

# NGĀPUHI

FOR RELEASE ON 3 OCTOBER 2018

2

Date	Time	Location
12 October	5.00pm - 7.30pm	Ōtangarei Marae, 155 William Jones Drive, Ōtangarei, Whangarei 0112
13 October	8.30am - 11.00am	Te Aroha Marae, 2909 Mangakāhia Rd, Pakotai, Whangarei 0172
	1.00pm - 3.00pm	Copthorne Hotel and Resort Hokianga, State Highway 12, Omāpere, Hokianga 0444
	5.00pm - 7.00pm	Kerikeri RSA, 37 Cobham Rd, Kerikeri 0230
14 October	8.30am - 10.30am	Whangaroa College, 4157 State Highway 10, Kaeo 0448
	11.00am - 1.30pm	Oromāhoe Marae, 41 Porotū Road, Oromāhoe, Kaikohe 0472
15 October	8.00am - 10.00am	Greyhound Function Centre, Manukau Sports Bowl, Te Irirangi Drive, Manukau 2023
	11.00am - 1.30pm	Hoani Waititi Marae, 441 West Coast Rd, Glen Eden, Auckland 0612
	4.45pm - 6.45pm	Hamilton Airport Hotel & Conference Centre, 201 Airport Rd, RD2, Hamilton 3282
16 October	5.00pm - 7.30pm	Wharewaka Function Centre, 2 Taranaki St, Wellington Waterfront, Wellington 6011
17 October	12.30pm - 3.30pm	Kelvin Hotel, 20 Kelvin St, Invercargill 9810
	6.00pm - 8.30pm	Sudima Christchurch Airport, 550 Memorial Ave, Christchurch 8053
19 October	6pm – 8pm	Te Wairua Tapu Whare Karakia, Redfern, Sydney
20 October	3.30pm-5.30pm	Wynnum Manly Leagues Club, 92 Wondall Rd, Manly West 4179
21 October	3pm – 5pm	Darius Wells Centre, Ken Jackman Hall, Kwinana, Chisham Ave & Robbos Pl, Kwinana Town Centre WA 6167, Australia
22 October	7am – 9am	<b>Breakfast meeting</b> - Melbourne Hallam Recreation Reserve Hall, Hallam 3803

## HE MIHI

---

Ko te Whare Tapu ō Ngāpuhi i hangaia kia ahuru nei te noho a ngā uri hakatupu o Rāhiri te tupuna. Nā reira, e mihi ana ki te whenua, e tangi ana ki ngā tāngata katoa. Korohīhī pō, korohīhī ao. Ko rongō i tūria ki te matahau ō Tū te winiwini, o Tū te wanawana o Tū kia hikaputaina i te wheiao kia puta ki te ao mārama. Ka tīhewā mauriora!

Ka mihi nei ki te hunga ko ngaua e te hā kore, ko pania e ngā tatau o Hine-nui-te-pō, ko nunumi ki tua o maumahara. E moe okioki nei koutou.

Ka mihi nei ki a tātou katoa, ko ngā mahuetanga iho o rātou mā, e pēhia nei e ngā hau āwhā o te wā, e takatū nei kia whai oranga ai tātou katoa ki tēnei ao.

Tēnā rā tātou katoa.

**Mauritū, maurioho, mauritau, mauriora!**

# WHOSE PRESENTATION IS THIS? TE RŌPŪ TŪHONO

1. “Tūhono” means to bring together.
2. Te Rōpū Tūhono brings together the Crown, the Tūhoronuku Independent Central Negotiation Body (**TIMA**) and Te Kotahitanga o Ngā Hapū o Ngāpuhi (**Te Kotahitanga**).
  1. Te Kotahitanga - Co Chairs Pita Tipene and Rudy Taylor
  2. TIMA - Chair Hōne Sadler and Rāniera Tau
  3. Crown - Minister for Treaty of Waitangi Negotiations - Hon Andrew Little
3. This presentation has been authorised by Te Rōpū Tūhono.
4. The Te Rōpū Tūhono Technical Advisors (**TAs**) are Jason Pou (Te Kotahitanga), David Tapsell (Crown) and Willie Te Aho (TIMA).

## OUR STARTING POINT

1. TIMA holds a conditional mandate for Ngāpuhi.
2. The Waitangi Tribunal found that the mandate was deficient in a number of respects and recommended an evolution (4 September 2015).
3. The Crown, TIMA and Te Kotahitanga (**Te Rōpū Tūhono**) all support seeking direction from Ngāpuhi on how the mandate can be evolved to at least meet the changes proposed by the Waitangi Tribunal.
4. An initial proposal was put forward from 10 August to 6 September 2018 for discussion amongst Ngāpuhi. The Crown provided resourcing for hapū hui to discuss the proposal, and the TAs attended hui when requested and time allowed.
5. This proposal is based on feedback from those hui, and a 2<sup>nd</sup> round of hui held from 16 to 23 September 2018, and refer to changes required to the mandate rules and deed documents to address the issues raised by the Waitangi Tribunal.



# BACKGROUND INFORMATION

---

1. This booklet flows on from previous reports/booklets that have been provided since June 2018.
2. Those specific reports/booklets can also be found at <https://www.govt.nz/ngapuhi/>:
  1. The initial Technical Advisers Report provided to Te Rōpū Tūhono in June 2018;
  2. The first booklet released on 10 August 2018;
  3. The second booklet released on 7 September 2018.
3. Although some slide/pages are repeated in this booklet from previous reports/booklets, readers are encouraged to read all 3 previous reports/booklets to get a full understanding of this current booklet.

# 7

## WHAT'S IN THIS MODEL FOR HAPŪ? FOR NGĀPUHI KI WAHO I TE ROHE?

---

1. A number of submissions have been made over the past 3.5 months since the Technical Advisers provided their first report in June 2018.
2. Hapū want to know if they stay or if they go. **What's in this model for hapū?**
3. Ngāpuhi ki waho i te rohe who are connected to their hapū and know that they are a taura here are fine. **Other Ngāpuhi ki waho i te rohe have asked us “how can our voices be heard?”** In this booklet we seek to respond to this question.
4. We are again seeking your views on these issues and other key matters raised in this booklet.

# DISCUSSING HE WHAKAPUTANGA AND NGĀPUHI NOT CEDING SOVEREIGNTY

---

1. Some hapū (particularly representatives in Whangarei) want He Whakaputanga discussed first with constitutional reform being the focus. Get this right and the rest will follow in terms of cultural and commercial redress.
2. Some hapū (e.g Ngāti Tautahi) want to only discuss the debt/reparation owed by the Crown to hapū due to the Crown breaches of Te Tiriti o Waitangi. They see He Whakaputanga and Ngāpuhi not ceding sovereignty as being part of a longer discussion with the Crown.
3. Other hapū want to discuss constitutional reform and the debt/reparation at the same time.
4. **The view of Te Rōpū Tūhono is that He Whakaputanga and Ngāpuhi not ceding sovereignty should be included for discussion with hapū, with the hapū within a Rohe Negotiating Body (RNB) determining when and how it is discussed.**



# ACKNOWLEDGING MANA MOTUHAKE OF HAPŪ

---

1. Despite our starting point and focus on the Waitangi Tribunal recommendations, some hapū have opposed the evolution of the mandate and expressed their desire to do their own thing their way. **That is their right and this is acknowledged.**
2. **Approving the evolved mandate will approve the withdrawal clause recommended by the Waitangi Tribunal and drafted in the Maranga Mai Report. Hapū can then withdraw and pursue their own process.**
3. The Maranga Mai Report Withdrawal Process is about ensuring that there is firstly wide support within the hapū for withdrawing, and that there is a kanohi ki te kanohi discussion with surrounding hapū. **If the withdrawal process is followed then a hapū can be outside of the evolved mandate within 4 months.**
4. The Waitangi Tribunal noted that withdrawing hapū should be supported by the Crown. The next slide is the Crown's view on withdrawing hapū and the withdrawal process is set out in **Appendix I.**

## WHAT HAPPENS IF HAPŪ WITHDRAW?

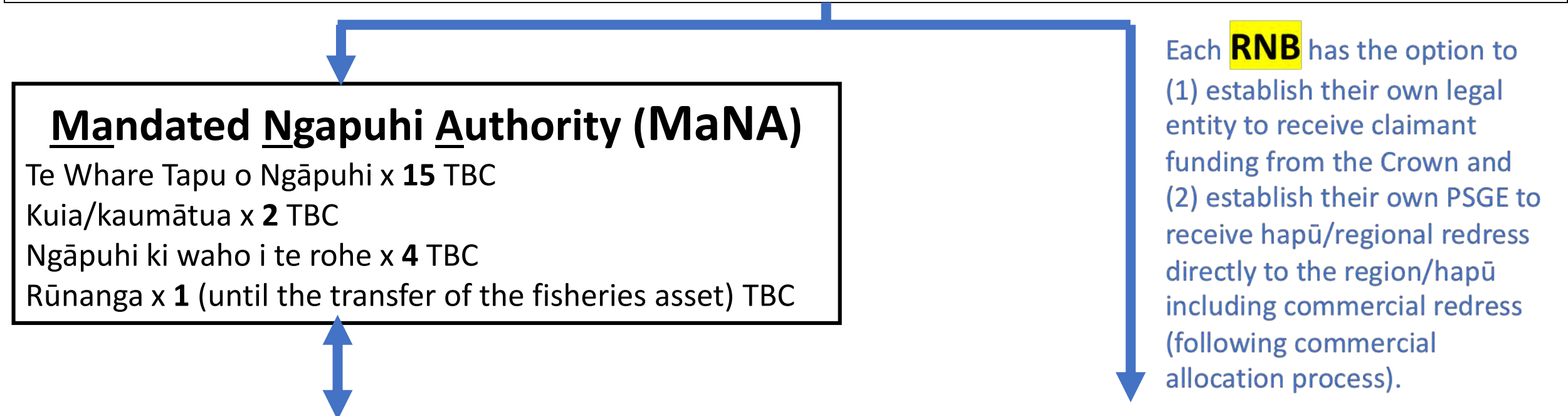
---

1. If hapū withdraw from the Ngāpuhi mandate then they will no longer be part of direct negotiations with the Crown. Negotiations with those who stay in the Ngāpuhi mandate will continue.
2. If the exiting hapū wish to enter negotiations in their own right or with others who have exited they will need to seek their own mandate in accordance with the Crown guidelines in the Red Book including the Crown's large natural grouping policy.
3. **Mandate.** The ability for the Crown to engage on mandate work with hapū will depend on OTS resource and capacity at any given time. At this time, OTS has no capacity for any additional mandate work if any.
4. **Negotiations.** Even if mandate for exited hapū is achieved that does not mean the Crown would be able to commence direct negotiations immediately. The Crown negotiating resources are already committed to the end of 2020.

# **THE EVOLVED MANDATED**

---

# NGĀPUHI HAPŪ



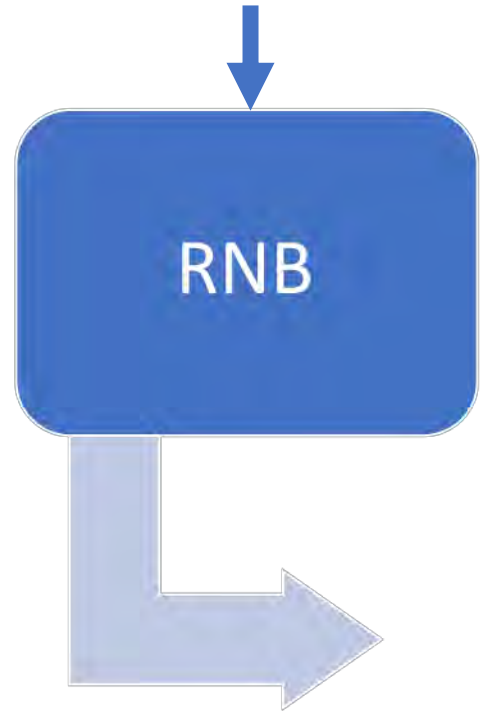
**2 commercial negotiators** – with support from 6 RNB negotiators

Each RNB appoints **1-3 negotiator(s)** to work separately or collectively with the Crown on cultural redress and with each other for an agreement on commercial redress allocation.

**COMMERCIAL REDRESS NEGOTIATIONS**

**CULTURAL REDRESS NEGOTIATIONS**

# HAPŪ



- All mandated Hapū Kaikōrero are the Rohe Negotiation Body (RNB) and make all the RNB decisions including (1) Refreshing MaNA representation and (2) Confirming proposals on the allocation of commercial redress to hapū.



- This is the administrative hub coordinating research, negotiations, comms and reports/accountability. Hapū determine Kuia, Kaumātua, Ngāpuhi ki waho i te rohe and the hapū reps on their Exec.



1. Report to full RNB each month with day to day instruction through the RNB Executive.
2. Work directly with CNB negotiators on Commercial redress negotiations (to secure the best financial redress) and then an allocation plan.

**Consensus decision making or the thresh hold for decision making within a Rohe Negotiation Body needs to be determined and agreed by all hapu.**



# A COLLECTIVE APPROACH TO FINANCIAL REDRESS

---

Understanding how Financial Redress (Quantum) is calculated

# FACTORS CONSIDERED FOR FINANCIAL REDRESS (QUANTUM)

---

1. The financial redress (quantum) is essentially the negotiated “cost” to the Crown for its breaches of Te Tiriti o Waitangi.
2. **The financial redress is made up primarily of land loss, population and the nature of Crown breaches.** The Crown process for calculating quantum is set out in **Appendix II.**
3. No Raupatu (confiscation under the NZ Settlements Act where land was taken by the Crown in the 1860s) is larger than Waikato – Tainui.
4. No overall non Raupatu land loss for an Iwi will be larger than Ngāi Tahu.
5. **Equally no Iwi population is bigger than Ngāpuhi.** On top of the position of Ngāpuhi to He Whakaputanga, for the Crown’s quantum purposes **the unique aspect of Ngāpuhi in terms of quantum/financial redress is its population.** There are many other special factors that will be advocated by hapū/RNBs to be considered by the Crown.
6. In the end each negotiation has its own particular features, including special factors, which is why every negotiation is different.

## SPREADING ONE IWI POPULATION ACROSS 6 REGIONAL NEGOTIATING BODIES

---

1. How do you allocate a population of 125,601 (Census 2013) and 25,000 (estimated) Ngāpuhi in Australia over 6 regions? **You can't in our view. Separating the population of 150,000 Ngāpuhi across 6 regions is not covered in the Maranga Mai Report.**
2. **Leveraging value.** The strength in getting the best outcome for Ngāpuhi is leveraging the single population and advocating for the biggest and best financial outcome for Ngāpuhi collectively. The parts are not greater than the whole.
3. **Can the financial/commercial redress reach hapū? Yes.** Once the best outcome has been secured for Ngāpuhi then the hapū – through the 6 RNBs - determine how the cash and property (combined to be commercial redress) is allocated. Yes it will be hard as it was for Ngā Hapū o Ngāti Ranginui. **But this is where the effort needs to be placed – on working with each other to achieve agreement on boundaries and the allocation of both cultural and commercial redress.**

# HOW DOES THE EVOLVED MANDATE WORK FOR HAPŪ?

---

The Ngāti Tautahi hapū aspirations.

# Ngā Mātāpono - Key Principles we have heard

It does not matter which model you support, some key principles that hapū have outlined are:

## **1. Whenua riro atu, whenua hoki mai.**

1. Land taken from a hapū rohe should be returned to that hapū.

## **2. Ko te moni hei utu i te hara**

1. A debt/reparation is owed.

## **3. Hapū rangatiratanga**

1. True hapū decision making.

**How do these principles work in practice for hapū under the proposed Te Rōpū Tūhono model?**



# Capturing Hapū Aspirations – The Ngāti Tautahi Example

1. Since 10 August 2018 the Technical Advisers (TAs) have been available to meet with Hapū to discuss their aspirations and how the proposed TRT model (initially released to TIMA and Te Kotahitanga in June 2018) can meet each hapū aspirations.
2. On 6 September 2018 Jason Pou and Willie Te Aho met with Ngāti Tautahi at their request. The Ngāti Tautahi views were expressed in this hui and a formal response was sought from the TAs.
3. On 16 September 2018 Jason provided the views of the TAs to a Ngāti Tautahi wānanga. This is on the following slide.
4. On 17 September 2018 Ngāti Tautahi agreed that their view be outlined in the Regional Hui held at Kohewhata marae, Kaikohekohe. On 20 September 2018 Ngāti Tautahi agreed that the following slide be shared with other hapu.

Ngāti Tautahi Submission	Technical Adviser Response	Within the Booklet Proposal
<p>Ngāti Tautahi is not seeking hapū rangatiratanga through the Crown. We have our own mana. <b>Hapū rangatiratanga</b></p>	<p><b>Acknowledge.</b></p>	<p style="text-align: right;"><b>20</b></p>
<p>Ngāti Tautahi is not seeking to settle Te Tiriti o Waitangi with the Crown. A debt is owed and needs to be paid. <b>Ko te moni hei utu i te hara</b></p>	<p><b>Acknowledge.</b> Te Tiriti o Waitangi was breached. This is a settlement of the debt owed/reparation under that breach.</p>	<p>The Ngāti Tautahi view on the debt will go to the historical account and through the RNB to the MaNA negotiations.</p>
<p>All Crown lands in the Ngati Tautahi rohe should come to Ngāti Tautahi and not be held by anyone else. <b>Whenua riro atu, whenua hoki mai</b></p>	<p><b>Agree.</b> The key issue is for Ngāti Tautahi and its surrounding hapū to agree on respective rohe. Any Crown land that is cultural – which is most - goes to hapū.</p>	<p>This can be done easily through hapū to the RNB and its negotiators. If the land is commercial redress then it can be done by the RNB/negotiators with the MaNA.</p>
<p>Government agencies like DOC should not restrict the ability of Ngāti Tautahi to use the natural resources within its rohe. <b>Hapū rangatiratanga</b></p>	<p><b>Agree.</b> For resources that cross multiple rohe there needs to be agreement amongst hapū e.g rivers to the Hokianga.</p>	<p>This can be done through direct cultural redress negotiations set by hapū and directed to the RNB negotiators.</p>
<p>Homelessness was caused by the Crown. Ngāti Tautahi wants resourcing for housing and employment in our rohe.</p>	<p><b>Agree</b> on resourcing for hapū housing and employment of hapū members. This can also be reinforced outside settlement (with HNZC, TPK etc).</p>	<p>This can be led by hapū through direct cultural redress and accord negotiations set by hapū and directed to the RNB &amp; negotiators with follow up in report back.</p>
<p>What is the Tūhono position on Te Whakaputanga?</p>	<p>Acknowledge the question. <b>It is for hapū to say where Te Whakaputanga sits.</b></p>	<p>The timing for this matter can be dealt with under a RNB Terms of Negotiation.</p>
<p>Ngāti Tautahi withdrawal is simple. If we don't agree we turn our back.</p>	<p><b>Acknowledge.</b> If Ngāti Tautahi does not agree with responses then withdraw.</p>	<p>Ngāti Tautahi is in the TIMA mandate. The new process is outlined in booklet.</p>

# REGIONAL RESOURCING FOR HAPŪ

---

From the Viewpoint of the Technical Advisers

## RESOURCING FOR HAPŪ AND ROHE NEGOTIATION BODIES

1. The Crown will support the establishment of Rohe Negotiation Bodies (RNBs) if the evolved mandate is supported.
2. Hapū have advocated for funding and other support to enable hapū to carry out research and better prepare them and the RNBs for negotiations.
3. Although the Crown is yet to form a view on resourcing for RNBs and Hapū, the Technical Advisers have considered what has been advocated by hapū and reflected this in the following slides. It is the scale of a collective Ngāpuhi settlement that underpins the Technical Advisers viewpoint.
4. The funding arrangements are based on the number of hapū identified within each RNB under the current Deed of Mandate.

## HAPŪ – SUGGESTED ROLE

---

1. Hapū must confirm their Hapū Kaikōrero; their rohe (particularly with neighbouring hapū); any shared interests with other hapū; the cultural land vestings and rights acknowledgement over resources that they seek; their views on the allocation of commercial redress - per rohe and per Hapū within a rohe.
2. Hapū Kaikōrero are to ensure that they maintain their accountability to their Hapū members, funders and others who should be reported to.
3. Hapū have specifically asked for resourcing to cover hui, communications, hapū register, research for negotiations and specific technical advice including hapū mapping and hapū calculations of their view on quantum/commercial redress allocation.
4. At \$100,000 per hapū this is what the total Crown and CFRT contributions to support negotiations might look like. This is only the view of the Technical Advisers based on requests for our view. Each hapū – through their RNB - will need to discuss funding with OTS and CFRT once the evolved mandate is accepted.



# ROHE NEGOTIATION BODIES – SUGGESTED ROLE

---

1. Rohe coordination/comms/reporting (to Hapū; MaNA and funders);
2. Negotiator(s) management;
3. Monthly negotiations logistics;
4. Accounts manager or contractor;
5. Access GIS/mapping specialist with a focus on finalising maps of hapū rohe;
6. Access to specialist adviser (particularly commercial and policy);
7. Access to legal advice;
8. Crown/negotiators report back Hui with Hapū (over 3 days/6 regions per month);
9. General communications/keeping Hapū updated - including building the infrastructure; collated regional data base (built through Hapū for general comms and ratification).

Date	Tūhono Milestones	Hapū Resourcing Milestones	Hapū Outcomes
<b>By 30 October 2018</b>	(1) TA Meetings completed with over 65% of hapū/hapū reps. (2) Te Rōpū Tūhono approve Endorsement booklet & process. (3) Hui a Hapū logistics in place	(1) Resourcing @ \$500 per hapū to discuss 3rd booklet. (2) 26/10: 21 days notice of hui to be given for Hui-ā-Hapū Endorsement Hui	(1) An opportunity to discuss the 2 <sup>nd</sup> booklet with or without the TAs. (2) General understanding of the 4 main issues to be voted on.
<b>By 9/12/18</b>	At least 65% of hapū confirm their support for the Evolved mandate and the other 3 outstanding issues	Resourcing @ \$500 per hapū to confirm their position on the Endorsement voting options.	A clear understanding of the evolved mandate and 4 main issues to vote on.
<b>14/12/18</b>	75% of people who vote also support Evolved mandate. Notice given of TIMA meeting to change Deed and Rules.	Agreement in Principle on MaNA and 6 x RNB operational funding subject to confirmed TIMA changes & rules and sign off of new RNB constitutions (if RNB establishing legal identity).	With coordination support Hapū in each of the 6 Rohe start the discussion on how the Rohe can function as RNB and Exec plus the process for confirming negotiators.
<b>19/12/18</b>	(1) Confirmed Crown position on Mandate. (2) MaNA, RNB and Hapū funding arrangements confirmed.	<b>PROPOSED MILESTONES AND OUTCOMES FOR Tūhono, Hapū, RNBs and MaNA</b>	Hapū who want to refresh their Hapū Kaikōrero confirm that they will start the process once the Deed of Mandate and Rules are changed.
<b>20/12/18</b>	TIMA confirms all necessary changes to MaNA Deed and Rules		Public advertising of Hui-ā-Hapū for those refreshing their Kaikōrero.
<b>21/12/18 25</b>	New Mandated Authority begins & new MaNA funding contract.	Hapū funding (through MaNA) to advertise for inaugural RNB hui.	Those hapū who approved the mandate to withdraw start process.

Date	Hapū Milestones	RNB Milestones	MaNA Milestone
21/12/18 - 20/01/19	Undertaking confirmation process for Hapū Kaikōrero (if this process is triggered on 20/12/18)	Hapū confirm the process for confirming their RNB Executive and RNB Negotiators – and the thresh hold for RNB/hapū decision making.	Undertaking confirmation process for new MaNA trustees (if any) as per voting on the mandate. Advertising for 2 CNB Negotiators, Chief Executive and staff/contractors.
25/01/19	All Hapū Kaikōrero confirmed. Hapū funding contracts signed.	Confirmation of Hapū Kaikōrero. 6 RNB constitutions signed off.	All MaNA trustees confirmed. New MaNA officers and staff approved.
01/02/19	(1) 6 RNB Executive Committees confirmed by full RNB (all hapū); (2) Approve advertising for RNB negotiators & staff/contractors.	Business plan agreed by RNBs. Advertising for negotiator(s) for each of the 6 RNBs and key RNB staff and contractors.	Business plan agreed by MaNA with input from the 6 RNBs.
2/2 – 22/2	Input to: (1) RNB negotiator process & draft Terms of Negotiation through the RNB Exec; (2) MaNA negotiator process/TON.	RNB Exec works through (1) RNB negotiator appointment process & draft Terms of Negotiation. (2) Input to MaNA negotiators & TON.	MaNA works through the negotiator process & draft Terms of Negotiation. <b>PROPOSED MILESTONES AND OUTCOMES FOR Tūhono, Hapū, RNBs and MaNA</b>
01/03/19	Full RNB confirms recommendation of Exec	Up to 18 RNB Negotiators appointed & contracts signed.	2 MaNA Negotiators appointed & contracts signed.
15/03/19 <b>26</b>	Final Draft Terms of Negotiation approved by 6 RNBs	6 Terms of Negotiations signed by 6 RNBs and negotiations begin.	MaNA Terms of Negotiations signed and financial negotiations begin.

# HOW ALLOCATION OF \$14M OF CLAIMANT FUNDING TO REGIONS AND HAPŪ COULD TAKE PLACE (VIEW OF TECHNICAL ADVISERS & \$ INDICATIVE ONLY)

Regional Negotiation Body	Number of Hapū	Share of \$3m Funding for Regional Coordination (21% of total funding)	Payment to Hapū from \$11m (79% of total funding)
Hokianga	26	$(26/110)*\$3m = \$709,090.909$	\$2,600,000
Kaikohe-Taiāmai	22	$(22/110)*\$3m = \$600,000$	\$2,100,000
Whangaroa	21	$(21/110)*\$3m = \$572,727.273$	\$2,100,000
Te Pēwhairangi	22	$(22/110)*\$3m = \$600,000$	\$2,200,000
Whangārei	13	$(13/110)*\$3m = \$354,545.455$	\$1,300,000
Mangakāhia	6	$(6/110)*\$3m = \$163,636.364$	\$ 600,000
<b>TOTALS</b>	<b>110 Hapū as per TIMA DOM</b>	<b>= \$3m</b>	<b>=\$11m</b>

# **ENSURING THE NGĀPUHI KIWAHO ITE ROHE VOICE & KAUMĀTUA/KUIA VOICES ARE HEARD**

---

Proposed Taura Here and Kaumātua/Kuia Advisory Boards



# INTRODUCTION – THE CASE FOR ADVISORY BOARDS

---

1. One outcome of the vote by Ngāpuhi whānui and Ngāpuhi hapū is that there could be no Ngāpuhi ki waho i te rohe or Kuia/Kaumātua representation on the MaNA.
2. Te Rōpū Tūhono believes that it is important that this voice is heard not only through hapū, but in its own right. 80% of Ngāpuhi live out of the rohe. Kuia and Kaumātua need to have a safe forum in which they can discuss and express their views.
3. With this in mind, Te Rōpū Tūhono has proposed two advisory boards which are set out below.
4. We are seeking your feedback on these proposed advisory boards.

# NGĀPUHI TAURAHERE ADVISORY BOARD

---

1. It is proposed that a Ngāpuhi Taurahere Advisory Board is established with representation based on 3 representatives for every 10% of the Ngāpuhi population (with greater numbers for Te Waipounamu because of the geographical spread).
2. Ngāpuhi Taurahere appointments to the MaNA must:
  1. Make available all MaNA and RNB monthly negotiation reports to Ngāpuhi ki waho i te rohe members
  2. Conduct biannual hui in Auckland, Hamilton, Wellington, Taihu, Otautahi, Murihiku, Poihakena, Piripane, Hauauru (Perth) and Poipiripi to update Ngāpuhi ki waho i te rohe members on progress of negotiations and consolidate the views of Ngāpuhi in each of those areas.
  3. Represent the views of Ngāpuhi ki waho i te rohe members to the MaNA.
3. **The full extent of the role of this Advisory Board will be detailed in the changes to the MaNA Deed of Mandate, constitution and rules to be released on 26 October 2018.**

<b>Taura Here</b>	<b>Number of Representatives</b>
Tāmaki ki Raro (North, Central & West)	4
Tāmaki ki Raro Taitamariki (Tāne/Wahine)	2
Tāmaki ki te Tonga (South Auckland)	4
Tāmaki ki te Tonga Taitamariki (Tāne/Wahine)	2
Waikato (Waikato Regional Council)	2
Te Moana ā Toi (BOP Regional Council)	1
Te Ūpoko o Te Ika (Wider Wellington RC)	2
Te Taihu (Malborough)	1
Ōtautahi (Canterbury)	1
Murihiku (Southland)	1
Poihākena	2
Piripane	2
Hauāuru (Perth)	1
Poipiripi	1
<b>TOTAL</b>	<b>26</b>

# NGĀPUHI KUIA & KAUMĀTUA ADVISORY BOARD

---

1. This will include all Ngāpuhi Kuia and Kaumātua in the rohe of Ngāpuhi who want to be involved in this advisory board.
2. Kuia and Kaumātua advisory board to the MaNA must:
  1. Provide guidance to the MaNA and commercial negotiators on matters of tikanga and Ngāpuhitanga.
  2. Advise on how Kuia and Kaumātua views are accounted for on the MaNA.
  3. Assist the MaNA with keeping Kuia and Kaumātua informed of negotiation progress.
  4. Hold bi-annual Kuia and Kaumātua forum within the rohe to update and get input into negotiations from Kuia and Kaumātua.
3. **The full extent of the role of this Advisory Board will be detailed in the changes to the MaNA Deed of Mandate, constitution and rules to be released on 26 October 2018.**

## DETERMINING “AN ADEQUATE LEVEL OF SUPPORT FROM NGĀPUHI”: THE PROPOSED ENDORSEMENT PROCESS

1. The question was asked in Ōtangarei and Tāmaki in August “what will you do if Ngāpuhi don’t agree through these hui”. This slide sets out the process that will be followed to seek the endorsement from Ngāpuhi.
2. It is proposed that after this current round of hui, and further hui-ā-hapū, feedback and submissions, a proposal of the key issues is identified and then put out to all of Ngāpuhi and hapū to confirm.
3. **For an all of Ngāpuhi vote this will be an independent voting process (e.g. Electionz.com) with a verification process for people to register (if you are not already on the Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi register and a special voting process for those who choose not to be). A good guide for adequate support is an endorsement level of 75% of all Ngāpuhi (over the age of 18 years of age) who vote.**
4. **The Waitangi Tribunal indicated that an adequate level of support for hapū would be 65% of the 110 identified hapū (see page 99 of report). A submissions process for hapū would be run (those with kaikōrero and those without following hui). Then reporting back. This provides good guidance on an adequate level.**



# ENDORSEMENT OF THE PROPOSED EVOLUTION OF MANDATE

1. The recommendation that will be put to all Ngāpuhi and hapū is to endorse the evolved mandate.
2. Over and above the pivotal recommendation of endorsement, there are 3 specific issues that we are seeking your view on by voting which are:
  1. Kuia and Kaumātua representation on the MaNA.
  2. Ngāpuhi ki waho i te rohe representation on the MaNA.
  3. Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi representation on the MaNA.

# RŪNANGA REPRESENTATION ON THE MaNA: 2 OPTIONS

The 2 options we are seeking your views on are:

1. Rūnanga representative be on the MaNA until settlement date with the settlement legislation being used to transfer the assets from the Rūnanga to the new PSGE;

**OR**

2. No Rūnanga representative on the MaNA.

# NGĀPUHI KI WAHO I TE ROHE REPRESENTATION ON MaNA:

There is support for 1 representative from Ngāpuhi ki waho i te rohe being on each of the 6 RNBs.

For the MaNA, the 3 options that we are seeking your views on are:

1. The Ngāpuhi ki waho i te rohe representatives on the RNBs determining who their 4 Ngāpuhi ki waho i te rohe on the MaNA will be; OR
2. Each of the 4 existing Ngāpuhi ki waho i te rohe regions determine who their representatives will be on the MaNA (2 from Tāmaki; 1 Wellington and 1 Te Waipounamu); OR
3. The Ngāpuhi Taura Here Advisory Board appoint 8 Ngāpuhi ki waho i te rohe to the MaNA .

# KUIA/KAUMĀTUA REPRESENTATION ON MaNA

1. There is strong support for Kuia and Kaumātua being on the RNBs.
2. The 3 options for appointment of a Kuia and Kaumātua to the MaNA, that we are seeking your views on are:
  1. The Ngāpuhi Kuia & Kaumātua Advisory Board appoints the Kuia and Kaumātua for the MaNA; OR
  2. Kuia and Kaumātua on the RNBs appoint the Kuia and Kaumātua from amongst them for the MaNA; OR
  3. No Kuia and Kaumātua on the MaNA. Hapū will select their Kuia and Kaumātua over the age of 55 years to the RNBs only.

## 4. TIMELINE TO SETTLEMENT

Titiro ki ngā taumata o te moana



## 25 OCTOBER 2018: TE RŌPŪ TŪHONO DECISION

1. At a meeting held by Te Rōpū Tūhono on 2 October 2018 it was agreed that:
  1. This third round of hui proceed as proposed
  2. The feedback/submissions be assessed from this second round up to 23 October 2018.
  3. The final proposition for consideration of all Ngāpuhi be confirmed by Te Rōpū Tūhono on 25 October 2018.
2. On 25 October 2018 Te Rōpū Tūhono will decide if there is a proposal that they believe will achieve an adequate level of support from Ngāpuhi.
3. If there is agreement of Te Rōpū Tūhono then the final proposition will be put to all Ngāpuhi and hapū from 8 November 2018 with voting and submissions by all hapū Ngāpuhi taking place through to 7 December 2018 (for general voting) and 9 December 2018 (for hapū).
4. Further information hui-ā-hapū are proposed during this time if people require more information.
5. The timeline to settlement that follows is subject to the Te Rōpū Tūhono decision on 25 October 2018.

# ACHIEVING SETTLEMENT LEGISLATION BY AUGUST 2020.

- By the end of December 2018: Mandate endorsed and new rules in place
- January 2019: Establishment of the 6 RNBs
- March 2019: Terms of negotiations signed for 6 RNBs & MaNA
- April 2019: Those hapū who withdraw complete the process.
- December 2019: MaNA and 6 RNB AIPs signed
- May 2020: Initialling of DOS
- June 2020: Ratification of DOS and PSGE(s)
- July 2020: DOS signed
- August 2020: Settlement legislation introduced into Parliament

## **TIMELINE FOR MAKING SUBMISSIONS: 12PM, 23 OCTOBER 2018**

1. Over and above feedback and submissions provided directly to the upcoming hui, people are welcome to send further submissions to the Office of Treaty Settlements.
2. After the final hui for this round (22 September) the TAs will be available to meet with hapū representatives who want to discuss this current proposal. Outside those hui-ā-hapū that the TAs have committed to, these meetings with hapū will take place at a central venue from 26 October 2018. Please contact the Office of Treaty Settlements if you want to take up some of the available time slots.

# CONTACT PEOPLE

---

- **Questions/queries on the proposal: TAs**

- David Tapsell                      david.tapsell@justice.govt.nz
- Jason Pou                              pou@tupono.co.nz
- Willie Te Aho                      willie.teaho@icsolutions.co.nz

- **Where submissions can be sent to: Office of Treaty Settlements**

- [ngapuhifeedback@justice.govt.nz](mailto:ngapuhifeedback@justice.govt.nz)

- **Resourcing and timetable to hold hui-a-hapū or meet the TAs in person to discuss this proposal: Office of Treaty Settlements**

- [ernest.stokes@justice.govt.nz](mailto:ernest.stokes@justice.govt.nz)                      DDI: +64 4 918 8605 | Ext: 58605

- **Website:** <https://www.govt.nz/ngapuhi/>

# APPENDIX 1

---

Hapū withdrawal from the mandate



## STEP 1: NOTICE OF INTENTION TO WITHDRAW (21 DAYS NOTICE)

---

1. A hui-a-hapū to confirm the notice of intention to withdraw must be publicly advertised at least 21 days in advance in ways that will ensure the best possible notification of the hui for hapū members. The advertisement (public notice) must state the venue, date, time and purpose of the hui; the resolution/notice to withdraw that will be put and how hapū members may obtain information about the consequences of withdrawal.
2. Upon receiving the public notice of an intention to withdraw, the Crown must provide a statement of potential consequences including Crown policy that withdrawal means that hapū will no longer be involved in negotiations. The statement must also outline whether the Crown is likely to consider a hapū to be a large natural grouping suitable for negotiations and, if a hapū is accepted as a large natural grouping, the timing to achieve mandating requirements.

## STEP 2: RNB MEETING WITH HAPŪ TO DISCUSS NOTICE OF INTENTION TO WITHDRAW (30 DAYS NOTICE)

---

1. If the initial hui-a-hapū supports the notice to withdraw, the hapū must then give 30 days' written notice to the MaNA and RNB and all other hapū representatives within its RNB of its intention to withdraw from the mandate, including the reasons for proposing withdrawal and the consequences of withdrawal.
2. Within the 30 days' written notice, the RNB/s from which the hapū seeks to withdraw shall convene a hui of all hapū representatives to discuss and attempt to address relevant issues leading to the hapū decision to give notice of withdrawal. This RNB hui will provide an opportunity for the region and the hapū representatives as a wider collective to respond and possibly to encourage the hapū not to proceed with withdrawal.

## STEP 3: HUI-A-HAPŪ TO CONFIRM WITHDRAWAL (21 DAYS NOTICE)

---

1. If at the expiry of the 30 days' written notice to the MaNA and RNB the withdrawal is not resolved at the RNB level, the hapū must then hold another hui-a-hapū to confirm withdrawal. This hui-a-hapū needs to again be advertised 21 days in advance. The venue, date, time, and purpose of the hui must be stated, as well as the withdrawal resolutions to be put and the consequences of withdrawal. The responses of the Crown, the RNB/hapū representatives are to be made available to hapū members.
2. The hapū is then to notify the outcome of the hui to the relevant RNB/s who will inform the rest of the hapū within the RNB/s and the MaNA.
3. If the initial hui-a-hapū decides to remain involved in the negotiations, the hapū must notify the RNB/s and the MaNA.

# APPENDIX II

THE FACTORS FOR CALCULATING FINANCIAL REDRESS (QUANTUM)



## Components of a Settlement Package

- Three main components:
  - Crown Acknowledgements and Apology
  - Cultural redress
  - **Financial & Commercial redress**
- Interests based negotiations





## **Purpose of Financial and Commercial Redress**

- To recognise and settle financial losses incurred by historical Treaty breaches
- To provide a contribution towards restoring the economic and social base of claimant groups
- Recognition that it is not full compensation of losses suffered





## What is financial and commercial redress?

- A **quantum** figure which can be taken as cash and/or used to purchase **Crown forest land** or **other commercial properties**
- Crown uses policies, principles and specified data to develop quantum offer
- Quantum is negotiated and agreed between claimants and the Crown



## Crown quantum framework

- The key reference points in the framework that the Crown takes into account are:
  - Area of land lost
  - Nature of Treaty breaches
  - Current population of claimant groups
  - Consistency and fairness between claims