

Report

Hauturu East 8 Block/Ruapuha Uekaha Hapu Trust Meeting

13 April 2013

Brief

By way of letter dated 1 March 2013 I received a request to Chair and Independently Facilitate a Formal Consultation Hui for the Ruapuha Uekaha Hapu Trust.

The objective of the hui was to provide the beneficiaries with information as to the competing visions for the future of the Ruapuha Uekaha Hapu Trust.

Instructions for the facilitator included advice:

- that at the hui, three parties will present their view of what the objectives of the Trust should be;
- that attendees will be able to ask questions of the presenters through the facilitator at the end of each presentation;
- that each presenter gets to have the time they need for their presentation without being unduly cut short;
- to contact counsel for the parties to discuss order of presentation and other preparatory matters for the smooth running of the hui. In the event that order of presentation could not be agreed the facilitator to decide and can be determined by lot;
- that there was to be no voting at the hui;
- to be vigilant to prevent possible disorderly behaviour and to ensure that each presenter has a fair opportunity to present their visions in an orderly and controlled environment;
- by way of background identifying the three main issues facing the Trust;
- that the Court does not require formal minutes to be taken, but that a report of the hui be provided.

The agenda for the hui was set out as follows:

Agenda

10am. Powhiri

11am. Morning tea

11.30am. Mihi Karakia

11.45am. Independent Facilitator

Introduction

Meeting Rules

House Keeping

12. Presentations and Questions (*important that each presenter gets to have the time they need for their presentations without being unduly cut short*)

2pm. Karakia Whaka mutunga

2.15. Hakari

The Hui

On the 13 April 2013 the Court directed consultation hui for the Ruapuha Uekaha Hapu Trust was held at Te Tokanganui -a-noho Marae, Te Kuiti.

Prior to the hui contact was made with Counsel for both parties. Both Counsel provided a brief background of the issues as they saw them. It was agreed that the order of presentation should be determined by drawing straws resulting in the order of presentation being Peter Douglas (for the Ruapuha Uekaha Hapu Trust), Adrian Martin and Norman Tane. Presenters also indicated they would need 45 to 60mins in respect of the Hapu Trusts presentation (including question time) and 30mins to 45 mins in respect of the other 2 presentations (including question time). As events transpired considerable more time was required for questions.

It was also agreed that the local Marae Kaumatua be invited to open the formal part of the meeting by setting the tikanga for the day and reminding attendees of the need to respect their tupuna whare.

The Hui was advised that the meeting was being recorded by the Ruapuha Uekaha Hapu Trust. While a full verbatim transcription of the meeting is not available a copy of the facilitator's minutes are attached to this report as **Appendix A**. The minutes are based on notes taken by the facilitator and on a partial verbatim transcription of the recording made available to the facilitator by the Hapu Trust. The formal hui commenced at approximately 12noon and finished at approximately 5 15pm. A stretch break of 15mins and adjournment for a late lunch 35mins were the only interruptions to proceedings.

As a general observation the meeting went extremely well. While the nature of the matters discussed and personalities involved had the potential to generate tensions and heighten anxieties the mood of the meeting throughout was moderate and reconciliatory. The presence of several notable Kaumatua and Kuia undoubtedly contributed to this outcome

The facilitation, advice and points of clarification provided during the course of the meeting was much appreciated and without exception accepted as being proper and correct. While individuals expressed their various points of view and in some cases quite forcefully, the debate did not degenerate into one of personalities. Certainly by meetings end there was an air of buoyancy and expression of having moved forward in anticipation of meetings to come, having viewed the road ahead.

The Outcomes

Without the benefit of knowing what the expected outcomes of the Court were for this brief, I have taken the liberty of categorising outcomes as follows:

1. Facilitation
2. Completing the presentation and related questions agenda item
3. Recommendations and Report back to Court

1. **Facilitation**

In terms of the role of the Court in providing the facilitation and Chairing of the meeting the outcome was in my view hugely positive and much appreciated. While the meeting was called or directed by the Court, the fact that the meeting was taken back to Te Tokanganui –a-Noho Marae Te Kuiti and conducted in a way that gave credence to the statement that “it was their meeting and not the Court’s”, was a major factor in the success of the hui. Given the nature of the agenda items the issues always belonged to the people and the role of the Court was not seen as intrusive.

2. **Completing the Presentations and related questions agenda item**

Outcomes in terms of the presentations required to be made, were achieved with all presentations successfully concluded with sufficient time provided to ensure each presenter was not unduly cut short.

As a general comment it appeared that presenters had different views as to what their respective presentations were to cover. This may have been influenced by the pre hui information distribution undertaken by the parties and the Court itself.

I understand that neither of the two power point presentations made at the hui were distributed prior to the hui. Mr Norman Tane did not and has not provided a power point presentation. The Ruapuha Uekaha Hapu Trust provided at the hui its attached (Appendix B) power point presentation as did Adrian Martin (Appendix C).

The Court distributed documents provided by the 3 parties prior to the hui as follows:

- Ruapuha Uekaha Hapu Trust: Document - Entitled “*Ruapuha Uekaha Hapu Trust Statement of Vision*” (attached **Appendix D**);
- Norman Tane: Entitled Documents Entitled “*Tane – Background to a new RUHT Deed for the Waitomo Caves*” & “*Tane – Suggested Elements of a New RUHT Trust Deed*” (attached Appendix E). NB These documents were also posted on the Hapu Trust website prior to the hui.
- Adrian Martin Document Entitled “*Te Aroa Haami Haereiti Raua Ko Rangiwahakarewa Paraonew Whanau Trust – Suggested Elements of a New RUHT Trust Deed*” (attached Appendix F) NB This document was also posted on the Hapu Trust website prior to the hui.

In addition, the Ruapuha Uekaha Hapu Trust posted on its website and mailed to all beneficiaries prior to the hui, the following 2 documents:

- Vision 2027 (Appendix G);
- Strategic Plan 2013 2017 Appendix H

The impact of the information distribution seems to have been, that the First presenter spoke to the vision of the Hapu Trust and confined their presentation to higher level visionary/strategic and forward looking issues while the other presenters dealt more on the historical events and detailed operational matters relevant to changes to the Trust Deed.

Accordingly attendees and their questions did not focus on the following three main issues identified by the Court but rather focused on the matters being raised by the respective presenter:

- Main objectives of the Trust;
- Dividend distribution policy;
- Ahu Whenua Trust or Post-Governance settlement entity

The objective of the meeting which was “to provide the beneficiaries with information as to the competing visions for the future of the Trust” was therefore in my view frustrated as the pros and cons of the respective models were not clearly stated and debated.

From a strategic purest point of view, strategy and future vision should not be mixed with operational detail and planning. In terms of Mr Douglas’s analogy “lets find out where we want to go and what we want to do first, before we decide how to get there. If we want to go to Australia a car’s not going to do the job but a plane or boat might”.

Having noted this hiccup, the hui was well attended with some 124 people attending the hui and some 99 others giving apologies (see attached attendees list Appendix I). The hui has provided an excellent platform to move the consultation exercise forward. There is an expectation and keenness from Beneficiaries that they will be more involved in setting and agreeing to the Strategic plan and Vision and to the subsequent changes to the Trust Deed. The process needs to be planned.

Issues resulting from the hui, some of which I indicated to the hui, that I would take back to the Court include:

- Entitlement to vote, is it dependant on you being on the Courts list of successors or on the Trust’s list of beneficiaries. Chair indicated the Trust’s list determined right to vote.
- Concern expressed that proper and independent scrutinisers be appointed when the vote was held; Chair indicated the Court would ensure the process was squeaky clean.
- Clarification on voting age required, 18yr?; Chair indicated that this would be taken back to the Court for an answer.
- The Trust requires current contact details for many beneficiaries. Onus is on beneficiaries to contact Trust.
- Whether a copy of the list of descendants (the list that entitles people to vote) will be distributed to all people eligible to vote, prior to voting?
- If it has been accepted by Court that I am a Whangai does this count us out of voting? Chair suggested that he was of the opinion that whangai were not able to vote if not part of descendant group. But can vary trust order to specifically include whangai being able to vote. Comment from floor that whangai should be able to vote and Trust need to look at situation.\
- what are your plans for sustaining viability of income and what plans have you for growth and development of assets and income. How can you sustain paying out 80% and keeping 20 % to work with and at same time sustain viability of growth.

- Concerns over where to from here and review of the Trust order and whether the beneficiaries will have an opportunity to have a say in the review of the Trust order. So we can have an input. Need for a timeline. Chair indicates he is confident Maori Land Court will establish a consultation process, set a timeline and involve beneficiaries.
- Will whanau trusts have a role in future and if so what is their role to be.
- What are we voting on. The future Trust model or the changes to the Trust Deed or whether beneficiaries are all descendants of the 22 tupuna or only those that succeed through the Court to those tupuna? Answer Peter Douglas. The answer is we don't know but the Court has to make some decisions about the nature of the vote and the date. Because if you think about the discussions today. What would you vote for. You know, what's the question in the vote.
- Clarry Tapara I am from Whatakaraka Whanau Trust. In 1993 we had a seat on Hapu Trust. In 2006 Court put hold on further appointments pending outcome of review. We want to participate in our future and resume our seat. Please take our request back to the Court.

3. Recommendations and Report back to Court

The final outcome set for myself, was to come back to the Court with a report and recommendations that might assist in moving matters forward.

Recommendation 1. It is recommended that the Court request the Ruapuha Uekaha Hapu Trustees to develop a consultation plan. That the consultation plan is split into 2 parts covering those matters that are strategic and visionary in nature and those that are concerned with operational detail (including changes to The Trust order).

Recommendation 2. That the Ruapuha Uekaha Hapu Trust's Vision 2027 document (Appendix G) and Strategic Plan 2013 2017 (Appendix H) be used as the base documents for the first part of the consultation and that as a result of this consultation appropriate questions be formulated that will be the subject of a postal vote to beneficiaries.

Recommendation 3. Having received the results of the postal vote the Ruapuha Uekaha Hapu Trust further consult on any changes necessary to the Trust Deed to align with the strategic direction agreed.

Recommendation 4. That the consultation plan together with timelines and questions agreed to be put to the vote, be referred back to the Court for approval before implementation.

Shane Andrew Gibbons



23 April 2013