



13 MAR 2018

File Ref: OIA 36797

Tēnā koe

**Official Information Act request**

Thank you for your information request dated 18 February 2018. You asked for:

*"...copy of the reports done by TPK and minutes of meeting submitted by the NKKW Trust to TPK regarding ratification hui as describes in the background letter dated the 27 March 2015 item 4 subsection 30."*

I have interpreted your request to mean the ratification hui observer notes. Therefore, I am releasing the following documents detailed in the table below.

Item	Date	Document description	Decision
1.	27 June 2015	Ngāti Kahu ki Whangaroa Ratification hui Observer Report	Released in full
2.	2 July 2015	Ngāti Kahu ki Whangaroa Ratification hui Observer Report	Released in full
3.	18 July 2015	Ngāti Kahu ki Whangaroa Ratification hui Observer Report	Released in full
4.	1 August 2015	Ngāti Kahu ki Whangaroa Ratification hui Observer Report	Released in full

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. I trust my response satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact Madeline Smith, Senior Advisor, Ministerials and Business Support via [smitm@tpk.govt.nz](mailto:smitm@tpk.govt.nz).

Ngā mihi

Lisa Davies  
Manahautū Tuarua Whakakapi Hononga ā Rohe | Acting Deputy Chief Executive, Policy Partnerships



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## NGĀTI KAHU KI WHANGAROA RATIFICATION HUI OBSERVER REPORT

<b>Iwi / Hapū</b>	Ngātikahu ki Whangaroa		
<b>Location</b>	Karangahape Marae 478 Wainui Road KAEO		
<b>Date</b>	Saturday, 27 June 2015		
<b>Start time</b>	~10.20am	<b>Finish time</b>	~1.00pm
<b>Chair</b>	David Manuel		
<b>Observer(s)</b>	Ian Peters (Te Puni Kōkiri, Whangārei)		
<b>Presenter(s)</b>	Roger Kingi		
<b>Attendance</b>	Total of ~15 people*, including 1 x TPK observers, 1 x Returning Officer. *people were arriving and leaving throughout the hui, so this is an approximate number.		
<b>Purpose</b>	Ratification of the Ngātikahu ki Whangaroa Deed of Settlement (Deed) and Post-Settlement Governance Entity (PSGE).		
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Mihimihi / Karakia</li> <li>• Kaputi</li> <li>• Presentation</li> <li>• Questions &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Presentation</b>	The Presenter closely followed a PowerPoint presentation, noting that the information provided in the presentation was a reiteration of the information provided in the information booklet.		
<b>Questions and comments</b>	<p><b>Q1: An attendee asked about certain wai claim numbers.</b></p> <p><b>A1: The Presenter explained each of the wai claims referred to.</b></p>		

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<p><b>Resolution(s)</b></p>	<ol style="list-style-type: none"> <li>1. <i>I, as a member of Ngatikahu ki Whangaroa agree to accept the Ngatikahu ki Whangaroa Deed of Settlement.</i></li> <li>2. <i>I, as a member of Ngatikahu ki Whangaroa, agree that the Kahukuraariki Trust be the Post-Settlement Governance Entity, that will receive and manage redress on behalf of Ngatikahu ki Whangaroa.</i></li> <li>3. <i>I, as a member of Ngatikahu ki Whangaroa agree that the Initial Trustees of the Kahukuraariki Trust sign the Deed of Settlement on behalf of Ngatikahu ki Whangaroa.</i></li> <li>4. <i>I, as a member of Ngatikahu ki Whangaroa, agree that my registration information be transferred from the Ngatikahu ki Whangaroa Trust Board to the Kahukuraariki Trust.</i></li> </ol>
<p><b>Voting process</b></p>	<p>The voting process was clearly explained and the following points noted:</p> <ul style="list-style-type: none"> <li>• Voting packs have been sent out to all registered members.</li> <li>• The vote is to accept or reject the offer in the Deed and the kind of entity to manage the returned assets – i.e. the PSGE;</li> <li>• Each member will be asked, on the voting form, to provide the name of only one Marae that is their primary affiliation, for voting for Trustees within the next year;</li> <li>• Several whānau have completed the registration process and are able to vote at the hui;</li> <li>• Voting closes at 5pm on 5 August 2015.</li> </ul>
<p><b>Voting result</b></p>	<p>It was noted that the result will be announced after voting closes.</p>
<p><b>Other comments</b></p>	<ul style="list-style-type: none"> <li>• The observers role at the hui was explained accurately.</li> <li>• The hui was conducted in an open and transparent manner.</li> <li>• Hui attendees had the opportunity to ask questions and questions were answered sufficiently.</li> </ul>

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## NGĀTI KAHU KI WHANGAROA RATIFICATION HUI OBSERVER REPORT

<b>Iwi / Hapū</b>	Ngātikahu ki Whangaroa		
<b>Location</b>	55-75 Lincoln Road, Henderson Te Waitakere Oranga Marae Waitakere Hospital AUCKLAND		
<b>Date</b>	Saturday, 2 July 2015		
<b>Start time</b>	~10.00am	<b>Finish time</b>	~1.00pm
<b>Chair</b>	David Manuel		
<b>Observer(s)</b>	Sam Henry (Te Puni Kōkiri, Tāmaki)		
<b>Presenter(s)</b>	Roger Kingi (Ngatikahu ki Whangaroa Trust Board)		
<b>Attendance</b>	Total of ~34 people*, including 1 TRK Observer and 1 Returning Officer <small>*people were arriving and leaving throughout the hui, so this is an approximate number.</small>		
<b>Purpose</b>	Ratification of the Ngatikahu ki Whangaroa Deed of Settlement (Deed) and Post-Settlement Governance Entity (PSGE).		
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Mihimihi / Karakia</li> <li>• Kaputi</li> <li>• Presentation</li> <li>• Questions &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Presentation</b>	The Presenter closely followed a PowerPoint presentation, noting that the information provided in the presentation was a reiteration of the information provided for in the information booklet.		
<b>Questions and comments</b>	<p><b>Q1:</b> An attendee asked if the forestry cutting will stop once everything the DOS is signed and the iwi received the assets.</p> <p><b>A1:</b> It was explained that the cutting has already stopped as there are no more trees to be cut down.</p> <p><b>Comment:</b> An attendee commented that the Stoney Creek block looks like it is the only block that has economic value.</p>		

RELEASED UNDER THE OFFICIAL INFORMATION ACT

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	<p><b>Response:</b> It was noted that this was correct.</p> <p><b>Q3:</b> An attendee asked who will initially benefit from the return of Stoney Creek.</p> <p><b>A3:</b> It was explained that the Marae will initially benefit once the farm is given back as a dividend will be paid to each Marae from the farm once it is economically viable.</p>
<b>Resolution(s)</b>	<ol style="list-style-type: none"> <li>1. <i>I, as a member of Ngatikahu ki Whangaroa agree to accept the Ngatikahu ki Whangaroa Deed of Settlement.</i></li> <li>2. <i>I, as a member of Ngatikahu ki Whangaroa, agree that the Kahukuraariki Trust be the Post-Settlement Governance Entity, that will receive and manage redress on behalf of Ngatikahu ki Whangaroa.</i></li> <li>3. <i>I, as a member of Ngatikahu ki Whangaroa agree that the Initial Trustees of the Kahukuraariki Trust sign the Deed of Settlement on behalf of Ngatikahu ki Whangaroa.</i></li> <li>4. <i>I, as a member of Ngatikahu ki Whangaroa, agree that my registration information be transferred from the Ngatikahu ki Whangaroa Trust Board to the Kahukuraariki Trust.</i></li> </ol>
<b>Voting process</b>	<p>Judith Ofsoske from Independent Elections Services explained the voting process and noted the following:</p> <ul style="list-style-type: none"> <li>• The purpose of the vote is to accept or reject the offer in the DOS and PSGE;</li> <li>• Voting closes 5 August 2015 at 5pm;</li> <li>• Over 15 people completed the registration at the hui and deposited their voting papers in the ballot box;</li> <li>• Voting can be completed online, at the hui or by postal ballot.</li> </ul>
<b>Voting result</b>	N/A
<b>Other comments</b>	<ul style="list-style-type: none"> <li>• The hui was conducted in an open and transparent manner.</li> <li>• Hui attendees had the opportunity to ask questions and questions were answered sufficiently.</li> </ul>

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### NGĀTI KAHU KI WHANGAROA RATIFICATION HUI OBSERVER REPORT

<b>Iwi / Hapū</b>	Ngātikahu ki Whangaroa		
<b>Location</b>	Te Unga Waka Marae 1 Clyde St Epsom AUCKLAND		
<b>Date</b>	Saturday, 18 July 2015		
<b>Start time</b>	~10.00am	<b>Finish time</b>	~12.30pm
<b>Chair</b>	David Manuel		
<b>Observer(s)</b>	Anania Hohaia (Te Puni Kōkiri, Tāmaki Makaurau)		
<b>Presenter(s)</b>	Roger Kingi and David Manuel		
<b>Attendance</b>	Total of ~48 people* including 1 x TPK Observer, 1 x Returning Officer *people were arriving and leaving throughout the hui, so this is an approximate number.		
<b>Purpose</b>	Ratification of the Ngatikahu ki Whangaroa Deed of Settlement (Deed) and Post-Settlement Governance Entity (PSGE).		
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Mihimihi / Karakia</li> <li>• Kaputi</li> <li>• Presentation</li> <li>• Questions &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>		
<b>Presentation</b>	<p>The Presenter closely followed a PowerPoint presentation, noting that the information provided in the presentation was a reiteration of the information provided in the information booklet.</p> <p>There was also a general discussion between whanau of the eight marae represented on the NKKWTB.</p>		
<b>Questions and comments</b>	<b>Q1: An attendee asked why Ngātikahu ki Whangaroa cannot claim all 47,000 acres of land.</b>		

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	A1: It was explained that Ngatikahu ki Whangaroa can only claim what the Crown owns, and that land in private ownership will not be considered.
<b>Resolution(s)</b>	<ol style="list-style-type: none"> <li>1. I, as a member of Ngatikahu ki Whangaroa agree to accept the Ngatikahu ki Whangaroa Deed of Settlement.</li> <li>2. I, as a member of Ngatikahu ki Whangaroa, agree that the Kahukuraariki Trust be the Post-Settlement Governance Entity, that will receive and manage redress on behalf of Ngatikahu ki Whangaroa.</li> <li>3. I, as a member of Ngatikahu ki Whangaroa agree that the Initial Trustees of the Kahukuraariki Trust sign the Deed of Settlement on behalf of Ngatikahu ki Whangaroa.</li> <li>4. I, as a member of Ngatikahu ki Whangaroa, agree that my registration information be transferred from the Ngatikahu ki Whangaroa Trust Board to the Kahukuraariki Trust.</li> </ol>
<b>Voting process</b>	<p>The voting process was clearly explained and the following points noted:</p> <ul style="list-style-type: none"> <li>• Voting packs have been sent out to all registered members;</li> <li>• The vote is to accept or reject the offer in the Deed and the kind of entity to manage the returned assets – i.e. the PSGE;</li> <li>• Each member will be asked, on the voting form, to provide the name of only one Marae that is their primary affiliation, for voting for Trustees within the next year;</li> <li>• Several whānau have completed the registration process and are able to vote at the hui;</li> <li>• Voting closes at 5pm on 5 August 2015.</li> </ul>
<b>Voting result</b>	N/A
<b>Other comments</b>	<ul style="list-style-type: none"> <li>• The hui was conducted in an open and transparent manner.</li> <li>• Hui attendees had the opportunity to ask questions and questions were answered sufficiently.</li> </ul>

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## NGĀTI KAHU KI WHANGAROA RATIFICATION HUI OBSERVER REPORT

<b>Iwi / Hapū</b>	Ngātikahu ki Whangaroa	
<b>Location</b>	Otangaroa Marae Otangaroa Road OTANGAROA	
<b>Date</b>	Saturday, 1 August 2015	
<b>Start time</b>	~10am	<b>Finish time</b> ~1pm
<b>Chair</b>	David Manuel	
<b>Observer(s)</b>	Naomi Solomon (Te Puni Kōkiri, Head Office) Ian Peters (Te Puni Kōkiri, Whangārei)	
<b>Presenter(s)</b>	Roger Kingi	
<b>Attendance</b>	Total of ~24 people*, including 2 x TPK observers, 2 x Returning Officers.  *people were arriving and leaving throughout the hui, so this is an approximate number.	
<b>Purpose</b>	Ratification of the Ngatikahu ki Whangaroa Deed of Settlement (Deed) and Post-Settlement Governance Entity (PSGE).	
<b>Agenda</b>	<ul style="list-style-type: none"> <li>• Mihimihi / Karakia</li> <li>• Kaputi</li> <li>• Presentation</li> <li>• Questions &amp; Answers</li> <li>• Karakia whakamutunga</li> <li>• Hākari whakanoa</li> </ul>	
<b>Presentation</b>	<p>The Presenter closely followed a PowerPoint presentation, noting that the information provided in the presentation was a reiteration of the information provided for in the information booklet.</p> <p><b>Opening Comments</b></p> <p>The Presenter clearly explained that the ratification process is the process that Ngatikahu ki Whangaroa are currently going through, that ratification is the formal</p>	



approval of the mahi that the negotiators have been working on, and that the PSGE is the entity that will receive and manage Treaty settlement redress.

#### **Map**

A large map outlining the Ngatikahu ki Whangaroa rohe was displayed at the hui. The Presenter pointed out on the map where significant sites and marae are located.

#### **Mandate**

The Presenter explained that during the mandating phase, there were two groups seeking mandate and that Ngatikahu ki Whangaroa Trust Board was the successful group.

#### **Wai Claims**

The Presenter read each Wai claim aloud noting that those claims will be settled by the Ngatikahu ki Whangaroa settlement. The Presenter asked hui attendees whether all of their claims were listed and if they were aware of any claims missing. The Presenter noted that WAI 1830 was not on the list as it came to attention recently, but is included and will be settled.

#### **Waikohatu Stream (Stony Creek)**

The Presenter explained that in relation to the purchase of Stony Creek, a hui will need to be held and a 75 per cent majority vote in favour will be required. The Presenter noted that TPK observers and election services could be present at that hui if iwi members wanted.

#### **Crown Acknowledgements**

The Presenter encouraged attendees to take the time to read the Crown Acknowledgments, which he noted were outlined in the information booklet.

#### **Crown Apology**

The Presenter noted that the Crown apology would be read by the Crown at the signing of the Deed.

The Chair read the Crown apology aloud.

#### **Ratification**

The Presenter reiterated what ratification is and noted that in a practical sense it means agreeing with all the mahi that the negotiators have done on the behalf of the iwi.

#### **Crown Process**

The Presenter explained that \$3M will be received on-account at the date of deed signing.

#### **Resolutions**

The Presenter read the resolutions aloud and noted that each member is also being asked to provide the name of one marae that is their primary affiliation for the purpose of voting for PSGE trustees. The Presenter pointed out and named each of the marae on the map.

#### **How to vote**

The Presenter explained the voting process and noted that the close off date for voting has been extended until 31 August 2015.

The Chair explained that the date was extended because some registered members did not receive their voting packs as they had changed addresses, so the extension was to allow enough time to make sure everyone has had a chance to vote.

It was explained that online voting is on a timer which expires on the original close-date of 5 August which means that anyone who wishes to take advantage of the extended voting period, can do so via postal votes. It was reiterated that only postal votes will be accepted until 31 August 2015.

#### **Post Settlement Governance Entity**

The Presenter noted the names of the initial trustees and explained that these trustees are only interim which means they will only be in place for one year, and they must hold a hui to be replaced by trustees from the eight marae.

#### **Why and how to get involved**

The Presenter reiterated that the focus is on the future generations.

The Presenter explained that Election Services count the votes and that they are completely independent from NKKWTB. He noted that Election Services send the results to the NKKWTB office, who will then send them on to the Office of Treaty Settlements.

The Presenter highlighted the details of the NKKWTB office and explained to hui attendees that they are welcome to contact the office should they have any queries.

<b>Questions and comments</b>	<p><b>Q1:</b> An attendee asked whether the NKKWTB have had a valuation on Stony Creek done.</p> <p><b>A1:</b> The Presenter explained that the NKKWTB have not had a valuation done as the land is still owned by the Crown.</p> <p><b>Q2:</b> An attendee asked whether the Crown let the iwi know the value of the land or whether the iwi need to do their own valuation.</p> <p><b>A2:</b> The Presenter explained that when the assets are transferred to the PSGE there will be a process to be followed and that this information will be provided by the Office of Treaty Settlements.</p> <p><b>Q3:</b> An attendee sought clarification on whether a 75 per cent majority of the total number of registered members was required, or whether this was a 75 per cent majority of people at the hui.</p> <p><b>A3:</b> It was explained that the 75 per cent majority of people at the hui was in relation to a hui that would be held around the Stony Creek Station.</p> <p><b>Comment:</b> An attendee commented that he believed the Crown apology was too soft.</p> <p><b>Comment:</b> The Presenter explained that the Crown can only give back land that it owns and that this does not include privately owned land. The Presenter then explained the iwi will receive Department of Conservation which is not usually the case. The Presenter then explained that any land that is in private ownership will not be referred to in the iwi redress.</p> <p><b>Q4:</b> An attendee asked for clarification on what fee simple means.</p> <p><b>A4:</b> The Presenter drew the analogy of buying a house explaining that the purchaser owns the house. The Presenter then explained that the land will be returned to the iwi, and will be owned by the PSGE. The Presenter noted that the fee simple also means the land will come to the iwi unencumbered.</p> <p><b>Comment:</b> An attendee noted that if you steal something you should give it back.</p> <p><b>Response:</b> The Presenter acknowledged the attendees comments and noted that the settlement acknowledges the Crowns actions and inactions. The Presenter noted</p>
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that the Tribunal made a decision, and that the Crown has a responsibility to redress concerns.

**Q7:** An attendee asked who came up with the figure of \$6.2M.

**A7:** The Presenter explained that the Crown came up with this figure.

**Q8:** An attendee noted that the redress amount of \$6.2M is less than it would cost to clean up the awa, and asked why the iwi should be settling for that amount.

**A8:** The Presenter explained that the Crown's offer offsets the maintenance for Stony Creek.

**Comment:** An attendee commented that he thought the offer was 'peanuts' and expressed his frustration with the Treaty settlement process.

**Response:** The Presenter noted that he understood the attendees concerns. He noted that the process has been tested across the country with other iwi and the process is a Crown process.

The Presenter explained that the negotiators were restricted from the outset in what they could ask for, and that what an iwi get in a settlement is somewhat already decided no matter how strong iwi kōrero is.

**Comment:** An attendee noted that sticking to Crown protocols is denying iwi a natural justice and that it is sad that "what was once ours won't come back to us".

**Q9:** An attendee asked whether there was a list of registered people, and if it was available to access.

**A9:** The Presenter explained that there is a register but that it is not available for open access as it contains peoples' personal details. The Presenter explained that iwi members can view their own details or check to see whether their whānau members are registered.

**Q10:** An attendee noted that [REDACTED] received an information pack but [REDACTED]

**A10a:** The Presenter noted that someone else could have registered [REDACTED]

**A10b:** The Chair explained that the Tuhono database was used by the past administrator to collate the register. The Chair noted that there are other people in the same position as [REDACTED] and that the current

9(2)(a) applies

	<p>administrator is working to sort out such issues to ensure that everyone gets their voting packs.</p> <p><b>Q11:</b> An attendee asked if people who whakapapa to NKKW through other tipuna can vote.</p> <p><b>A11:</b> The Chair explained the whakapapa connections and marae affiliations that eligible people have to meet in order to vote. He noted that in overlapping claims areas iwi should all be working together.</p> <p>The Chair noted that while whakapapa determines who can vote, it is an individual's choice whether they vote or not.</p> <p><b>Comment:</b> The Chair explained that there are kaumātua to verify whakapapa.</p> <p><b>Comment:</b> An attendee noted that Stony Creek belongs to "all of us". He then noted that it has achieved the maximum that it can.</p> <p><b>Comment:</b> An attendee commented that 'if we are looking for justice, we won't ever find it under this system.' He noted that he understood that the system was not fair but that he endorsed the kaupapa because of the comparisons he has seen to other indigenous peoples in the world. He noted that he could not stay in the same position as he currently is, as that would mean no progress.</p> <p><b>Comment:</b> An attendee spoke about the history of the claims for Ngatikahu ki Whangaroa.</p> <p><b>Comment:</b> An attendee noted that he did not agree with the boundaries on the map.</p> <p><b>Comment:</b> The Chair noted that if the kaupapa is tūturu then it is up to the whanau to vote.</p> <p><b>Comment:</b> The Presenter noted the information presented at the hui was a reiteration of the information contained in the booklet. He then recapped the purpose of the hui and ratification as presenting information on the Deed and PSGE and allowing iwi members the opportunity to vote.</p>
<p><b>Resolution(s)</b></p>	<ol style="list-style-type: none"> <li>1. <i>I, as a member of Ngatikahu ki Whangaroa agree to accept the Ngatikahu ki Whangaroa Deed of Settlement.</i></li> <li>2. <i>I, as a member of Ngatikahu ki Whangaroa, agree that the Kahukuraariki Trust be the Post-Settlement</i></li> </ol>

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	<p><i>Governance Entity, that will receive and manage redress on behalf of Ngatikahu ki Whangaroa.</i></p> <p>3. <i>I, as a member of Ngatikahu ki Whangaroa agree that the Initial Trustees of the Kahukuraariki Trust sign the Deed of Settlement on behalf of Ngatikahu ki Whangaroa.</i></p> <p>4. <i>I, as a member of Ngatikahu ki Whanarua, agree that my registration information be transferred from the Ngatikahu ki Whangaroa Trust Board to the Kahukuraariki Trust.</i></p>
<b>Voting process</b>	<p>The voting process was clearly explained and the following points noted:</p> <ul style="list-style-type: none"> <li>• Voting packs have been sent out to all registered members;</li> <li>• Each member will be asked, on the voting form, to provide the name of only one Marae that is their primary affiliation, for voting for Trustees within the next year;</li> <li>• The voting period has been extended until 31 August 2015.</li> </ul>
<b>Voting result</b>	N/A
<b>Other comments</b>	<ul style="list-style-type: none"> <li>• The hui was conducted in an open and transparent manner.</li> <li>• Hui attendees had the opportunity to ask questions and questions were answered sufficiently.</li> <li>• An attendance register was circulated at the hui.</li> </ul>