

NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD

**TRUSTEE'S HUI, 5pm Wednesday 21 MARCH 2019,
ONLINE ZOOM HUI WITH ONE TELEPHONED IN**

INTERIM INDEPENDENT CHAIR TRUST HUI #4 MINUTES

***Whakataukī whakataki
[Introductory proverb]***

Ko te pae tawhiti, whaia, kia tata, Ko te pae tata, whakamaua, kia tīnā.

*[Pursue the distant horizons so that they may become close,
the horizons that are close to hand, secure them fully.]*

Na Rangī Metekingi o Whanganui

- 1. KARAKIA/MIHI.** Karakia, Tavake
- 2. Trustees in Attendance:**
Tavake Afeaki, Valmaine Toki, Aperahama Kerepeti-Edwards, Hillarey McGregor, Bruce Davies. Aperahama called in by Tavake's telephone.
- 3. Apologies:** No apologies.
- 4. Review of Minutes of Trustee #2 Hui of 27 February 2019**
 - 4.1. General discussion of the Draft hui minutes as circulated. Tavake shared the Draft Minutes screen, read through the Minutes to ensure that all had clear understanding. Including covering tabled for the record emails of both Hillarey and Valmaine as Appendix A & B. It was agreed that the minutes accurately summarised the discussions from that meeting. Tavake moved that those be accepted, seconded by Hillarey. The Minutes were accepted and confirmed unanimously. Kua mana.
- 5. Matters Arising**
 - 5.1. The Trust's Bank Account**
 - 5.2. Discussed the fact that we still don't have a lot of the information that we need. Reflected on Hillarey's email and then Valmaine's emails.
 - 5.3. Tavake expresses his concern of not having access to the bank account and the mounting of unknown debts, also about perhaps requiring an accountant to go through the accounts.
 - 5.4. Bruce said that the accounts have been done. But they were still waiting to be approved in an AGM of the Trust. Valmaine asked where the accounts documents are. Bruce was sure that they are probably in Storage King. If not, then Bruce will seek out the contact details for the accountant who has gone through and prepared the trust's accounts.
 - 5.5. Tavake asked Bruce to refer him to the accountant. Bruce to seek the accountant contact details.

- 5.6. Tavake asked if anybody knew when the trust's bank account stopped operating, if at all. Valmaine said that transactions have continued. Bruce said that this is attributed to the new trustees, who are us. None of the trustees know if there are any funds in the bank account.
- 5.7. Aperahama recalls being on the validation panel, that ElectionNZ has a digital copy of the database.
- 5.8. Aperahama asked about the changing of bank account signatories process and who advised us on this process.
- 5.8.1. Tavake said that Nicola told him that how it happens is that all the existing trustees and the new trustees have to be present at the same time and branch to sign the transfers.
- 5.8.2. Aperahama said he was advised by Kiwibank that the past trustees were not required to be present at the signing over of the account, and advised that when he called Kiwibank about this and explained it, they indicated that Tavake could present the Court order to the bank and that would be sufficient. He added that the former trustees could even phone in to the bank and that would satisfy Kiwibank's requirements for the transfer over of accounts.
- 5.8.3. Tavake advised that by contrast, the email he received from Kiwibank advised in an email (from 'Susan') that we need an original document from the Court, signed and stamped by the Court, and by the relevant parties concerned, stamped by the Court and that the judgment documents must be complete with no missing parts. Tavake circulated the email he received from Kiwibank, which outlined these requirements.
- 5.9. Tavake suggested that both parties to the court case should draft a consent memorandum explaining to the Court the difficulties of getting the old trustees and the new trustees in the same place at the same time, and to request a sealed order directing Kiwibank to remove the old trustees from the Ngati Rehua-Ngatiwai ki Aotea Trust Board account and put the interim trustees on to become signatories to that account. This is most important.

5.10. The Database and ElectionNZ

- 5.11. Tavake expressed his concern that from what he has heard it appears that there is more than one database and asked for someone to please explain to him what is going on with it. Bruce advised that ElectionNZ should have it and asked can we go somewhere else? Hillarey said that there are other alternative election companies. Aperahama said that we may be bound by the Court order to deal with ElectionNZ and may need to ask the Court about this. Hillarey asked why they have anything to do with the database, it was assumed that they were involved for the voting? Aperahama said that they were there on the back of the ratification of the settlement. They were to organise the proxies, but at the same time there was a change in ID requirements for the process which caused difficulty. Bruce says that the last document came from Christchurch (ElectionNZ office) which was deemed to be a legal document, because it was ElectionNZ who counted the votes.

- 5.12. Tavake Question: Was ElectionNZ empowered to finalise if any enrolled person was actually a beneficiary and then, to finally put that into the database?
- 5.13. Bruce said that this was the process: - they were given to verify themselves the whakapapa of the people. Tavake asked if, once that was done, was ElectionNZ advised of who the beneficiaries were, and then were the voting papers distributed? Bruce said it would go back to Christchurch (ElectionNZ) and then they would send the papers out.
- 5.14. Aperahama said that there were a number of registrations that were rejected, not exclusively on grounds of whakapapa; there were differing processes; changes to forms; adding of different ID requirements. This is the result of those changes.
- 5.15. Hillarey asked if we need to ask ElectionNZ to go through the process again. Valmaine said that ElectionNZ had advised that the database was corrupted so the whole database needs to be revised. Aperahama said that this is because the database only had names without the required documentation to verify those names. They also looked at the whole database and saw that there were double-ups and also it included names of some deceased people. Aperahama suggested that we should look through the database to make sure it is accurate.
- 5.16. Tavake to go to Warwick Lampp to get the list that ElectionNZ holds. Apparently Ngaire has a database, but upon discussion no trustee knows. Tavake was also to enquire about the ratification of Deed of Settlement vote and background process held some time before and conducted by ElectionNZ.
- 5.17. Tavake to talk to Warwick of ElectionNZ and then also to look for information in the trust's storage unit, when we access it. Then Tavake was also to ask Ngaire if there is anything else in her possession to help us ascertain the situation.
- 5.18. Action list:
- 5.18.1. Tavake to email to ask for a draft memorandum by consent of both legal counsel on Kiwibank to the Court seeking orders - to send to the trustees, who will then forward it on to their lawyers;
- 5.18.2. Tavake to call Warwick Lampp from ElectionNZ; and
- 5.18.3. Tavake to visit Storage King trust storage records to look for documents that may help the trustees.
- 5.19. Hauraki Overlapping Claims Waitangi Tribunal Inquiry**
- 5.19.1. Bruce opposes the trip to Wellington hearing. Tavake will be away on leave with whānau during that time (8-12 April), and has no view on it, but asked trustees for background on it. Tavake reiterated that he does not act for Ngati Wai as was suggested by Bruce and Hillarey in their recent email – but he does act on behalf of this board. He is open to views and leaves it to the trustees.

- 5.19.2. Tavake asked the hui if they all read, understood and accepted his 19 March 2019 emailed response and emails to Bruce and Hillarey's email of 18 March 2019 as **attached** to these Minutes as **Appendix A**. Bruce confirmed that he had read those emails, understood them and accepted Tavake's response. Bruce reiterated that he does not support attending these Hauraki Overlapping claims.
- 5.19.3. Valmaine is concerned that we can't speak for ourselves and wants to be an interested party. She still hasn't made her mind up on whether she wants to attend. Tavake expressed that he couldn't quite make it out; what did it mean that Aotea has allegedly been given to Ngāti Manuhiri, and Aperahama does not know when this was supposed to have happened. Valmaine says that she thought that Ngāti Rehua Trust Board gave Ngāti Manuhiri the mandate to represent them on Hauraki overlapping claims, because Ngāti Manuhiri are a party to the Inquiry. Aperahama said that Bruce's 18 March email stated this too. Aperahama's concern is that the application for the Hauraki urgency was filed at the end of 2018, and this was endorsed by Ngāti Rehua taumata. Aperahama is concerned because Ngāti Manuhiri has not even put any submissions in to the Tribunal and the cut-off date for filing evidence has passed.
- 5.19.4. Valmaine is concerned that Ngāti Rehua-Ngāti Wai ki Aotea Trust Board will be left voiceless in that Inquiry. Bruce is concerned that we are getting too caught up. Aperahama says that it is a balancing act. But it is too late anyway. The main concern is the encroachment of Hauraki's settlement.
- 5.19.5. Tavake asked if the Crown is offering Ngāti Marutuahu parts of Aotea. Aperahama says that they are. At the moment Ngāti Rehua-Ngāti Wai ki Aotea have exclusive rights over the land. But this is at risk because we are not part of the Waitangi Tribunal Inquiry process.
- 5.19.6. Tavake said that if Marutuahu and Hauraki have filed evidence to say that they have rights over the island, this needs to be considered by NRNWTB. The former trust board continued to negotiate with Ngāti Manuhiri, and he was not sure how that was to work, but the Crown continued to offer up chunks of the island to others. Concerns were raised by trustees regarding Ngāti Rehua-Ngātiwai ki Aotea Trust Board not going to Wellington to oppose the settlement package the Crown has offered up for the Hauraki Settlement. Tavake advised that he does not know the claim, he only says that, as an experienced Waitangi litigator, if you do not show up to 'patrol and protect' your borders, it is likely adverse decisions will be made against you, in your absence without your knowing. Hillarey and Bruce are concerned that if this Trust Board attends with Ngātiwai Trust Board, then this board could be seen as accepting Ngāti Wai's opposition to this Trust Board's settlement.
- 5.19.7. Tavake suggests perhaps if the trust's bank account is transferred soon and has some funds in it, then would the board be open to sending one or some of the Trustees to the hearing to monitor the evidence and cross-examination. This proposal was so that any attendance by NRNWTB members would not be funded by the Ngāti Wai Trust Board, which would remove any appearance of involvement or acquiescence to that other Board's opposition to this Board's original settlement. Bruce

was slightly more comfortable with this, but still sceptical because he did not want to appear to support Ngatiwai Trust Board.

5.19.8. Hillarey thought that when this was discussed, that they would get advice on what was actually going on before we make a decision, and have already declined the proposal by Ngāti Wai Board. She understands that the offer the Crown has given us and Nicola has fought for is not the greatest, but it was better than what previous negotiators had signed us up for. She is concerned that we do not support this package maybe because of personal grievances that are not representative of the Aotea hau kāinga who have never left. The delay is what has put us at risk. Suggested that Tavake should contact Nicola MacDonald to discuss. Hillarey would decline and not attend the hearing.

5.19.9. Tavake asked Aperahama to send the Marutuahu adverse evidence that impacts on the Trust's interests.

5.19.10. Valmaine supports the idea of sending down trustees to observe and acknowledges the need to be engaged in this process. Bruce still needs to think about it. [Aperahama had to leave the hui].

5.20. Māori Land Court Chief Judge's Conference for s 30 Te Ture Whenua Māori Act matter, Motairehe Marae, 15 April 2019

5.20.1. Tavake raised the Chief Judge of the Māori Land Court issuing his 7 February 2019 Minute advising that he was going to hold a judicial conference at Motairehe Marae regarding the Māori land on the island. Starting at 10am Monday 15 April 2019.

5.20.2. Valmaine asks what the process will be at the Māori Land Court Chief Judge's judicial conference? – because the whanau will want to know what is going on.

5.20.3. Tavake only knows what was in the judge's minute as circulated. [Tavake shared the Chief Judge's minute on the screen hui] Tavake suggested that it would probably be focussed on discerning whether the issues can be mediated, and if not, then a hearing would have to take place.

5.20.4. Valmaine said that Ngāti Rehua may have to provide somebody who can talk to the whakapapa issues then. Tavake said yes.

5.20.5. Hillarey thought it was about the rocky outcrops and islands, and challenging who it is placed with. At the moment, it is under the NRNWTB as kaitiaki, and this is what is being challenged.

5.20.6. Valmaine said the applicant [Erana Baynes] challenges the existence of Ngāti Rehua.

5.20.7. The Trustees agree that they need to be there to oppose the application, Hillarey citing the fact that 1500 people have made applications to be beneficiaries of the Ngāti Rehua trust, including the applicant making these claims, Ellie Baynes.

5.20.8. Valmaine also said that Ellie would be willing to mediate the issues and would open to entering into a Ngāti Wai Ahuwhenua Trust. She would be more comfortable going ahead with the judicial conference. Hillarey agreed.

5.20.9. Bruce asked if the judge would be coming to the island for the hearing, and this was confirmed by all present. Bruce suggested then, that the trustees inform their people of the hearings.

5.20.10. Tavake asked if the trustees want an adjudication process or a mediation process. Bruce prefers a hearing. Valmaine prefers a hearing. Tavake acknowledges that mediation only works if both parties are actually willing to come to a settlement.

5.21. Minister of Treaty Settlements Request for Response to Proposal to negotiate all Hauraki Gulf settlements as one process

5.22. Tavake asked if the trust wanted to reply to the Minister of Treaty Settlements policy of wanting to settle all of the Hauraki and Waitemata Harbour claims being settled in one process. Minister had asked if it should be done in a single negotiation, or as a number of different ones. Bruce's thoughts are that it should be done separately. He is concerned that the Crown is cutting them in half, instead of looking at the whole picture of who we are and where we are. Valmaine says that we don't know enough about it. She would need to know who the other groups are, and the jurisdiction of the area. Acknowledges that there are benefits with settling in large groups, and benefits also with smaller groups.

5.23. Tavake suggests that we invite the minister to hui with the Board. Noted for action.

5.24. DOC Community Grant for Pest Removal

5.25. Valmaine raised the possibility of applying for the Department of Conservation Community Grant for pest removal. Bruce supports it, but is sceptical whether it would be accepted by DOC. Valmaine circulated, and all trustees present had seen it. This was supported by those present.

5.26. Valmaine moved a resolution to apply to the Department of Conservation for a community grant for pest control by the trust. This was seconded by Bruce. Unanimous. Kua mana.

5.27. Should this be successful, Valmaine hopes to have a hui with the people at home to be ensure transparency.

5.28. Auckland City Capacity Grant

5.29. Bruce moved that the Trust apply for the grant and engage with Rama Ormsby from Auckland City Council. Seconded by Valmaine. Unanimous. Kua mana.

5.30. Next Meeting

5.31. Next meeting on Wednesday 27th of March 2019 at 5pm.

5.32. Karakia Whakakapi

Meeting closed with thanks and karakia by Tavake. 7.10pm

APPENDIX A

From: Tavake Afeaki

Sent: Tuesday, 19 March 2019 9:37 p.m.

To: 'Bruce Davies' <jbdavies8@gmail.com>; sarah@sarahwroe.co.nz; Hillarey McGregor <hillary@brownthomson.co.nz>; Hillarey McGregor <hmcgregor.gbi@gmail.com>; Aperahama Kerepeti-Edwards <aperahama.edwards@outlook.co.nz>; Valmaine Toki <valmaine.toki@waikato.ac.nz>; Valmaine Toki <v.toki@auckland.ac.nz>; richard@harrisonstone.co.nz

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

Subject: RE: NRNWTB Response to Initial Report & Matters Raised - Tavake's reply of 19 March 2019

Tena ano koutou e nga kaitiaki tarahi,

1. Thank you for your email.
2. Please find **attached** copies of emails sent to you all yesterday at 6.09 and 6.14 pm before the below email of 8.53pm was sent to me from Bruce Davis. Included in those emails are discussions between myself and legal counsel for the parties. I had **attached** my Initial Amended Report to the Court to the first 6pm email, so you could read it in the context of the cover correspondence with Ms Wroe.
3. I will respond to each of your paragraphs below by interspersing my comments thus [****Tavake Afeaki comments:...**] into your original message Bruce/Hillarey: -

From: Bruce Davies [<mailto:jbdavies8@gmail.com>]

Sent: Monday, 18 March 2019 8:53 p.m.

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

Cc: Hillarey McGregor <hillary@brownthomson.co.nz>; Hillarey McGregor <hmcgregor.gbi@gmail.com>; Aperahama Kerepeti-Edwards <aperahama.edwards@outlook.co.nz>; Valmaine Toki <valmaine.toki@waikato.ac.nz>; Valmaine Toki <v.toki@auckland.ac.nz>

Subject: NRNWTB Response to Initial Report

Tena koutou

On behalf of Hillarey McGregor and I we write to advise that we have received a copy of an initial report prepared by Tavake Afeake to the High Court on matters related to the Ngati Rehua - Ngatiwai ki Aotea Trust. **[**Tavake Afeaki comments:- I had sent a Final Amended copy of my Initial Report to the Court to you three hours earlier, plus explanation and copies of email exchange with your lawyer.]**

1. We are committed interim Trustees solely to assist in the calling of our AGM to allow our hapu to move forward. We want to uphold the High Court's ruling which is to facilitate the completion of the AGM to allow permanent Trustees to be elected by the people to carry out hapu business. **[Tavake Afeaki comments:- Noted with thanks, and also that the Court's orders include a combined approach to validation of beneficiary registrations.]**
2. We did not receive a copy of the report from Tavake and upon reading this we do not support the initial report as being fair and objective to the former staff and trustees. Tavake's report implies that Ms Pera and Mrs MacDonald have been obstructive to the proceedings to organise signing authorities. This is untrue. We are fully aware via many emails from Mrs MacDonald to Mr Afeake supporting efforts to coordinate arrangements and we have also received many emails from Ms Pera advising that she cannot organise care for her elderly mother at short notice but she has continued to provide communications to the Trust. We

also know that Tavake has had to decline or reschedule meetings due to his workload. We don't believe that there is any obstruction going on but it is challenging to coordinate people who live across NZ to meet. ***[Tavake Afeaki comments:- My apologies. I amended my initial report with the further information received and withdrew the early version, which did not go to the judge; the Final Amended Initial Report was provided to Justice Palmer and the Registrar confirmed this. I did not use the word 'obstruction', that was your lawyer's term in her email to me which I copied you with and also my reply to Ms Wroe I which I explained not having information about Ms Pera's duty to care for her mother until weeks into the process. I have provided the Court with my amended, final report. I emailed you that at 6pm last evening.]***

3. We wish to advise that Mrs MacDonald paid outstanding fees from her own personal funds for the storage unit holding our tribal records until we can arrange our signing authority. If she did not pay for these fees our records were going to be destroyed and we are very grateful to her for her generosity and compassion to our Trust. The report does not mention these efforts and we are deeply concerned with the apparent bias against our former trustees and do not support this report being written in this manner. ***[Tavake Afeaki comments:- I am grateful that the former chair, Nicola MacDonald had told me on the telephone of her concern about the Storage King held trust records on the morning of 28 February, which at the time she said she believed had been destroyed due to non-payment of trust bills. She later that day emailed me advising she had emailed former secretary, Ngaire Pera on 28 February to ask her to make the changeover to authorise me to access the stored property as soon as possible. To her credit, Nicola ascertained the debt due, considered the risk to the records and on Friday 15 March paid the \$435 from her personal funds to protect the trust's property and records. I am thankful for her actions & engagement and have reported that to the Court. We should now be able to get trust records. We also have to get the authority to sign on to the trust's KiwiBank account and then we can sign up a contractual automatic payment to Storage King, if we have funds.]***

4. Since our appointment we have continued to advocate to carry out the instructions of the Court which from our perspective is to organise validation; call the AGM and hold elections. There has been no attempt to begin this process and the focus appears to be centred on relationships with external stakeholders instead of settling our hapu. We are deeply concerned about the delays to begin the process. ***[Tavake Afeaki comments:- I am also concerned to carry out the duties directed by the court. I raised this with you again in person on 13 March. However, if we do not secure the trust records, bank accounts, database, have administrative and accounting done, pay off any other tax, contractual and other liabilities (like the storage), properly prepare and file returns with government departments, the trust is at risk of being further in breach of tax obligations, sanctioned by IRD, and struck off the Charities Register - then as I have advised you - further problems will arise for you as representatives of your people, for the Court and for me as counsel assisting the Court and Independent Interim chair assisting your trust. I have not yet even been able to find out how much money is in the trust bank account yet, or if there is any at all. We have been in a complicated process to even achieve discovering the status of the bank account and a transfer of authorities. Of course we all want to properly call an AGM and have elections. To do that we need the validation and registration of beneficiaries process well underway and done. And you are aware from the earlier judgments just how the High Court directs that is to be done. I share your concerns about the***

delays in the first six weeks I have been here, but we have discussed the importance of sequencing, planning the work to have the trust in a position to carry out the duties as directed. I have advised you about ElectionNZ advice and responses to me, which concern me because they are needed in the workstreams, but are not available until 2020, if at all, which is an added concern. I reported on this and the situation to the Court and in earnest have invited His Honour's further directions to me as he sees fit.]

5. We have raised the issue to Tavake regarding our attendance to support the Ngatiwai Trust Board at a Waitangi Tribunal hearing where we are not a submitter. The invitation came via interim trustee Aperahama Edwards who is also a Ngatiwai Trust Board trustee. We have raised our concerns about this serious conflict of interest as well that the Ngatiwai Trust sent a letter in 2016 to the Minister of Treaty Settlement opposing the Ngati Rehua Trust treaty settlement. We do not support that our attendance at these hearings is appropriate and is not a priority over our AGM. We support the position of our former Trust and hapu who do not condone the Ngatiwai Trust Board opposition to our Treaty settlement.***[Tavake Afeaki comments:- Noted. I do not have a deep knowledge of the background other than what you told me. I sent you the Ngatiwai Trust Board letter to NRNWTB and the copy of their NTB letter to the Crown's Treaty Negotiations Minister when I received them on Monday 11 March, and was merely passing on correspondence received with a intro of what they said. I do not intend to attend the Waitangi Tribunal Hauraki Overlapping Claims hearings, but I cannot prevent people attending if they so wish. I have not been involved in that litigation. My priority remains advancing the Court's orders and finding out what information and resources we need to make that happen. I am interested to learn more about the Ngati Wai Trust Board's position in respect of NRNWTB – insofar as it impacts on our work to be done. To this end I invite you all to advise me on this aspect of the background relationships, actions and roles at our next trustee hui.]***

6. We now understand that our interim Chair has approved for Ngati Rehua Trust trustees to attend in support of the Ngatiwai Trust Board who opposed our settlement. This support is to Aperahama Edwards who (as already stated) has a serious conflict of interest and Valmaine Toki who brought the Trust to the High Court opposing the Ngati Rehua settlement. We question the decision and motives of our interim Chair to bring Ngāti Rehua under Ngatiwai Trust Board when we have fought for our own mana motuhake for many years.***[Tavake Afeaki comments:- I have not 'approved' for NRNWTB trustees to attend Waitangi Tribunal Inquiry hearings and the first sentence appears to put words into my mouth. I did not say that. I am not aware in any depth of the case you mention of Valmaine Toki bringing the NRNWTB to the High Court opposing the Ngati Rehua settlement, nor have I seen a judgment in such a case, but am happy to learn about it if it can help me understand and navigate this situation. My comments about the Waitangi Tribunal inquiry when we met on Wednesday 13 March at the Auckland City office arose from a professional interest as a litigator in many other Treaty of Waitangi claims inquiries, especially where there are conflicts in tribal claims to other tribes' lands. I was not sure if other tribes from Hauraki are claiming your whenua on Aotea, but the Ngati Wai Trust Board (NWT) had advised in their 11 March letter that NRNWTB were not an interested party in that Inquiry. I did not make any determination about it and had noted it in our 13 March hui as a point to discuss in our next trustee hui.. As advised in the above paragraph, I cannot compel nor deny anyone the right to attend a judicial hearing in their own personal capacity. It would depend on the context of how they might seek***

to attend. Unless we as a trust board agree to the trust supporting such attendance in the name of the NRNWTB, then they will not be attending as representatives of the trust which I currently chair, but we did not get to that level of discussion of the topic, because someone turned off the lights and we had to leave the city building as it was 7pm. As individuals it seems to me that people are free to go where they please as long as they are not jeopardising any work or orders we are charged with as a trust or representing our trust without our express consent to do so. As said, I do not know enough about the background conflict and opposition by NWT to NRNWTB which you have raised, but I am happy to learn more about it so that I can understand more clearly what is at issue, how you say NWT will try to 'subsume' NRNWTB and what it is we need to understand in order to act, or not as a trust carrying out our duties to validate the beneficiary roll and hold an AGM. I believe this email circulation is not the way to do it. I am not working to 'bring NRNWTB under NTW' because I am in this role to uphold the duties of the trust to people who belong to Aotea and to the Court. I am not instructed by NTW. I believe the role of all of you as trustees includes advising me as Counsel Assisting the Court and Independent Chair about relevant background and information so I can do my job to assist. Making assumptions and accusations from my having copied you emailed letters from NTB is with respect, not helpful. Your final sentence questions whether or not I am independent, based on such presumptions. And then you challenge my integrity.

Me hui a kanohi tatou, kia whakatika te ahuatanga o enei korero. Me mohio koutou, ehara kia whaka-ae ahau, ehara kia whakakahore ranei ahau ki nga take i korerohia ai e koutou ki runga nei mo enei take nei o koutou mo NTW. Me hui a kanohi tatou kia whakamarama nga take, kia whakamarama ano te ara tika kia mahia e tatou i nga mahi. Me whai tikanga tatou. Whakamaramatia mai o koutou take.]

7. We are now seriously considering our positions as interim trustees as it appears that our opinions and point of view to stay focused is largely ignored. We would like to see a fair; objective and focused priority of calling our AGM and that the Initial Report is resubmitted with the above recommendations taken into account. **[Tavake Afeaki comments:- Noted and I refer to the replies above and attached. Your points of view and opinions are welcome. I ask that you read my amended final report to the Court and copies of my correspondence with legal counsel. I encourage you to assist the Court by working together with myself and each other as directed by the Court. I appreciate that there is much I do not yet know about what you have been through, but I am most willing to learn if you are willing to help me do so. In this way I will be best able to help you to carry out our duties. Thank you again for your time and consideration.**

I look forward to meeting with you on Thursday 21 March at 5PM. If not, then please advise when you will be free to Hui on the late afternoon or evening of Thursday. Naku noa, na. Tavake]

Thank you

Bruce Davies and Hillarey McGregor

Interim trustees

[Tavake Afeaki comments:-]

Kia tau te rangimarie ki a koutou me o koutou whanau katoa.

Tavake

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

Tu'inukutavake Barron Afeaki

Barrister

EMAIL ATTACHED to above Email:

From: Tavake Afeaki

Sent: Monday, 18 March 2019 6:14 p.m.

To: Bruce Davies <jbdavies8@gmail.com>; Hillarey McGregor <hmcgregor.gbi@gmail.com>; Aperahama Kerepeti-Edwards <aperahama.edwards@outlook.co.nz>; Valmaine Toki <valmaine.toki@waikato.ac.nz>

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

Subject: FW: CIV-2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai Ki Aotea Trust Board, Case Officer Richard Kwon; T B Afeaki Counsel Assisting/Independent Interim Chair's Initial Report to Court - Tavake's Reply to Def Counsel

Importance: High

Tena koutou, nearly the last update from today.

1. Please find **below** an exchange of emails I had with Ms Wroe, Counsel for the defendants. Please read from the bottom up.
2. After I had filed my initial Report to the Court, Ms Wroe had emailed me and updated me. I then slightly amended four paragraphs of my Report to the Court, to include those updates.
3. I then replied to her email as per my message immediately below.
4. The import of my messages are that I want to be transparent and effective, but it is very challenging. It is going to take a lot more co-ordination, effort, clear communication and best patience to progress this work for all of us and for your people.

No reira, kia kaha mai tatou

Tavake

From: Tavake Afeaki

Sent: Monday, 18 March 2019 5:52 p.m.

To: 'sarah@sarahwroe.co.nz' <sarah@sarahwroe.co.nz>; richard@harrisonstone.co.nz

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

Subject: RE: CIV-2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai Ki Aotea Trust Board, Case Officer Richard Kwon; T B Afeaki Counsel Assisting/Independent Interim Chair's Initial Report to Court - Tavake's Reply to Def Counsel

Importance: High

Tena koe Sarah, otira hoki koe Richard/Greetings both,

1. I have added some information into an amended Initial Report to the Court, filed the same and have copied you both in. I do appreciate efforts being made by yourselves and all your clients to ensure we can get on with the work before us. I am still here in Tonga on official duties until Wednesday 20th.
2. Sarah, I had not been aware of Ms Pera's familial duties until after our second proposed meeting with you and her at your chambers was cancelled on 26 February. You will recall that I had offered to fly north to meet her on 4 March and drive to Whangarei to meet her on 6 March also. I had not known she had cancelled our 26 February meeting because of an emergency with her mother until you told me in the email to me this morning at 11.30 am.
3. I did not know from yourself how long Ms Skipwith was going to be in Australia. Nicola had advised me by text two weeks ago that she (Takawera Skipwith) was travelling there but I had no updated information on dates, other than that Nicola was going to have more flexibility to meet during the present week of 18 March, hence my offer to make changes for my week and asking how Thursday 21 March might work for us to meet.
4. In order to offer to meet this Thursday 21st in Whangarei, I had arranged for an agent to cover me in a hearing in Taihape, which as you can imagine has been a fixture set down for a long time. Two other new trustees had also agreed to make time, like they had earlier for 4 March and 6 March, both of which dates did not work out. I will of course advise them again and see what we can do next.
5. Next week I have a four day hearing from Monday 25 March in Wellington (set down by that judge last August), but I will see if I can arrange counsel to cover for me on Wed 27 March so I can travel to Whangarei to accommodate a transfer hui at KiwiBank with the signatories and two other new trustees. I will then have to return to Wellington for the fourth day of my hearing. - But first we will need to confirm availability of your clients, as there are many of us juggling lives, whanau, hapu, spouses, duties, hearings, travel and pre-existing commitments around to accommodate progressing this.
6. I have a business conference in Australia, for which I am leaving on 29 March, returning Monday 31st, then as I had advised earlier, I will be going on long-planned leave with my wife & tamariki on 3 April and returning later that month.
7. I look forward to receiving confirmation of Wed 27 March back from you, including a time and venue, address. And then I hope I will be able to confirm availability of the new trustees. I will ask them and revert when possible.
8. What has become clear to me is that this is a most challenging proceedings for everyone involved and it will take much more commitment, patience, co-ordination and effort from us all to advance it.
9. As I expressed earlier, I look forward to co-operating with you both to progress this case as best able. Thanking you in anticipation.

Naku noa, na

Tavake Barron Afeaki

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

Tu'inukutavake Barron Afeaki

Barrister

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From: sarah@sarahwroe.co.nz [<mailto:sarah@sarahwroe.co.nz>]

Sent: Monday, 18 March 2019 11:32 a.m.

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

Cc: richard@harrisonstone.co.nz

Subject: RE: CIV-2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai Ki Aotea Trust Board, Case Officer Richard Kwon; T B Afeaki Counsel Assisting/Independent Interim Chair's Initial Report to Court

Importance: High

Tena koe Tavake,

I have reviewed your report to the court. My clients are disappointed that the tone of your report suggests that they have been obstructive or at fault in the handover process. Given that there were delays in you taking up your role, not due to any fault on the part of anyone involved, the first meeting that was scheduled was 20 February, just three and a half weeks ago. The fact that we were not able to begin your work until the beginning of February has created an urgency that is not of my clients' making. Ngaire has continued to forward emails and keep you updated with the Trust's upcoming obligations. There was always the option for you and the other trustees to ask Ngaire to action those things and to keep the Trust running until the handover was completed. Problems that have arisen as a result of that not happening are not of Ngaire's making.

Ngaire is the sole carer for her elderly mother and had to cancel a meeting with you unexpectedly so that she could attend to her mother. You did not advise the court that Ngaire was due to come from the Far North to Auckland at her own expense and that there were good reasons for the cancelled meeting, or that the third signatory has overseas commitments which are also trying to be accommodated.

You also have not told the court that Nicola MacDonald has voluntarily paid the Storage King debt from her own funds so that they could release the records to you. Instead your comments create the impression that the situation with unpaid bills was somehow created by the former trustees.

We will advise the court of these matters should there be any requests for directions but in the meantime we respectfully ask that you indicate in communications a balanced view about efforts being made by all involved.

I sought instructions from the signatories this morning to see if they can attend a meeting in Whangerei in 3 days time. Ms MacDonald is sitting on interview panels on 20th and 21st March and cannot reschedule them or take a day out to travel to Whangerei. I am sorry but it is simply too short notice. She can get to Whangerei on 27th March and if that suits you and the others she will see if the other signatories can be there too. I believe I have already advised that Ms Skipwith is in Australia so getting her there is no small matter either but we believe next week could work. I will let you know as soon as I can.

Kind regards,

Sarah Wroe

Barrister

Eldon Chambers

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

Sent: Sunday, 17 March 2019 8:38 a.m.

To: Kwon, Richard <Richard.Kwon@justice.govt.nz>

Cc: Panoho, Bella <Bella.Panoho@courts.govt.nz>; Tavake Afeaki <tavake@afeakichambers.co.nz>; sarah@sarahwroe.co.nz; richard@harrisonstone.co.nz

Subject: CIV-2017-404-259 Ngawaka v Ngati Rehua-Ngatiwai Ki Aotea Trust Board, Case Officer Richard Kwon; T B Afeaki Counsel Assisting/Independent Interim Chair's Initial Report to Court

Tena koe Mr Registrar,

Please find **attached** by way of filing, my Independent Interim Chair's Initial Report to the Court.

I would be obliged if you could place the same before His Honour, Palmer J.

Naku noa, na

Tavake Barron Afeaki

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

Tu'inukutavake Barron Afeaki

Barrister