapū Ngāpuhi Taiwhenua, the Tūhoronuku Independent Mandated Authority and the Crown (the Office of Treaty Settlements and Te Puni Kōkiri).

At the time of writing this report the tripartite groups have convened seven (7) weeks of engagement meetings consisting of twelve (12) meetings in total.

During this seven-week period the tripartite group have produced three (3) reports: 14 Dec 2015, 18 January and 2 February 2016.

These reports have been distributed widely to Ngāpuhi utilising the communications networks of all the three parties involved in the engagement process. A presentation by the Tūhoronuku IMA committee members was provided at the Ngāpuhi Festival on Saturday 30 January 2016 where resources, which included the first two (2) reports, were handed out on the day.

Updating Ngāpuhi

As per the Terms of Engagement relating to media statements i.e. shall be by agreement between all parties, Tūhoronuku IMA have also agreed not to distribute updates on our website, monthly newsletters and regular pānui, but rely on the fortnightly HEP reports to update their stakeholders.

Resignations

Since the start of the Hapū Engagement Process the Tūhoronuku IMA have received in writing three (3) resignations from mandated Hapū Kaikōrero representing the following hapū:

1. Te Waiariki - Te Mawe Murphy
2. Ngāti Taka - Waimarie Bruce-Kingi
3. Te Wahineiti - Kiharoa (Gill) Parker

An updated list of Hapū Kaikōrero is provided [refer **Appendix One**].

Independent Management Audit & Cost Review

The Independent Management Audit (the Audit) was initiated primarily in response to Minister Finlayson's letter of 21 September 2015, in which he raised concerns about financial matters.

The purpose of commissioning the Audit was to undertake a review with a focus on the management of expenditure and any governance implications. The Board will consider the report's recommendations at their 19 February 2016 Tūhoronuku IMA meeting.

While the Audit was being undertaken Tūhoronuku IMA, through its Executive Committee, reviewed its work programme and identified three immediate negotiations priorities as:

- 1) the HEP focused on responding to the tribunal's Ngāpuhi Mandate inquiry recommendations;
- 2) Post-Settlement Governance Entity (PSGE) options hand-in-hand with the HEP; and
- 3) the development of hapū negotiations profiles.

Since December 2015, as a result of the importance placed on the HEP and given the extended timeframe through to 31 March 2016, the Tūhoronuku IMA have worked to ensure this process is its principal priority.

The Office of Treaty Settlements (OTS) have indicated to Tūhoronuku IMA that this principal priority approach will be taken into consideration when analysing the mandate maintenance reporting requirements.

Crown Financial Monitor

On 24 December 2015 the Tūhoronuku IMA Chair responded to correspondence from the Minister of Treaty of Waitangi Negotiations dated 1 December 2015 regarding the offer by the Crown to provide the Tūhoronuku IMA with a Crown Financial Monitor.

The Tūhoronuku IMA in their response to accept the offer also proposed that the Crown consider Ulf Shoefisch of Strategas Consulting, amongst their deliberations, for the position of Crown Financial Monitor.

This would assist positively in ensuring that the recommendations within the Audit Report are effectively initiated and maintained.

Communications Report

During the reporting period 10 November – 9 February 2016, our communications infrastructure was entirely focused on the HEP. In accordance with the HEP Terms of Engagement all other pānui and communications has been limited until the completion of the process on the 31 March 2016.

Prior to the commencement of the HEP, a media statement was released in November 2015: *“Positive engagement to unite Ngāpuhi on its settlement journey.”*

Three HEP reports were distributed during this period dated:

- 14 December 2015;
- 18 January 2016; and
- 2 February 2016.

The Tūhoronuku IMA website continues to provide a plethora of information in regard to the settlement journey.

Pānui (including website updates)	
<p>Website: www.tuhoronuku.com</p>	<p>The website’s homepage focus from November to February 2016 was based entirely around the Ngāpuhi engagement process reporting. A new document tab <i>“Ngāpuhi Engagement Process”</i> was created on the website for easy access to the reports.</p> <p>A freephone and email service is available via the www.tuhoronuku.com website to give assistance to those Ngāpuhi wanting more information about the Ngāpuhi settlement journey. A Contact Us tab is accessible on the website homepage for all enquiries.</p> <p>Website and social media activity has been low due to the focus on the current Engagement process.</p> <p>The website is the primary source of all information and documents about the Ngāpuhi settlement journey.</p>
<p>Facebook: Tūhoronuku Ngāpuhi</p> <p>Twitter: #tūhoronuku</p> <p>The Tūhoronuku IMA has completed updates for this reporting period.</p>	<p>Tūhoronuku Pānui</p> <p>An e-pānui was circulated during November informing Ngāpuhi of the upcoming engagement process with a view to resolving issues from the Urgent Hearing Report. This was distributed to approx. 8,000 subscribers.</p> <p>All pānui are posted on the Tūhoronuku website, Facebook page and referenced on Twitter.</p> <p>Facebook</p> <p>Activity was based entirely around the engagement process for the period of this report.</p> <p>Twitter</p> <p>All engagement process reports were tweeted on the Tūhoronuku Twitter page.</p>
<p>Media Activity</p>	<p>One media statement was distributed during November; <i>“positive engagement to unite Ngāpuhi”</i>. This statement was posted on the Tūhoronuku website, Tūhoronuku Facebook page and Twitter; also forwarded within Ngāpuhi</p>

	internet networks (including Te Rūnanga A Iwi O Ngāpuhi website page and e-panui).
Hapū Engagement Process	Three Hapū Engagement process reports were distributed during this period dated: <ul style="list-style-type: none"> • 14 December 2015; • 18 January 2016; • 2 February 2016; and Distribution via Tūhoronuku IMA website, email and social media networks and Ngāpuhi networks (E Mara e-pānui circ 8000).
Tūhoronuku Monthly Pānui	A Tūhoronuku IMA pānui, giving an overview of the month's activity will not be distributed until April 2016 in accordance with the HEP Terms of Engagement until 31 March 2016.

A summary of mandate-related correspondence is included [refer **Appendix Two**].

Beneficiary Register	
The Tūhoronuku IMA has advised the Crown that it will not be developing and maintaining a beneficiary register. Te Rūnanga A Iwi O Ngāpuhi (Rūnanga) has agreed Tūhoronuku IMA may have access to its database of registered members (approx. 50,000) for the purpose of communicating major decisions. Provision for this is via the Memorandum of Understanding signed between the Rūnanga and the Tūhoronuku IMA.	<p>As per previous reports:</p> <ul style="list-style-type: none"> ▪ Access means that at any time the Tūhoronuku IMA 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 the Tūhoronuku IMA. ▪ In lieu of a beneficiary register, the Tūhoronuku IMA does maintain a database of Ngāpuhi who have signed Hui attendance registers, for communication purposes.

Funding

The Project Team continues to work with the Crown Forestry Rental Trust (CFRT) to complete activities on approved contracts and develop applications for further funding. The following is a summary of the status of funding applications and approvals:

Crown Forestry Rental Trust (CFRT) – TIMA Funding for Agreement in Principle (AIP)

- Operational funding of \$1,016,000 and specialist advice funding of \$382,250 has been approved. This contract is currently in progress through to June 2016. Timeframes will be reviewed in line with the Crown agreed workplan.

Crown Forestry Rental Trust (CFRT) – TIMA Funding to Scope Research Requirements for Settlement

- Total funding of \$54,948 was approved. This contract was completed on 26 August 2015. A business case that requests funding from the Crown Forestry Rental Trust for research and mapping to support settlement negotiations with the Crown will be submitted once the Hapū Engagement Process outcomes are implemented.

Crown Forestry Rental Trust (CFRT) – TIMA Specialist Advice Funding for Agreement in Principle (AIP)

- A funding proposal for specialist advice funding to support negotiations and a 'top up' operational funding application will be submitted once the Hapū Engagement Process outcomes are implemented.

Updated List of Mandated Hapū Kaikōrero

Hokianga Hapū

Item	Hapū	Surname	First names
1	Te Ngahengahe	Kingi	Tepania
2	Ngāti Wharara	Klaricich	John
3	Ngāti Kairewa	Leaf	Helene
4	Te Mahurehure	Mokaraka	Matiu
5	Ngāti Korokoro	Moore	Piripi
6	Ngāti Kaharau	Pikaahu	Stephen
7	Te Hikutu	Robust	Te Tuhi
8	Ngāti Pākau	Ruka	Te Porohau
9	Te Pouka	Turner	Cheryl Louise
10	Ngāti Hao	Clyde	James
11	Ngai Tūpoto	Morrell	Graeme Duncan
12	Te Whānau Whero	Morunga	Steve
13	Ngāti Tere	Harris	Mita
14	Te Uri Mahoe	Otene	Stewart

Whangaroa Hapū

Item	Hapū	Surname	Firstnames
1	Ngāti Kura	Epiha	Nau
2	Ngāti Ruamahue	Gavala Murray	Tahua
3	Ngāti Kāwau	Hori	William
4	Te Uri o Te Aho	Kaio	Daniel
5	Te Aeto	Lovell	Jason Riki Matarae
6	Ngāti Pou	Tauroa	Patricia
7	Ngāti Pakahi	Te Waru-Rewiri	Kura
8	Kai Tangata	Tua	Hokinga Mae Mai Waitai
9	Ngāti Uru	Heta	Arena William
10	Ngāti Hāiti	Smith	Launa-Anne
11	Ngāti Kahuiti	Tauroa	Terry
12	Ngāti Miro	Rudolph	Martin
13	Ngāti Mokokohi	Heta	Ruth
14	Te Tahawai	Smith	Terry
15	Whānau Pani	Roberts	Anaru Heke

Te Pewhairangi

Item	Hapū	Surname	First names
1	Patukeha	Bristowe	Joe
2	Te Kapotai	George	Kara Paerata
3	Ngāti Rahiri	Harawira	Hinewhare
4	Ngāti Hine	Hau	Marcia Mahara

5	Ngāti Rēhia	Hohaia	Te Huranga
6	Tekau I Mua	Mangu	Mere
7	Matarahurahu	Tane	William Lesley
8	Ngāti Kawa	Tane	Renata Paora
9	Ngāti Te Ara	Baker	Mary-Anne Cherly Tapu Augustine
10	Ngāti Kopaki	Smith	Jenny

Whangarei ki Mangakahia

Item	Hapū	Surname	Firstnames
1	Ngāti Toki	Beazley	Janelle
2	Te Uriroro	Bristowe	Vivienne
3	Te Parawhau	Fletcher	Marina
4	Ngāti Hau	Pittman	Benjamin Frank
5	Ngāti Kahu o Torongare	Shepherd	Richard (Dick)
6	Ngāti Te Rino	Te Rangi	Tame
7	Ngāti Horahia	Riki-Heke	Powhiri Wharemārama
8	Ngāti Moe	Te Rangi	Turi
9	Ngāti Taka	Bruce Kingi	Waimarie
10	Ngāti Whakahotu	Leach	Winne
11	Te Waiāriki	Mahanga	Te Mawe Murphy

Kaikohe Waimate Taiamai

Item	Hapū	Surname	First names
1	Te Uri Taniwha	Himiona	Hinerangi
2	Ngai Tuteauru	Kopa	Tau
3	Ngāti Korohue	Lomax	Terence
4	Ngāti Hineira	Mihaka	Hone
5	Te Whiu	Napia	Sam
6	Ngāti Moerewa	Sadler	Hone
7	Te Ngare Hauata	Stokes	Graham Wayne
8	Ngāti Tautahi	Tahere	Toko
9	Te Pōpoto	Tuwhare	Moana
10	Te Takoto Kē	Wihongi	Hamiora Paratere
11	Te Uri o Hua	Wihongi	Ted
12	Ngai Tāwake	Taungapeau	Adrienne
13	Ngāti Kiriahi	Matene	Mitai
14	Ngāti Māhia	Poa	Te Ropu
15	Ngāti Rangi	Matene	Hohipa
16	Ngāti Whakaeke	Kapa	Babe
17	Te Wahineiti	Parker	Kiharoa
18	Ngāti Hinemutu	Matene	Reverend Kuini

APPENDIX 2

Mandate Related Correspondence – Report 8

Copies of correspondence are provided in the accompanying book

TŪHORONUKU INDEPENDENT MANDATED AUTHORITY

Correspondence Inward: 10 November 2015 – 9 February 2016

Date:	To:	From:	Regarding	Comments
10-Nov-15	Hone Sadler	Hon Christopher Finlayson	Request TIMA give attention to the guidelines (as outlined in the letter) for the management of claimant funding	Ongoing communication with OTS staff in regard to Plan, draft prepared, awaiting meeting with OTS
Received 12-Nov-15	Trustees of Tuhoronuku IMA Trust	Joseph Robert Kingi	Invoice – Commercial financial harm and hurt caused by TIMA to the applicant (Joseph Robert Kingi)	Noted
16-Nov-15	JB (Hone) Sadler	Allen Wihongi	Te Rūnanga A Iwi o Ngāpuhi – Database	Noted
18-Nov-15	JB Sadler	A Corlett, Ministerial Secretary Office of Hon Christopher Finlayson	Acknowledgement of correspondence received. Correspondence dated 16 November 2015	Noted
26-Nov-15	Tūhoronuku IMA	Te Maawe Mahanga and Waimarie Bruce	Re: Formal notice of withdrawal of Te Maawe Mahanga and Waimarie Bruce as TIMA Hapū Kaikōrero for Te Waiariki and Ngāti Taka	Noted
27-Nov-15	Lorraine Toki	Register of Incorporated Societies	Re: Amendment of Trust Deed, CT3 form to be filled in and returned	Clarified with Companies Office the form had been provided
28-Nov-15	Kipa Munro	Rawiri Timoti	Re: the appointment of Roger Kingi as Hapū Kaikōrero for Kaitangata	Noted
1-Dec-15	Hone Sadler	Hon Christopher Finlayson	Re: concerns with regard to TIMA's financial position	Responded on 18 and 24 December 2015
1-Dec-15	Kipa Munro	Maureen Hickey	Re: Severance payments to Lorraine Toki	No response received to date
2-Dec-15	Hone Sadler	Nigel Fyfe	Re: Crown Forestry Rental Trust funding applications	Noted
2-Dec-15	Hone Sadler	Hon Christopher Finlayson	Re: Northland Regional Council – Sale of Endowment Land	Noted
4-Dec-15	Nigel Fyfe; Cc Hone	David Stone, Te Mata a Maui Law	Re: Ngāti Korokoro participation in the Engagement Process	Noted

Date:	To:	From:	Regarding	Comments
4-Dec-15	Project Manager Tūhoronuku Independent Mandated Authority	Denis McCord	Protection Mechanism for Maori Interests in surplus Crown-owned land / Sites of Significance Process	Noted
10-Dec-15	Tūhoronuku IMA	Companies Office	Acknowledgment of Trust Deed amendments to TIMA Trust Deed.	Updated version has since been registered
21-Dec-15	Te Maawe Mahanga and Waimarie Bruce; Cc Hone Sadler	Hon Christopher Finlayson	Re: Formal notice of withdrawal of Te Maawe Mahanga and Waimarie Bruce as TIMA Hapū Kaikōrero for Te Waiariki and Ngāti Taka	Noted
22-Dec-15	Kara George	A Corlett, Ministerial Secretary Office of Hon Christopher Finlayson	Acknowledgement of correspondence received. Correspondence dated 18 December 2015	Noted
23-Dec-15	Sam Napia	Rhonda Taylor	Information re: the Marine and Coastal Area (Takutai Moana) Act 2011. Closing date for applications is 3 April 2017.	Noted
11-Jan-16	Tūhoronuku IMA Trust & Trustees	Mahurangi Gulf & Islands Ngāpuhi Claimant Committee	Re: Engagement Process and Mahurangi Gulf & Islands Ngāpuhi Claimant Committee appointed representatives	Noted
14-Jan-16	Kara George	A Corlett, Ministerial Secretary Office of Hon Christopher Finlayson	Acknowledgement of correspondence received. Correspondence dated 18 December 2015	Noted
14-Jan-16	Hone Sadler	A Corlett, Ministerial Secretary Office of Hon Christopher Finlayson	Acknowledgement of correspondence received. Correspondence dated 24 December 2015	Noted

TŪHORONUKU INDEPENDENT MANDATED AUTHORITY

Correspondence Outward: 10 November 2015 – 9 February 2016

Date Sent	To	From	Regarding	Comments
30-Nov-15	Nigel Fyfe	Kara George	Confirmation that TIMA agree to the Office of Treaty Settlements managing and administering financial matters relating to the Engagement Process	
18-Dec-15	Hon Christopher Finlayson	Kara George	Response to Minister Finlayson letter dated 1 December 2015	Update on; Ngāpuhi Engagement process, Management Audit, Claimant Funding Management Plan, Loan Agreement, Database Security, Crown Monitor.
24-Dec-15	Hon Christopher Finlayson	Hone Sadler	Response to Minister Finlayson letter dated 1 December 2015 specifically in regard to recommendation for Crown Monitor	
6-Jan-16	Maureen Hickey	Kipa Munro	Re: Severance payments to Lorraine Toki	