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TROTR Review Discussion Paper

Baden Vertongen
REVIEW STRUCTURE DISCUSSION PAPER
2018

1. Background – the reason for a review

- 1.1. In 2009 Te Rūnanga o Toa Rangatira reviewed its Rules as part of the process for meeting requirements under the Māori Fisheries Act 2004. At that time the Rūnanga agreed to undertake a further review after XXXX years to enable the iwi to have a further say in the direction of the Rūnanga.
- 1.2. That second review coincided with the last stages of Ngāti Toa's historical Treaty of Waitangi Settlement Negotiations and the establishment of the Toa Rangatira Trust as the entity to hold Treaty settlement redress. As a result it was felt that further time was needed before a comprehensive review could be undertaken to enable the settlement to be finalized.
- 1.3. Now that the Treaty settlement has been concluded, and there has been a chance for the iwi to see how the various entities that have fallen out of these processes work in practice, the Rūnanga believes that it appropriate to continue this review process. The Rūnanga has asked an independent Review team to assist with this process.
- 1.4. This paper has been prepared by the Review Team to help guide these discussions.

2. Background – the process for the review.

- 2.1. To undertake the review the Rūnanga believes that there is a need for a balance between both independence and familiarity with Ngāti Toarangatira and the Rūnanga. With this in mind the Rūnanga has asked us to undertake this process. The Review Team are:
 - Rawiri Faulkner. Rawiri is a consultant who has held a range of management and governance positions, including previously within the Rūnanga structure. Rawiri is from Ngāti Toarangatira (amongst other iwi).
 - Jeannette Grace. Jeannette is currently the Dean, Te Wānanga Māori, at Whitireia. She has a background in mental health and education, and has previously worked within the Rūnanga structures. Jeannette is also from Ngāti Toarangatira (amongst other iwi); and
 - Baden Vertongen. Baden is a lawyer and mediator. Baden worked on the Treaty settlement negotiations for Ngāti Toa and the development of some of the current structures. He has done similar work for other iwi. Baden is from Ngāti Raukawa ki te Tonga.
- 2.2. We aim to start our review by providing the opportunity for iwi members to set out their views on what the Rūnanga structure should look like going into the future. This will be done via hui throughout the rohe, as well as providing the ability for iwi members to provide their thoughts directly to the Review Team. There will also be some discussion with Board members and staff on what works and what doesn't.

- 2.3. The Review Team will then compare the iwi aspirations with the details of the current structure, and the various legal requirements that affect an iwi body and develop a set of recommendations. The result of the review will be taken out to iwi members again at the end of this process, and if any changes to the existing structure is needed then these can only be made if supported by iwi members.

3. The current structure

- 3.1. Te Rūnanga o Toa Rangatira [**the Rūnanga**] is an incorporated society that is established under the Incorporates Societies Act 1908. The Rūnanga is also subject to the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004, as it acts as the Mandated Iwi Organisation on behalf of Ngāti Toarangatira under these Acts.
- 3.2. The Rūnanga is governed by a Board of 16 representatives. This includes representatives from each marae, six iwi-wide representatives, and representatives of kaumatua, kuia, and rangatahi.
- 3.3. Currently the membership of the Rūnanga is open to anyone with Ngāti Toarangatira whakapapa and their spouses. The original aim of this was to recognise that spouses were part of the wider Ngāti Toarangatira community and that they may have an important role in representing children who might not otherwise have a voice.
- 3.4. The Rūnanga operates a number of commercial ventures and social services – and some of these are companies that are owned and controlled by the Rūnanga for those purposes.
- 3.5. The Rūnanga, and its subsidiaries, are charitable organisations. This has tax benefits but means that there are some limits on the types of outcomes and services that the Rūnanga can provide.
- 3.6. Sitting along side the Rūnanga is the Toa Rangatira Trust. The trust is a 'common law trust' that holds the Treaty of Waitangi settlement assets on behalf of the iwi. The Rūnanga is the trustee of the Trust. In practice what this means is that the Treaty settlement assets are held separately from other iwi assets, and subject to their own specific rules and protections.
- 3.7. The Rūnanga acts as the kaitiaki of those assets – but it is clear that they are iwi assets being looked after by the Rūnanga rather than assets that are 'owned' by the Rūnanga.
- 3.8. The Trust defines its beneficiaries slightly differently from the Rūnanga membership. This is a tight definition based on Ngāti Toa whakapapa and does not include spouses. This was as a result of the Crown's settlement policies.
- 3.9. The Trust is not charitable, but it does have a lower tax rate than normal because it is a 'Māori Authority'. This was also a requirement of the Crown

settlement policies. It has both negatives (i.e. a higher tax rate than a charity) and positives (more flexibility in what outcomes can be provided).

- 3.10. The joint structure provides both strengths and some challenges. It also creates a degree of complexity. It might not be possible to avoid all the challenges and complexities – but the aim of the review is to make sure that the balance between these and the benefits they come from the various structures are right for the future.

4. Questions to consider

- 4.1. Set out below are some questions and discussion points that the Review Team would like to hear your thoughts on. These questions are intended to start, not limit, the discussion. There may be other points that you would also like to raise – and we would like to hear those as well.

Question 1 – What should the role of the Rūnanga be – particularly for Ngāti Toarangatira members?

- 4.2. Currently the purposes of the Rūnanga, and the Trust, are wide ranging and focused on providing a collective voice for Ngāti Toarangatira as well as improving the health and socio-economic well-being of iwi members.
- 4.3. Is this what you think the Rūnanga should be aiming to do? What else do you think the over-arching goal of these structures should be now and into the future? Are the aims of the Rūnanga and the Trust similar enough that keeping them closely linked is appropriate?

Question 2 – What should the role of the Rūnanga be in the wider community?

- 4.4. Currently the purposes of the Rūnanga and Trust are focused on iwi members themselves. This was an important focus at a time when the Treaty settlement was being negotiated.
- 4.5. Is this still the case now, following settlement? Or, is the role changing and should Ngāti Toarangatira be asserting a leadership role in the wider community or acknowledging the manaakitanga obligations that might exist to the wider community? If so, is this a role for the Rūnanga and its associated structures?

Question 3 - Is the current membership of the Rūnanga appropriate?

- 4.6. Membership of the Rūnanga is not necessarily about who gets to access many of the services that the Rūnanga provides as the Rūnanga generally aims to be as inclusive as possible with these.
- 4.7. However, who meets the definition of 'member' affects who gets to have a say when issues are voted on, and who might get to stand to be on the Board. Who is to be a 'member' might also affect the overall focus and direction of the Rūnanga as the Rūnanga broadly works for its 'members' and the Trust has to act for the benefit of 'uri'.

- 4.8. With this in mind who do you think should be eligible to have a say when important matters are voted on? Who should the Rūnanga and Trust be keeping in mind when thinking about their goals and direction? Does it matter that the membership definitions between the Trust and the Rūnanga are slightly different?

Question 4 – Is the current make up of the Board of the Rūnanga right?

- 4.9. The current Board is made up of a mix of iwi-wide representation, marae representation, and age group representation. The original aim behind this was to provide a mix of experience and representation onto the Board.
- 4.10. Has this worked? Why? Why not?
- 4.11. How important is it to provide a specific seat for marae on the Board? Is an iwi wide 'one-person-one-vote' structure better? Or is a mixed approach like the current structure the way to go? And if so what should the balance be?
- 4.12. How big should the Board be to ensure it is representative of the iwi?

Question 6 – Is the way the Rūnanga engages with iwi members as good as it could be?

- 4.13. Currently the rules of the Rūnanga and the Trust set out details around holding of Annual General Meetings and other hui. The rules also include the types of information and reports that need to be prepared and made available.
- 4.14. Are these arrangements working? Do you feel like you are getting the amount and type of information you need from the Rūnanga about its activities? What could be improved? What sort of information would you like to see? What sort of decisions do you think it is important for the iwi as a whole to have a say in?

Question 7 – What should the role of particular groups be within the Rūnanga structure?

- 4.15. The current Board includes representation from kaumatua and kuia. It also includes representation from rangatahi. There is also provision for a separate Kaunihera Kaumatua to advise the Board.
- 4.16. What should the role of kaumatua/kuia and rangatahi be within the Rūnanga structures? Is this best achieved by dedicated places on the Board? Or are there other arrangements that might be better - like a greater focus on Kaunihera Kaumatua? What would a similar arrangement for rangatahi be?

Question 8 - What else can the Rūnanga be doing better?

- 4.17. Are there any other issues that you think should be kept in mind when looking at how the Rūnanga can be improved?

5. Next steps

- 5.1. The Review Team will shortly be holding hui at hear your feedback on these questions, and any other issues that you might want to raise.
- 5.2. If you are unable to make those hui, or wish to set out your views outside of those hui, please email us any thoughts that you have to:

[email address review.team@ngatitoo.iwi.nz]

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