

APPENDIX B

Chronology of events relevant to the Wai 2561 Inquiry and the Wai 745/1308 Claimants

Pre-Mandate Phase

- 1984 – The Ngatiwai Trust Board is re-constituted and becomes a Marae-based structure
- August 2012 – Ngatiwai is recognised by the Crown as a Large Natural Grouping

Phase 1: Mandate Strategy Prepared (March to July 2013)

- Information sharing hui held by the NTB:
 - a. 23 March 2013 at Ngatiwai Marae, Ngaiotonga, Whangaruru;
 - b. 6 April 2013 at Te Puna O Te Matauranga Marae, Northtec, Whangarei; and
 - c. 13 April 2013 at Waipuna Hotel and Conference Centre, Mt Wellington, Auckland.
- Draft Mandate Strategy and supplementary information released
 - a. 6-week submission period
 - b. Preliminary engagement with some hapu
 - i. 25 March 2013 - Ngati Rehua - Ngatiwai ki Aotea Trust;
 - ii. 29 May 2013 – Te Waiariki, Ngati Korota and Ngati Takapari Hapu Trust;
 - iii. 11 June and 23 July 2013– Patuharakeke Te Iwi Trust Board; and
 - iv. 17 August 2013 – Ngunguru Marae for Ngati Takapari, Ngati Korora and Te Waiariki.
- 27 June 2013 NTB unanimously resolved that the Deed of Mandate (version 6, dated 19 June 2014) be endorsed by the Board subject to any minor technical amendments, and submitted to the OTS for formal approval by the Crown.
- 5 July 2013 – the Wai 745 and Wai 1308 claimants received correspondence from the OTS confirming that the Mandate Strategy had been submitted by NTB to the Crown.
- 19 July 2013 revised mandate strategy submitted to the Crown by NTB for endorsement.
- 24 July 2013 – mandate strategy endorsed by OTS and TPK (accepted as a Crown error)
- 27 July 2013 – the four week voting period on the NTB mandate proposal issued.
- 29 July 2013 – Mandate Strategy placed on OTS website for submissions. OTS received 95 submissions (para 10 E Owen BOE – para 6 of doc 75 (OIA) says 93 received – 49 in support, 43 in opposition and 1 neutral).
- 29 July 2013 – letter sent to Maureen Hickey of the OTS by Kelly Dixon of Tamatekapua Law in response to the 5 July 2013 letter confirming that the Wai 745 and Wai 1308 claims are not to be included in the NTB Deed of Mandate.

Phase 2: Mandate Strategy Implemented

- Early briefings on mandate strategy held by the NTB:
 - a. 9 August 2013 at Barge Park for Kaumatua;
 - b. 15 August 2013 at NTB offices for Wai claimants; and
 - c. One other hui at Ngunguru Marae.

- 17 August to 15 September 2013 - Mandate Hui and Voting
 - a. 24 August 2013 at Ngatiwai Marae, Ngaiotonga;
 - b. 28 August 2013 at The Tauranga, Tauranga;
 - c. 29 August at Brentwood, Wellington;
 - d. 31 August 2013 at Matapouri Marae, Matapouri;
 - e. 2 September 2013 at the Copthorne Hotel, Rotorua;
 - f. 3 September 2013 at the Kingsgate, Hamilton;
 - g. 4 September 2013 at The Waipuna, Auckland;
 - h. 7 September 2013 at Northtec Marae, Whangarei; and
 - i. 14 September 2013 at Omaha Marae, Leigh.

- Additional Mandate Hui and Voting (extended a further 4 weeks)
 - a. 10 September 2013 at Mounties RSA, Sydney;
 - b. 11 September 2013 at Springwood Hotel, Brisbane; and
 - c. 19 October 2013 at Hona Te Horo Motutara Kainga, Whangarei.

- 13 October 2013 - Mandate Voting results – of the 2,735 voting papers issues only 772 votes were cast (28.2%). Of those 772 votes, 82.38% were in support of the NTB's proposed mandate.

- September 2013 – The Ngatiwai Trust Board directly approached Nicola Gibbs of Fathom Consulting Ltd to provide an independent analysis of submissions on the mandate strategy (“Fatho Report 1”).

- 14 October 2014 – Fathom Report 1 published (later amended 20 June 2014).

Phase 3: Deed of Mandate Prepared

- 4 December 2013 – letter sent to the OTS by Huhana Seve (Wai 1677, 1544) on behalf of claimants in opposition of the proposed NTB Deed of Mandate including Wai 745 and Wai 1308.

- 6 December 2013 – email sent to Maureen Hickey of the OTS by Kelly Dixon of Tamatekapua Law confirming that the claimants of Wai 745 and Wai 1308 vigorously oppose the proposed NTB Deed of Mandate.

- 30 January 2014 – Crown Health Check – notes issues that relating to shared hapu/wai claimants are to be resolved. Deliverables delayed for some time as info on claimant definition requested by the Crown hadn't been received.

- 3 February 2014 – Office of Treaty Settlements Briefing Paper for the Minister prior to meeting with Ngatiwai Trust Board - Notes that:
 - a. The option agreed to by Ministers to mitigate legal risks following Crown error was for the Crown to seek clarification of the claimant definition and affiliations of concerned hapu (as well as fund information hui for Ngatiwai Trust Board to give information regarding the amendments to be made to the mandate strategy). That was completed yet issues remain.
 - b. The issue being that the Ngatiwai Trust Board couldn't clarify it completely. The eight shared hapu were included despite no discussion/agreement with other Large Natural Grouping's. The Ngatiwai Trust Board are yet to clarify how it would represent those hapu.

- 2 May 2014 – Crown Aide Memoire drafted by Marian Smith for the Minister –
 - a. The Ngatiwai Trust Board have been providing information since 2013 but officials are concerned that the inclusion of key hapu or the extent to which Ngatiwai will represent them is not justified;
 - b. Officials understand that there is no single eponymous ancestor for Ngatiwai – this has increased complexity in developing a claimant definition;
 - c. Officials consider there is no further information that the Ngatiwai Trust Board can provide that will clarify the inclusion of the hapu. Officials are continuing to work towards a Deed of Mandate with hapu still included;
 - d. The risk of litigation something that further research into the claimant definition can't mitigate.

- 8 May 2014 – Crown Health Check – Officials have attempted to clarify the claimant definition but have concluded this may not be possible due to its complexity. The Ngatiwai Trust Board's lack of experience in treaty settlements is evident in their difficulty in clarifying claimant definition with the Crown.

Phase 4: Deed of Mandate Amended

- 8 July 2014 – the Ngatiwai Trust Board submitted the Deed of Mandate to the Office of Treaty Settlements.

- 12 July 2014 and 26 July 2014 – calls for submissions to be made by 22 August 2014 (extended to 6 September 2014).

- 21 August 2014 – submission made by the Patuharakeke Te Iwi Trust Board in opposition to the Ngatiwai Trust Board proposed Deed of Mandate.

- 2 September 2014 – the Office of Treaty Settlements sent letter to the Patuharakeke Te Iwi Trust Board seeking meeting with all submitters from Patuharakeke.

- 4 September 2014 – the representative for Takahiwai Marae on the Ngatiwai Trust Board, Ngawaka Haswell Grant Pirihi, makes an individual submission in support of the Deed of

Mandate (which was later amended by Tania McPherson to be a submission on behalf of the Wai 1308 claim, Takahiwai Marae and Patuharakeke hapu).

- 6 September 2014 – official submission period ended (late submissions accepted on an ongoing basis)
 - a. 242 submissions received. 26 submissions after 6 September making a total of 269 submissions received. 99 in support (125 including late submissions) and 144 in opposition, one of which was a petition with 119 signatures.
- Mid-September 2014 – the Ngatiwai Trust Board directly approach Nicola Gibbs of Fathom Consulting Ltd to summarise and analyse submissions on the Deed of Mandate (“Fathom Report 2”).
- 18 October 2014 – in response to submissions the Office of Treaty Settlements met with approximately 50 submitters at Te Puna O Te Matauranga Marae in Whangarei and had three meetings with individual submitters that same day.
- 6 November 2014 – the Office of Treaty Settlements sent a letter to Ani Pitman of the Patuharakeke Te Iwi Trust Board with a summary of the 18 October 2014 meeting with submitters.
- 7 November 2014 – Fathom Report 2 published.
- Late November 2014 - the Office of Treaty Settlements sent letter to Ani Pitman in response to the Patuharakeke Te Iwi Trust Board’s request to meet OTS.
- December 2014 – March 2015 – engagement plan implemented by the Ngatiwai Trust Board.
- 12 December 2014 – the Ngatiwai Trust Board provided the Office of Treaty Settlements with a final copy of its engagement plan.
- Late March 2015 - the Ngatiwai Trust Board directly approach Nicola Gibbs of Fathom Consulting Ltd to undertake further analysis of the Deed of Mandate process and outputs to date (“Fathom Report 3”).
- 8 April 2015 – meeting held in Whangarei between the Office of Treaty Settlements and members of the Patuharakeke Te Iwi Trust Board, members of the Patuharakeke Claims Progression Committee and representatives from Tamatekapua Law. Patuharakeke Te Iwi Trust Board reaffirmed that the Ngatiwai Trust Board did not hold the mandate to settle the Wai 745 and Wai 1308 claims.
- 15 May 2015 – Fathom Report 3 published.
- July 2015 – the Ngatiwai Trust Board provided the Office of Treaty Settlements with a draft Hapu Response Report and the outcome of the engagement plan.

- 6 August 2015 – the Office of Treaty Settlements sent letter to Ani Pitman of the Patuharakeke Te Iwi Trust Board in response to their submission and following up on the 8 April meeting confirming that the Ngatiwai Trust Board will continue to include Patuharakeke insofar as they descend from the named Ngatiwai tupuna.
- 7 August 2015 – the Ngatiwai Trust Board’s Deed of Mandate is amended.
- 26 August 2015 – Meeting held between the Minister for Maori Development and officials from both the Office of Treaty Settlements and Te Puni Kokiri regarding the Ngatiwai Trust Board Deed of Mandate. The Minister asked questions about the mandate process in general and particularly about how the submissions process worked.
- 27 August 2015 – the Minister for Maori Development asks further questions of Te Puni Kokiri about the submissions process including its purpose, what weighting should be given to submissions compared with votes and whether concerns raised in submissions would be addressed later in the process.
- Late August 2015 - the Ngatiwai Trust Board directly approach Nicola Gibbs of Fathom Consulting Ltd to analyse potential models for Ngatiwai Post Settlement Governance Entity (“Fathom Report 4”).
- 11 September 2015 – the Wai 2490 Ngapuhi Mandate Inquiry Report is released by the Waitangi Tribunal.
- 21 September 2015 – Fathom Report 4 published.
- 1 October 2015 – Email sent from the Minister for Treaty Negotiations Private Secretary to officials at the Office of Treaty Settlements outlining the Minister for Social Developments views on the mandate. Those views included that the paper shows considerable opposition to the mandate given the number of submissions made on it and that the paper is to be clear that the voting process is the most important factor to consider in determining whether to recognise the mandate.
- 21 October 2015 – the Ngatiwai Trust Board Seed of Mandate is recognised by the Crown.

Phase 5: Post-Deed of Mandate Recognition

- 11 November 2015 – letter sent by the Patuharakeke Te Iwi Trust Board to the Office of Treaty Settlements seeking confirmation of funding for withdrawal.
- 4 December 2015 – Application for an Urgent Hearing made by Patuharakeke (Wai 745/1308).
- 5 April 2016 – the Ngatiwai Trust Board, through their website, called for expressions of interest to participate in a panel to interview/appoint negotiators.

- 2 May 2016 - Urgency granted by the Waitangi Tribunal.
- 27 May 2016 – Matter to be heard in the urgent hearing confirmed by the Waitangi Tribunal.
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- 27 May 2016 – the Ngatiwai Trust Board amend their Deed of Mandate to reflect the release of Te Kapotai.
- 15 July 2016 – the Patuharakeke Te Iwi Trust Board receive a response from the Office of Treaty Settlements to their 11 November 2015 letter. This correspondence confirmed that despite their opposition Patuharakeke’s interests will continue to be represented by the Ngatiwai Trust Board insofar that they relate to Ngatiwai and that the Crown will not be providing funding for those seeking to withdraw from the mandate.
- Late August 2016 - the Ngatiwai Trust Board directly approach Nicola Gibbs of Fathom Consulting Ltd to analyse responses to a series of questions the Ngatiwai Trust Board had posed to iwi members (“Fathom Report 5”).
- 31 August 2016 – Fathom Report 5 published.
- 4-6 October 2016 - Urgent Hearing Week 1, Toll Stadium, Whangarei.
- 1-2 December 2016 – Urgent Hearing Week 2, Waitangi Tribunal Offices, Wellington.