

NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD

TRUSTEE'S HUI #7, 10 am Saturday 4 May 2019 ZOOM HUI

1. **KARAKIA/MIHI:** Tavake
2. **In Attendance:** Tavake Afeaki (TA), Bruce Davies (BD), Valmaine Toki (VT)
3. **Apologies:** Hillarey at a whānau hui this morning. TA emailed, texted and left messages for Aperahama, who later texted during hui to advise he was in a hui.
4. **Previous Meeting Minutes** –21 March #4, 27 March #5, 3 April #6
 - 4.1. 21 March & 27 March Draft Minutes earlier circulated for discussion. Hui went through the minutes, the topics, reviewed matters raised and action taken, noted matters arising for further discussion, confirmed appendices of email exchanges. Moved TA, seconded BD. Unanimous. **Kua Mana.**
 - 4.2. TA working on the other Draft Minutes for Hui #6 of 3 April to be circulated for consideration. VT noted that she had not been at that hui but TA, BD & HM were present and therefore we decided for TA to circulate those for consideration and amendment/confirmation at the next Board hui.
5. **Correspondence & Matters Arising –**
 - 5.1. Discussion: **Kiwibank** – TA reviewed the frustrating process of getting three of us to become signatories. Board noted earlier resolved that HM and VT also be authorised to become signatories so that all five of us can become signing authorities. TA to meet with the Onehunga Kiwibank Manager to complete process and to ask him how to get internet banking processes in place so we can pay bills and invoice to receive monies etc.
 - 5.2. **Storage King Trust Documents**, TA had sent inventory list of files made in April to Board members. Noted that the most recent files held in the storage are from 2013-14, five years old. No documents from dates since in there. TA noted that some documents have been received from legal counsel for the plaintiffs and defendants to fill some of the gaps, but that TA has so far not received any NRNWTB beneficiary database from the former trustees but need to look further into the files to check that. Meantime had been seeking that beneficiary database from former officials for some time.

For the years 2014, 2015, 2016 – so far, there appears to be a gap in financial trust records received or from storage, board meeting minutes & correspondence needed. HM to ask NP for update and status of these trust documents. Need to fill the gap.
 - 5.3. **ElectionZ** – TA spoke to Warwick Lampp and he has sent the database he has and a list of all NRNWTB documents they hold. TA to send this to the Trustees for consideration and discussion for the next steps to preparing for Validation Committee hui, confirmation of beneficiary roll & thence to AGM, elections. Costs of ElectionZ. Two invoices for work amounting to \$20k and \$10-12k – a lot of money & Maori Trustee paid for that. We do not have that resource now. It is expensive and we need money to be able to run hui and contract for elections.

Defendant lawyer SR, Nicola MacDonald (NM) and NP had suggested Dale Ofsoske's company to run the elections. TA said it was useful to have a look at engaging his services as long as he was legitimate, professional, cost-effective, available and not conflicted.

Validation Hui Process DRAFT, TA recalled that we had wanted to hold Ngati Rehua wānanga whakapapa kaumātua to discuss, plan and design the Validation Hui Process. Keen to progress this.

Aperahama earlier had undertaken the task to provide us a DRAFT validation process proposal for us to consider, discuss and refine as a Board. This work is needed for our planning.

5.4. **Māori Land Court sec.30 Judicial Conference** 15 April 2019 Motairehe Marae BD & HM & VT attended. Tavake had tendered apologies to Chief Judge Isaac. Trustees had seen follow up email and evidence from applicant E Baynes and the next step was for Chief Judge to set down a hearing of the application. Discussion of the tupuna Rehua. Discussion of evidence needed to rebut the application as the NRNWTB is the appropriate body to represent the uri of Aotea.

5.5. **Auckland City Capacity Grant** Trust VT assigned to engage with city, Rama Ormsby and other officials of Auckland City (AC) for 'relationship agreement', asked for further information. VT has followed up with them and reported to the Board. Now we have NRNWTB Kiwibank account numbers and access we can provide a report to the AC on the mahi being done and with an invoice for the balance of \$25,000 for the current calendar year. Then make plans, Trust workplan and report to AC as required for the next calendar year in order to receive the next year's grant.

Bruce advised that he joined this group to advance the beneficiary roll kaupapa and get to the AGM and elections – **NOT** to waste time on other matters like these Auckland City roles and work that does not get Ngati Rehua-Ngatiwai elections and representation decided properly. BD stated that all these other matters were distractions and taking away from the core job of the AGM which is what he wants to keep focussed on. He does not want us to do those city roles.

TA agreed and re-iterated that our main task as directed by the Court is to convene Validation Hui, resolve the issues about the beneficiary list, organise, notify and convene hui and AGM, elections and advance that. TA said he would like to run validation hui immediately and an AGM – but re-iterated that we need a baseline of information and legal structural security. Re-iterated that until now, we had been trying to get the relevant information and ensure that the Trust was legal, compliant, still registered, not at risk and that we secure resources, funding and professional services to do our main job. Reminded hui that we do not have \$20-30,000 to run any hui or pay for election professionals to work for us. Therefore we have been pursuing securing information for 3 months – bank accounts, trust records, minutes, and beneficiary list databases. But we have not had any, nor any money to work with, until now and going forward because the Māori Trustee is not going to pay for any elections, admin or bills, we need to get that putea to fund it. One key to that to create a sustainable resource fund for the work is the relationship with Auckland City Council.

- 5.6. **Auckland City Cultural Values Assessment Project.** VT advised that this was an important forum she had been engaged with because it was about having a place to tiaki wahi tapu, whenua Māori, tikanga and important processes to protect taonga.
- 5.7. **Hauraki Gulf Island Forum.** Membership is ministerial appointment for 5 years and the current term is expiring. Geoff Cleave is the incumbent, but his term is coming to an end. VT advised that the Minister requires NRNWTB to make a nomination for the Aotea member on this forum to protect Aotea interests. Action needed: Board to discuss, decide and make a nomination to the Minister.
- 5.8. **Hauraki Overlapping Claims Waitangi Tribunal Inquiry.** 8 – 12 April, Wellington. The first week of hearing revealed evidence where Hauraki Marutuahu tribes claimed interests on Aotea Island. VT emailed concerns and lists of Aotea lands claimed by Tamatera, Whanaunga, Marutuahu. Tavake commented that although he is not involved because of the focus on NRNWTB beneficiary lists and AGM, that in his view as a Treaty litigator the trustees would best protect their interests or the Crown was likely to give their lands via settlement agreement and legislation – to other iwi. TA said it is for the Aotea people to guard/tiaki their own interests. Crown will not balk at using your Aotea land to achieve a settlement with Hauraki.

5.9. **IRD & GST Returns**

[*Review* from 3 April 2019 Hui #6 - IRD's Yvonne Moore called TA in response to my Letter to IRD and I explained that HM was taking the role of being the trust's IRD contact. And further, that HM was working with NP to do returns and then YM IRD asked – when HM is ready, to please call her on 04 831 2208 to ask her to remove NP and appoint HM as contact person.

HM authorised Ngaire to submit the March GST Return to IRD.

Hillarey instructed Ngaire to do the GST returns because we have one \$500 fine by IRD and another \$800 penalty, then increases to \$2000 etc and higher – HM instructed her to prepare and file GST. – so we can avoid further penalties.

HM wants to commission Xero for NRNWTB Trust activities costs \$60 per month subscription cost for trust to work with – at least in the interim so that we can comply with the law, stay operative and pay bills

TA supported this and want to advise trustees, to ratify this action so we do not be struck off and operate and bring XERO into the new trustees' management.

HM – XERO will enable us to liaise with IRD, mesh the Bank accounts with the accounting system and manage our finances. And we need to be able to pay our taxes and cumulative \$1,300 penalty bill.

TA supported this & seeks trustees support.

HM moves that we resolve to accept HM's recommendations and actions in having GST returns filed, to become the trust's IRD contact and to subscribe to Xero and operate that system for the trust.

BD seconded. Unanimous. Kua Mana.

HM – 2 Degrees bill \$1,300+ HM negotiated a month's grace from the account manager to 30 April to pay this. We need to get the phone bill statement from 2 Degrees to ascertain what the bill was for. HM to pursue. HM – do we need a trust

phone? Not necessary. Last thing the trust needs is to have a debt collection costs imposed on our trust, further costs etc.

HM Move to get a copy of phone statement, the contract, to determine then whether to pay the bill and to cancel the phone contract. BD. Unanimous. Kua mana.

HM – have not yet seen auditor’s invoice yet for YE 31 March 2018 auditor’s report. Nicola said she would send his invoice through.

HM - Charities Commission requires some audited accounts and HM proposes that we submit the outstanding audited accounts to the Commission including YE 31 March 2018 and ask them to accept those, pending ratification of the accounts at the AGM to be held, following the Court-directed Validation of beneficiary roll.

HM seeks discussion and trustees resolution.

Possibly provide audited accounts ‘provisionally’ to the Commission.

Trustees discussed this.

BD moves HM being trusts, contact person for CC, and recommendations as above. Unanimous. Kua mana. – **Review of 3 April ends here]**

4 May Hui continued - Accounts were discussed and TA had emailed through to Board the recently received Trust’s Kiwibank Account statements from April 2019 which showed 6 different purpose accounts, all with some funds in them, which accounts were named as follows:

- Chair Discretion Fund balance \$519.48
- Treaty balance \$1,417.80
- Operational balance \$3,167.33
- Rangatahi Roopu balance \$1,234.81
- GST/Taxes balance \$3,029.15
- Contractors balance \$1,608.44

Hui agreed that we needed to ask HM to provide a list of all the debts she had already paid and prioritise repaying her. Likewise we needed to repay in order of priority other amounts paid on the trust’s behalf, eg: \$435 reimbursement to Nicola MacDonald for her payment of the Storage King bill in March; \$145 Tavake paid Storage King in May; 2 Degrees Phone bill of \$1,300 to be paid before debt collection agency engages and prejudices our Board credit rating; NRNWTB Website annual subscription fee which HM had paid from her personal funds; IRD GST and any other taxes or fees.

It was noted from the Trust’s Operational account that there was a monthly XERO direct debit payment of \$69 which was ongoing from March and April and that this was for the Trust’s XERO online accounting package. Resolved to ask HM to use this existing subscription and to cancel any other Xero subscription she might have made so we can use the existing one and not double up on our Board costs.

BD moved to ask HM to carry out the reconciliation, prepare a priority list for our approval, prepare and make reimbursements and payments. Also to get Hillary and Valmaine on board as Kiwibank account signatories. VT seconded. Unanimous resolution. **Kua mana.**

Storage King. Discussion of whether it is necessary to have the \$120 per month storage cost, or could those Trust files be held somewhere else to save money. BD

advised that he would be happy to store the files. TA said he was happy to cut costs and offered to store the documents as Interim Chair until the Board decided where they could be permanently housed. Full Board discussion sought on this to resolve and act.

6. Correspondence IN

- 6.1. ElectionNZ Warwick Lampp re list of documents held and beneficiary database
- 6.2. Auckland City emails of lists of applications to AC for resource consents
- 6.3. High Court Orders 27 March Minutes & Directions trust records & bank accounts
- 6.4. Māori Land Court, Chief Justice Isaac Court Minute following judicial conference on 15 April, at Motairehe Marae, Aotea.
- 6.5. Emails from VA concerning Māori Land Court hearing and evidence from E Baynes, whakapapa issues for discussion
- 6.6. Kiwibank – account update status statements to April 2019
- 6.7. Bills Payable –IRD, 2 Degrees, website domain siteUS\$295 – Paid by HM’s credit card, XERO \$60 per month subscription – Trust get finances. Bank account, capacity funding from City and become fiscally viable and do our main work, validation, hui, database & AGM
- 6.8. Hauraki Overlapping Waitangi Tribunal claims emails from VA to trust concerning.
- 6.9. Auckland city – Cultural Values Assessment project.
- 6.10. Auckland city – Manawhenua Forum representation.
- 6.11. Auckland city – Capacity Contract with NRNWTB - Rama Ormsby and other officials Jeremy Murray
- 6.12. Other Auckland City emails, TA just forwards to other trustees for action as they see fit or for discussion/decisions to be made at Board level
- 6.13. Storage King Onehunga requiring storage payment of \$145 for NRNWTB unit
- 6.14. Email from Mook Honeck, Ngāti Manuhiri chair requesting a hui with TA

7. Correspondence OUT

- 7.1. High Court - TA obtained court sealed orders, served in person on Kiwibank Manukau and then on Onehunga Mall Kiwibank Manager who was helpful
- 7.2. TA email to Storage King, made further payment of \$145 from TA’s personal funds for a further month of storage of NRNWTB files
- 7.3. Kiwibank Bank April 2019 Account Statements forwarded to Trustees
- 7.4. Emails & keep monitoring important emails/letters

- 8. Kaumatua Hui/Wananga to set up Validation Hui, AGM prep.** TA we need to focus on building our work programme for this. We will be able to plan in earnest, design, timetable, create a costing, budget estimate and funding plan. It will require safety for our kaumātua, whanau, mokopuna including kai, travel assistance if needed etc. Ko te mea nui kia tika te haere, kia whakamana tatou i te tikanga. Need to engage further with going through the ElectionNZ database, list and all their information to prepare for the next steps. TA said that Nicola had told him earlier that she has a beneficiary database but noted she has not provided this to the new Board yet. Ngati Manuhiri chair Mook Honeck had emailed TA to seek a meeting and TA sought trustees’ thoughts on this. TA to reply to Mr Honeck.

AGM upon completion of beneficiary roll – need to plan, notify and fund it.

- 9. Auckland City Capacity Grant Contract & Report.** VT has followed up on this with AC and we are looking to report to AC on operations and NRNWTB capacity activities with a view to invoice them and seek balance of this year’s funding paid to NRNWTB -

\$25,000. Planning & workflow, milestones & reports for the coming AC financial year are needed so we can access the next \$50k for Board mahi. AC to provide the Capacity Contract. Further action is necessary to take this forward.

10. **Auckland City Manawhenua Forum.** There is funding available to Board for this. 6 bi-monthly hui per year and others as necessary. These hui are funded with a meeting fee and KMs paid for members attending & this putea can assist to fund NRNWTB's administration, operations, validation hui, elections and AGM etc and other mahi. AC have asked for NRNWTB to write the Manawhenua Forum (MF) to advise who is the representative and who is the alternate to attend hui, advocate for NRNWTB interests. Discussion held about this as VT had engaged in the discussions with MF and was reporting on it to the Board. TA asked for a rep. VT suggested that she be the Representative and Bruce Davies (BD) be the alternate. BD said that he had more time to be doing this sort of work than other trustees and so he should be the Rep. BD said that some comments had been made in the media about her not having whakapapa to Aotea. TA asked who had said that and BD replied that these were Paul Majeury's comments. TA commented that Mr Majeury is Ngati Maru. Bruce then said that he had heard that VT did not have whakapapa to Ngati Rehua and so she should not be representative on the Manawhenua Forum. BD said that she was Ngapuhi but not Ngati Rehua-Ngatiwai. VT said that she was disappointed and offended that he had said that. Said that an allegation like that had been made against her mother many years ago and that the people who alleged this took it to the Māori Land Court, and the Chief Judge dismissed that claim against her. VT said she is Ngati Rehua.
11. **Next Hui.** To be advised.
12. **Karakia Whakakapi.** Tavake. Hui ended 11.17am