



NGĀI TAI KI TĀMAKI TRIBAL TRUST
ANNUAL GENERAL MEETING

Sunday 4th December 2011

Te Puru Sea Scouts Hall,
Te Puru, Beachlands,
AUCKLAND

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Chairmans Report

E nga mana, E nga reo, E nga rau rangatira ma, Tena Koutou Katoa.

Introduction

As stated in the 2009/10 Annual Report, the Board was committed to presenting audited financial accounts to the Iwi at the 2010/11 AGM. We have great pleasure in achieving that milestone and presenting this Annual Report to inform the registered Iwi members of the Boards' governance and operational performance for year 2010 – 2011.

Acknowledgements

The first acknowledgment is expressed to the many Iwi members who continue to attend and support the monthly hui a Iwi. We acknowledge the Marae who have hosted and accommodated the Board and monthly hui over the past year as well as Te Puru Sea Scouts with the use of their hall. Many thanks as well to the many whanau awhi who prepared the morning tea and lunches for the monthly hui.

My personal thanks is expressed to all whanau of the Board who enabled each member to attend up to three meetings per month whilst the Board completed the Agreement in Principle treaty settlement negotiations phase with the Crown.

There are many expert advisors engaged by the Board. Some who deserve a mention include, McCaw Lewis and Kitt Littlejohn for legal services, BDO Spicers, Amanda Scobie for accounting, Business One and Peter Barker for auditing, Deloitte for PSGE taxation, BNZ Bank, matua Api Mahuika, Dr Monty Soutar, Peter McBurney, Nathew Green and Barry Soutar for specialist negotiations advice.

The Chair particularly expresses his sincere appreciation to his fellow trustees and staff who continue to contribute with a focus on solutions that will engender a solid foundation for future generations of Ngāi Tai ki Tāmaki.

Highlights

The Board has maintained the monthly hui a Iwi for Iwi members since August 2009 and this AGM in December 2011 will be hui a Iwi number 27. This is most certainly the highlight for the Board and trust that this is so for Iwi members as well.

Team Ngāi Tai or "Team Big Foot" as they're commonly known and the Big Foot kaupapa of "f'anau, fun and fitness is another highlight worth celebrating.

In 2011 team “Big Foot” registered and competed in
“Around the Bays”



“The Dual Event on Motutapu Island”,



the “King of the Mountain Fun Run”, Maungarei,



the “Sir Barry Curtis 10k Classic Fun-Run”,



the “Woodhill Forest Run”, “Whitford Trail Run”, “Hunua Trail Run”, “Speights Westcoaster” and
“Waihi Mine Run”.

Governance

The Board continues to meet on fortnightly occasions and has done since May 2009. As such, the Board are fully informed and engaged on all Governance and Operational matters related to the Board activities and business.

At the last AGM the Trust was before the High Court in relation to a request from the former Court-appointed interim trustee for remuneration and expenses to be paid out of the Trust assets. The application from the former interim trustees was opposed by the present Trustees.

The final hearing was heard before Justice Heath on February 25th of this year and orders published on 15 March 2011. That decision has now been appealed by the Trust to the Court of Appeal. The appeal application was lodged in April 2011 and all relevant documents have now been filed with the Court. The Trust is awaiting contact from the Court to confirm a date for the appeal hearing.

Further, iwi members will be very disappointed to learn that three (3) previous trustees were and remain committed to undermining the Board and their endeavours. In one particular case, the Board engaged NZ Police to investigate a number of false claims and invoices being made in the Board name but without the Board knowledge, support or approval. In brief, NZ Police are now preparing to prosecute this individual in February 2012.

Iwi members will read in a number of previous Chairman and bi-monthly updates where the current Board remains totally committed to the establishment of the Post Settlement Governance Entity (PSGE). The transition and establishment is expected to occur once the treaty settlement is ratified and legislated mid to late 2013. However the engagement of iwi members in the August, September and October 2011 hui a iwi enabled the Board to recommend in the November 2011 hui a iwi, the type and structure related to the PSGE. This could mean that we are able to establish the PSGE earlier than expected.

Mandate

Iwi members will recall the interim and formal mandate process that "Mandates" the Board to engage and settle the historic treaty grievances against the Crown. As reported earlier, the Board since August 2009 has established and maintained monthly hui a iwi for iwi members.

This process was new and is now being promoted by Crown and other sponsors to other hāpu, iwi seeking funding to engage in similar negotiations with the Crown. Our Board approached the Crown recently in essence to review the monthly hui a iwi regime. Unlike the previous period of 2009 to now, the Board will no longer be funded for monthly hui a iwi as this fund was to the AIP phase only. This impacts on the Boards ability to maintain the monthly hui a iwi commitment.

As such, the Crown has now advised that the Board prepare to host only four (4) hui a iwi during the period from AIP to Deed of Settlement (DOS) which is due mid/late 2013. This is partly due to the diligence work now taking focus with respect to the monthly negotiations engagement with the Crown and will take possibly up to a year to complete.

The Board is now considering a schedule of events so as to frame and structure the next phase of AIP – DOS hui a iwi for iwi members to maintain their engagement and participation. The Board is

considering a coach tour of the commercial and cultural Crown offer of sites for our iwi members. There are also the "Motu" site interests that will require a site visit which again the Board would also like to engage with iwi members.

These alone will take at least four hui over the next period and will more than likely structure our next phase of hui a iwi for members. It is also likely that more hui a iwi will be scheduled for the 'Cultural Revitalization' element of work that the Board continues to prepare for. However the funds from sponsors to properly engage in this element, is still not secure.

Negotiations

Two highlights worth mentioning are the very recent signings on 5 November 2011 of the Ngāi Tai ki Tāmaki Agreement in Principle (AIP) with the Minister of Treaty Settlements, Chris Finlayson and the Tāmaki Collective, Record of Agreement (ROA) also on 5 November 2011. These two documents were signed by the negotiation team on behalf of the Board. The ROA was signed with twelve (12) other hāpu, iwi authorities. These two milestones were reported at the 6 November 2011 hui a iwi. All highlighted matters were well received and supported by iwi members present. As with all Board formal documents, the signed AIP and ROA will be posted on the Website.



Negotiation Team

The AIP is a non-binding agreement between the parties and therefore any clauses within the AIP can be added to or amended for inclusion in the final Deed of Settlement. The initialled Deed of Settlement will, of course, be brought back to the iwi for ratification before being formally signed by both parties.

The monthly hui a iwi enables our iwi members to engage with the treaty settlement negotiations process so as to obtain information, if they are new arrivals and updates if they have been attending. The Board has now developed a Website and Facebook Page for iwi members, which is another deliberate strategy that serves to engage our iwi members to maintain the monthly information flow. Iwi members can download all milestone documents related to the Board, mandate and Crown processes.

The Board also conducted a roadshow during Easter Weekend of the negotiations progress to iwi members of Ngāi Tai ki Tāmaki and were hosted by the Maxwell whanau at Torere Marae, Torere;



Torere Marae

the Wanoa whanau at Whakaangi Kura, Te Araroa



Whakaangi

and the Reuben whanau at Rongo i te Kai Marae, Ruatoria.



Rongo i te kai, Ruatoria

Further roadshows are planned for 2011 to Turangawaewae Marae, Ngaruawahia and Pipitea Marae in Te Whanganui a Tara, Wellington.

Summary

The Board continues to maintain transparent and accountable processes and outcomes and as such deserves the applause and support of their iwi members until the treaty settlement negotiations are complete and the establishment of the Ngāi Tai ki Tāmaki PSGE as the iwi authority from 2013 – 2014.

Pai Marire.

James Brown

Chairman

Operations Report

The Board by providing an Un-Qualified Audit of Accounts for 2010 – 2011 enables the iwi members to become better informed of the operational activities and performance of the Board business and activities.

Generally, the Board continues to rebuild the Ngāi Tai ki Tāmaki profile and in doing so maintains very strong relationships across the Tāmaki and Hauraki regions with all hāpu, iwi authorities and Crown and Council agencies and authorities. The Board continues to stabilise the future of Ngāi Tai ki Tāmaki through such relations and thus provide a solid foundation for the establishment of the Ngāi Tai ki Tāmaki Post settlement Governance Entity (PSGE).

Administration

The last report covered the term up to the end of September 2010. This report follows on from that up to the end of November 2011.

Due to financial constraints, we vacated the premises at Manukau and moved to our present office at Maraetai in October 2010. This provides an operational base for the kaitiaki staff and for Board members. The office was staffed with an administrator that has always been funded from the Treaty Claims process via Crown Forest Rental Trust (CFRT), along with the iGM. However due to crown delays with respect to the signing of the AIP, those funds were exhausted by the end of June 2011 with the result that we had no funds to continue the positions. The Project Manager left the organisation mid July and the Administrator left at the end of July 2011. The operational management since then has been performed by the Board. The trustees along with staff have taken all reasonable steps to minimise costs without compromising service quality to clients and stakeholders. Our staff presently comprise: an Accounts Manager; a Communications Co-ordinator; Beneficiary Roll Officer; a Kaitiaki Manager and three kaitiaki officers.

The Board at this stage would also like to acknowledge Georgia Brown who has volunteered her services as a receptionist/administrative assistant since August 2011. *Nga mihi ki a ia.*

Some of the highlights for the team have been:

- An un-qualified financial audit report
- Streamlined financial management processes
- Reduction of debt
- The establishment of the Ngāi Tai ki Tāmaki Nation website
- Re-establishment of the Beneficiary Roll
- Live registrations online
- Establishment of “Team Big Foot”

Kaitiaki Unit

I am pleased to provide iwi members a brief report of the positive results that the Kaitiaki Unit has managed to achieve since the last Annual Report 2010.

As the Manager of the RMA Kaitiaki Unit, I acknowledge and express my sincere appreciation to Jeff Lee, Huhana Turei and Billy Brown who remain focussed and committed to the objectives of the Kaitiaki Unit including but not restricted to upholding the tikanga o Ngāi Tai ki Tāmaki with respect to protecting culturally significant wāhi tapu sites of Ngāi Tai ki Tāmaki.

Thanks also to Amanda Scobie for maintaining our invoicing, bill payments, payroll and tax obligations and Georgia Brown, (volunteer), for general administration duties. I express my sincere thanks to our Kaumatua for the support, guidance and wisdom they provide to our team.



Fish re-location at Mangemangeroa stream - in collaboration with Paul Woodard and Transpower NZ.

The past year has been a lesson in perseverance and patience as the newly merged council came to grips with their own internal processes. The transition of the 8 previous Councils into the new Auckland Council and its related CCOs has certainly challenged the Kaitiaki Unit. However it also created opportunities and recognition for Ngāi Tai. From this unification, the Kaitiaki Unit is now engaged in a range of RMA projects from Te Raki Pae Whenua – North Shore to Kopu Bridge including the inner Hauraki Islands. The Kaitiaki Unit has established new relationships and consolidated previous ones, namely Auckland Council Parks, Watercare, Transpower, Auckland Transport, Auckland Waterfront Board and Department of Conservation.



The unit has also assisted the Board in preparing and submitting to Auckland Council the Ngāi Tai view of the Auckland Plan and will continue to assist with the submissions to the Waterfront and City Centre Plans.



Whanau hiking to the manu re-location site on Motutapu.

The Kaitiaki Unit is also engaged in a National Environmental initiative for Maori authorities with regard to the HSNO Act 1996 and have been engaged by the Environmental Protection Agency, EPA to attend national hui of Maori authorities with respect to these issues. Members of the Kaitiaki Unit will attend a National Maori Network hui in Awanui, Northland at the beginning of December 2011.



Manu re-location on Motutapu.

We have systematically engaged with a range of private sector developers and utility companies on a number of significant infrastructure projects as they apply for resource consents within our rohe. These opportunities have provided a Ngāi Tai specific consultation service that generates a major share of revenue for the unit and has raised the Ngāi Tai profile and reputation across the region. There are many significant projects we are now engaged in that will bear fruit over the next couple of years and beyond, both in terms of ongoing income streams, but more importantly by telling the Ngāi Tai Ki Tāmaki story to the rest of Tāmaki Makaurau, the nation and the World.

The Kaitiaki team is honoured to represent Ngāi Tai Iwi interests in this arena as all that we do is in memory of our illustrious tupuna and for the benefit of Ngāi Tai present and Ngāi Tai yet to be born.

Mauri ora.

David Beamish

RMA (Kaitiaki) Manager

Financial Report

It is with pleasure that we present un-qualified audited financial accounts for the Ngāi Tai ki Tāmaki Tribal Trust year ending 31st March 2011. Congratulations to the current Trustees as this is the first time in the Trust's history that un-qualified audited financial accounts have been made available to the Iwi.

Our Trust has two main work streams, Kaitiakitanga carried out by our RMA unit and Treaty Settlement negotiations carried out by the negotiations team. During the past year, much focus has necessarily been placed on managing the claims against future settlement monies by the previous administration. The Trust had hoped that the claims brought against the Trust in the High Court would have been settled by the time of the 2011 AGM. A final hearing was held 25th February 2011 and orders were published 15th March 2011. Parts of these orders have not been challenged by the Trust. Our Trust has accepted that \$28,929 of costs incurred by the previous administration are reasonable. However, we are currently objecting to claims of \$615,268 via the Court of Appeal. Please see table 1 below disclosing the composition of the objected costs. Fighting these claims is time consuming and expensive. Should these monetary claims be enforced, the Trust's ability to carry on the excellent work of Settlement negotiations and Kaitiakitanga would be in jeopardy.

A further challenge of the past year was historical IRD liabilities. Previous administration incurred debts with IRD for unpaid PAYE tax totalling \$162,536. The Trust was successful during the year in reaching a settlement with IRD for \$25,000 as full and final settlement of the liability. In doing so, we cleared the name of Ngāi Tai ki Tāmaki with IRD and continue to operate in a responsible manner, paying all IRD liabilities as and when due.

A third negative incident has blighted our Trust this year with an attempted fraud against our Kaitiaki unit. Peter Karaka has been charged by the police for attempting to divert payment for work done under the name of our Trust into a private bank account. This former Trustee was stood down at the time when the attempted fraud was discovered. Mr Karaka has been charged and a defended hearing for this matter is set to be heard in the Auckland District Court between Tuesday 7th and Thursday 9th February 2012. The value of funds involved is \$6,750.

Legal and Accountancy fees have been our highest expenses this year and have been incurred due to the issues explained above.

It is a credit to the current Board that in spite of the above distractions, we remain a going concern and have successfully negotiated an Agreement in Principle with the Crown for Treaty of Waitangi Settlement Negotiations. Our Kaitiaki unit achieved \$255k operating revenue and contributed \$102k towards overhead costs. We continue to report to and satisfy all the criteria for continued OTS and CFRT funding of our settlement process.

The unqualified, audited accounts for the year ended 31st March 2011 testify to the sound management processes and procedures put in place by the current Board. Congratulations once again on this memorable outcome.

Table 1. Trust Administration Costs Accepted

Accounts Accepted prior to Court Hearing	
Creditor	
P Karaka (Hui costs)	3,343.05
Metrowater	3,777.13
Magnum Security	1,975.06
Mercury Energy	3,180.86
Telecom	1,950.06
OPUS	5,343.75
Repairs and Maintenance ¹	6,358.77
Total	25,928.68

¹ Includes Green Thumbs Ltd, K & B Plumbing, Salters Cartage, Drain Surgeons

Accounts Not Challenged on Appeal	
Creditor	
T Kirkwood	3,000.00
F Thorp (on remuneration argument) ²	94,267.80
Total	97,267.80

² As per memo. Response has been filed proposing reasonable costs of \$52,549.48 (inc GST)

Court Ordered Costs Challenged on Appeal	
Creditor	
M Stevens (Remuneration) ³	412,500.00
Professional Expenses ⁴	374,614.90
Total	787,114.90
Adjusted Total⁵	615,267.82

³ This was the remuneration set before any deduction for duplication etc

⁴ The Court found that \$171,847.08 of this was duplicated work and took it off M Stevens remuneration

⁵ Adjusted total amount challenged