



TE KAHU O TAONU I

Me mahi tahi tātou

Te Kahu o Taonui Chair Hui Minutes

Wednesday 19th October 2022

Online via Zoom, 6pm

PRESENT	
Iwi	Name
Ngāti Kuri	Harry Burkhardt
Te Aupōuri	Peter-Lucas Jones
Ngāi Takoto	Wallace Rivers Kaio Karipa
Te Rarawa	Haami Piripi (<i>not present</i>)
Ngāti Kahu	Margaret Mutu
Kahukuraariki	Teresa Tepania-Ashton (<i>apologies</i>)
Whaingaroa	Mariameno Kapa-Kingi, Toa Faneva
Ngāpuhi	Wane Wharerau Sam Napia
Ngāti Hine	Pita Tipene
Ngātiwai	Aperahama Edwards
Te Roroa	Thomas Hohaia
Ngāti Whātua	Dame Naida Glavish
Te Kahu o Taonui Te Roopu Ringa Raupa	Kiri Sloane-Hobson Simone Edwards (<i>minute taker</i>)
Organisation	Name
Northland Regional Councillor	Tui Shortland
Te Taumata Hauora Interim IMPB Chairperson	Nicole Anderson

ACTIONS	
Key Action	Person Responsible
Legal Entity: <i>Te Rōpū Ringa Raupā to develop a draft constitution for a charitable company and present back to Iwi Chairs</i>	Te Rōpū Ringa Raupā
Māori Fisheries Act proposed amendments: <i>Wane to connect with Thomas and Wallace on shaping how this may look.</i>	Wane, Thomas, Wallace
Iwi Local Government Relationship (Mana Whakahono) <i>Kiri SH to share paper with Peter-Lucas and Tui.</i>	Kiri SH
Te Pouahi o Te Taitokerau <i>Pita to liaise with Kiri SH to organise a Chair hui regarding Te Pouahi o Te Taitokerau.</i>	Pita & Kiri SH

Meeting opened at 6:04pm by Pita with karakia timatanga.

1. MINUTES FROM PREVIOUS MEETINGS

- Te Kahu o Taonui Chair minutes 10th March 2022 and 1st August 2022

Motion: *Moved that the minutes of the previous meetings of Te Kahu o Taonui Chair being 10th March 2022 and 1st August 2022 are accepted as a true and accurate record.*

MOVED: Pita Tipene / SECONDED: Toa Faneva
ALL IN FAVOUR
CARRIED

2. LEGAL ENTITIES – (PAPER)

- Paper spoken to by Sam Napia.
- Purpose of paper is to seek your approval for undertaking further work to create an entity that sits under Te Kahu o Taonui.
- Background is that we are contracted for significant amounts of money, with Te Runanga o Whaingaroa (TRoW) being the fund holders as they are a legal entity and some contracts requires engagement with service providers at a certain level e.g. MSD contracting standards. As contracts grow in size and scale it presents risks to TRoW. A solution is for Te Kahu o Taonui to create a legal entity but not out of Te Kahu o Taonui itself.
- Analysis has been conducted that would provide tax exempt status. Preferred option is Charitable Company, it achieves tax exempt status and avoids the complexities of Charitable Trusts.
- Te Kahu o Taonui is the collective of Iwi authorities within Te Taitokerau.
- Valid reasons that it should not be incorporated.
- Crown would contract to the Charitable Company owned and controlled by Te Kahu o Taonui. The owners are the shareholders being each of the Iwi entities of Te Kahu o Taonui, they would hold the power of appointing and or removing company directors, act in accordance with the direction of its shareholders through the Constitution, annual plan etc.
- If the recommendation is acceptable to the Chairs Te Rōpū Ringa Raupā will work on the establishment of a draft Constitution etc and bring back to the Chairs.

Korero:

- *Margaret – want us to avoid allowing the Crown to control us with the threat of legal action against us. Will be crucial to get the Directors right. Does this protect the Iwi from this sort of action?*
 - *Sam – yes, can come back with detailed legal position and view. The company holds the financial and legal responsibilities and liabilities. The Directors are responsible for ensuring they are met. The Shareholders enjoy a liability that is limited to the paid up capital of the company, any legal contractual arrangements is the responsibility of the Company and the Directors to ensure they are being met.*
- *Pita – support the recommendations and willing to move them. Would like to see the draft Constitution before we decide on a company name.*
- *Harry – key criteria is ring fencing risks, allowing us to maintain relationships as Te Tiriti partners, and ability for us to transact the business associated with our aspirations.*
- *Naida – in terms of mana Māori motuhake does that sit clearly with us for any decisions we need to make for the needs in our wānau, hapu and Iwi? Are we going to be appropriately resourced by the Crown? Are we in competition with the MHA if it is in fact Health NZ that we are in a relationship with? Things we need to work through.*
 - *Sam – yes, in this example Te Kahu o Taonui is Te Kahu o Taonui, the Iwi Chairs sit there and exercise mana motuhake relationship with the Crown.*
- *Naida – Health NZ boundary and MHA is down to the bottom of the Bombay Hills. Te Kahu o Taonui is from the Tamaki estuary to Te Rerenga Wairua. Is that inclusive of these discussion so there are no*

arguments, Ngāpuhi has issues with boundary but that is Iwi to Iwi. Don't want it to get caught up with the Te Kahu o Taonui boundary.

- This construct is designed to solve the issue of Te Kahu o Taonui contracting issues with Crown Agencies, have the bank account in our name and free up TRoW from the current financial and legal responsibilities they have taken on behalf of Te Kahu o Taonui. **Suggested name "Mana Tipoki", meaning to cloak ourselves in mana.**
- Wallace – will indemnity insurance be involved?
 - Sam – yes, Directors will be indemnified.
- Peter – confirming that this is about having a legal entity for Te Kahu o Taonui but compliments the mahi our own organisations carry out. It doesn't take away from Rūnanga that we represent in our own right.
- Harry – acknowledged TRoW for the work they have done in getting us to where we are.

Recommendations for Chairs:

- 1. That the Chairs endorse the incorporation of a charitable company owned and governed by Te Kahu o Taonui.**
- 2. That the Chairs request Te Rōpū Ringa Raupā to develop a draft constitution for a charitable company.**

MOTION: TE KAHU O TAONUI IWI CHAIRS ENDORSE THE INCORPORATION OF A CHARITABLE COMPANY OWNED AND GOVERNED BY TE KAHU O TAONUI. REQUEST TE RŌPŪ RINGA RAUPĀ TO DEVELOP A DRAFT CONSTITUTION FOR A CHARITABLE COMPANY.

**MOVED: Pita Tipene / SECONDED: Naida Glavish
ALL IN FAVOUR
CARRIED**

ACTION - Te Rōpū Ringa Raupā to develop a draft constitution for a charitable company and present back to Iwi Chairs.

3. MĀORI FISHERIES ACT PROPOSED AMENDMENTS (PAPER)

- Paper spoken to by Sam Napia.
- This report seeks the support of the Chairs for the submission of Te Rūnanga ā Iwi o Ngāpuhi on proposed amendments to the Māori Fisheries Act.
- The major issue with the proposed amendments to the Māori Fisheries Act 2004 (MFA) is the change of the basis of distributing retained funds of Te Ohu Kai Moana (TOKM) from a population basis to an equal share basis
- Te Ohu Kai Moana Trust (TOKM) holds funds retained on behalf of 57 Iwi organisations.
- Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi (TRIAON), in a letter to Josh Southee of MPI, protests the proposed amendments pointing out the injustice of reversing share allocations based on the 2004 Act.
- Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi want to be clear and transparent that there would be fiscal impacts for Iwi. Winners and losers however for the collective of Te Kahu o Taonui if distributed by population it would be \$24m, if distributed equally to Iwi we would lose \$7.8m overall.
- Wane – from Ngāpuhi it is a matter of fairness and equity. As a collective we would lose \$8m for the region but some smaller Iwi may look at opposing.

Korero:

- Naida – we are not moving from money.
- Wane – although there are surpluses from Te Ohu Kai Moana Trust it has not been distributed. The larger Iwi have allowed that fund to be sitting their accruing interest, if distributed by equal amounts there would be no fairness. The Act talks about Iwi contributing in the future by equal amounts.

- *Toa – is there an opportunity we could get a better outcome collectively.*
- *Wallace – tautoko Toa. Ngai Takoto were the model for this, at that time the stats around our population was 303 people which is reflective in our Fisheries Settlement. We have been compromised hugely throughout this process. Commend Ngāpuhi for charting it the way they have. We don't want to comprise money coming into Te Taitokerau. How can we support those of us who are clearly compromised?*
- *Thomas – we are one of the only Iwi not in the 57. Hat off to Ngāpuhi for allowing us to go to the 30 year celebration. The question between population vs fair share for Te Roroa is, what is our fair share. Any korero here I would need to take back to my Board.*
- *Pita – Ngāpuhi and Ngāti Hine are working through our processes and agreement in terms of reference. Our fisheries are settled. From the general thrust of the paper, it would be irresponsible for Ngāti Hine not to support the paper given the financial loss that would accrue if the alternative application occurs.*
- *Wane – Ngāpuhi and Ngāti Hine are working through a complex situation but will get there.*
- *Harry – nothing will be solved tonight, issue is on the table. Must demonstrate our whanaungatanga and kotahitanga is stronger than us not operating in that space. Thomas and Wallace may lead how this could look like.*
- *Naida – we have to take each Iwi into account, and consideration of our Hapu. My thinking is around getting it right in terms of the bulk and have a view of what that would look like. Whanaungatanga amongst us counts more than amounts. Te Kahu o Taonui is unique in this country, that we can come together and support and help each other. Must hold onto that.*
- *Wane – have spoken to Wallace. Each Māori has an equal value but when we look at the \$8m gap if take by equal amount that money there could provide wriggle room. We wanted to see where everyone's thoughts are so we are better positioned when the paper gets to Cabinet.*
- *Margaret – not against Ngāpuhi but against the Sealords deal. Appreciate Naida's korero, we have an opportunity as Te Kahu o Taonui to do something different.*

Recommendation for Chairs:

1. ***That the Chairs determine whether Te Kahu o Taonui, or individual iwi within Te Kahu o Taonui, will support the submission of Te Rūnanga ā Iwi o Ngāpuhi.***

Note: Recommendation not moved.

ACTION – Wane to connect with Thomas and Wallace on shaping how this may look.

4. IWI LOCAL GOVERNMENT RELATIONSHIP (MANA WHAKAHONO) ((PAPER))

- Purpose is to seek support of Te Kahu o Taonui Chairs for actual enabling of hapu throughout Te Taitokerau and our relationships with local Government.
- Ngāpuhi put the FNDC on notice that they had failed to meet their statutory responsibilities under schedule 1 of the RMA being - ***“consult with tangata whenua through Iwi Authorities”***. Clear that they have failed. Other Te Kahu o Taonui Iwi CE's had a similar experience and supported Ngāpuhi putting the FNDC on notice. Ngāpuhi made it clear with FNDC we would consider any avenues in way of redress including judicial review. Met last Friday with FNDC Chief Executive and their lawyers. They were firm in their view that they had not failed and would consider a Mana Whakahono Agreement but not in the nature that we had agreed on. We said we would fold our tent on the judicial review providing that they would give an unambiguous commitment to explore a Mana Whakahono ā Rohe agreement with Ngāpuhi enabling hapu and the transfers of functions and power under the RMA to Hapu. Blair was not keen, but may be keener now.
- Section 33 – since 1991 not one Iwi or Hapu has had function of power transferred under that Act except Tūwharetoa in recent times.
- What functions would we want e.g. biodiversity, consenting functions and powers etc. The FNDC should be more amenable to meet with Ngāpuhi since last week.
- Sam spoke to issues with the Kaikohe Wastewater Plant.

Korero:

- *Toa – with the change that has happened with the representation of Māori in FNDC and NRC we are going to see a bottleneck. We may need to prove it.*
- *Pita – glad this is a long conversation. Concerned how the mana motuhake of each of the Iwi and Hapu is maintained through a collective agreement. Hapu are nervous about this, people working on the ground do not want to be disenfranchised by what they are doing with things that are happening a long way from them.*
- *Margaret – this is an area that has been available to us for years but denied. It is what we have always asked for but it is the hapu, it must go down to them. I will need to take back to Ngāti Kahu.*
- *Wane – we have great opportunities in front of us. Must be a priority to support our Māori representatives in Council.*
- *Harry – roll the opportunity up within Te Kahu o Taonui and then execute. Small group of us Iwi Chairs designed Mana Whakahono to be a Trojan horse to get to the areas we are going. Opportunity to sit alongside Moko, Peter-Lucas, Tui Shortland etc. Have high level conversations.*
- *Mariameno – the value of having disruptions at all levels with different styles of presentation. Game changer, keep driving through.*

Recommendations for Chairs:

- 1. That the Iwi Chairs indicate their support for a collective approach building on Te Rūnanga ā Iwi o Ngāpuhi exploration of the development of an enabling Mana Whakahono ā Rohe agreement, such as will enable the transfer of powers under the RMA to Taitokerau Iwi and Hapū.**

Though not formally moved there was a general agreement. Need to understand what the tactic is next. Understanding there is a shared pain through all Local authorities in Tai Tokerau

ACTION – Kiri SH to share paper with Peter-Lucas and Tui.

5. TE TAUMATA HAUORA O TE KAHU O TAONU!

- Nicole Anderson provided a verbal update.
- IMPB is progressing through to listing with Te Aka Whai ora in the first tranche.
- Ongoing meetings with some of our providers that haven't been entirely happy with the current structure of our IMPB. Explained the feedback has been excellent, want them on the waka with us, everyone is included and enable whānau voice. Iwi and Hapu are very capable of doing that. Welcome them to come in, roll up their sleeves and drive the work programme over the next year.
- EOI process to be released shortly for board members which will be shared widely. Will come back to Te Kahu o Taonui for final sign off but providing another step where some of our provider whānau can come in and help assess those applications.
- Existing project team, Kiri Leach and Ellie Berghan moved into Te Kahu o Taonui with Kiri SH. Operational agreement signed off that enables resources for engagement, comms etc.
- Legal Entity – Te Taumata Hauora o Te Kahu o Taonui is pending this progress.
- Harry – discussed with Ray Hall the role of Waipareira Trust, there is a place for them which they are responsible to fill.

Korero:

- *Pita – attended meeting at Ngātiwai. Was made clear what the Māori Health Providers wanted included in the proposal. Where did this end up.*
 - *Nicole – met with Geoff following that hui. Went through the three issues.*
 - 1. Not to be an interim but a permanent IMPB.**

2. *Smaller representative body and for them not to be Iwi or providers. To be there for their hauora expertise.*
 3. *Wanted to run the back office function*
 4. *Offered a working group to work through some of the issues.*
- *Nicole Korero back to Geoff:*
 - *We have an interim structure because we don't know what this thing is that we are engaging in yet, suggested rather than stopping the process at the moment and going back to the start line it would be good to have their people put themselves forward, pull their sleeves up, get into the interim structure, drive the work plan.*
 - *TOR put up in the beginning was where we were at that point in time. We are committed to a review at the 12 months.*
 - *Geoff indicated a suggestion that they may go it alone alone with other Māori Providers and Hapu to possibly look at their own IMPB.*
 - *Letter has been sent back.*
 - *Pita – if some Te Kahu o Taonui Iwi are not happy with the proposal that has been sent in what happens then?*
 - *Nicole – that would be another process. This is a health reform, hope we don't end up in that place, would rather accommodate and work together to keep everyone a part of this.*
 - *Pita - Ngāti Hine Health Trust as part of Ngāti Hine has been objecting to some parts of the proposal, have they been reconciled? Sounds like No. Goes to the heart of how a collective proposal can roll over individual Iwi.*
 - *Nicole – don't feel like we have ignored or rolled over anybody. The reason it was interim to begin with was to have a waka that people could get into, provide feedback over that first year at which time everything that can be reviewed and feedback provided. Not sure what the motivation of Geoff is?*
 - *Pita – I have only attended the hui at Ngatiwai. I hear that things have been discussed and agreed to however, why are people still aggrieved. The answer I have been told is that they have not been addressed. Lots of dialogue but nothing in the proposal has changed at all.*
 - *Nicole – all of the issues have been discussed in the workshops over and over again with more issues added.*
 - *Naida – in terms of the health sector, Health NZ have not sorted out exactly what they are doing and neither has MHA. The intent is to develop one IMPB, which is where some of the confusion is. Te Kahu o Taonui is the IMPB of Te Taitokerau. The desire by some Māori providers is that they wish to become an IMPB and work directly with HNZ or MHA, that can't happen. We have to sort out our own issues so there is no divide and rule that's created by HNZ and MHA that don't yet know what they are doing. In Te Kahu o Taonui is our Te Taumata Hauora. No other Iwi in this country has themselves together like we have. Thank you for your work Nicole.*
 - *Nicole – don't want to lose what we have done, want to continue working with Geoff unless a Chair would like to?*
 - *Mariameno – in my view the matters have been addressed but the responses have not been accepted. Don't know if we have the luxury of time, need to make the decisions and live with them. When we collaborate there is a place where we have to be willing to give away.*
 - *Naida – we have to find the fine line in the sand where we hold onto our own tino and how does that work with Health NZ and MHA.*
 - *Harry – observation that Nicole has lent into Geoff more than I would have expected. There is a bigger game afoot.*
 - *Pita – when you are talking to Geoff you are talking to Ngāti Hine. Obvious we are out on a limb on this one, don't subscribe to running out of time. Appreciate that Nicole has said there is still room to talk, it*

doesn't need to be with Geoff could be with me. Would like Ngāti Hine's objection noted and we will keep talking.

6. THREE WATERS UPDATE – PITA & MARIAMENO

- Four entities, we are entity A – Te Kahu o Taonui representatives are: Haami, Pita and Aperahama being three out of the seven. Chose our Chair. Councils have not put up their seven reps yet.
- Our name is **Waipunarangi**, spent two days going through our systems, processes etc.
- Concerning to us that Haami's daughter Mihiarangi who works for Whaia Legal did a presentation to us as the Legislation is still going through Parliament. DIA agency overseeing this is developing Constitutions for each of the entities, according to Mihiarangi, what is outlined in the Bill stage of the legislation is not transferring into the constitution.
- Minister Mahuta did not realise that the intent of the legislation is being watered down into the constitution to take away powers of the entity Governance.
- Need to ensure that the equitable resource are coming to Te Taitokerau and not swallowed up in Auckland.
- Mariameno – tautoko Pita's korero. There is a commitment of this magnificent seven working as a combined group for everyone.

7. ROVE UPDATE - TOA

- Since August, disillusion of the Northtec board, have become Te Pukenga along with 16 other Polytechnics and eight ITO'.
- Toa has been appointed as Branch Executive Director for Te Taitokerau. Working through process to determine the Te Taitokerau region. Currently from Bombay north includes MIT, Unitec and Northtec. Korero to be had with Tainui.
- Engaging with Manawhenua re the various sites and how we hand them over.
- Finished a formalised agreement with Ngāti Rehia for the co management and oversight of the Kerikeri campus. New Ngawha campus opening, same thing in Kaitaia with hapu and Iwi to be involved in the oversight running and programme delivery.
- Working in the Hokianga to support their aspirations to develop a Te Wananga o Hokianga. Resourcing and supporting them.
- TEC – approved the establishment of a rural and hauora Māori centre of vocational excellence, bringing in Bachelor of Maori Nursing, Pacifica, Oral Health Occupational Therapy etc and the value of that learning.
- Focussing on Hauora Māori, working with our Māori Health Providers. Want more Hapu and Iwi to be involved in oversight of our campuses.
- How does Te Kupenga extract maximum value into Te Taitokerau.
- Te Kahu o Taonui to consider the rohe is it Bombay or Tamaki? Support for where we are moving to e.g. graduate programme for GP's. Oversight of our campuses, want more Iwi and Hapu to drive.

8. NORTHLAND REGIONAL COUNCILLORS (PETER-LUCAS JONES & TUI SHORTLAND)

- Peter-Lucas and Tui introduced themselves to the rōpu.
- We want to do what we can to see some positive change. Looking for guidance from Te Kahu o Taonui.
- NRC electing a Chair and Deputy next week. Two applicants, Rick Stolwerk who voted against Māori wards the other being Joe Carr who knows the far north and picked Tui to be his deputy.
- To be sworn in next Tuesday, elections of Chair and Deputy, go over Council structure, various committees and who chairs those. The seats at regional council are confronting. Have four returning councillors who want the status quo to remain and five new councillors.
- Peter and I are open for one of us to be Deputy Chair this term opening the door to Chair at the next term.

- Council only meeting held after the Powhiri. Rick Stolwerk has named Amy MacDonald as his Deputy who is a Greens **alie**, Joe Carr is looking for a bicultural leadership model. He has offered to share drafting of agenda's etc.
- We stressed that our Te Tiriti strategy which they committed to in the last term is fully embodied and understood by the senior leadership and that they have a strong relationship and understanding of our whānau, hapu and Iwi of the north.
- The representatives from Federated Farmers are supporting us.
- As we navigate the politics of this we would like to have an open relationship with Te Kahu o Taonui to move forward policy and enhance engagement knowing we have your tautoko.
- There will be key things that we want to get in front of Council. Want to check in regularly with Te Kahu o Taonui and bring points to this table. Want to be connected with the issues.
- This term we will be tackling policy such as the Freshwater plan etc.
- There is a Joint Regional Economic Development Committee, believe this is where Peter and I should be. Would like to invite at least one Māori councillor from each of the District Councils to be part of this.
- There is not a single Māori representative. Something that we want to change.
- Tui - knowing we have a strong relationship with this tepu is encouraging. Thank you.

Korero:

- *Harry – you have our support 150%, Kia kaha.*
- *Naida – don't take a second seat to anybody. You are clearly mandated.*
- *Toa – have real confidence in terms of what is being proposed. May be a rough road as they figure out what things will look like with the input of Māori.*
- *Mariameno – already winning as we have two NRC Councillors in our hui.*
- *Wane – tautoko korero. Joe has integrity.*
- *Margaret – very pleased to have you both there, it will be a challenge, remember that you are there for us. Important that you come to our hui and that hapu are being consulted and have a say. It may get lonely and ugly but don't forget that your **tuarā** are us.*

TE POUAHI O TE TAITOKERAU

ACTION:

1. ***Pita to liaise with Kiri SH to organise a Chair hui regarding Te Pouahi o Te Taitokerau.***

Meeting closed at 8:30pm by Pita with karakia whakamutunga.