

NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD

TRUSTEES' HUI #16, 4pm Tuesday, 10 Sept, 2019. Auckland City Offices

AGENDA

1. **Karakia** – TA
2. **Mihimihi** – TA
3. **Whakatau mo Jason Wii.**
4. **Trustee Attendances** TA, VT, BD, JW, AE (Phone)
5. **Minute Taker** KK
6. **Apologies** – none
7. **Minutes**

Hui # 12, 13, 14 – of 9th, 12th & 15th August 2019

- Discussed combining the 3 MACA claim's together.
- On the 27th August VT, TA and BD went and saw IENZ to discuss the possibility of taking on the role of NRNWKA registrations.
- TA gave out minutes for Kawa marae first information hui.
- Auckland Council capacity building was signed off and circulated.
- Confirmed information hui 21st Sept 2019 with AE at Matapouri marae.
- Combined Validation Committee hui that had been pencilled for 19 October may likely have to change – because IENZ cannot engage until November.
- Discussed reimbursements. TA has Bruce's receipts for travel to Aotea for Kawa Information Hui on 3 August: - for flights, food and parking.
- VT Did we give a koha to the marae? BD – states this has not been discussed. TA should koha to each marae and venue we hui/visit.
- Money to be paid: reimbursements to: Nicola M, Hillarey & Rhanae McG, IRD, Charities and Storage King. TA Wants to complete this today.
- Discussed the Auckland Harbour dredged sludge dumping off Aotea consent.
- Participation in the Auckland City unitary plan process.

TA moves that the minutes are correct VT seconded. Unanimous TA BD VT AE. **Kua mana**

Hui #15 Draft Minutes – 27 Aug 2019

- NRNWTB Capacity contract entered with Auckland City and an invoice generated to the city for the remaining \$25,000 for the remainder of the 2018/19 financial year. The city have received it and it looks favourable – we hope to be paid so we can do the trust's mahi: engage IENZ, hui, validation committee hui, AGM elections. TA thanks to KK for her mahi and contributions by preparing the Board template invoice & details in it.
- Financial. Tikanga, is important to look at giving koha for the hui venues – St James Hall, Kawa marae, Tauranga and Matapouri and any marae we hui at.
- Maori Cultural Heritage Project – invoiced city. Kelly and Michael attended \$400 fee paid for the mahi done is gifted to the trust – petrol reimbursement of 230 from Auckland Council to KK for her driving herself and Michael from Auckland to Whangarei return for that hui.
- MACA High Court claim for Aotea - VT – talked about consolidating the MACA claims- there are 3 Aotea claims in the High Court-to do in due course.
- IENZ – TA happy to hui and to find out what the professionals can assist us with and when they become available. BD states he was intrigued that there were only 2 companies in the country. TA – want to find out when and how they can assist us. Expect letter to come from manager.
- Roles and Responsibilities for KK, which was laid out in the minutes.

- Need to add JW to Facebook as admin. Add JW to the bank account. JW didn't want to go on as a signatory to bank account because there are already four trustees on it but TA advised that the more of us the better to be available to share the mahi and make approved payments and added that in April the Court directed us trustees to take over from the previous board members.
- Asked Catherine Munro to cancel the old Facebook page – but still hasn't done this yet.
- For website we need photos of trustees and a short introduction, and contact details. Each trustee to do this and send to KK to post.
- Need to write letter to Siteground and IRD to get access into Board accounts. Charities Register has been filed and will make payment to finalise.
- TA asked about the computer from the old trust – BD suggested we should get the computer back. But it was being used by the whanaunga who was working on the kokako restoration project on Aotea.

Moved minutes a true and correct record: VT moved, seconded AE. Unanimous TA BD VT AE. **Kua mana**

8. Finances

Reimbursements for costs paid for TB

Nicola \$435 – Storage King March 2019

Hillary Rhanae \$466.90 – Siteground and 2 degrees – April 2019

KK – km's that Auckland Council pay to the trust. With the sludge dumping the trust was given \$5,000 from Aotea Local Board. Reimbursement, \$3,500 for Sue Grey the lawyer, to her bank account and the Aotea whanau have raised the balance of \$3,500 to pay her fees and costs. BD asks is KK VT getting any of the money. No. TA proposes to keep the balance of putea in the bank account in case it is needed for later, during a likely appeal process. Also, the grant from the Aotea Local Board also requires that the Trust Board report to the Local Board on the use of the \$5,000 for the appeal.

Resolution: That KK is reimbursed for her airfares to court hearing, Sue Grey \$3,500 to be paid and the rest of the money to remain in trust account to support the appeal process.

Moved BB second JW. Unanimous. **Kua mana**

TA this is worth a fight – stop the dredging dumping in your moana

BD costs he incurred for travelling to Board hui, 1 night accommodation 19 July and First Board Information Hui at Kawa on 3 August: – flights \$316, freight \$8, countdown \$177.55, hotel \$197.93, Petrol 443.84

Approve all the payments: TA second VT. Unanimous. **Kua mana**

VT, can we afford this?

While on finances - going through the trust's bank accounts, AE questions the trust board payments to the Māori Women's Welfare League ('MWWL') from the board's GST account: \$1500 Sep 2018; \$2300 Aug 2018? BD states don't dwell on that - it will come up during the AGM. TA these accounts will have to be tabled at the AGM and people will have the right to ask about the finances. Described understanding of accountant preparing financial statements with the receipts and accounts, then the accounts are sent to auditor, who checks the accounts and provides a report. Those auditor's reports for the past 3 years are to be provided to the hapū for their questions and scrutiny. We will look at printing off all the bank account statements. AE – asks, have we received any copies of authorisations of board payments made or

board meeting minutes in regards to payments from the previous board? TA received one set of minutes from the board in 2017. Not any others from earlier, 2015, 2016. AE the last payment to MWWL was in September 2018 after the appointment of Maori Trustee as interim board chair. He asks who authorised this? BD would also like this answered.

TA our responsibilities as trustees are to be transparent and accountable with payments and reimbursements – need to hand in all receipts etc. TA would expect that this information is open and affirms that the people of Ngati Rehua are able to inspect and look at it.

TA speaks to AE about the Board's Storage King locker and when he gained access to it in March 2019, he made an inventory of what was there. Those records only came up to March 2014. Since then he has seen some monthly board hui minutes up to 2014, and then has also received a set of monthly board hui minutes from Jan – Dec 2017. But he doesn't have any monthly board hui minutes from 2015-16. TA did receive from Nicola MacDonald a copy of the board's Agenda for the AGM of 16 Jan 2016, which contained the AGM of 17 Jan 2015 minutes and SGM Minutes of 7 March 2015.

AE – asks again are there any minutes to confirm authorising the payments to the MWWL in 2018? TA Don't have any board minutes for that time, we only have audited financial accounts for the years ending 31 March 2016, 2017 and 2018 only. BD we haven't had an AGM since 2016 hence why we have 3 years worth of end of year financials (audited accounts), these need to go through and be approved at our next AGM. TA stated that he has asked the previous trustees for the financial records, but has not received those as yet. In terms of our responsibility as trustees we need follow proper procedures where money is concerned. VT we had to pay a \$1500 phone bill that belonged to a former trustee. TA it went to a debt collector. We paid TA – to send KK the 2-degree account

Other Payments to authorise:

Charities register - \$51.11 fee for filing return
Kawa marae - \$200 koha
St James Hall - \$200 koha
Tauranga - \$200 koha
Matapouri \$200 koha
Moved – TA second BD kua mana

TA paid Storage King bill in 29 April \$145 TA to find the receipt for reimbursement

9. Correspondence In & Out –

attach correspondence of emails to minutes

10. Ex Parte Application, Evidence Hearing & Court's Orders of 6 Sept 19.

Court orders are up on the webpage

11. Auckland City Capacity Contract & status, mahi

TA await reply from city to our invoice for balance of 2018/19 financial year grant so we can do mahi. We provided initial report and invoice to them. We seek to continue engagement with them to progress this to the next stage.

12. Auckland City Cultural Sites project

KK does not receive money for attending hui for cultural sites project. The hui fees go to the trust for use on our mahi.

13. Website, Faceache, communications, information to post on website etc.

TA – has sent through the first 11 board hui confirmed minutes and asked for confirmation to post on webpage BD agrees. TA also wants to post the court judgements, all court minutes, TA reports, to put them up to keep everyone informed. TA need to keep everything transparent - our discussions, what information we consider and why we make the decisions we make. This keeps everyone safe: the people, the trust, we as trustees, and the court will see that as well.
Resolution: the board have a policy of transparency, accountability, minutes, court documents be put up on the facebook and the webpage
Moved: TA second AE. Unanimous. **Kua mana**

14. Equipment: Trust Board Laptop & Software?

Approved subject to getting funds, buy Apple computer, and software
Moved: TA Second VT

BD – would it not be best to buy an external harddrive? TA found it difficult getting information from the previous trust board presumably because it was not all stored in one central database or computer. BD is going to do some research about computers etc? and look to see what our options are. Carry over to next hui.

15. Prep and Panui for our Third Information Hui at Maunganui, address, panui, koha, logistics.

TA The next Information hui is at 6 Salisbury Ave Maunganui, Tauranga. What are the logistics we need to consider and prepare for? KK panui is on the whanau page. TA asks are everyone coming? AE are you coming? AE answered Ae.

16. Review of Interim Administration Assistant role.

TA – thanks KK for work done so far. 44 emails on mahi received from KK in a short time– he has less of a headache he can now concentrate on other things – hui, discussions, AGM, etc

AE – tautoko the work KK has done. The efficiency and things are flowing

TA this is a volunteer position – KK is not getting paid

TA the floor is open for your comments and feedback.

BD and JW have nothing to say

VT is grateful for the charities services return getting lodged and paid

Resolution: We thank KK and continue with administrative assistant

BD has this been approved?

Moved by AE and second VT

BD opposes because it is in the hands of the High Court judge.

TA Justice Palmer said in his 6 Sept Directions that this is to be dealt by the trustees.

TA reads through paragraph 6 of the judge's decision:

[6] “I understand the circumstances in which the current appointment of an administrator, on a temporary basis, came to be made. I note there is some feeling that the administrator of the trust should be relatively independent of the two groups. I am sure that the trustees will consider that in their pending review of the appointment.”

TA - He has left this to us to decide.

JW – would prefer that I was more neutral. In the hui minutes KK prepared of the Second Information Hui (of 7 Sept 19 at Māngere) he had concerns about the terminology she used. I did not agree to the resolution passed by Lynette Hoey, however, KK said that it was accepted by the hui. TA explained what that resolution meant, namely that the hui support the interim board trustees getting funding to carry out the duties - and it is not binding on us or the trustees on other, later hui of hapū. TA also states that the court has ordered that the whole database has to be reviewed. JW feels that the table has tipped to one side.

BD believes it needs to go to a vote. TA doesn't want to put it to the table and he has to be the casting vote.

TA – proposes that he takes the minutes and KK do the rest of the mahi.

TA also notes that if we want an alternative to take over the mahi that KK is doing – First do we have someone else who is keen to take over immediately? And secondly KK is doing this for no payment. She is volunteering and getting the mahi done. The cost of recruiting another admin person to do this is not yet known, although we would like to know this. But we do not have an ongoing source of money to support paying an alternative yet. There is mahi to do.

TA it is getting late and can we have a hui in Tauranga, after the Information Hui to discuss this further?

BD – can we defer this till the next week?

AE – move motion that we support continuing KK's services and acknowledge her work and the standards of her work. *[AE falls out of internet connection]*

TA KK to remain on 24th Sept, when we can hui after our next information hui.

Carried over to next hui.

17. Other matters

TA thanks everyone for their mahi and encourages us to continue. Tavake to go online to pay the approved bills after others leave.

18. Karakia Whakamoemiti TA

Hui ended 6.45

Attachment 1. High Court Minute 4, 6 Sept 2019, Justice Palmer

IN THE HIGH COURT OF NEW ZEALAND

AUCKLAND REGISTRY

I TE KOTI MATUA O AOTEAROA

TAMAKI MAKAUROA ROHE

BETWEEN

AND

Teleconference: 6 September 2019

CIV-2018-404-259

STEWARTNGAWAKA, MARYLIN

STEPHENS, MARK ANTHONY

McMATH, ALLAN JOHN MOORE, HORI

TE MOANAROA PARATA and ELDERS

and registered members of NGATI REHUANGATIWAI

KIAOTEA

Plaintiffs

NGA.TI REHUA-NGATIWAI KIAOTEA

TRUST BOARD

First Defendant

YVONNE JEWEL WIK.I

Second Defendant

CATHERINE HOPE MUNRO

Third Defendant

NICOLA MARIE ATARIA MACDONALD

Fourth Defendant

RODNEY NGA WAKA

Fifth Defendant

Appearances: RM Harrison for the plaintiffs

S E Wroe for the Second to fifth defendants

Date of Minute: 6 September 2019

MINUTE NO 4 OF PALMER J

Context

[1] There have been a number of developments in this proceeding in the past few weeks. I have awaited responses from all parties before making my decisions. Today is the last day of a three-week trial over which I have been presiding. Yesterday, the second to fourth defendants (the defendants) applied, without notice, for an interim injunction directing that information hui scheduled for 7, 14 and 21 September not proceed, and directing the interim trustees and interim independent chair not to:

(a) take any steps other than payment of invoices and receipt of correspondence necessary for the day-to-day administration of the Trust; and

(b) pass any resolution that is binding on the Trust.

[2] The defendants' stated concern is to prevent the series of information hui proceeding and to stop decision-making when the Trust Board is not properly constituted. I convened an urgent teleconference during the lunch adjournment of my trial today and heard from counsel.

Decisions

[3] I decline the application for the urgent interim injunction. It is not necessary to preserve the defendants' position. I do not consider the hui will prejudice the defendants. I do not consider any resolutions at the information hui will be determinative of decisions I or the trustees have to make. But the discussion that has occurred, and that is proposed to occur, at the information hui appears likely to be useful for implementing the directions in my judgment of 18 December 2018.¹ More discussion of these issues is required amongst the beneficiaries, rather than less. I expect the korero at these hui will inform any decisions the trustees and I will eventually have to make. I do not expect the information put to the hui, or the views expressed at them, will be one-sided. My advice to the defendants is that they should engage with the discussions and put their perspective, constructively of course.

[4] I am conscious there is a need to appoint a trustee to replace Ms MacGregor. I appoint Mr Jason Wii as proposed by the defendants. I make that appointment effective from today. I note the plaintiffs' concerns. But I am satisfied, on the basis *Ngawaka v Ngiiiti Rehua Ngatiwai ki Aotea 1st Board* [2018] NZHC 3398. of the information filed in support of Mr Wii, that his appointment is appropriate. As I said in the judgment of 18 December 2018 (at [25]) there is a need for the composition of interim trustees to reflect an even-handed or balanced approach between the two groups until trustees can be elected.

[5] As I also observed in the judgment (at [27]), none of the trustees are "representative" of one group or the other. Each of them owes, to all beneficiaries, the exercise of their independent judgement unclouded by animus concerning the wider dispute. I have full confidence in the interim independent chair. I endorse his comments, in his memorandum of 30 August 2019 (at [5.1]), that it will be important for all trustees to leave aside the animus of the various confrontations which led to the litigation and get on with the work to be done for all beneficiaries. I am sure all trustees will do that. If, contrary to my expectation, the chair considers any individual trustee displays a consistent and persistent pattern of destructive behaviour in trustee meetings, I expect he would advise me of that. In that event, I would consider whether the trustee should remain or not.

[6] I understand the circumstances in which the current appointment of an administrator on a temporary basis, came to be made. I note there is some feeling that the administrator of the trust should be relatively independent of the two groups. I am sure the trustees will consider that in their pending review of the appointment.

[7] I have not yet formed a view on the other directions sought by the defendants or about the proposals being discussed at the information hui about registration, reregistration etc. I expect the views expressed at the information hui will be useful for me to take into account in considering the directions sought. The parties may also

wish to have a brief hearing about those issues. We will proceed step by step. *Palmer J*
Attachment 2.

From: Tavake Afeaki
Sent: Tuesday, 10 September 2019 6:57 p.m.
To: Tavake Afeaki <tavake@afeakichambers.co.nz>; 'Bruce Davies' <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz; Aperahama.Edwards@outlook.co.nz; 'Jas n Jeanine Wii' <jwii05@live.com>
Cc: 'kelly klink' <kellymoanna@gmail.com>
Subject: FW: NRNWTB FW: New mail from Inland Revenue - OVERDUE RETURNS

From: Hillarey McGregor <hillary@brownthomson.co.nz>
Sent: Wednesday, 21 August 2019 2:32 p.m.
To: Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: NRNWTB FW: New mail from Inland Revenue

FYR

From: N Pera <npera2009@windowslive.com>
Sent: Friday, 5 April 2019 8:22 PM
To: Hillarey McGregor <hillary@brownthomson.co.nz>
Subject: Fw: New mail from Inland Revenue

Kia ora Hillary

Hoping you and your whanau are keeping well.
I have attached the letters that correspond to this email for your information.
Please let me know if you need any further action to take place.
The next GST is now due and I am able to process this if you would like me to.

Take care and look forward to hearing from you soon.
Nga mihi
Ngaire Pera

From: alerts@ironline.ird.govt.nz <alerts@ironline.ird.govt.nz>
Sent: Thursday, 4 April 2019 1:14 AM
To: npera2009@windowslive.com
Subject: New mail from Inland Revenue



New Zealand Government

You have new mail from us. To review, log into your myIR account and go to My business.

Thanks, Customer Services team



www.ird.govt.nz

NGATI REHUA-NGATIWAI KI AOTEA TRUST
PO BOX 59119
MANGERE BRIDGE AUCKLAND 2151

IRD Number 049-283-008
Reference L1200514432
Issued 02 April 2019

Notice of assessment

GST for period end 31-Jan-2019

This notice confirms that we have made changes to your return for GST account 049-283-008. This notice is issued under the Tax Administration Act 1994.

\$894.91 Pay now
\$0.00 Due soon

Amounts Due

Below are any amounts due as a result of your assessment, and their due date for payment. Your assessment details are on the next page.

Description	Date	Amount
Amended assessment	Due now	\$300.63
Assessment	Due now	\$500.00
Late filing penalty	Due now	\$50.00
Penalties	Due now	\$40.36
Interest		\$3.92

Result

Pay now	\$894.91
Due soon	\$0.00

Make sure you read the **Next steps**



NGATI REHUA-NGATIWAI KI AOTEA TRUST
PO BOX 59119
MANGERE BRIDGE AUCKLAND 2151

IRD Number 049-283-008
Reference L0666752384
Issued 03 April 2019

Dear Sir/Madam,

You have an overdue amount of \$894.91

You have an overdue amount of \$894.91 for Goods and Services Tax 31 January 2019.

The total balance of your Goods and Services Tax account is \$1,285.03.

If we don't hear from you we may begin further action. **This may include making deductions from any source of income you may have.**

Please make full payment of your overdue amount as soon as possible. Contact us if you disagree with the amount. If the overdue amount is already paid, you can ignore this letter.

Interest and penalties

Daily interest is charged on overdue amounts until the balance is paid. Late payment penalties may also be charged. You can check your overdue account balance in myIR.

For information on penalties and interest that may apply go to www.ird.govt.nz (search keywords: managing penalties).

How to make payments

Go to www.ird.govt.nz/pay to find out about paying by:

- internet banking
- credit or debit card
- direct debit

If you can't pay

If you're unable to pay the full amount you can set up an instalment arrangement with us through myIR.

myIR

Manage all your Inland Revenue matters securely online with a myIR account. Go to www.ird.govt.nz/myIR to find out more.

Contact us

Find the best way to contact us at www.ird.govt.nz/contact-us

Attachment 3. Trust bank accounts

From: Tavake Afeaki

Sent: Tuesday, 10 September 2019 2:35 p.m.

To: 'Bruce Davies' <jbdavies8@gmail.com>; 'Valmaine Toki' <valmaine.toki@waikato.ac.nz>; 'Aperahama Edwards' <aperahama.edwards@ngatiwai.iwi.nz>; 'Jas n Jeanine Wii' <jwii05@live.com>

Cc: 'kelly klink' <kellymoanna@gmail.com>; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: RE: NRNWTB Kiwibank Account Balances as at 10 Sept 2019

Importance: High

Tena koutou e nga tarahi kaitiaki,

Please find attached a screenshot of the Trust's Kiwibank accounts:

One of the items I would like to get done today is actually reviewing the reimbursement of costs personally undertaken on behalf of the trust and because none seem to have been made. I would like us to consider those and where we have receipts and have approved, then let us make payment today. Thank you.

CHAIR DISCRETION FUND	38-9002-0834157-04	NGATI REHUA NGATIWAI KI A...	\$509.48	\$509.48
TREATY	38-9002-0834157-00	NGATI REHUA NGATIWAI KI A...	\$1,408.40	\$1,408.40
OPERATIONAL	38-9002-0834157-02	NGATI REHUA NGATIWAI KI A...	\$6,225.42	\$6,225.42
RANGATAHI ROOPU	38-9002-0834157-03	NGATI REHUA NGATIWAI KI A...	\$1,225.26	\$1,225.26
GST/TAXES	38-9002-0834157-05	NGATI REHUA NGATIWAI KI A...	\$3,020.38	\$3,020.38
CONTRACTORS	38-9002-0834157-06	NGATI REHUA NGATIWAI KI A...	\$1,599.04	\$1,599.04

Noho ora mai

Tavake Afeaki

Attachment 4. Email from B Bayne

-----Original Message-----

From: Tavake Afeaki

Sent: Monday, 9 September 2019 5:37 p.m.

To: Brenda Bayne <brendabayne63@gmail.com>

Cc: valmaine.toki@waikato.ac.nz; Bruce Davies <jbdavies8@gmail.com>; 'Aperahama Kerepeti-Edwards' <aperahama.edwards@outlook.co.nz>; Jas n Jeanine Wii <jwii05@live.com>

Subject: RE: NRNWTB Trust Deed - copy received from Brenda Bayne

Tena koe Brenda, me nga mihi ki a koe me tou whanau, tou hapu hoki.

1. Thank you for your contribution to our hui on Saturday 7 Sept 19 Brenda and for sending this copy of the Trust Deed through to me.

2. Yes I have seen it and took another look at it, noting the trust's quite broad objects at clause 2 (a) to (l).

No reira, nga manakitanga ki a koe.

Noho ora mai

Tavake Afeaki

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

Afeaki Chambers| New Zealand
PO Box 13-397, Onehunga, Auckland 1643, New Zealand Tel + 64 9 909 4904 | email
tavake@afeakichambers.co.nz

Afeaki Law Chambers | Kingdom of Tonga
Api Mataka, Hala Vaha'akolo, Haveluloto, Nuku'alofa | PO Box 170, Nuku'alofa, Kingdom of
Tonga Tel + 676 28-191 | email tavake@afeakichambers.co.nz

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you have received this email message in error, please notify my Chambers immediately and
erase all copies of the message and attachments. Thank you/ Nga mihi / Malo ☐ Maori: Me
whakarotia te taiao i mua i te tanga te pepa nei koa/Please consider the environment before
printing this email. Faka-Tonga: Kataki o fakatokanga'i 'a e maumau koloa faka-e-natula ki
mu'a he paaki 'a e tohi koeni. Nga mihi/Thank you/Malo

-----Original Message-----

From: Brenda Bayne <brendabayne63@gmail.com>
Sent: Monday, 9 September 2019 4:35 p.m.
To: Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: NRNWTB Trust Deed

Ki Ora Tavke,

Please find enclosed a copy of the Ngati Rehua Ngatiwai Ki Aotea Trust Deed. I hope this
confirms Erana Bayne's question in regards to Owner/ Shareholder question that you were
unable to answer due to not having The paper work on hand.

Kind regards
Brenda Bayne

Attachment 5. Emails from Interim Independent Chair to Trustees

From: Tavake Afeaki
Sent: Monday, 9 September 2019 3:09 p.m.
To: Bruce Davies <jbdavies8@gmail.com>; Valmaine Toki
<valmaine.toki@waikato.ac.nz>; Aperahama Edwards
<aperahama.edwards@ngatiwai.iwi.nz>; Jas n Jeanine Wii <jwii05@live.com>
Cc: kelly klink <kellymoanna@gmail.com>; Tavake Afeaki
<tavake@afeakichambers.co.nz>
Subject: NRNWTB CONFIRMED BOARD Hui Minutes #1 - #11 for trustees own records
& Website Communications
Importance: High

Tena ano koutou e nga tarahi kaitiaki,

1. Pardon this barrage of emails this morning and now, but I am writing to
provide the existing trustees and also for the benefit of our new replacement
interim trustee, Jason Wii - copies of all the Confirmed Trust Board Hui
Minutes from Hui #1 on 12 Feb to Hui #11 19 July 2019. I am doing this in the
interests of maintaining transparency and accountability of process for the
integrity of trust board procedures.

2. While we are discussing transparency, please consider placing the Trust Board's confirmed hui minutes on the trust board website, so that all Ngati Rehua-Ngatiwai ki Aotea uri might be able to access them directly, have the benefit of the information these hui have discussed and the processes we took to arrive at the decisions we made.
3. We have placed on the trust's website the:
 - a. High Court Judgment of 18 December 2018;
 - b. the audited financial statements of 2016, 17, 18 – which have not yet been debated nor confirmed by an AGM but will be tabled for AGM as soon as we can hold one;
 - c. Board First Information Hui Chair's Minutes from 3 August – is that correct Kelly?
 - d. Board Second Information Hui Agenda and Chair's Hui Minutes of 7 Sept 19;
 - e. Board Third Information Hui Agenda for 14 Sept 19 at Maunganui, Tauranga;

Is there any other new updated material posted on the website yet?

4. In terms of open communication with hapu beneficiaries, I believe access to Board Hui Minutes on the website is a good start. Your thoughts are welcome.
5. Along the same transparency theme, I have been considering to also post my Interim Independent Chair/Counsel Assisting the Court Reports to Court and also the Court's Further Directions and Orders.
6. We each have to provide our interim administrator Kelly with a photo and a blurb of who each of us are as interim trustees, a short background and our mahi - for the updating of the website. I will write an intro as Interim Chair with some precis of the Court Judgment Orders. This is about advising your people who we are, how we got to be appointed and what mahi we are tasked with doing.
7. Thank you again for your mahi and looking forward to hui with you apopo. If you cannot make it in person, then I am most keen for you to attend by Zoom if possible, or at least to be available in a location with internet bandwidth so you can zoom in or cellphone cover so we can call you in if necessary.

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

From: Tavake Afeaki
Sent: Monday, 9 September 2019 2:04 p.m.
To: Bruce Davies <jbdavies8@gmail.com>; Valmaine Toki <valmaine.toki@waikato.ac.nz>; Aperahama Edwards <aperahama.edwards@ngatiwai.iwi.nz>; Jas n Jeanine Wii <jwii05@live.com>
Cc: kelly klink <kellymoanna@gmail.com>; Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: RE: NRNWTB A. 2nd Information Hui Chair's Updated Minutes 7 Sept 2019 Agenda & Hui 4 pm Tue 10 Sept 2019 & B. Draft Hui Minutes #12, 13, 14 of 9, 12 & 15 Aug 19, C. NRNWTB Hui #15 DRAFT Minutes 27 Aug 19
Importance: High

Tena ano koutou e nga tarahi kaitiaki,

1. I am looking forward to our Hui tomorrow at 4pm Auckland City. Certainly I hope you can all attend. In preparation for our hui, the following are for us to consider and Kelly will circulate an Agenda, which of course as trustees we are able to contribute to. I welcome this process.
2. Please find **attached A.** the updated Second Information Hui Chair's Minutes of 7 September, 2019. I have included Peter and Lynette Hoey's names in the attendance list and corrected some typos.
3. Please also find **attached B.** the NRNWTB DRAFT Hui Minutes #12, #13, #14 of Friday 9, Monday 12 & and Thursday 15 Aug 2019. I had kept them as a consolidated set of hui minutes because we had adjourned when we ran out of time, and needed to maintain a quorum.
4. Finally, please also find **attached C.** the NRNWTB DRAFT Hui Minutes #15 from 27 August 2019, which we held as a hui a kanoahi at the Auckland City office building on Albert Street, just before we went as a Board to hui with Independent election Services Ltd at their tari on Federal street. As usual, I invite us all to read the DRAFT Board Hui Minutes for your consideration and discussion apopo, with a view to arriving at a consensus, making any appropriate corrections and confirming them as a true and accurate record of our hui.

No reira, he mihi nui ki a koutou mo o koutou mahi mo o koutou hapu, me nga manakitanga ki o koutou whanau katoa.

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki



Afeaki Chambers | New Zealand

PO Box 13-397, Onehunga, Auckland 1643, New Zealand

Tel + 64 9 909 4904 | email tavake@afeakichambers.co.nz

Afeaki Law Chambers | Kingdom of Tonga

Api Mataka, Hala Vaha'akolo, Haveluloto, Nuku'alofa | PO Box 170, Nuku'alofa, Kingdom of Tonga

Tel + 676 28-191 | email tavake@afeakichambers.co.nz

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From: kelly klink <kellymoanna@gmail.com>

Sent: Monday, 9 September 2019 7:30 a.m.

To: Tavake Afeaki <tavake@afeakichambers.co.nz>

Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Bruce Davies <jbdavies8@gmail.com>; Aperahama Edwards <aperahama.edwards@ngatiwai.iwi.nz>; Jas n Jeanine Wii <jwii05@live.com>

Subject: Re: NRNWTB Second Information Hui Chair's Minutes 7 Sept 2019 - and prep for Agenda & Hui 4 pm tue 10 Sept 2019, Auckland City

LH is Lynette Hoey

Will get this all done today.

On Mon, 9 Sep 2019, 7:27 AM Tavake Afeaki, <tavake@afeakichambers.co.nz> wrote:

Tena koutou e nga tarahi kaitiaki, me nga mihi k inga mate o tatou, o tena hapu, o tena tapu – haere, haere, moe mai ra.

1. Thank you again for the 2nd Information Hui on Saturday and for your efforts, your mahi as we carry this kaupapa forwards. I know this is challenging, but it is worthwhile mahi to do and we are tasked with serving the whanau, hapu, trust and the Court.
2. Thanks also Kelly for sending through the draft NRNWTB Information Hui #2 Minutes through. I have been through them and have inserted some further memories and details in the Draft Hui Minutes. Who was the wahine shown on page 2 as 'LH'? Please advise. Thanks

3. Please find **attached** a copy of my Chair's Minutes for our consideration prior to our Board Hui apopo at 4PM, Tuesday 10 September.

Hui 4pm, Tuesday 10 September 2019 – Auckland City

4. Kelly, please can you contact Auckland City and book us a hui room for 4-5.30pm at the big Auckland City Offices ASB Building on Albert Street? And confirm back to us. Nga mihi
5. Kelly please can you prepare a Draft Agenda for our Hui, using my earlier template with categories for this purpose.
6. Agenda items to please include: Karakia, Mihimihi, Whakatau mo Jason Wii. Attendance, Apologies, Including correspondence In & Out. Ex Parte Application, Evidence, Hearing & Court's Orders of 6 Sept. Matter Arising. Aotea Sludge Dumping Appeal & Costs, next steps. Finances, Bank Account and arrangements to have Jason Wii become trust bank account signatory with Kiwibank. Charities Services, IRD tax returns and status, reimbursements. Website, Faceache, communications etc. Equipment: Trust Board Laptop & Software? Prep and Panui for our Third Information Hui at Maunganui, address, panui, koha, logistics. Review of Interim Administration Assistant role. Other matters.
7. My colleague trustees, your thoughts and agenda items are welcome please.
8. I will provide further Draft Trust Board Hui Minutes for consideration, discussion and adoption apopo.
9. I am off to prep kai for tamariki and do the Kura run now. Looking forward to staying in touch and making progress.

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

From: kelly klink <kellymoanna@gmail.com>
Sent: Sunday, 8 September 2019 2:37 p.m.
To: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>; Bruce Davies <jbdavies8@gmail.com>; Aperahama Edwards <aperahama.edwards@ngatiwai.iwi.nz>; Jas n Jeanine Wii <jwii05@live.com>
Subject: NRNWTB Second Information Hui DRAFT Minutes 7 Sept 2019 and attendees list

Please advise if changes need to be made to the minutes.....

Attachment 6. Emails to and from trustees

From: Tavake Afeaki
Sent: Saturday, 7 September 2019 6:56 p.m.
To: Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz; Aperahama.Edwards@outlook.co.nz; jwii05@live.com
Cc: kelly klink <kellymoanna@gmail.com>; Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: RE: NRNWTB - reimbursements of expenses to Bruce Davies \$873.84 & Kelly Klink \$854.68 (Auckland City KMs & Flights to High Court Sludge Appeal) - Updates and Hui 4pm Tue 10 Sept?
Importance: High

Tena koutou e nga tarahi kaitiaki,

Me nga mihi mo te hui o tatou kei Mangere i te ahiahi nei. He hui pai, he maha nga korero me nga whakaro pai.

Nau mai, haere mai Jason, ki to tatou poari kaitiaki.

Kia kaha tatou mo o tatou mahi e whai ake nei mo nga uri o Aotea. Kia tau hoki nga manakitanga ki o tatou whanau katoa.

1. Further to our approval of these costs being paid for and confirmation again today from yourself Bruce and Valmaine, please find **attached** an approved NRNWTB Reimbursement Form for \$854.68, signed by myself as Chair for Kelly Klink's reimbursement for the Kilometrage costs invoiced to Auckland city and paid to our Operational account on 15 August, and reimbursement of Kelly's Flights to Wellington to attend the High Court Hearing of the Consent for Sludge Dumping in the moana off Aotea Appeal in July. We had received funding for our support of the appeal from the Aotea Community board.
2. Please can one of you trustees, Valmaine, Bruce or Aperahama log in to our Kiwibank account and co-authorise the payment I have just created to Kelly. Thank you kindly. Please email us back on here when you
3. **Bruce**, please get and send us a copy of the Hotel Accommodation receipt for after our Board hui of 19 July 2019. Please also send us your bank account name and number Bruce, so we can reimburse you for those earlier costs

incurred. Then we can work to reimburse you for the koha kai and flights for the First information Hui on Kawa marae, Aotea on 3 August.

4. We will look to hui either in person next week, maybe on the Tuesday or Wednesday, so we can get on with getting Jason up to speed with our operations, review Board Hui minutes, review the first two Information Hui and what we have learnt, review the Court's Minutes and Orders of 6 Sept, correspondence, chasing up work for me as chair and yourselves also, reviewing mahi, follow through and action, prep for the next weekend hui in Maunganui and also in Matapouri. Please indicate if you are able to meet on Tuesday 10 Sept at 4PM? Either in person at Auckland City building on Albert St or by Zoom Telehui?
5. Thank you and have a nice rest of your weekend with your whanau.

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki



Afeaki Chambers | New Zealand

PO Box 13-397, Onehunga, Auckland 1643, New Zealand

Tel + 64 9 909 4904 | email tavake@afeakichambers.co.nz

From: Tavake Afeaki

Sent: Monday, 2 September 2019 12:22 p.m.

To: Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz;

Aperahama.Edwards@outlook.co.nz

Cc: Sarah Wroe <sarah@sarahwroe.co.nz>; richard@harrisonstone.co.nz; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: RE: NRNWTB - Bruce Davis' email & reimbursements of expenses

Importance: High

Tena koe Bruce, otira korua e nga tarahi kaitiaki,

1. Thank you, I acknowledge receipt of your email advice Bruce. I am copying this to the other co-trustees for their information, consideration and reply. I welcome your comments and will revert in due course.

2. Meantime, I wanted us to reimburse your disbursements and those of Kelly Klink from the funds received from the Auckland City.
3. I am circulating this so that we can make those important decisions and provide you both with the reimbursements of your personal monies to your whanau. Certainly I do not wish to impose any hardship on trustees' whanau by delaying this any further for money already spent on agreed trust activities, and for which we have received funding.
4. We had earlier agreed to reimburse these funds and receipts had been circulated by email loop. Kelly has prepared the **attached** NRNWTB reimbursement forms for both herself and for Bruce.
5. Bruce's reimbursements are for airfares back in February for the two hui on Aotea, for kilometrage to our trust board hui and for one nights accommodation in July.
6. Kelly's are for kilometrage for a hui she attended for the trust at Auckland City, which the board has received payment of fees for – the fees are in the Operations account & the KMs are for her use of her car from Whangarei to Auckland return. The second part for travel costs to the Sludge Consent Appeal at Wellington High Court in July, which was funded by the grant from the Aotea Community Board.
7. Please can you approve by return email today. Thanking you in anticipation.
8. I am going to visit with a koro client, who is a War Hero from Ngati Whakiterangi, Raetihi. He was a founding member of the NZ SAS. He is on his deathbed and his whanau have summoned me. He mihi ki nga toa whakakaha o tatou whenua, o tatou motu katoa! Na ratou tatou e tiaki. Mauri ora!

Naku noa, na

Tavake Afeaki

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki



Afeaki Chambers | New Zealand

PO Box 13-397, Onehunga, Auckland 1643, New Zealand

From: Bruce Davies <jbdavies8@gmail.com>
Sent: Monday, 2 September 2019 11:12 a.m.
To: Tavake Afeaki <tavake@afeakichambers.co.nz>; Sarah Wroe <sarah@sarahwroe.co.nz>
Subject: NRNWTB - Bruce Davis' email

Kia ora Tavake

I wish to formally advise you that I do not support or give my approval for Trust resolutions until the High Court has appointed interim trustee nominee Jason Wii.

I feel there has been undue and unfair pressure placed upon me by yourself and the plaintiffs trustees seeking me to give my approval to resolutions that I do not support or agree with.

I rescind my support to the resolutions you have made from the last Trust hui and will await for the appointment of Jason.

Thank you
Bruce Davies

Attachment 7. Emails

From: Tavake Afeaki
Sent: Saturday, 7 September 2019 6:09 p.m.
To: jbdavies8@gmail.com
Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; jbdavies8@gmail.com; Aperahama Kerepeti-Edwards <aperahama.edwards@outlook.co.nz>; kellymoanna@gmail.com; Jason Wii Trustee NRNWTB <jwii05@live.com>
Subject: NRNWTB Bruce Davies Receipts for MyFlySky flights \$178 for Aotea Board Hui 12 Feb and car parking \$27 for 3 July Board Hui - Bruce Just need hotel receipt for Hotel 19 July 19

Tēnā koutou e ngā tarahi kaitiaki o Aotea,
Thank you for our very good Hui today. More on that later.
I am just doing some follow-throughs on reimbursements we had discussed and approved as a board but we need receipts for expenses incurred for specific items.
Please find attached
Bruce Davies Receipts for MyFlySky flights \$178 for Aotea Board Hui 12 Feb and
Bruce Davies' car parking \$27 for 3 July Board Hui -

Bruce I cannot find the hotel receipt for the night you stayed down here in Auckland after our 19 July Hui. I am sorry but I have lost it. Please can you ask Jackie to ask the hotel to send you a copy as we need that hotel receipt for Hotel 19 July 19 to be able to keep a paper accounting trail.
Kelly please keep these in our accounting records of reimbursements in accounts.
Thanks
I will drop you another message soon about this.

Thank you all for your mahi
Tavake

Fly My Sky
 P O BOX 53-033, AUCKLAND INTERNATIONAL AIRPORT, AIR
 NZ DOMESTIC TERMINAL
 Phone: +64 9 256 7025
 Toll free: 0800 222 123
 Fax No: +64 9 256 7026
 Email: greatbarrier@flymysky.co.nz
 Web: http://www.flymysky.co.nz
 GST No: 44-717-115

Booking Confirmation
 Show this at Check in. No other ticket will be issued.
 BOOKING NUMBER: **745829**

14 February 2019

ITINERARY
 DEPARTING PASSENGER NAME
 • Bruce Davies

CHECK IN BY	DEPARTURE	ARRIVAL	DETAILS
6:25 AM	Auckland Tue, 12 Feb 2019 6:55 AM	Great Barrier Island (Claris) Tue, 12 Feb 2019 7:25 AM	FLIGHT: AAX069 CLASS: Seat + Carry On 7KG

RETURNING PASSENGER NAME
 • Bruce Davies

CHECK IN BY	DEPARTURE	ARRIVAL	DETAILS
2:30 PM	Great Barrier Island (Claris) Wed, 13 Feb 2019 3:00 PM	Auckland Wed, 13 Feb 2019 3:30 PM	FLIGHT: GBX150 CLASS: Seat + Carry On 7KG

PAYMENTS (All prices in NZD)

PAYMENT	TYPE	DETAILS	AMOUNT
Fare & Taxes	Mastercard	Holder: W B DAVIES Paid: Feb 11 2019 13:04, Card: ..36	\$178.00
Total Paid:			\$178.00

TAX INVOICE/STATEMENT (When paid in full)

DATE PAID	GST NO	FARE	GST	TOTAL (incl GST)
11 February 2019	44-717-115	\$154.78	\$23.22	\$178.00

CHARGE DETAILS

BASE FARE	RATE	COUNT	AMOUNT
Passenger Outward leg	\$89.00	1	\$89.00
Passenger Return leg	\$89.00	1	\$89.00
TOTAL PRICE:			\$178.00

691.00 Parking 3/7/2019

Sent from my iPhone

Attachment 8. Storage King \$127 Invoice for Sept to Oct 2019

From: Tavake Afeaki

Sent: Saturday, 7 September 2019 12:16 p.m.

To: Valmaine Toki <valmaine.toki@waikato.ac.nz>; kellymoanna@gmail.com; jbdavies8@gmail.com; Aperahama Kerepeti-Edwards <aperahama.edwards@outlook.co.nz>

Cc: Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: NRNWTB Fwd: Storage King Invoice \$127

Kia ora koutou

For inclusion in next Board Hui Agenda and payment

Noho ora mai

Tavake

Sent from my iPhone

Begin forwarded message:

From: onehunga@storageking.co.nz

Date: 7 September 2019 at 10:21:54 AM NZST

To: tavake@afeakichambers.co.nz

Subject: Storage King Invoice



The Local Lockup Ltd trading as Storage King Onehunga

Ngati Rehua - Ngati Wai Ki Aotea Trust Board
PO BOX 13-397
Onehunga Mall
ONEHUNGA
AUCKLAND NZ 1643

Agreement Number : 000006905
Customer Code : SKONENGATI
Unit No : 0476
Date: Sat, 7 Sep 2019

TAX INVOICE / RECEIPT
GST Number : 65-914-921

Date	Description	Invoice Number	Net	Charges GST	Total	Payments	Balance
22/08/2019	Balance brought forward						0.00
21/09/2019	Rental Fee Unit 0476	0324843	110.43	16.57	127.00		127.00
	From 21/09/2019 to 20/10/2019						
	Balance Due by 20/09/2019						127.00

As at the date of this invoice Rent is Paid up until Sep 20, 2019

If you have any questions or queries, please call us on 09 622 3366.

Also if paying by Direct Credit please identify lease No & name.
Our Bank Acct No. is Westpac 03-0252-0003937-02. Please remember to make your remittance in time for your due date to avoid the \$20.00 late fee.

Attachment 9. Emails

From: Tavake Afeaki

Sent: Friday, 6 September 2019 10:38 a.m.

To: jbdavies8@gmail.com; Valmaine Toki <valmaine.toki@waikato.ac.nz>; Aperahama Kerepeti-Edwards <Aperahama.Edwards@outlook.co.nz>

Cc: kellymoanna@gmail.com; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: Fwd: CIV 2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai ki Aotea Trust Board - Judicial Teleconf 1.15pm

Kia ora e ngā tarahi kaitiaki,
Mo koutou te panui kei raro iho nei.
Kei to mātou Tangihanga tonu ahau.
Noho ora mai
Tavake Afeaki
Barrister

Sent from my iPhone

Begin forwarded message:

From: Tavake Afeaki <tavake@afeakichambers.co.nz>
Date: 6 September 2019 at 10:34:27 AM NZST
To: "Kevin.Yu@justice.govt.nz" <Kevin.Yu@justice.govt.nz>
Cc: "Yu, Kevin" <Kevin.Yu@justice.govt.nz>, Sarah Wroe <sarah@sarahwroe.co.nz>, "roimata@smail.nz" <roimata@smail.nz>, "helen.carrad@crownlaw.govt.nz" <helen.carrad@crownlaw.govt.nz>, Tavake Afeaki <tavake@afeakichambers.co.nz>, Richard Harrison NRNWTB Plaintiff Counsel <richard@harrisonstone.co.nz>
Subject: Re: CIV 2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai ki Aotea Trust Board

Tēnā koe Mr Registrar, otira koutou,
Please tender my apologies to His Honour as I am at a Tangihanga.
Naku noa, na
Tavake Afeaki
Barrister

Sent from my iPhone

On 6/09/2019, at 9:10 AM, Richard Harrison <Richard@harrisonstone.co.nz> wrote:

Dear Kevin,

I am available at 1.15 for a telephone conference.

The best number to call me on is: (02) 7221 1033.

Regards

Richard Harrison

From: Yu, Kevin <Kevin.Yu@justice.govt.nz>
Sent: Friday, September 6, 2019 8:42 AM
To: Sarah Wroe <sarah@sarahwroe.co.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>; Richard Harrison <Richard@harrisonstone.co.nz>; roimata@smail.nz
Cc: helen.carrad@crownlaw.govt.nz
Subject: CIV 2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai ki Aotea Trust Board

Good Morning Counsel,

The application received from the defendants as per the email below seek to stop an event scheduled for this Saturday 7 September.

His Honour Justice Palmer has directed an urgent teleconference today at 1:15pm until 2 pm for counsel from both sides and Mr Afeaki as counsel assisting the court if possible.

Please confirm attendance and the best phone number to be reached at as soon as possible.

His Honour is in an all day trial, therefore this is the only time available to deal with this matter.

Kind Regards,

Kevin Yu

Case Progression Officer | Civil Jurisdiction|
Auckland High Court | Te Kōti Matua o Aotearoa
DDI: +64 (09) 3512792 | Ext 59792|
www.justice.govt.nz

Attachment 10. Emails Aotea Local Board

From: Tavake Afeaki

Sent: Saturday, 31 August 2019 9:49 a.m.

To: Helgard Wagener <Helgard.Wagener@aucklandcouncil.govt.nz>

Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; jbdavies8@gmail.com; Aperahama Kerepeti-Edwards <Aperahama.Edwards@outlook.co.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: RE: NRNWTB Aotea/Great Barrier Local Board - representation by Ngāti Rehua Ngātiwai ki Aotea - area plan development

Tena koe Helgard,

1. Thank you for your message below seeking confirmation of our decision as the Ngāti Rehua Ngātiwai ki Aotea Trust Board to delegate Dr Valmaine Toki as our representative for the important area plan and unitary plan work.
2. Yes, we did discuss this a our recent hui. Below is our Board's most recent resolution from our hui on 12 August 2019.

17. Unitary Plan. VT to participate for NRNWTB on the Local Board Unitary Plan Committee. BD seconded. Kua Mana. Unanimous.

3. Helgard, am I correct to understand that you are asking me to provide this so that you may have confidence that we have in fact as a Board discussed this and resolved this? If so, I can confirm that we do actually work quite studiously to keep clear records, of our discussions, hui and resolutions.
4. I trust that this is of assistance so that we may continue to uphold the tangata whenua role as kaitaiki on Aotea.
5. Thank you for your mahi.

Noho ora mai

Tavake Afeaki

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

From: Helgard Wagener <Helgard.Wagener@aucklandcouncil.govt.nz>

Sent: Wednesday, 28 August 2019 12:26 p.m.

To: Tavake Afeaki <tavake@afeakichambers.co.nz>

Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Hillary McGregor <hmcgregor.gbi@gmail.com>; jbdavies8@gmail.com; Aperahama Kerepeti-Edwards <Aperahama.Edwards@outlook.co.nz>

Subject: NRNWTB Aotea/Great Barrier Local Board - representation by Ngāti Rehua Ngātiwai ki Aotea - area plan development

Tēnā koe Mr Afeaki and trust board members

In response to the email below I was advised on 19 August that during the previous week (12-16 August) the Ngāti Rehua Ngātiwai ki Aotea Trust Board has resolved to provide Dr. Valmaine Toki with a mandate to provide input to the Aotea/Great Barrier Local Board on the development of the area plan for Aotea (as requested below).

May I please receive a copy of the resolution for record purposes?

Ngā mihi

Helgard Wagener | Relationship Manager: Aotea/Great Barrier and Waiheke Local Boards | Local Board Services | Auckland Council

DDI +64 (09) 890 8287 | **Mobile** 021 241 6287

Level 27 Auckland House, 135 Albert Street, Auckland
Private Bag 92300 | Auckland 1142

Visit our website: www.aucklandcouncil.govt.nz

From: Helgard Wagener

Sent: Monday, 29 July 2019 2:50 PM

To: Tavake Afeaki <tavake@afeakichambers.co.nz>

Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Hillary McGregor <hmcgregor.gbi@gmail.com>; jbdavies8@gmail.com; Aperahama Kerepeti-Edwards <Aperahama.Edwards@outlook.co.nz>

Subject: Aotea/Great Barrier Local Board - representation by Ngāti Rehua Ngātiwai ki Aotea - area plan development

Tēnā koutou i tēnei ahiahi trust board members

You are probably aware that currently Aotea's planning regime is the Hauraki District Plan. Auckland has adopted the Auckland Unitary Plan and the next step in the process is to develop an Aotea Area Plan that provides guidance and direction for a future plan change to transition the Hauraki District Plan provisions (reviewed/amended as required) into the Unitary Plan.

Clearly the planning regime that will apply on Aotea is of great interest to tangata whenua and it is absolutely vital for the development of the plan that Ngāti Rehua Ngātiwai ki Aotea Interim Trust participate to ensure not only that Te Ao Māori forms part of the plan but that the plan reflects strongly mana whenua views and aspirations.

Would it be useful if the interim trust delegate the engagement with the local board and the council's planning team to a member of the interim trust, in a similar manner as the appointment to the Dark Sky Advisory Group? This will ensure that you as interim trust are fully informed and influence and guide the development of the area plan.

Ngā mihi

Helgard Wagener | Relationship Manager: Aotea/Great Barrier and Waiheke Local Boards | Local Board Services | Auckland Council

Attachment 11. DOC Correspondence

From: Tavake Afeaki

Sent: Saturday, 31 August 2019 9:28 a.m.

To: George Taylor <ggtaylor@doc.govt.nz>

Cc: kelly klink <kellymoanna@gmail.com>; valmaine.toki@waikato.ac.nz; jbdavies8@gmail.com; Aperahama.Edwards@outlook.co.nz

Subject: RE: Ngati Rehua Ngatiwai ki Aotea Trust & DOC Aotea engagement - Tavake Afeaki's reply letter

Tena ano koe George, me nga mihi o te wa ki a koe me o koutou whanau katoa.

1. Thank you for your recent emailed letter of 22 August.
2. Please find **attached** my reply.

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

LETTER:

Ngāti Rehua-Ngātiwai ki Aotea Trust Board - Letter

Ngāti Rehua-Ngātiwai ki Aotea Trust Board PO Box 13-397, Onehunga Mall, Auckland 1643 ngatirehuatrustboard@gmail.com

30 August, 2019

George Taylor
Operations Manager – *Pou Matarautaki*, Aotea/Great Barrier Island
Department of Conservation - *Te Papa Atawhai*
Te Papa Atawhai gttaylor@doc.govt.nz
Tēnā koe George,

Ngāti Rehua-Ngātiwai ki Aotea Trust: - Representatives and Te Papa Atawhai

1. Thank you for your email dated 22 August seeking clarification on mandate and representation matters between Ngāti Rehua-Ngātiwai ki Aotea Trust and Te Papa Atawhai. I have delegated this mahi to tangata whenua co-trustee because the High Court's remit to myself as independent interim chair and counsel assisting the court requires my focus to be primarily on regularisation of the hapū beneficiary database, convening processes in respect of that and heading to a well overdue AGM and trustee elections.

2. You may recall we advised earlier this year that Dr Valmaine Toki is to be the key contact with Kelly Klink as a support person. I can confirm that this remains the case and this delegated mandate from the interim board was re-confirmed in discussions about this topic during our most recent Trust Board hui on 27 August.

3. In response to your questions: a. How the trust would like to receive consultation requests for statutory processes?

b. Who are the mandated representatives for consultation?

c. Who would be the mandated representative to converse with for operational matters?

4. Valmaine Toki, with Kelly Klink in support, are the key contacts for the receipt of consultation requests for statutory processes. They are the mandated representatives from the Ngāti Rehua-Ngātiwai ki Aotea Trust Board for consultation, operational, governance, permits, concessions and all associated matters with Te Papa Atawhai.

5. I understand that Valmaine Toki has scheduled a meeting with Andrew Baucke, Te Papa Atawhai Operations Director for the Auckland region and John Galilee, Statutory Manager also for the Auckland region regarding procedural matters around the nomination process and advice provided to the Minister for members of the Aotea Conservation Park and the Hauraki Gulf Island Forum. From our perspective as Ngāti Rehua-Ngātiwai ki Aotea Trust Board it is important that we are consulted, participate and are involved in decision making in appointments affecting mana whenua.

6. I can confirm that Hillary MacGregor has resigned from the Ngāti Rehua-Ngātiwai ki Aotea, effective 3 July 2019.

Heoi anō ra, he mihi anō me ngā manākitanga ki a koe, ōu kaimahi me tou whānau.
Noho ora mai,

Tavake Afeaki,

Barrister, Interim Independent Chair, Counsel Assisting the High Court

Ngāti Rehua-Ngātiwai ki Aotea Trust

cc: Trustees: Bruce Davies, Aperahama Edwards, Valmaine Toki

From: George Taylor <gttaylor@doc.govt.nz>

Sent: Thursday, 22 August 2019 2:15 p.m.

To: Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: Ngati Rehua Ngatiwai ki Aotea Trust & DOC Aotea engagement

Kia ora Tavake

I take it this message finds you well. I need to bring to your attention some advice that has been inadvertently passed to DOC in regards to the Ngati Rehua Ngatiwai ki Aotea Trust. There are two points that need clarification.

- Firstly, our permissions team received advice that Kelly Klink is the environment representative for Ngati Rehua Ngatiwai ki Aotea and that she would like to be consulted on any and all matters relating to environment in her rohe and would like to receive wildlife permit applications. Kelly (and Valmaine Toki) has also sought consultation on a multi-regional filing permit that is currently in process. We have advised Kelly to seek a mandate letter from her Iwi Authority (preferably Chair, CEO or General Manager) to affirm mandate representation. Are you able to provide clarification on this matter?
- Secondly, we have also received advice that Hillarey McGregor has stood down from the interim trust. Can you also clarify this matter?

On another note, we've been asked by Valmaine to reconsider the selection of two members of the new Aotea Conservation Park Committee. We have discussed this with Valmaine over the phone but I understand she is seeking a meeting with Andrew Baucke, Operations Director for the Auckland region and John Galilee, Statutory Manager also for the Auckland region.

Tavake, this brings to mind the intent of our last interaction in March where I stated that it would be great to get some form of operational relationship ASAP and build from there. Essentially this is probably anticipating the intent of the next trust board but I'm aware that this may still be some time away. In the meantime we're faced with a need to clarify how we work together. I guess what I'm saying is it would be great to clarify

- How the trust would like to receive consultation requests for statutory processes?
- Who are the mandated representatives for consultation?
- Who would be the mandated representative to converse with for operational matters?

If you could please consider these questions and get back to me with any feedback?
Alternatively, I'm available on the phone.

Ngā mihi

George

George Taylor

Operations Manager – *Pou Matarautaki*, Aotea/Great Barrier Island
Department of Conservation - *Te Papa Atawhai*
M: +64 27 553 3954 DDI: +64 9 429 0065

Attachment 12.

From: Tavake Afeaki

Sent: Saturday, 31 August 2019 8:13 a.m.

To: kelly klink <kellymoanna@gmail.com>

Cc: Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz; 'Aperahama Kerepeti-Edwards' <aperahama.edwards@outlook.co.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: NRNWTB CIV-2017-404-259: Ngawaka & Ors v Ngati Rehua-Ngatiwai Ki Aotea Trust Board & Ors - Judgment of 18 November 2018, Justice Palmer - for posting on website, facebook etc

Tena koe Kelly, otira koutou,

Please find **attached** the Judgment of 18 November 2018, Justice Palmer - for posting on website, facebook etc and circulating to Ngati Rehua uri.

Thanks

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

Attachment 13.

From: Tavake Afeaki

Sent: Saturday, 31 August 2019 7:56 a.m.

To: kelly klink <kellymoanna@gmail.com>

Cc: Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz; Aperahama.Edwards@outlook.co.nz; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: NRNWTB Panui for 1pm Sat 7 Sept TB Information Hui for Posting on Website, Facebook page, emailing, calling, texting and telling hapu members

Tena koe Kelly, otira koutou e nga tarahi kaitiaki,

1. Please find **attached** for distribution to your networks:

- the Trust Board's panui for the Trust Board's Second Information Hui at 1pm on Saturday 7 Sept 2019 hui; and

- my hui minutes from the Trust Board's First Information Hui at Kawa Marae on Sat 3 August.
2. Kelly please post these on the Website, the Facebook page,
 3. I ask that you all email, call, message, text and tell your whanau and hapu members.
 4. Please also tell them about the other CONFIRMED upcoming Hui on Saturday 14 Sept in Maunganui, Tauranga and in Matapouri on Saturday 21 Sept, which are noted on the base of the panui.
 5. Thank you for your mahi. I look forward to working together to progress informing and empowering the Ngati Rehua-Ngatiwai ki Aotea people.

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

Attachment 14.

Ngāti Rehua-Ngātiwai ki Aotea Trust Board Information Hui

10am – 2pm, Saturday 3 August, 2019

KAWA MARAE, AOTEA

INTERIM INDEPENDENT CHAIR'S HUI MINUTES

*[*please note these are summary notes]*

10am **Whakatau**

Karakia: Maia

Mihimihi: Opo, Tavake

Whakanoa - Kapu Ti

Whakatuwhera/Introduction: Interim Independent Trust Board Chair, Tavake Barron Afeaki

Background, Vision for Future: Tavake's perspective as independent chair on the need for Ngāti Rehua-Ngātiwai uri having the opportunity to gain some understanding of the nature of the issues and work towards facing the challenges collectively and using their knowledge and vision to resolve the problems as a people, for the tamariki mokopuna to have a better chance. The uri of Aotea deserve much better and this series of hui and processes is the chance right now for Ngāti Rehua-Ngātiwai uri to resolve the issues themselves in a manner which navigates personal disputes, black-letter law and be guided by your own tikanga.

High Court Orders: In response to a question about how long it will take? – The matter has taken some years to get to this stage of intense conflict, and eventually went to the High Court two years ago. Tavake mindful that rather than impose a solution, Justice Palmer has made orders about what he directs to happen to regularise the beneficiary database (read these out to the hui and discussed) and given the interim trust board until June 2020 to complete a combined validation committee process and then have an AGM with election of new trustees, who can take over. Recognised that time is passing and there is always work to

be done, but we have to do this properly. Importantly there needs to be good will and dedication to work for all of us to surmount the challenges together. Disputes about leadership of hapū, of whānau are not new nor unusual. Tavake's deep wish that Ngāti Rehua-Ngātiwai uri are able to unravel the animosity which has preceded and work to resolve this without having to go to a long, expensive and risky court campaign, where the rules are very tough and we cannot have these discussions on your marae with your people and everyone have their say about what they feel and what they think is tika. Going to court will not empower your people to make the decisions you need to make. You are better placed to do it on your marae with your people present. Hence this series of information hui. So back to the question how long is it going to take? – It took years to get to this level of difficulty and conflict and we have less than a year left to properly address the problems we face. We must work together and inform the people, gain understandings of what is at stake and together make real efforts to properly work out and resolve the problems as a hapū. This is distinct from handing it over to the court to decide for you, uri o te hapū.

Trust Board Beneficiary Roll: There was a robust discussion about the beneficiary roll. Tavake explained some of the issues, the current unavailability of ElectionNZ (ENZ) due to their bookings for 2019, the current status of the roll. Because ENZ were booked out with local government, school and other elections, they were not available to assist until 2020 earliest. The Court has ordered that we need their (ENZ) professional services to conduct the combined validation committee hui and AGM, and rightly so, because this is serious mahi and requires expert service and skills. We are looking for engagement with the other professional election services provider to ascertain whether or not we can contract them. Clarified in response to a question from Kuia, Ms Wī, that it was not Tavake who came up with the term lack of 'integrity' of the database. - In fact it was the election service professionals and also the Māori Trustee who had said that they had concerns about the 'integrity' of the current database. That description was taken up by the judge because he was relying on their being independent of the different parties. This was the reason for needing to put in place a proper process for validating the information in the beneficiary database. Meantime, the trust board had asked ENZ for the beneficiary database which they sent us – as two lists, one is a spreadsheet with 1622 names and addresses on it, many of whom are contested by either side of the court dispute. ENZ also sent another of 46 names of member enrolments agreed to in the earlier separate validation committee hui of 2017. Interim Trustees Bruce Davies and Valmaine Toki explained how we had asked ENZ to send us the originating documents they held so we could look at what we had to work with. They sent these to us last month, July 2019. We received and opened the two boxes of your hapū documents received from ENZ at our trust board hui on 19 July and inspected them. There were many piles of documents, signed membership registration forms, including some piles of proxy voting forms. Bruce commented on one pile of proxies which were all received at the last failed AGM from his brother, who had signed about 200 of them. This gave rise to discussion in the hui about needing clear processes for proxies because the validity of voting processes is so important.

One kaumatua asked why were proxy forms used and what were the rules about proxies? Tavake advised the hui that if proxies are to be accepted for voting, there needed to be one properly designed proxy form used, with a proper, clear manner explained to everyone in which proxies are reliable and lodged two weeks well in advance of the AGM, so they could be properly verified prior to the AGM and measured against the properly organised and validated hapū membership database.

This led to further korero about the underlying issue of the form, content and processes of the beneficiary registration forms.

Advised the hui that different beneficiary registration forms had been used by different people applying which meant that there was different information being given by people wanting to register. The problem was that it created inconsistent information being provided by beneficiaries.

One kuia, Ms Stephens, said that despite being from Aotea, having been a registered beneficiary for many years and who had earlier served the trust board administration as secretary, she had been removed from the beneficiary database as a member.

Another kuia, Ms Hope raised that she did not want to be re-registered as she is a kaumatua and is already registered. Hui discussion that perhaps kaumatua should not be required to re-register and that the combined validation committee could review the database and confirm who should remain on it or not. Tavake recalled in February 2019 meeting one Aotea kuia who was 88 years of age and resides at Okiwi and how someone had mentioned it would be offensive for this kuia to have to re-register. However, the combined validation committee would have enough people who hold the knowledge and ability to know who is in fact a kaumatua.

Another view expressed and discussed was that we should not whaka-iti or 'put down' anyone uri by only requiring some to apply to re-register and not others, because the same fair procedure and criteria should be done by everyone applying.

Was agreed by everyone at the hui that we should invite people to register. Tavake added that the judge had directed us to do this. We will provide one registration form to be used. Looking forwards, the trust gave some more background to the work we believed necessary and then the hui had some more ideas, discussions about what needed to happen next to validate and regularise the beneficiary database

Request for Feedback, Registrations:

Combined Validation Committee: Tavake advised the Hui that the judge had ordered that a combined validation committee come together and process the database information, call for further registration applications of uri and regularise the database. This is because at the earlier validation committee hui, two committees met separately and considered the forms separately. They came to quite different conclusions.

Tavake advised the hui that present at our trustees hui of 19 July 2019 in Auckland, two members of the two earlier validation committees attended; Bruce Davies and Aperahama Edwards. They had already seen those sets of documents first-hand and had been through the experience. They knew how that earlier separate validation committee hui went and the disputes which happened in them. After long discussion the trustees had decided to start registrations afresh and seek views from the hapū beneficiaries and of course direction from the Court as to whether this is acceptable.

Trust considered that we need a better process for us to succeed and this was the reason why we are holding the information hui and the series of them in the different places where uri reside, so we could together inform the whānau and hapū, seek feedback and help the whanau to ready the to participate for best results.

Resolution Moved by kuia Marilyn Stephens (wrote up on whiteboard), and was debated by Hui: - resolved:

- That the current beneficiary register be reviewed in part by the combined validation committee.
- That the NRNWTBoard call for registrations and re-registrations
- That the NRNWTBoard secure professional election services

Those in favour. Kua mana.

The hui then discussed and supported the Board's following series of proposed information hui, combined validation committee hui and AGM with tentative dates

and confirmation as soon as able, if not - to be advised and alternative arrangements to be made: -

10 August – Tauranga

17 or 24 August - Matapouri

7 or 14 September - Auckland

19 October - Combined Validation Hui #1 – Auckland

Second Combined Validation Hui – Kawa/Motaihere?

23 November - AGM – Auckland?

*[*these hui are subject to availability, confirmation of marae, organisation, professional services for the CVC hui & AGM and funding]*

AGM – reports, accounts & elections of Trustees

Timetable next steps

Other Matters: Kuia, Ms Hope raised the matter of the resignation of the interim trustee, Hillarey McGregor and a replacement trustee for this role for the defendants. Tavake advised the hui that he had already reported on that matter to the Court which has used its powers to appoint the 5 interim trustees. Advised that the Justice Palmer has seen Tavake's 31 July 2019 report to the court, is taking legal submissions from both parties and had directed that once he has heard from both sides, he will make a decision on the appointment issue. We told him that we are not going to discuss it at this hui today as it is out of our hands.

Communication – of hui, information, proper forms to register with and updates on the process and hui timetable through website, facebook page – Must happen ASAP. Volunteers to help sought.

Taumata – Kaumatua, Opo told the hui that the Aotea Taumata Kaumātua had resumed having monthly hui and that they wanted the board to keep them informed. Noted that they are the ahi kaa roa and that they do not want to be marginalised by others who do not come to the island - making decisions about the motu without them ahi kaa - being given prominence as kaitiaki. For example we should have hui here on the motu like this to stay involved.

[Tavake noted 7 kaumātua, all of whom contributed to the hui kaupapa and a total of 23 adult uri in attendance at hui, as well as some tamariki mokopuna]*

Karakia Whakakapi

Attachment 15. Chair's Report to Court 30 Aug 2019

IN THE HIGH COURT OF NEW ZEALAND

AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA

TĀMAKI MAKAURAU ROHE CIV-2017-404-259

BETWEEN STEWART NGAWAKA, MARYLIN

STEPHENS, MARK ANTHONY McMATH, ALLAN JOHN MOORE, HORI TE MOANAROA

PARATA and ELDERS and registered members of NGĀTI REHUA-NGĀTIWAI KI AOTEA

Plaintiffs

AND NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD

First Defendant

YVONNE JEWEL WIKI

Second Defendant

CATHERINE HOPE MUNRO

Third Defendant

NICOLA MARIE ATARIA MACDONALD

Fourth Defendant

RODNEY NGAWAKA

Fifth Defendant

WHAKAPĀ TUHINGA NĀ TE ROIA TAUTOKO KI TE KŌTI/HEAMANA Ā WĀ MO

TE POARI TARAHITI MŌ NGĀTI REHUA-NGĀTIWAI KI AOTEA

AMICUS CURIAE/INTERIM INDEPENDENT CHAIR'S MEMORANDUM TO THE COURT FOR NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD

Tēnei te Rā 30 o Hereturikoka, 2019

Dated this 30th Day of August, 2019

Presented for Filing by:

Counsel Assisting the Court, *Amicus Curiae*

TU'INUKUTAVAKE BARRON AFEAKI

BARRISTER,

AFEAKI CHAMBERS

PO BOX 13-397, Onehunga Mall, Auckland 1643

Tel: 09 909 4904

Email: tavake@afeakichambers.co.nz

**MĒNĀ KA PAI KI TE KŌTI,
MAY IT PLEASE THE COURT,**

**WHAKAPĀ TUHINGA NĀ TE ROIA TAUTOKO KI TE KŌTI/HEAMANA Ā WĀ MO
TE POARI TARAHITI MŌ NGĀTI REHUA-NGĀTIWAI KI AOTEA
AMICUS CURIAE/INTERIM INDEPENDENT CHAIR'S MEMORANDUM TO THE COURT
FOR NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD**

Whakataukī whakataki

[Introductory proverb]

'Ko te tao rakau, e taea te karo. Ko te tao kupu e kore e taea te karo'

[The wooden spear can be parried. The spoken spear cannot.]

1. Update of Independent Interim Chair: Information Series Hui 1.1. Further to my report to the court filed on 31 July 2019 and directions sought therein, I am writing to update the honourable court on the first Trust Board Information Hui held at Kawa Marae, Aotea on Saturday 3 August 2019.

1.2. Please find **attached** as an exhibit my summary minutes from the first Trust Board Information Hui derived from the Panui and Agenda circulated for that purpose.

1.3. I attended that first Trust Board Information Hui as Independent Interim Chair and Counsel Assisting the Court, together with two of the other court-appointed trustees of the Trust Board, William (Bruce) Davies and Valmaine Toki. I am very grateful again to the Hau Kainga of Kawa and Aotea for their warm hospitality on their marae tīpuna. *No reira, he mihi nui anō ki a koutou e ngā rangatira kaitiaki o Kawa, o Aotea.*

1.4. As *Amicus*, I consider that this first information hui was a worthy exercise because we were able to *hui a kanohi* with Ahi Kā on Kawa Marae, inform them face to face of background and processes including what we have to do, seek their views and give them an opportunity to help us understand their concerns and proposals for advancing their situation. I ask that the Court consider my minutes for their terms.

1.5. The tentative timetable for the series of Information Hui has again shifted since my last report to the Court due to various contingent factors. Accordingly, I **attach** as an exhibit for the Court's information a further Trust Board Information Hui Panui and Agenda for the purpose of promoting the second Information Hui to be held at St James Church Hall, Māngere Bridge, Auckland on Saturday 7 September, 2019. Further Information Hui are to be held at Maunganui, Tauranga on Saturday 14 September and at Matapouri on Saturday 21 September.

1.6. The Court will please note that at the base of the Panui and Agenda, to inform the hapū and whānau, I have inserted the following note:

1.7. We have two confirmed bookings for the second and third hui and are seeking confirmation of the fourth hui marae venue. We are well aware that we must be flexible because contingencies arise and we will deal with such matters as they arise. As a Board, we are committed to this process. As we listen to people, consult more and as a result learn more about processes and availability of professional services, we become more aware of the need to engage with the uri of Ngāti Rehua to empower them to make informed decisions. In saying this we are necessarily flexible as to timing due to contingencies, funding and the like because ultimately we are attempting to provide best processes for best quality outcomes.

1.8. I am puzzled that some have expressed the view that in my reports on the proposed series of information hui, we are attempting to resolve wider grievances within the hapū, revisit the negotiated Treaty Settlement, or otherwise ‘unwind’ due process. This is not correct. We are holding information hui and the intention is to engage Ngāti Rehua uri in the safety and convenience of places near to where they reside, inform them and ask for their views. These hui are about empowering and informing them in what has been a protracted and confrontational process and honing in on the database, combined validation committee and this process. Of necessity also, we have not yet been able to engage any independent professional election services which we believe are crucial to the success of our efforts, especially with regard to any processes with the database, combined validation committee hui and AGM. I report further on this below.

1.9. Meanwhile we wish to hui a kanohi with the people, pay our respects to them, inform them and ask for their help. There is often mention of tikanga and in my personal view as Amicus, this surely includes ‘whakamana tāngata i roto ngā hui a kanohi’ (acknowledging/respecting mana of people in face to face meetings). Kei a rātou, ngā uri, te mana whakawhiri. (They, the descendants have the mana to decide).

*“**Please note that this is the second in the series of Information Hui which are being held by the Interim Trust Board. The current timetable is as follows:*

1. Kawa Marae, Aotea, Sat 3 Aug DONE; 2. St James Church Hall, 31 Church Road, Māngere Bridge, Auckland, 1-4pm, Sat 7 September; 3. Te Maire, Te Runanga o Ngāi Te Rangī Iwi Trust, 6 Salisbury Ave, Maunganui, 10am – 1pm, Sat 14 September; 4. Matapouri Marae, Matapouri, Sat 21 September (time TBA); 5. Combined Validation Hui, Auckland Venue to be advised, tentative date Sat 19 October (time TBA); 6. AGM, Auckland Venue to be advised, tentative date Sat 23 November 2019 (time TBA). The Board advise that these hui are subject to change. Variable contingencies include availability of combined validation committee members, marae, venues, funding, and professional election services providers in the combined validation committee processes and AGM.”

2. Hui on 27 August 2019 with Independent Election Services Ltd 2.1. In the absence of ElectioNZ being available until some time in 2020, I wrote as chair to the Director or Independent Election Services Ltd introducing in very basic terms of our circumstances and seeking a hui with their company team to discuss our needs and whether or not they would be able to provide us with services and if so, when they might be available and terms and conditions thereto.

2.2. I conducted research into Independent Election Services Ltd. This included the personnel, background, expertise, other work they had conducted, bona fides and overall professional reputation. Importantly they are located in Auckland, they are the

independent election service provider for Auckland City and other local government elections in the Northern regions of Aotearoa. In my initial view, prior to meeting them in person, they appeared to be a quality provider and will be able to provide the required level of professional service to the trust.

2.3. Three of us trustees, Bruce Davies, Valmaine Toki and myself attended a meeting with the company's Director and Manager on Tuesday 27 August 2019 at their offices in Auckland.

2.4. The meeting was positive and helpful as we were able to provide them with some background to what we needed their help to achieve, discuss the Court's orders and our efforts. They were able to analyse and put some 'shape' to how we might work together, including an overall strategy, clarifying forms to use, possible online processes, compliance with the trust deed and lawful processes, promoting and informing the Ngāti Rehua people, sequencing, timetabling and heading to combined validation committee hui and in due course, when we had regularised and created a robust beneficiary database, holding the AGM.

2.5. Importantly from our discussions with them we believe that with their professional services we can, as intended, keep the existing database as the foundational information set and work with that information on seeking new registrations and re-registrations. Certainly we do not aim to destroy the existing database. It is very important that it is preserved. The names and details of all those on the database will be preserved and not removed. Rather the database will provide a foundation for the engagement with and updating of everyone on it, including for those who have passed and those who have become of majority age since it was compiled.

2.6. We aim to contact all the people on the database to advise them of what we are doing and ask for their engagement, registration and assistance to create the most reliable database possible so that Ngāti Rehua uri can have their best opportunity for proper elections and decide for themselves who they wish to provide hapū leadership for their long-term interests.

2.7. For those who do not wish to re-register for various reasons, the combined validation committee will also be able to assess their status and make necessary decisions. For example, it will likely be the case that the kaumātua and kuia who are long-established hapū members and do not wish to be subject to the re-registration, can be validated by the combined validation committee. Likewise with whānau members who might not otherwise be known to one party or another. It is the combined committee who will have the collective knowledge, the mana to make those decisions.

2.8. I do not at all propose to usurp the role of the combined validation committee, but instead provide them with as much good information as we can get and have them hui consider, discuss and if necessary, debate and vote on any additions or deletions to the database.

2.9. The proposed process will take some time to do properly. Engaging Independent Election Services Ltd advice and expert services in that process will be key to the trust's success.

2.10. The next steps are ensuring that we keep focussed on good quality processes, maintain momentum so we can engage and inform the people, securing funding to engage Independent Election Services Ltd to assist us after they become available

following the Auckland City and other local government elections in late October, November 2019. We have asked them for costings, including contingencies, disbursements and the like, so that we can negotiate, clarify details, timing and expectations and enter a contract. Given their work timetable and upcoming availability and our developing understanding of our workplan and tasks, we believe we will be able to undertake informing and *whakamana tāngata o Ngāti Rehua* process, convening combined validation committee hui and convening an AGM.

2.11. I am mindful that in its 18 December 2018 judgment, the Court had ordered the trust to engage ElectionNZ as the original service provider to provide professional election services for the regularisation of the beneficiary database, validation committee and AGM. As a matter of courtesy, I defer to the authority of the Court and seek endorsement of our seeking to contract the services of the only other professional independent election services company, Independent Election Services Ltd.

2.12. As Amicus, I acknowledge the Court's directions concerning the database and regularising the same so that we can confidently call and hold AGM elections. I am highly interested in investigating processes which provide the best quality database but am not completely 'wedded' to the proposals herein if the parties can come to some principled agreement on a way forward.

2.13. In so saying I welcome the Court's wisdom and orders hereto. Of course if after having considered these updates and the further views of the parties, it remains the Court's view that we proceed with the orders granted by consent at the earlier stage, then we will act accordingly.

2.14. We will proceed as able and continue to update the Court, parties and the beneficiaries. I welcome the Court's directions hereto.

3. Trustee Mr Davies did support the board's 19 July 2019 resolution to the proposed registration process

3.1. In my 31 July 2019 report to the Court, I described at paragraph 3 the process by which we as a board of trustees had sought, received, and on 19 July 2019, had opened the boxes of originating documents from ElectionNZ, considered and discussed the database in respect of and relating to the originating documents from the most recent attempted validation committees and failed AGMs.

3.2. I can confirm that our 19 July trustees' discussions about this subject were intensive and fairly lengthy. It was the main purpose of our board hui. Arriving at the resolution took a number of discussions and refinements and as Chair drafting the proposed process, I took the notes and re-read them out three times, during which we debated and re-worded and refined the resolution and steps we discussed taking. At the end of that discussion, I added that the Court must have this information and proposed process and be invited to endorse the process.

3.3. We voted on the resolution. We had designed the content and wording of it and had worked to agree on its terms and component parts, including seeking the Court's endorsement of it or directions thereto. Trustee Aperahama Edwards moved the resolution. I seconded it. All trustees: Aperahama Edwards; Bruce Davies; Valmaine Toki and myself voted in favour and I recorded this as 'unanimous'; '*Kua mana*'.

3.4. Those Hui Minutes were circulated and later debated in a subsequent Board Hui #14 on 15 August 2019 and we then discussed again the content of the resolution and the issue of his later recanting to others his support of the resolution. On 15 August, Bruce Davies abstained from voting on confirming the resolution and the Board Hui Minutes thereto. The other trustees confirmed their recollection of the resolution and the Board Hui #11 Minutes at our hui on 15 August 2019. Below is reproduced my recorded Hui Minute from Hui #11 of 19 July 2019: -

**“NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD
TRUSTEES' HUI #11, 10 am Friday 19 July, 2019 HUI A KANOHI, Auckland City
Offices, 135 Albert Street CBD**

AGENDA

1. KARAKIA/MIHI – Tavake/Aperahama

2. Trustees In Attendance: TA, BD, VT, AE.

3. Election NZ Originating Documents & Beneficiary Database

4. Opened and inspected two archive boxes from ElectionNZ containing Registration Forms from 2017 & 2018 Hui and also proxy voting forms

5. AE: Resolution – Due to the state of the beneficiary roll and because neither the trust nor ENZ have any original documents (beneficiary registration documents) from prior to 2017, the interim trustees resolve that we need to begin the registration process afresh. 5.1. This process is to include a new, agreed registration form, which will be the only form that is accepted;

5.2. The trust will engage available professional election contractors to compile, maintain and receive registrations;

5.3. The trust will embark on a series of information hui with the uri of Ngati Rehua to advise, engage, update, consult and seek their input in the running of the process;

5.4. The election contractors will process the registrations, monitor and compile updated database for ongoing combined validation committee hui;

5.5. The series of hui will be timetabled, culminating in a final combined validation hui, prior to notifying the date of the AGM;

5.6. Then the trustees will formally notify the date for the AGM and elections to be held;

5.7. The funding of the database registration, series of hui, validation processes, AGM and election process is to be resourced by the trust engaging in capacity-building arrangements with Auckland City and any other possible funding sources. It was also noted that the proposal would have to be put to the court for endorsement.

3.5. In light of this update and noting some comments and further affidavits filed in respect of the process for facing the challenges posed by the beneficiary database, and with the recent benefit of some initial independent professional insights and the prospect of expert service to assist us, I am interested that the Court receive information about the recent events. I am keen to receive directions from the Court so we may proceed with the work.

AE Moved. TA Seconded. Unanimous. Kua Mana.”

4. Other Matters: Further Evidence Filed 4.1. I note that there have been a number of affidavits filed in respect of recent matters such as the appointment of a replacement trustee for Hillary McGregor.

4.2. As Amicus, I note that the provisions of the Trustee Act 1956 must be read in conjunction with the Court exercising its inherent supervisory jurisdiction in the circumstances of this case. Of necessity this will obviously include the due consideration of procedural fairness and natural justice.

4.3. Importantly also for me in my role as Independent Chair, this will include whether or not in the event of an appointment of a particular replacement trustee, all the trustees together as a working board will be able to leave aside the '*animus*' of the various confrontations and differences which led to the litigation and get on with the very important work to be done for all beneficiaries' interests. In my submission, the overriding consideration must be what is in the best interests of the trust, when all aspects have been taken into account.

4.4. I note that there are some who dispute the interim appointment of Ms Kelly Klink for a month trial from 15 August 2019 to provide important secretarial administration services and support the regularisation of the beneficiary database.

4.5. I note that at our Trust Board hui #12, #13 and #14 on 9, 12 and 15 August, we followed through on many discussions over many months concerning the need for administrative support services. I had asked for

support and people for months. We had some support by Ms McGregor's initial efforts but this reduced as her commitments to whanau increased.

4.6. For clarity's sake, as a board we considered different nominees to provide that support. On 12 August we hosted one person in a zoom hui who provided her offer to provide services. She was Jackie Davies, the wife of trustee, Bruce Davies. I welcomed the offer of support. Another person, Kelly Klink of Ngāti Rehua had earlier offered her services after the first Information Hui on 3 August, where we had asked the hui for support. Having already provided Mrs Davies an opportunity to meet us online and offer her services, as a matter of procedural fairness we thanked her for her offer and when she had left the hui, discussed further. We decided to provide the same opportunity to invite Ms Klink on our next hui which we set for 15 August.

4.7. Meantime on the morning of 15 August Mrs Davies emailed our board and withdrew her offer to provide administration services.

4.8. On the afternoon of 15 August we met again and Ms Klink attended to present herself and offer her services. We noted the withdrawal of Mrs Davies services and as a board resolved to make an interim appointment of Kelly Klink to provide much-needed support services for a month trial from 15 August 2019. We will consider and review her activities and position in two weeks. I have thanked Ms Klink for her support and advised her of her obligations to the trust, the beneficiaries and the Court, including that the information we are party to as a board is confidential and that we must be sensitive to the privacy, confidentiality and sensitive nature of our duties. She is not in a decision-making role.

4.9. In the absence of any other avenues or offers, we have accepted Ms Klink in a trial and will review next month.

4.10. In two weeks, Ms Klink has already provided us with administrative support, which has taken some of the pressure off myself as chair. I do not have administrative skills to carry out website and facebook campaigns to advise board communications with the Ngāti Rehua uri, account entries, and Xero reconciliations, tax returns and Charities Services, minute taking, hui organising, correspondence and following up contacts with other entities. It is much preferable to have a person with that skill set to carry out those duties, so that the trustees may focus on the substantive work.

4.11. I am concerned to be advised during the recent handover process that it appears that not all the governmental compliance returns have yet been completed by those charged with those tasks earlier this year. I will report on that once I have contacted the government agencies directly as interim chair and sought their direct advice.

4.12. I am of course willing to take directions on appointment of the admin support person and we as a board are considering our options and will review the situation in two weeks.

5. Conclusion, Court Directions Sought 5.1. I seek directions on the matter of the replacement of Ms McGregor as a trustee. I note the provisions of the Trustee Act 1956 must be read in conjunction with the Court exercising its inherent supervisory jurisdiction in the circumstances of this case. Of necessity this will include the due consideration of procedural fairness and natural justice. Importantly this will include whether or not in the event of an appointment of a replacement trustee, all the trustees together as a working board will be able to leave aside the ‘*animus*’ of the various confrontations which led to the litigation and get on with the work to be done for all beneficiaries’ interests. In my submission, the overriding consideration must be what is in the best interests of the trust, all aspects taken into account.

5.2. We seek the Court’s endorsement of our engagement of the services of Independent Election Services Ltd in order that we may plan for the next steps towards validation processes and set down a firmer timetable for implementing the court ordered processes.

5.3. I welcome any further directions in respect of the proposed processes described herein in respect of the beneficiary database, the call for new registrations and re-registrations and for any further information or orders the Court deems necessary.

5.4. I am privileged to serve the Ngāti Rehua-Ngatiwai ki Aotea hapū and thank the people who we have met thus far for their engagement and proposed constructive solutions.

5.5. I thank the Court for its appointment of me as counsel assisting and look forward to making further progress with the duties ordered.

Heoi anō, he mihi whakakapi tēnei, kia tau ngā manākitanga ki te Kaiwhakawā, ngā uri o Ngāti Rehua-Ngatiwai ki Aotea me o koutou whānau katoa.

**MĒNĀ KA PAI KI TE KŌTI,
MAY IT PLEASE THE COURT,**

Kei Te Whanganui a Tara, tēnei te Ra 30 o Hereturikoka, 2019
At Wellington, this 30th Day of August, 2019

**Tu’inukutavake Barron Afeaki
Counsel Assisting the Court**

Interim Independent Chair, Ngāti Rehua-Ngātiwai ki Aotea Trust

To: The Registrar, High Court, Auckland (Richard Kwon/Tony Mortimer)

To: Counsel for the Plaintiffs, R Harrison

To: Counsel for the Defendants, S Wroe & M Casey QC

Attachment 17. Letter to Minister Maori Development

From: Tavake Afeaki

Sent: Thursday, 29 August 2019 4:30 p.m.

To: n.mahuta@ministers.govt.nz

Cc: Julia Aranga-Tuilaepa <aranj@tpk.govt.nz>; Rachael Hawea-Kete <Rachael.Hawea-Kete@parliament.govt.nz>; valmaine.toki@waikato.ac.nz; Bruce Davies <jbdavies8@gmail.com>; Aperahama.Edwards@outlook.co.nz; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: RE: Independent Māori Statutory Board - Ngati Rehua-Ngatiwai ki Aotea Trust Board - nomination for Mana Whenua Selection Body

Importance: High

Tena koe e te Rangatira, e te Minita Whanaketanga Maori, otira koutou,

Kua **piria** nei he reta mai ahau, matou ko to matou poari, e pa ana kit e kaupapa motuhake nei o Tamaki Makaurau.

Nga manakitanga ki a koutou katoa.

Noho ora mai

Tavake Afeaki
Barrister,
Interim Independent Chair, Ngati Rehua-Ngatiwai ki Aotea Trust Board
& Counsel Assisting the High Court

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

NRNWTB letterhead

29 August, 2019
Hon. Nanaia Mahuta
Minita Whanaketanga Māori
Paremata, Te Whanganui a Tara n.mahuta@ministers.govt.nz

Tēnā koe e te Rangatira, e te tuahine kaitiaki o Tainui.
Me ngā mihi ki ngā tīpuna, ngā mate o tātou, o tēna marae, o tēna tapu, o tēna hapū, o tēna motu, o tēna whakaminenga – Haere ki te pō, haere, haere! Moe mai ra.
He mihi ki a koe mo ngā mahi maha e whaia ake nei e koutou te ope kawanatanga.

Ngāti Rehua-Ngātiwai ki Aotea Trust: Tāmaki-Makaurau Mana Whenua Selection Body for Independent Māori Statutory Board: Nomination of Dr Valmaine Toki

1. Thank you for your letter dated 23 July 2019 seeking our board's nomination to the Tāmaki-Makaurau Mana Whenua Selection Body for Independent Māori Statutory Board.
2. As an interim independent trust board, appointed by Justice Palmer of the High Court, we have considered your request and acknowledge the importance of maintaining a representative presence for Ngāti Rehua-Ngātiwai ki Aotea in the rohe.
3. At our board hui of 27 August, we considered your request and as a board we resolved to nominate interim trustee, Dr Valmaine Toki to the Mana Whenua Selection Body.
4. We look forward to your positive response and to getting on with the mahi. Please feel free to contact us should you need to discuss.

Heoi ano ra, anei he whakawhētai, anei hoki ngā mihi me ngā manākitanga ki a koe me tou whānau. Noho ora mai.

Tavake Afeaki,
Barrister, Interim Independent Chair, Counsel Assisting the High Court
Ngāti Rehua-Ngātiwai ki Aotea Trust

cc: Trustees: Bruce Davies, Aperahama Edwards, Valmaine Toki, Julia Aranga-Tuilaepa aranj@tpk.govt.nz

Attachment 18. Emails to and from trustees re Hui

From: Tavake Afeaki
Sent: Tuesday, 27 August 2019 6:42 a.m.
To: kelly klink <kellymoanna@gmail.com>
Cc: Aperahama Kerepeti-Edwards <aperahama.edwards@outlook.co.nz>; Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz
Subject: Re: NRNWTB Hui #15 Tue 27 August at Auckland City? 8am today. Election Services Hui at 10am Tue 27 Aug - reminder

Kia ora
8am today Hui
Aperahama can you be available by Zoom?
Tavake

Sent from my iPhone

On 26/08/2019, at 12:39 PM, kelly klink <kellymoanna@gmail.com> wrote:

Will ring and book office and soon as I land in Auckland heading off island now

On Mon, 26 Aug 2019, 12:00 PM kelly klink, <kellymoanna@gmail.com> wrote:
8am works for me as I will be at a marine protection hui all day tomorrow at Auckland museum

On Mon, 26 Aug 2019, 11:54 AM Tavake Afeaki, <tavake@afeakichambers.co.nz> wrote:

Tena koutou e nga tarahi kaitiaki,

Thank you for your various replies and mahi.

I propose that while we are in Auckland City to hui with Election Services Ltd at 10 am: Tomorrow, Tue 27 August –

Then let's take the opportunity to Hui a Kanohi at Auckland City offices on Albert Street? – Which time will suit - EITHER 8am OR 11.30am?

To this end please can all of you advise ASAP of either 8 am or 11.30 am?

And – please Can you Kelly or Valmaine please book us a room at Auckland City offices on Albert Street?

Thank you all

Noho ora mai

Tavake

From: Aperahama Kerepeti-Edwards <Aperahama.Edwards@outlook.co.nz>
Sent: Friday, 23 August 2019 7:31 a.m.
To: Tavake Afeaki <tavake@afeakichambers.co.nz>; Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz
Cc: Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: Re: NRNWTB Hui #12 13 14 DRAFT Minutes 9, 12, 15 August 2019 - for consideration and discussion at next Board Hui and confirmation

Kia ora

Thank you Tavake. When is our next meeting?

Get [Outlook for Android](#)

From: Tavake Afeaki <tavake@afeakichambers.co.nz>
Sent: Friday, August 23, 2019 7:17:42 AM
To: Bruce Davies <jbdavies8@gmail.com>; valmaine.toki@waikato.ac.nz <valmaine.toki@waikato.ac.nz>; 'Aperahama Kerepeti-Edwards' <Aperahama.Edwards@outlook.co.nz>
Cc: Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: NRNWTB Hui #12 13 14 DRAFT Minutes 9, 12, 15 August 2019 - for consideration and discussion at next Board Hui and confirmation

Tena koutou e nga tarahi kaitiaki,

1. Please find **attached** a NRNWTB Hui #12 13 14 DRAFT Minutes 9, 12, 15 August 2019 - for consideration and discussion at next Board Hui and confirmation
2. Your comments are welcome.
3. Thank you for your mahi.

Noho ora mai

Tavake

Attachment 19. Email Invoice to Auckland City Capacity Contract

From: Tavake Afeaki
Sent: Friday, 23 August 2019 3:49 p.m.
To: Louise Holliday <louise.holliday@aucklandcouncil.govt.nz>
Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Karla Armstrong <karla.armstrong@aucklandcouncil.govt.nz>; Kelly Klink <kellymoanna@gmail.com>; Bruce Davies <jbdavies8@gmail.com>; Aperahama.Edwards@outlook.co.nz; Rama Ormsby <Rama.Ormsby@aucklandcouncil.govt.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>
Subject: RE: Ngāti Rehua ki Aotea Trust Capacity Contract - Interim Chair's Response & NRNWTB Invoice to Auckland City
Importance: High

Tena ano koutou,

1. Further to our discussions and correspondence, please find **attached** the NRNWTB Invoice to Auckland City for \$25,000.
2. Kindly acknowledge safe receipt of this by return email.
3. Thank you again. Kia kaha tonu mai tatou katoa!

Noho ora mai

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

Attachment 20.

From: Tavake Afeaki
Sent: Friday, 23 August 2019 12:29 p.m.
To: Bruce Davies <jbdavies8@gmail.com>; Aperahama Edwards <aperahama.edwards@ngatiwai.iwi.nz>; Valmaine Toki <valmaine.toki@waikato.ac.nz>
Cc: Tavake Afeaki <tavake@afeakichambers.co.nz>; Kelly Klink <kellymoanna@gmail.com>
Subject: RE: NRNWTB Protect Aotea High Court Appeal transport costs & support, reimbursements of personal funds spent, Information Hui Panui, Tavake UPDATE
Importance: High

Tena koe Kelly, otira tatou e nga tarahi kaitiaki o Aotea, Bruce, Valmaine, Aperahama

Me nga mihi hoki ki nga mate huhua o te whenua, o nga motu, o nga hapu, huri noa o tatou taonga whenua. He mihi aroha ki te Rangatira, a Whaea June Jackson i hinga atu ki te poho o ona matua tipuna. He mihi aroha ki tona tama a Willy, nga tamariki mokopuna katoa, me tona whanau pani, hapu pani katoa e tangi ana mona. E kore e

ngaro ona mahi i a ia e hikoi tonu ana ki runga te mata o te whenua. Aroha atu e te Kahurangi! Haere atu ra, moe mai ra e te whaea!

1. E tatou ma, it has been a busy couple of weeks and I trust this finds you and your whanau well.
2. I wanted to touch base with you all and keep our trust 'dashboard', our mahi, our activities, plans and timetable - in focus. Ko ia ra nei te take e panuitia atu nei e ahau.

Maori Sites of Cultural Significance: engagement & hui with Auckland City

3. Thank you for your mahi for the Trust with the kaupapa of the hui concerning the Maori Sites of Cultural Significance Kelly and as such we also pass on our thanks to yourself and Mr Michael Beazley for you mahi at the 4 June hui.
4. Thanks also for invoicing Auckland City for that mahi. I understand that the **attached** NRNWTB invoice to Auckland City for \$679.28 has been paid to the NRNWTB Kiwibank operational account. I will check and revert.
5. I note that you are seeking reimbursement for your kilometrage from that invoice for your own vehicle travel from Whangarei to Auckland return on 4 June. 316km @ .73c per km = \$230.68
6. I support this reimbursement for Kelly taking her and Michael to represent the trust in the hui and ask you my co-trustees to approve payment by return.

Protect Aotea – Sludge Dumping Consent Appeal – update and reimbursement of travel disbursements

7. We are grateful also for your, Valmaine and Kiri Toki's mahi in support of the appeal and for you having travelled to Wellington to attend the July High Court Appeal (Protect Aotea) in respect of the Sludge Dumping Consent granted to a commercial operator to dump sludge off Aotea's East Coast. As a Trust, we have received a grant of \$5,000 to our Operational account which is earmarked for NRNWTB work and support in advancing the appeal. We have to report as a Board each six months, to the Auckland City and Aotea Community Board who granted us those funds.
8. I refer to your **attached** Jet Star airlines receipt for \$624 which you paid from your personal funds to travel to Wellington's High Court hearing in July.
9. I support reimbursement of this \$624 airfare to Kelly for her travel to the hearing to support the kaupapa for nga uri o Aotea.
10. I seek the trustees' consideration of these reimbursements to Kelly – and ask that you trustees indicate your support or comments in this email loop for her reimbursement.

Other Reimbursements of costs: Hillarey, Nicola, Bruce, Aperahama, Tavake

11. This also raises the issue of the Trust reimbursement of other costs incurred by all of us.
12. I hope that one of you other trustees has logged in online to Kiwibank to co-authorise payment of the reimbursements to Hillarey and Nicola which I made earlier this week.
13. I have received some requests from Bruce for reimbursements of his kilometrage and hotel accommodation for the night of our 19 July 2019 hui #11 at Auckland. Those are listed in the 'finances' section at para 14 of the **attached** NRNWTB Hui #11 Minutes of 19 July 2019, confirmed by us as a Board on 12 August. We had approved payment of those costs to him.
14. I would like to instruct **Kelly** to please reconcile those amounts and provide a figure for payment. I will locate Bruce's 19 July 2019 hotel receipt for \$198, which Bruce gave me to process. Then when we went to Aotea for the Saturday 3 August Information Hui, Bruce purchased our airfares and bought a nice amount of food as koha to Kawa Marae and gave me some receipts. These will have to be collated, reconciled and considered by us as a Board and approved for payment by us, so that we leave a clear accounting trail.
15. However, I must say that my receiving receipts, listing and writing up amounts and dates of travel and other costs is **not** ideal nor efficient use of my time and I would like to make a point that we need to utilise Kelly's skills offered to make this a better, effective and efficient process for all of us. Again this is why I have asked for admin support for many months, so I and all of us can get on with our high-level goals with an efficiently running day-to-day trust behind and around us.
16. To put some shape to this process, I ask **Kelly** that she please design a basic NRNWTB Reimbursement Claim Form for us to use, including all the key information so that it can be entered into Xero accounting and can also be reconciled with GST returns etc – when we gain access to those platforms.
17. When we have that in place, I ask for further claims for reimbursement from yourselves, with receipts be provided to Kelly cc to us in the claim form she will design. For transparency's sake, of course these will have to be collated, reconciled and considered by us as a Board and approved for payment by us, so that we leave a clear accounting trail. And when I ask for trustees to please log in to Kiwibank and co-approve payments, please can you make it a priority, because when I log in, create and authorise a payment – if another co-signatory trustee does **not** log in and co-authorise payment, it lapses after a few days and when that has happened, I have had to log in again and re-create the payment. This is again inefficient use of my and all of our time.

Legal Compliance & Communications: Transfer of usernames, codes, passwords, Trust website, Trust facebook page, IRD, Xero, Charities Services

18. I have passed on the emails received from Hillarey McGregor in respect of the handover of codes and passwords to us, so that we can use our accounting package, comply with government regulations and communicate with the uri o Aotea. I have some concerns that the IRD letters I have seen from April mention arrears and penalty fines and I had been led to understand by Hillarey and through her from Ngaire Pera that those tax matters had been dealt with.
19. We are having some challenges in gaining access to information and systems and I thank Kelly for following through to get access for us so we can operate lawfully, transparently, accountably and in respect of online presence, that we can update and upgrade our website/faceache page and panui the upcoming hui etc, provide updated agreed registration forms which people can use – and generally to inform and empower the Ngati Rehua uri o Aotea.

First Information Hui, 3 Aug Kawa Marae, Aotea – Chair’s Summary Hui Notes

20. I **attach** my notes as Chair, from the First Information Hui we held at Kawa Marae on Saturday 3 August. Again I thank you and the Hau Kainga of Aotea and nga kaitiaki o Kawa Marae for their manakitanga.

Board Information Hui Panui with explanatory note at base

21. Please find attached a copy of the Panui for the next Information Hui at St James Church Hall, 31 Church Road, Mangere Bridge for 1-4pm on Saturday 3 Sept. You will also see that the
22. Thank you all again e hoa ma. I look forward to your earliest replies and thoughts by return, preferably with positive approvals.

Heoi ano ra, anei aku mihi ki a koutou me nga manakitanga ki o koutou whanau katoa.

Noho ora mai

Tavake

Attachment 21.

From: Tavake Afeaki

Sent: Thursday, 22 August 2019 5:51 p.m.

To: Louise Holliday <louise.holliday@aucklandcouncil.govt.nz>

Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Karla Armstrong <karla.armstrong@aucklandcouncil.govt.nz>; Kelly Klink <kellymoanna@gmail.com>; Bruce Davies <jbdavies8@gmail.com>; Aperahama.Edwards@outlook.co.nz; Rama Ormsby <Rama.Ormsby@aucklandcouncil.govt.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: RE: Ngāti Rehua ki Aotea Trust Capacity Contract - Interim Chair's Response
Importance: High

Tena ano koe Louise, otira koutou, Karla, Valmaine, Aperahama, Bruce, Kelly, me koe hoki e te Rangatira e Rama,

1. Thank you kindly for the prompt reply and action. I am also copying in my co-trustees and our newly appointed interim secretary, Ms Kelly Klink, of Ngati Rehua-Ngatiwai ki Aotea, with whom we have begun a trial engagement. Ms Klink has kindly offered her services to assist us in administrative support, engagement mahi, correspondence, including invoicing and other communications.
2. To answer your other two queries:
 - a. Yes we are definitely keen to review Ngati Rehua-Ngatiwai ki Aotea Trust's Strategic Plan; and
 - b. Yes – we are engaging Administrative Support to Re-establishing systems and processes to respond to engagement with Auckland City Council.
3. I will instruct our interim secretary Ms Klink to generate an invoice for \$25,000 to the Council for the final remaining portion of 2018/19 funding for our Trust's Capacity grant. Thank you Kelly.
4. Louise and Karla, we look forward to engaging further with you on preparing the next (and in fact current year's) capacity grant contract.
5. Thank you again for your assistance and tautoko to our board so that we may in turn support the people and uri of Aotea's best and long term interests.

Nga manakitanga o nga tipuna atawhai, me te wairua aroha o te Atua ki a koutou katoa.

Tavake

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

Kahungunu, Rakaipaaka, Rongomaiwahine, Kurupakiaka, Ha'a Afeaki

From: Louise Holliday <louise.holliday@aucklandcouncil.govt.nz>

Sent: Thursday, 22 August 2019 12:16 p.m.

To: Tavake Afeaki <tavake@afeakichambers.co.nz>

Cc: Valmaine Toki <valmaine.toki@waikato.ac.nz>; Karla Armstrong <karla.armstrong@aucklandcouncil.govt.nz>

Subject: Ngāti Rehua ki Aotea Trust Capacity Contract

Kia ora Tavake,

Following the receipt of your report, could you also please send through your final invoice of \$25k.

We would like to begin drafting your next capacity contract. We previously received the following objectives from Valmaine, are these still your plans going forward?

- To review the Ngāti Rehua ki Aotea Trust Strategic Plan.
- Administrative Support to Re-establishing systems and processes to respond to engagement with Council.

Ngā mihi,

Louise Holliday

Poutautoko, Kaiwhakahaere Tira Tautāwhi o Te Waka Anga Mua ki Uta

Attachment 22.

From: Tavake Afeaki

Sent: Monday, 19 August 2019 5:23 p.m.

To: Rama Ormsby <Rama.Ormsby@aucklandcouncil.govt.nz>

Cc: Karla Armstrong <karla.armstrong@aucklandcouncil.govt.nz>; Louise Holliday <louise.holliday@aucklandcouncil.govt.nz>; Bruce Davies <jbdavies8@gmail.com>; Aperahama.Edwards@outlook.co.nz; valmaine.toki@waikato.ac.nz; Tavake Afeaki <tavake@afeakichambers.co.nz>

Subject: RE: NRNWTB Ngāti Rehua-Ngātiwai ki Aotea Trust Board - Interim Chair's Letter to Te Waka Anga Mua re Capacity Contract

Tena koe e te Rangatira, e Rama, otira koruatahi hoki, Karla, Louise,

1. Aroha mai mo te taenga ahua tureiti atu te reta nei no matou poari.
2. Please find **attached** our letter. Please also advise the next steps we need to take.
3. Kindly acknowledge safe receipt. Thank you kindly.
4. Please feel free to contact me should you have any queries.

Tavake Afeaki

Naku iti noa, na/Faka'apa'apa atu/Respectfully

Tu'inukutavake Barron Afeaki

Barrister

NRNWTB Letterhead

Ko Aotea te moutere rongonui

Ko Hirakimata te maunga tapu Ko te moana nui o Toi te moana Ko Tukaiaia; ko te
Tuatara; ko te Mauri nga kaitiaki
Ko Rehua raua ko Te Rangituangahuru nga tupuna
Ko Ngāti Rehua te mana whenua Ko Ngāti Wai te iwi

Rama Ormsby 19 August 2019

Kaiurungi,

Tiriti o Waitangi, Pānga Māori & Mana Kāwana

Māori & Te Tiriti Relationships and Governance

Te Waka Anga Mua ki Uta Māori Responsiveness and Relationships

Department

Auckland City

Rama.Ormsby@aucklandcouncil.govt.nz

Tēnā koe e te Rangatira,

Me ngā mihi ki ngā tipuna me ngā mate o tātou, o tēna marae, o tēna motu, o tēna
whakaminenga – Haere, haere, haere. Moe mai ra.

He mihi ki a koe me ngā kaimahi kaitiaki katoa o Te Waka Anga Mua ki Uta, otirā o te
Kaunihera Nui o Tāmaki Makau Rau. Tēnā koutou katoa.

**INTRODUCTION - Ngāti Rehua-Ngātiwai ki Aotea Trust: Engagement,
Capacity Grant and ongoing relationship**

Rehua, of Mataahu of Te Kawerau and his wife Te Kura, was born at Whangaparaoa in
the Mahurangi.¹ Rehua married Hinurere of Ngati Manaia and their son was Te
Rangituangahuru.²

¹ See 1881 Hauturu Investigation – Arama Karaka of Kawerau gives Mataahu whakapapa i.e Rehua’s father – Kaipara MB No
4 7th June 1881 MLCMBI Record No 50149 p 79

² Whangaruru 1904 Native Land Court Minutes p 33.

In seventeenth century, the ‘take’ that took Rehua to Aotea was related to avenging the
death of Te Whaiti’s daughter, Te Koro, killed by Ngati Te Hauwhenua, who were the
resident Ngati Tai hapu in the northern part of Aotea. Te Whaiti sought the assistance of
whanaunga Rehua and Hinuere. The battle was successful and many landmarks now
carry the name of this battle e.g. Te rangi I whakaea te matenga o Te Koro, “the day that
the death of Te Koro was avenged”. As a result, Rehua extinguished the rights of Ngati
Hauwhenua forever. 2

Following this battle, to arrange lasting peace, marriages were arranged. Mataa, Ngati Taimanawaiti, *tomoed* his sister Waipahihi as a wife for Rehua. Taipikingarangi the leading rangatira of Ngati Te Wharau *tomoed* his daughter Rangiarua as a wife for Rehua's son Te Rangituangahuru. Thus, the two remaining hapu of Ngati Tai were united in peace with the Ngati Rehua and Ngati Manaia invaders. It is from this union that the Ngati Rehua – Ngatiwai ki Aotea people descend.

Trust

The Ngati Rehua Ngatiwai ki Aotea Trust (“Trust”) is a Charitable Trust and operates in accordance with a Trust Deed dated 11 September 1985. Its objects include working for the betterment of the Ngati Rehua – Ngatiwai ki Aotea people (see [2(c), (j) and (k)]). The Trust is also the body recognised by Auckland City and Te Papa Aatwhai as the entity holding mana whenua and mana moana for Aotea and its surrounding islands and environs and the entity to be engaged with on all matters within this rohe. It undertakes work in this regard.

Recent Background

Certain beneficiaries of the Trust issued High Court proceedings against the Trust itself and former trustees Nicola MacDonald, Yvonne Wiki, Catherine Munro and Rodney Ngawaka. Further claims were brought during those High Court proceedings in concerning allegations of a lack of transparency and accountability afforded to the people of Aotea³ and terms upon which the recently proposed Deed of Settlement with the Crown was negotiated.

³ See *Ngawaka and Ors v Ngati Rehua Ngati Wai Trust and Ors* CIV 2017-404-0259, etc

⁴ *Ngawaka and Ors v Ngati Rehua Ngati Wai Trust and Ors* [2018] NZHC 3398.

Following a raft of High Court hearings, the former trustees Nicola MacDonald, Yvonne Wiki, Catherine Munro, Kris MacDonald and Rodney Ngawaka were removed as trustees, but without the Court having made any findings on the substantive allegations. Instead the Court called for nominations of interim trustees from both parties to the case. On 18 December, 2018, the court ordered that the Trust is comprised of five interim trustees, Aperahama Edwards, Valmaine Toki, Hillarey McGregor and William (Bruce) Davies, appointed by Justice Palmer. In addition, he appointed as an interim trustee an Independent Interim Chair, and Counsel assisting the court, barrister, Tu'inukutavake Afeaki.⁴ The current trustees are interim trustees and are tasked with the day to day operations of the Trust and also have until June 2020 to hold an Annual General Meeting and facilitate trustee elections. The Court has also directed that both parties to the litigation form a combined validation committee of kaumatua (comprised of people from both parties to the case) to consider the registrations of beneficiaries for the Trust's beneficiary database roll. Hillarey McGregor has since resigned as a trustee due to whānau commitments. The High Court is considering submissions from the parties on nominations for appointment of a replacement interim trustee for Ms McGregor. ³

The Court has in effect adjourned the substantive allegations of the case while it has directed the work for the interim trustees to represent the Trust, facilitate and carry out the day to day operations of the Trust and importantly also, to carry out the reviews and regularisation of the database with an end goal of the combined validation committee process and an AGM with elections, so that when this has been done, duly elected trustees may take over and carry out the work of the Trust for the beneficiaries.

We have held 14 Trust Board Hui so far this year, with three of them on marae on Aotea. We have a series of further hui planned and tentatively timetabled over the coming quarter and beyond if necessary and we look forward to continuing to progress with our capacity-building and developing wider engagement within Ngāti Rehua-Ngātiwai ki Aotea uri and with Te Waka Anga Mua, so that we may properly advance the beneficiaries' long term interests.

Introduction to the deliverables report

The Trust had previously entered into a signed contractual agreement with the Auckland City Council Te Waka Anga Mua to develop, support, strengthen and build capacity of the Trust. Rather than vary the existing contract a letter of agreement for the term ending June 30, 2019, was signed between the Trust and Auckland City Council. The Trust would like to acknowledge the assistance from Te Waka Anga Mua to reach this stage that will enable our Trust to re-engage with Auckland City Council, develop relationships with council and stakeholders, also establish administrative support and build internal capacity.

Overview of activities

We acknowledge that the existing deliverables from the current capacity building contract will be placed on hold and consistent with the letter of agreement the following objectives have been identified to take place prior to 30 June, 2019.

1. To undertake a governance reset
2. The reset is to include re-engaging with Auckland City (at both governance and operational level)
3. Understand the Council landscape
4. Administrative support

Reporting Requirement Table

Deliverable

Governance Reset and Refresh

Progress Report

The Trust has engaged in a raft of meetings with Auckland City both at the operational level and governance level.
List is attached

Outcomes achieved

It has been a steep learning curve navigating through Auckland Council however we are pleased to report that the relationship between the Trust and the Local Community Board is now strong. We have effective and welcome communication between the Chair Izzy Fordham and the Trust.
The Trust is also participating on the Mana Whenua Kaitiaki Forum and engaging with the Māori Cultural Heritage Committee.

Administrative support: We have previously relied on the Chair's access to administrative support. However we are currently identifying suitable administrative support personnel that will be able to assist our Trust operate at the level to ensure systems are in place and an operational policy manual has been developed to assist the board with good management and policy practice. This will increase capacity resulting in more timely responses and efficient and effective administrative systems in place.

Meetings attended

2019

February

Where: Auckland City

When: 26 February 2019

Who attended: Ani Pitman, Warren MacLennan, Tavake Afeaki (chair), Valmaine Toki (trustee), Hillarey McGregor (trustee)

Agenda Planning Team – Unitary Plan

March

Where: 35 Graham Street, Paua Room, Level 1 East

When: 16.00 – 18.00 Wednesday 13 March 2019

Who attended: Phoebe Monk (Principal Advisor Māori Responsiveness – Regulatory Services), Terri McNair (CVA Facilitation Service Advisor), Brad Allen (Team Leader Resource Consents – Hauraki Gulf Islands), Rama Ormsby (Manager Māori Relationships and Governance), Tania Utley (Service and Asset Planning Specialist – Parks and Open Spaces), Tavake Afeaki (chair), Valmaine Toki (trustee), Bruce Davies (trustee), Hillarey McGregor (trustee)

Agenda Resource Consents, Planning

April

Where: Auckland City

When: April 2019

Who attended: Valmaine Toki (trustee)

Agenda Mana Whenua Kaitiaki Forum

July

Where: Auckland City

When: July 2019

Who attended: Aperahama Edwards (trustee)

Agenda Mana Whenua Kaitiaki Forum

As Interim Independent Trust Chair, I confirm that this report and the arrangements discussed have been confirmed and approved by the Interim Trustees and we look forward to receiving your positive response, guiding us on the next steps, providing the needed resources and continuing with our engagement to get the mahi done for the beneficiaries of Ngāti Rehua-Ngātiwai ki Aotea Trust.

Heoi ano ra, he mihi tēnei ki a koe e Rama, otirā ki a koutou e nga kaimahi kaitiaki o Te Waka Anga Mua, o Tāmaki Makau Rau, me ngā moutere, ngā moana, ngā wai, ngā taonga tuku iho, me ngā hononga nei o tātou katoa.

Tavake Afeaki

Interim Independent Chair, Ngāti Rehua-Ngātiwai ki Aotea Trust

Cc: Trustees: Aperahama Edwards, Valmaine Toki, Bruce Davies

Cc: Karla Armstrong, karla.armstrong@aucklandcouncil.govt.nz , Louise Holliday, louise.holliday@aucklandcouncil.govt.nz