

ETU
MANIAPOTO



Maniapoto Post Settlement
Governance Entity



TĒNĀ KOUTOU

Ko te wehi ki a Ihowa te tīmatanga o te whakaaro nui. Ka nui te aroha ki te hunga kua tiraha, moe mai rā koutou moe mai rā. E rau rangatira mā, e te iwi nui tonu o Ngāti Maniapoto me o tātou karanga maha, tēnā koutou katoa. He karanga tēnei ki te iwi nui tonu kia huihui mai tātou ki te wānanga i ā tātou kaupapa kawē i ngā kereme ki te aroaro o te karauna nō reira nau mai, haere mai.



OVERVIEW

In December 2016, the Maniapoto Māori Trust Board (MMTB) received the mandate to represent Maniapoto in Treaty settlement negotiations. Since then, significant progress has been made, most recently the signing of Te Huatahi – Agreement in Principle with the Crown in August 2017.

We are now working toward initialling a deed of settlement with the Crown and looking into the future of Maniapoto, once a settlement is reached. Our people need to decide what this waka should look like and will have the opportunity to vote on this when ratification is required in early 2019. A Post Settlement Governance Entity (PSGE) will be created, to lead the iwi into the exciting times ahead.

In April 2018, MMTB held the first round of hui and received very informative feedback from those who attended. This next round will focus on a PSGE and what that should look like. We encourage all of our people to participate and have a say.

This document provides an overview of the key background information and aspects and the PSGE that MMTB want your whakaaro on. Some of the information in this document will be discussed in the second round of hui. Other information will be able to be commented on through online surveys and feedback. To determine what specific topics will be discussed at the second round of hui, an initial online survey is being conducted based on the kaupapa highlighted in this document.

Your whakaaro is vital and will ultimately help shape the PSGE and our Maniapoto future.



TIMELINE

The timeline below outlines where we have been on this journey to date and future steps to settlement. More information on the settlement process can be found on our website www.maniapoto.iwi.nz. We note that the future dates are not set in stone and are subject to progress in negotiations with the Crown.



WHAT IS A POST SETTLEMENT GOVERNANCE ENTITY (PSGE)?

A PSGE is the entity that receives settlement redress from the Crown on behalf of the iwi group (in this case, Maniapoto). It is then responsible for holding and managing those settlement assets. The most common form of PSGE is a private trust - this is a trust that is accountable to its beneficiaries and which has a set of rules that govern it in the form of a Trust Deed.

The Maniapoto settlement assets will include cash, cultural and commercial properties returned to Maniapoto, relationship redress and agreements with Crown departments/agencies.

The PSGE will be a representative entity for Maniapoto.



PSGE DEVELOPMENT

We require input from Maniapoto on elements of the PSGE development. This is important because the PSGE will be the vehicle to drive Maniapoto into the future, with the Treaty settlement that is currently being negotiated.

MMTB has sought advice regarding the general options available for the PSGE. Having considered that advice and reviewed the available options, MMTB considers that a private trust is the best type of entity for the PSGE.

The PSGE Trust Deed will be quite detailed to ensure that it meets all legal and policy requirements. It will also need to incorporate the views of Maniapoto as appropriate. The detail will be worked through by MMTB, with its advisors, to ensure that it meets all those requirements.

MMTB needs more feedback from iwi members to make sure that the PSGE Trust Deed also reflects Maniapoto appropriately, given it will be a major force in driving Maniapoto into the future. MMTB is responsible for developing the PSGE to present it to the iwi for ratification and approval. But it is the people of Maniapoto who will ultimately decide whether or not the PSGE is the right model to receive and manage the settlement redress for Maniapoto.

IWI INPUT

Through the first round of PSGE hui, we have gathered information regarding the number of trustees, the type of representation and the key focus for the PSGE. This has shaped MMTB's further work on the PSGE development to present more information to Maniapoto in this second round of PSGE hui.

The key topics we would like Maniapoto input on are:

- The type of representation on the PSGE, e.g. iwi-wide voting for trustees, hapū-based voting, rohe-based voting, a mixture of all;
- The term of office and rotation of trustees, e.g. will all trustees be up for re-election at the same time, or will the elections be held in stages;
- Any key factors in the dispute resolution processes for issues raised.



REPRESENTATION

Based on the feedback received from the iwi as part of the first round of PSGE hui, MMTB has developed three representation models as options for iwi consideration and discussion. These models are designed as a starting point for discussion during the second round of PSGE hui. They include options for:

- Different balances of 'Ahi Kaa' and iwi-wide/generally elected trustees;
- Rangatahi representation;
- Kaumātua representation;
- Kīngitanga representation;
- The ability for the PSGE to co-opt a trustee to fill any skill gap or need, as determined by the PSGE from time to time.



OPTION ONE

Home Majority (10-11 Trustees)

Ahi Kaa	Iwi-Wide	Rangatahi (18-30)	Co-Opted (option)
5	4	1	1

OPTION TWO

Away Majority (10-11 Trustees)

Ahi Kaa	Iwi-Wide	Rangatahi (18-30)	Co-Opted (option)
4	5	1	1

OPTION THREE

Current MMTB-Type Model (15 Trustees)

Ahi Kaa (RMC)	Iwi-Wide	Kaumātua	Kīngitanga
7	6	1	1

Under each of these models, the PSGE would have the ability to establish committees or reference groups and appoint advisors as needed, e.g. rangatahi reference groups, regional reference groups.

We note that the terminology/ingoa for each trustee role proposed is to be revisited and we invite feedback from the iwi on this as we go through this second round of PSGE hui. Other particular aspects to consider are:

- How will any 'Ahi Kaa' trustees be approved for nomination?
- Will all positions be 'elected' by Maniapoto?
- Should there be any specific requirements for co-opted trustees appointed by the PSGE to fill gaps in the trustees' skillsets?
- Are there specific eligibility requirements needed for candidates/PSGE trustees?
- The general efficiency of the PSGE and cost of governance (including trustee numbers)



OTHER TRUSTEE CONSIDERATIONS

MMTB is also interested in iwi views on the term of the PSGE trustees and the rotation of the PSGE trustees. In particular:

- How long will each PSGE trustee be in office?
- Is there a maximum number of terms that a PSGE trustee can be in office?
- How frequently will elections be held, e.g. annually, every 3 years etc?
- Will all PSGE trustees have the same term and resign at the same time, e.g. all off at once?

These matters will depend partly on the representation model for the PSGE and legal advice, but iwi feedback is important to inform this further.

PSGE DISPUTE RESOLUTION

Dispute resolution processes will be included in the PSGE Trust Deed. These will cover what happens if there are issues raised either internally within the PSGE, or issues raised by iwi members regarding PSGE decisions or actions. We would like any views from the iwi on these processes, and in particular:

- Are compulsory mediation or arbitration processes needed for Maniapoto?
- Should there be different processes for internal trustee disputes and external disputes between iwi/trustees?
- How is tikanga reflected in the dispute resolution process?
- Should there be different decision makers for disputes about different kaupapa?
e.g. whakapapa/iwi membership, or interpretation of the PSGE Trust Deed or decision making.

Again, these matters will be subject to legal advice regarding what can work from a technical and legal perspective but it is crucial that the dispute resolution process under the PSGE Trust Deed reflects Maniapoto so that any dispute resolution process is durable and meaningful.



NEXT STEPS AND HUI SCHEDULE

We encourage our iwi members to attend one (or more) of the second round of PSGE hui and to send any feedback or pātai through to MMTB to be considered as part of the further development of the PSGE Trust Deed.

The dates for the second round of hui are below:

Te Rā	Te Wā	Kei
Tuesday 31 July	5.30pm	Te Puea Marae, Auckland
Wednesday 1 August	6pm	Distinction Hotel & Conference Centre, Palmerston North
Thursday 2 August	6pm	Aotea Lodge, Porirua
Saturday 4 August	10am	Mangapeehi Marae
	5pm	Tokikapu Marae, Waitomo
Sunday 5 August	10am	Mōkai Kainga Marae, Kāwhia
	5pm	Te Wānanga o Aotearoa, Rāhui Pōkeka Campus, Huntly
Monday 6 August	6pm	Holiday Inn, Rotorua
Tuesday 7 August	5.30pm	Te Piruru Papakainga, Te Kūiti
Thursday 9 August	5.30pm	Rehua Marae, Christchurch

MMTB will also be livestreaming two of our second round PSGE hui via the MMTB Facebook and will hold webinars online on Tuesday 24 July and Wednesday 8 August. The videos will be available following the hui for those unable to make the hui or tune in online at the time.

A live Question and Answer session will be held via Facebook, shortly after the second round of PSGE hui are complete.

Following the second round of PSGE hui and further advice being obtained from the relevant external advisors, MMTB will consider that information to then decide what PSGE model is presented to the iwi for ratification.



GLOSSARY

Agreement in Principle

A non-binding agreement that sets out the overall redress package that has been agreed in principle between the mandated body/entity and the Crown. This means that further details will require finalising moving forward.

Committees

A group established to deal with or manage specific matters on behalf of the PSGE.

Deed of Mandate

The document that shows that a mandated body/entity has a durable mandate/authority from their people to represent the Iwi/Hapū in negotiations with the Crown for the comprehensive settlement of all historical Treaty claims.

Dispute resolution

Dispute resolution is the process of resolving disputes, issues or conflicts between parties. This can involve mediation, arbitration or litigation.

Initialled Deed of Settlement

This follows on from the Agreement in Principle. This details in full, all redress to be provided and the final settlement of the Iwi/Hapū group's historical claims. . The Deed of Settlement is Initialled (signed) by the mandated body/entity and is then referred back to the Iwi/Hapū for

approval (ratification). Post Settlement Governance Entity The organisation that receives and manages a settlement on behalf of Iwi/Hapū members. A PSGE also represents the Iwi/Hapū, operates generally as a commercial business, and works closely with central and local Governments and delivers services and other benefits to Iwi/Hapū members.

Private trust

A Private trust is a trust created for the benefit of individuals. It is created for the financial benefit of all Iwi/Hapū designated beneficiaries rather than for the public benefit.

Reference Groups

A group that is established to provide advice to the PSGE on any particular matter, policy or process.

Rotation of trustees

Rotation of trustees, also referred to as retirement by rotation, is a process whereby at each Annual General Meeting (AGM) trustees must retire from their position and seek re-election as a trustee.

Term of office

The length of time a person serves in a particular elected office, i.e. how long a person is appointed as a trustee for.

Terms of Negotiation

The ground rules set between the mandated body/entity and the Crown going forward and throughout negotiations.

Trust Deed

A document that creates and sets out the conditions, rules and processes of a Trust.



CONTACT US

If you would like to get in touch with the Negotiation Team, please visit the MMTB Offices, 49 Taupiri Street, Te Kūiti, call 0800 668 285 or email us at tiriti@maniapoto.co.nz

Alternatively, you can keep up to date with what is happening online through the following channels:



Facebook – Maniapoto Māori Trust Board



E Tū Maniapoto App



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