



3 April 2013

Tim Selwyn  
fyi-request-7456eb62300@requests.fyi.org.nz

Tēnā koe

### **Official Information Act 1982 Request**

I refer to correspondence received from the Office of Treaty Settlements, partially transferring your request dated 19 February 2013 lodged under the Official Information Act 1982. You asked “what communications have been received from Whakatōhea Treaty claimants since October 2008 and what were the responses”.

As I am sure you are aware, Te Whakatōhea first started their engagement with the Crown in 1992. They are the only iwi to initial a deed of settlement (1996) but not have that settlement offer ratified. The Crown withdrew from settlement engagement with Te Whakatōhea in 1998 and negotiations were halted. Te Whakatōhea did not become part of the Office of Treaty Settlements work programme again until 2007.

In 2008, Te Puni Kōkiri agreed to a request from the Office of Treaty Settlements to lead the mandate development phase of the Te Whakatōhea Treaty settlement process. At present Te Whakatōhea is currently in the pre-mandate phase of the Treaty settlement process. Te Puni Kōkiri is currently engaging with several Te Whakatōhea groups, including the Whakatōhea Māori Trust Board, Tū Ake Hapū Collective, Whakatōhea Raupatu Working Party, Ngāi Tamahaua, Te whānau a Mokokoko and Te Ūpokorehe Treaty Claims Trust.

Te Puni Kōkiri has met with Te Whakatōhea groups several times since 2008, including, on 29 October 2012, 11 January 2013 and 1 March 2013. On the two latter dates, Te Puni Kōkiri engaged an independent facilitator to bring the Te Whakatōhea groups together to discuss a potential representative mandate structure. The two hui highlighted a desire by all Te Whakatōhea groups to work together to pursue a single, inclusive, mandate. No further hui between Te Puni Kōkiri and Te Whakatōhea groups have been scheduled.

As I am sure you can appreciate, there have been hundreds of communications between Te Whakatōhea Treaty claimants and Ministers, and Te Whakatōhea Treaty claimants and officials in that time. Many of them are emails that are administrative in nature, for example, setting up meetings. I have considered your



request and the volume of correspondence, and I have decided not to release every piece of administrative correspondence generated since October 2008.

I am releasing the more formal correspondence and key documents between Te Whakatōhea Treaty claimants and Ministers and Te Whakatōhea Treaty claimants and officials. These documents provide the detail on progress over the last five years. These documents are detailed in the attached schedule. I have withheld, in accordance with section 9(2)(a) of the Official Information Act 1982, the names of persons and other personal information to protect the privacy of natural persons contained in documents.

Please note that if you are not satisfied with this response, you have the right, pursuant to section 28(3) of the Official Information Act 1982, to make a complaint to an Ombudsman.

Ngā mihi



Michelle Hippolite  
Chief Executive



Doc #	Document Name	Date	Comments	Withheld information
1.	Whakatōhea Draft Mandate Strategy	19 March 2008	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
2.	Outcomes of Whakatōhea Raupatu Working Party Hui – 10 May 2008	16 May 2008	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
3.	Whakatōhea Raupatu Settlement Committee, Dr John Tamahori	14 December 2008	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
4.	Whakatōhea Raupatu Working Party – Whakatōhea Claim	3 April 2009	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
5.	Letter to Hon Dr Pita R Sharples	30 January 2010	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
6.	The Whakatōhea Raupatu Claim	22 March 2010		Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
7.	Letter to Hon Dr Pita R Sharples	29 June 2010	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982

8.	Upokorehe	21 September 2010	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
9.	Letter to Hon Dr Pita R Sharples	07 October 2010		Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
10.	Letter to Hon Dr Pita R Sharples	04 October 2010	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
11.	October hui observer notes	02 November 2010	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
12.	Correspondence between Whakatōhea Iwi Working Party, Tom White, and Lillian Anderson	30 November 2010	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
13.	Te Upokorehe Treaty Claims Trust letter.	16 December 2010		Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
14.	Progressing the Treaty Claims of Ngā Uri o Te Upokorehe and Te Whakatōhea	01 March 2011	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.

15.	513 INFO: Letter to Hon Pita Sharples – Update	15 March 2011	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
16.	Statement of Position Wai 87 Working Group	01 April 2011	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
17.	RE: Hapū request for meeting date with Whakatōhea Māori Trust Board	03 May 2011		Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
18.	Correspondence between Te Whakatōhea Trust Board and Hon Dr Pita R Sharples	16 May 2011	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
19.	Te Whakatōhea Iwi Working Party Letter of reply to Ngati Rua Hapū	15 June 2011	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
20.	Correspondence between Te Whakatōhea Iwi Working Party and Hon Dr Pita R Sharples	16 June 2011	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982
21.	Te Upokorehe Treaty Claims Trust Letter	10 July 2012	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.

22.	Summary of the Whakatōhea mandate discussions hui.	22 January 2013	Attachment included	Names, email addresses and personal details withheld to protect the privacy of natural persons S 9(2)(a) OIA 1982.
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RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

19 March 2008

File Ref: Wai 087

Chairman  
Whakatōhea Raupatu Settlement Working Party

Tēnā koe

### Whakatōhea Draft Mandate Strategy

Thank you for submitting your draft mandate strategy to Peter Galvin of the Office of Treaty Settlements. As you may be aware, Te Puni Kōkiri and the Office of Treaty Settlements have joint responsibility for mandate issues. It was recently decided between the two agencies that, in the interests of ensuring adequate resources are available for all Treaty settlement work, Te Puni Kōkiri will lead the mandating work for Whakatōhea. Please treat myself as the first point of contact in relation to mandate issues. I will coordinate any necessary input from the Office of Treaty Settlements.

On 9 March 2008, a hui-a-iwi was held by the Whakatōhea Raupatu Settlement Working Party. We understand that representatives of all Whakatōhea hapū attended the hui, and Te Puni Kōkiri was invited to observe. At the hui, we observed that the following resolution was voted on and passed:

The Chairman of the Whakatōhea Raupatu Working Party advise Office of Treaty Settlements that Whakatōhea at this time is not in a position to obtain mandate by 31/3/08.

In light of the outcome of this hui, we recommend that the Whakatōhea Raupatu Settlement Working Party secure strong support from the hapū representatives prior to finalising the Whakatōhea mandate strategy. In particular, we recommend that the stated aim in the mandate strategy of holding mandate hui in March and April 2008 not be progressed. Te Puni Kōkiri and the Office of Treaty Settlements are not in a position to sign off on your mandate strategy while there is apparent opposition to it from hapū. It is important that any group that is about to seek a mandate from it's people is confident of a mandate being obtained. The Crown too, must be assured of this prior to signing off a mandate strategy

In addition to this, we also consider that your mandate strategy could be strengthened by:

- including descent from a common ancestor or ancestors in the claimant definition;
- including a map of the Whakatōhea area of interest;
- clarifying the number of hapū, marae and their area of interest;
- giving thought to whether including marae and hapū representatives on the Whakatōhea Mandated Committee is appropriate considering the overlap in representation it may cause;
- giving thought to establishing a legal entity or using an existing legal entity to hold the mandate – this will allow for detailed accountability, dispute resolution, processes for removing representatives etc to be included in the entity's charter, allow the mandate to be held by the entity rather than individual representatives, and assist in gaining access to claimant funding;
- noting that the Whakatōhea Mandated Committee will not hold any Treaty Settlement redress but that a post settlement governance entity will be established to hold settlement assets;
- appointing representatives to the Whakatōhea Mandated Committee before undertaking mandate hui to vote on whether they will hold a mandate;
- including dispute resolution processes for the Whakatōhea Mandated Committee and between the Whakatōhea Mandated Committee and the hapū of Whakatōhea; and
- providing more detail on mechanisms for removal of representatives on the Whakatōhea Mandated Committee.

Rachel Jones (Regional Director, Te Moana a Toi, Te Puni Kōkiri) and myself are interested in meeting with you and other representatives of the Whakatōhea Raupatu Settlement Working Party as soon as possible to discuss a process for finalising your mandate strategy. I will contact you shortly about this or you can call me directly on [redacted] arrange a suitable location and time.

Nāku noa, nā

Tom White  
Manager, Treaty Settlement Policy



# WHAKATOHEA MANDATE STRATEGY

[DRAFT]

## 1. Preamble

Whakatohea lodged an historical claim against the Crown in 1989 for the unjustified confiscation of Whakatohea land in 1867. The claim was amended in 1999 by addition of claims for loss of rivers, harbours and foreshore and seabed. The Crown has acknowledged that it treated Whakatohea unjustly and wishes to settle Whakatohea's grievance and build an enduring Treaty relationship with the Whakatohea iwi. The Whakatohea Raupatu Working Party (WRWP) is the current organization managing the mandate process relating to the settlement of Whakatohea Treaty of Waitangi claims. According to this strategy, the mandated body will be the Whakatohea Claims Interim Trust (WCIT). WCIT will then intend to enter direct negotiations for the comprehensive and final settlement of all Whakatohea's historical Treaty of Waitangi claims.

## 2. Confirmation of Large Natural Group

The Minister in Charge of Treaty of Waitangi Negotiations wrote to Whakatohea confirming that the Crown sees Whakatohea as a viable Large Natural Grouping for Treaty settlement negotiations. He further advised that the WRWP should start to develop a mandating strategy in consultation with the Office of Treaty Settlements (OTS) and Te Puni Kokiri (TPK).

*date - attach letter*

## 3. Claimant Definition

Whakatohea comprises of those descendants who affiliate to marae and hapu within the Whakatohea rohe and/or is a descendant of Tutamure (being the primary ancestor of the Whakatohea tribe). The hapu and marae include, but are not limited to, the hapu and marae included at Appendix 1.

The New Zealand Census of 2006 places the population of the Whakatōhea iwi at approximately [ ] people. The number of people on the Whakatohea tribal register is [ ].

The Whakatohea iwi operates within the boundaries as cited in Wai 87 lodged with the Waitangi Tribunal in May 1989. The boundary commences at Pakihi at the mouth of the river along the sea coast to the mouth of the Waitahe Stream to the mouth of the Ohiwa Harbour past Te Horo (a hill) then on to Maraetotara and then turning inland southwards to Puhikoko, (a hill) then to Mapouriki (a hill) at one time a fighting pa; and then descending to Waimana Stream, Mapouriki being on the bank; following the stream; then following Parau Stream to Tangata-e-roha (a hill) on to Kaharoa (a old settlement) from Kaharoa to Pa Harakeke a ridge leading towards Maungapohatu to Mangatapere (a hill) into the Motu River to Kaituna Falls, to Peketutu (a rock in the river that was an old crossing); leaving the river and up a ridge to Whakararonga (a hill); following the hilltops until it reaches Tipi-o-Houmea ( a peak) descending towards Makomako (another hill) until it crosses Takaputahi Stream to Ngaupoko Tangata ( a mountain) following the ridge to Kamakama (a mound resting place); along the ridge to Oroi (a trig station) then turning seawards to Te Rangi on the sea coast to the mouth of the Opape Stream, to Awahou Stream, to Tirohanga and back to Pakihi.

The Whakatohea boundaries encompassed 491,000 acres of alluvial flats and downlands on the coast facing north and rising steeply to the interior mountainous hinterland of native bush in the south. Whakatohea territory contained rich sources of food. To the west was the Ohiwa Harbour where the “daughters of Whakatohea” (a metaphor for shellfish including cockles, mussels, pipi and sea snails) were found in abundance. The harbour also abounded with pelagic species of fish. Just two kilometers east of Ohiwa is the Waitahe River famous for its inanga, flounder and seemingly inexhaustible supply of pipi. In the centre of Whakatohea territory on the coast is Pakowhai where the town of Opotiki stands between the confluence of the Waioweka and Otara rivers. Seasonal runs of inanga, kahawai mullet and kingfish went upstream

in both rivers for several kilometers. East of Opotiki is the Waiaua River the place where the ancestor Tapuikakahu exclaimed "Ah the food at Waiaua!" and proclaimed it "a sleeping place for men where nets were hauled along the beach." About 4.7km from the Waiaua River mouth lies Opape near the eastern boundary of Whakatohea. The rocks from Opape to Awaawakino abounded with crayfish, paua, mussels, kina, maomao and snapper.

All of Whakatohea's entrenched and pallisaded fighting pa were sited along the coastal platform to defend the iwi's marine resources. There were no fortifications in the mountainous hinterland. But there were encampments there for the seasonal harvesting of forest produce. Toatoa, Whitikau and Waioweka contained fern grounds, eel fisheries and birding places for pigeons, kaka, kokako, weka and kiwi. These places were also sources on timber, berries and fibre.

The claim encompasses the following issues:

- The military invasion of Whakatohea territory by a force of 500 men on 8 September 1865 on the pretext of a civil offence, namely the murder of the Anglican Missionary Carl Sylvius Volkner.
- The wanton killing of Tio Kahika by the militia where the Huntress grounded inside the river bar at the entrance to Opotiki Waters.
- The killing of 35 people of the Ngati Ira hapu at Te Tarata pa on the Waioweka flats.
- The military looting of Whakatohea property and livestock.
- The confiscation of 177,000 [refer to attached press statement] acres of Whakatohea land.
- The confiscation of all of Whakatohea's 35km coastline from Maraetotara at Ohope to the mouth of the Waiaua River.
- The loss of mana whenua over the Ohiwa Harbour, Waiotahe River, the Waioweka River and the Otara River.
- The relocation of seven hapu on land in the Opape block.

- The wrongful execution of Mokomoko for the murder of the Rev. Carl Sylvius Volkner.

The claims to be represented and settled by Whakatohea include the following:

Wai No	Claim Title	Claimant
Wai 87	Whakatohea Raupatu Claim	
Wai 203	Mokomoko Whanau Claim	
Wai 339	Hiwarau Block	
Wai 558	Ngati Ira o Waioweka Rohe	
Wai 1092	Upokorehe Claim	

#### Overlapping Interests

*earlier in the land*  
If there are any overlapping interests (where the proposed settlement area overlaps or shares territory with other tribal groups), WRWP (or WCIT when appropriate) will enter into a formal consultation process to keep these parties informed of the progress of negotiations.

#### 4. Goal

The goal of a Whakatohea mandating strategy is to achieve a mandate that authorises WCIT to enter into direct negotiations with the Crown on behalf of the Whakatohea iwi regarding the comprehensive settlement of all Whakatohea historical Treaty claims.

*dates updated*  
The WRWP will in March and April 2008, be undertaking mandate hui around Whakatohea rohe and the motu. Contact will be made with Whakatohea people living in Australia and other parts of the world. Whanau in Aotearoa New Zealand will be asked to assist with this by sending their respective whanau members all the relevant information pertaining to the mandating process.

The WRWP understands that the mandating processes involve a tripartite relationship to achieve a successful Deed of Mandate. In that respect the WRWP will undertake to work effectively with OTS and TPK in the delivery of a Whakatohea Deed of Mandate and that these efforts will be reciprocated by all parties.

## 5. The Group

In 2003 Whakatohea held a hui-a-iwi at Waiaua Marae to discuss the claim. The WRWP was established and given mandate to progress the claim. Two representatives from each hapu and marae within the Whakatohea rohe were appointed to the WRWP and work began in earnest on the development of a report to guide Whakatohea's internal processes. A comprehensive consultation and written submission process on the draft report was undertaken and a final draft was presented for approval at a hui-a-iwi at Kutarere Marae in August 2007. The WRWP reconvened in October 2007 having been directed to work on achieving a Deed of Mandate.

### **Chronology of Events Leading to the Establishment of the Mandated Body:**

- |                  |   |
|------------------|---|
| 8 December 2007  | External advisors brief the WRWP on the political environment and the window of opportunity.                    |
| 13 December 2007 | Whakatohea delegation meets with Ministers and OTS and TPK officials.   |
| 22 December 2007 | Briefing of the WRWP on the meeting with Ministers and officials.   |
| 19 January 2008  | WRWP confirms the decision to explore the window of opportunity.  |
| 21 January 2008  | Hui-a-Iwi 10 February 2008 notified in the major newspapers, the Opotiki News and the Whakatane Beacon.         |
| 26 January 2008  | WRWP meets with Hon Mita Ririnui, Associate Minister Treaty of Waitangi Negotiations and OTS and TPK Officials. |

- 02 February 2008 WRWP appoints an independent communications group and secretary.
- 09 February 2008 WRWP prepares for Hui-a-lwi.
- 10 February 2008 Hui-a-lwi. Nine of 12 hapu / marae agree to moving the claim process within the window of opportunity. Hui reaffirmed the hapu driven decision making process.

The following key issues and proposed Hui-a-lwi timetable was agreed to:

- 10 February 2008 Information
- 09 March 2008 Mandating Strategy
- 06 April 2008 Selection of representatives for Pre-Settlement Entity
- 30 April 2008 Deed of Mandate completed.

## 6. The Body

The "Whakatohea Claims Interim Trust" is the body that will be seeking a mandate to continue to facilitate the requirements of a Whakatohea Treaty Settlement process. They will have the mandate and scope of authority to manage all aspects of settlement negotiations with the Crown. Its governing body will comprise two appointed representatives from each of the hapu of Whakatohea.

WCIT will be charged with the task of employing one or two negotiators to carry out the actual negotiations with the Crown. The negotiators will be required to have the necessary or applicable knowledge, skills and experience with regard to negotiations with government and other bureaucratic bodies. The negotiator/s will be accountable to WCIT.

WCIT is representative of the hapu and marae contained within Appendix 1.

Candidates were sourced from the existing marae / hapu structures of Whakatohea.

The following election process was adopted:

- a) Hapu and marae were publicly notified that candidates were being sought to represent their interests on WCIT;
- b) Candidates were invited to notify their interest in writing (including the submission of a Curriculum Vitae) to the secretary of their hapu / marae before a specific date;
- c) Hapu / marae were asked to publicly advertise the date of the selection hui;
- d) Selection of candidates was carried out in accordance with tikanga.

The WCIT is comprised as follows: *[to be inserted]*.

Name of mandated representative	Hapu / marae affiliation

If a WCIT representative wishes to resign and must be replaced, the hapu / marae from which they were originally selected, will be notified that they are required to notify, receive submissions and elect a replacement representative following the same process used to select the original representative.

WCIT will then:

1. Formally endorse the appointment by way of a meeting resolution; and
2. Inform the Whakatohea members of the change through appropriate communications; and
3. Amend the Deed of Mandate to reflect the change of membership (if the change occurs once a Deed of Mandate has been agreed).

## 7. Responsibilities of the Members of WCIT

The responsibilities of the members of WCIT include the following:

- i) Prepare a clear brief of the desired outcomes of the negotiations
- ii) List the items they wish to see in the Agreement in Principle
- iii) Indicate their priorities
- iv) Appoint a negotiator/s
- v) Provide directions and advice to the negotiator/s
- vi) Provide a terms of reference for the negotiator/s.

### ***The Negotiators***

The negotiators will be selected for their proven skill and experience. The list of skills and experience required includes:

- a) Demonstrated negotiating skills with Government
- b) Capable of lateral thinking
- c) Ability to report back on progress and to accept direction
- d) Knowledge of the claim and its history
- e) Understanding of the content of other settlements.

### ***Reporting Process for the Negotiators***

The negotiators will report to WCIT on a weekly basis or as otherwise required. The negotiators will present written progress reports on Treaty settlement negotiations as agreed milestones are achieved.

### ***Replace, Removal and Appointment of Negotiators***

WCIT will replace, remove and appoint negotiator/s by way of resolution.

### ***Decision-making Process of the Negotiators***

The Negotiators will provide recommendation reports to WCIT to approve and sign off on all decisions relating to the claim and its proposed settlement.

## **8. Accountabilities of WCIT**



### **Meetings**

The members of WCIT will meet at least once a month. However, the members will be expected to meet as often as is required for them to carry out their role and responsibilities. They also have the authority to call Hui-a-lwi and other meetings.

### **Constitution**

WCIT will report to Whakatohea members about the Treaty settlement negotiation and its progress in the following ways:

- i) monthly hapu meetings
- ii) Hui-a-lwi

The WCIT will also inform Whakatohea members by way of:

- a) monthly newsletter [*to who – eg. sent out to each household on the iwi register, or sent to each hapu or marae committee*];
- b) Whakatohea Claim website;
- c) Reports by the representatives to their respective communities.

### **Decision Making Processes**

WCIT will make decisions by way of a simple majority. In addition the wider Whakatohea community can participate in the decision making process through their respective Hapu / Marae representative on WCIT. Hapu / Marae are responsible for ensuring that their process is inclusive and that meetings called for this purpose are duly publicised and that information is readily available for their people.

To assist hapu with the process the WCIT will adopt the following approach:

- i) The WCIT shall give a minimum of 14 days notice of matters requiring input by Hui-a-Hapu and at the same time indicate the date or proposed date of the Hui-a-lwi to make a final decision;

- ii) It is and must be the responsibility of each hapu to hold any necessary Hui-a-Hapu to inform and reach decisions on all matters referred to them by WCIT.

The ratification of the Deed of Settlement will be by way of postal ballot conducted in accordance with the register of Whakatohea members.

WCIT will appoint an independent returning officer to conduct the process.

#### **9. Pre-mandate Strategy / Hui / Communications**

Hui will be held for the purpose of informing hapu and marae of the process by which mandate will be achieved. Key to this will be the confirmation of the Whakatohea iwi register.

For each hui held, registration details will be formally recorded and kept as an official record of attendance. The preparation and dissemination of information to be provided at these hui will be carried out in accordance with the communication plan attached in Appendix 2.

#### **10. Mandating Process**

All mandating hui will be notified to members through:

- i) Newspapers (major newspapers, Daily Post, Whakatane Beacon, Opotiki News)
- ii) Email lists
- iii) Website
- iv) Radio
- v) Television – Marae panui bulletin board

Notification will be placed with each of these mediums at least 21 days prior to each hui.

The notice will clearly state the purpose of the hui. Specific mention will include reference to the need to obtain a mandate for WCIT to enter into negotiations with the

Crown for the comprehensive settlement of the all the historical Treaty of Waitangi claims for and on behalf of Whakatohea.

#### 11. Mandating Hui

WCIT will be holding publicly notified mandating hui throughout March 2008 and April 2008. WCIT will be seeking the mandate from Whakatohea to enter into negotiations with the Crown regarding the comprehensive settlement of all Whakatohea historical Treaty claims. The following resolution will be put to the hui:

***That Whakatohea Iwi members mandate the "Whakatohea Claims Interim Trust" to enter into negotiations with the Crown, on behalf of Whakatohea, regarding the comprehensive settlement of all Whakatohea historical Treaty claims.***

Mandating hui will occur in the locations and on the respective dates as noted in Appendix 3 (to be confirmed).

The following procedural practices will be observed for mandating hui:

- a) All mandating hui will be advertised and minuted, including the keeping of hui registers for all mandate hui. This supporting information will be attached to the Deed of Mandate.
- b) TPK representatives will be invited to attend and observe all mandating hui.
- d) A standard and consistent presentation will be developed for these hui outlining the context and process of the mandate process. Members will have the opportunity to discuss the proposal with WCIT and put any questions to members before a resolution affirming the mandate of the "Whakatohea Claims Negotiation Incorporated Society" is sought.

- e) Voting on the resolution will be by a show of hands of eligible adult members of Whakatohea present at the hui. For consistency and clarity there will not be a postal voting process, nor will proxy votes be included. These voting processes will be reaffirmed by the facilitator of each hui, including the eligibility of the voter.
- f) If the eligibility of the voter is challenged, the matter will be referred to the hui facilitator in the first instance. Where the dispute cannot be immediately resolved to the satisfaction of the parties, the party whose eligibility is in dispute may submit a written request for a review and ruling of a WCIT sub-committee established for this purpose.

The results of voting at mandating hui will be recorded and attached to the Deed of Mandate once this is confirmed.

## 12. Time Frame

It is expected that information and mandating hui will be completed by 31 June 2008 and the Deed of Mandate is expected to be submitted no later than 30 July 2008.

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# Appendix 1

HAPU		MARA E	
1.	Ngai Tama	1.	Maromahue
2.	Ngati Rua	2.	Kutarere
3.	Ngati Patu	3.	Rongopopoia
4.	Ngati Ngahere	4.	Pakowhai
5.	Ngati Ira		
6.	Upokorehe		
7.	Ngati Muriwai		
8.	Te Whanau O Te Urikore		

Suggest a table like below – for orientation purpose

Affiliated Hapu	Affiliated Marae	Location

## Appendix 2

### COMMUNICATION PLAN

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## Appendix 3

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Advertisement for mandating hui

**MANDATING HUI**

**Whakatohea Mandated Committee**

***[Insert Whakatohea whakatauki or karakia]***

The Whakatohea Mandated Committee (WMC) is seeking the mandate from Whakatohea Iwi members to enter into negotiations with the Crown for the comprehensive settlement of all Whakatohea Treaty of Waitangi historical (pre 21 September 1992) claims. WMC is convening a series of hui listed below at which presentations will be made and a ballot will be held on the matter of mandate.

Opotiki	<i>Please insert date and time</i>	<i>Please insert venue</i>
Auckland		
Wellington		
Rotorua/Hamilton		
Christchurch		

Each hui will follow the same general agenda as set out below:

- 1) Karakia
- 2) Light refreshments, informal introductions (30 minutes)
- 3) Presentation by WMC (30 minutes)
- 4) Discussion ( 1 hour)
- 5) Vote: **“That Whakatohea Iwi members mandate the “Whakatohea Claims Interim Trust” to enter into negotiations with the Crown, on behalf of Whakatohea, regarding the comprehensive settlement of all Whakatohea historical Treaty claims.”**
- 6) Karakia

Te Puni Kokiri staff members will be present to oversee the voting process. The WMC comprise the following people:

Insert Name	Insert Hapu


If you are a member of Whakatohea we strongly urge you and your whanau to attend one of these important hui. Each member of Whakatohea of voting age (18 years and older) is entitled to one vote.

If you have any queries, or you want to register as a member of Whakatohea, please contact [*please insert contact persons details*]. Please feel free to forward the information about these mandating hui to as many Whakatohea whanau members as you know.

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**Ralph Johnson**

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**From:** Toko Kapea [T.Kapea@tuia.co.nz]  
**Sent:** Friday, May 16, 2008 4:29 PM  
**To:** Tom White  
**Cc:** Ralph Johnson; Fletcher, Jane; Anderson, Lillian; Tipene Chrisp  
**Subject:** RE: Whakatohea mandate strategy

Kia ora Tom,

Thank you for your comments on the mandate strategy document. I totally understand TPK's position re Working Party. I understand there are to be further Working Party meetings and hopefully they can work through their issues.

I will keep you posted on any developments.

Regards

Toko

**TUIA LEGAL**  
A member of Tuia Group

**Toko Kapea**  
Partner

DDI: +64 (4) 495 0838  
Mob: +64 (0) 275 342 886

Level 6 Wakefield House, 90 The Terrace Wellington 6011 PO Box 10086, The Terrace, Wellington 6143  
New Zealand  
Tel: +64 4 499 4084 Fax: +64 4 499 4086 [www.tuia.co.nz](http://www.tuia.co.nz)

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**From:** Tom White [mailto:whitt@tpk.govt.nz]  
**Sent:** Wednesday, May 14, 2008 10:46 PM  
**To:** Toko Kapea  
**Cc:** Ralph Johnson; Fletcher, Jane; Anderson, Lillian; Tipene Chrisp  
**Subject:** Whakatohea mandate strategy

Tēnā koe Toko

Sorry about the delay in getting back to you.

Thank you for providing us with a draft copy of the Whakatōhea mandate strategy and requesting comments. I'm sorry we haven't had a chance to review the other documents in any detail yet. We think the proposed approach outlined in the mandate strategy of establishing a representative entity to hold the mandate and conferring the mandate on the entity through voting at mandate hui is a sound one. The way you have set out this approach in the draft strategy is clear and contains the basic information necessary in a mandate strategy. We have a couple of minor comments: in section 2 the date of the LNG letter should be stated; in section 3 – overlapping interests – it is helpful if these are identified as soon as possible. If it is possible to identify them in the mandate strategy it would be helpful; and the March-April dates in section four need to be amended.

Having said this, Crown officials still have concerns about the level of support within the Working Party for progressing the mandate strategy. We understand that the hui on the weekend to vote on progressing the strategy produced similar outcomes to previous ones. I would like to again reiterate that TPK cannot sign off on the mandate strategy until we are convinced that the Working Party itself supports the strategy. I would also like to reiterate our offer of facilitating a meeting between the Working Party members with a view to reaching agreement on how a mandate strategy will be pursued.

Please ring me anytime to discuss further.

Tom White

Manager

Policy Wāhanga

Te Puni Kōkiri

DDI: 04 819 6140 / 027 245 3861

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2

**Ralph Johnson**

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**From:** Tom White  
**Sent:** Friday, May 16, 2008 2:42 PM  
**To:** 'Fletcher, Jane'; 'Anderson, Lillian'; Ralph Johnson  
**Subject:** FW: Outcomes of Whakatohea Raupatu Working Party Hui- 10 May 20081.doc

FYI

-----Original Message-----

**From:** Rachel Jones  
**Sent:** Friday, 16 May 2008 2:38 p.m.  
**To:** Tom White  
**Cc:** Kererua Savage; Hemana Eruera; Ngawa Hall  
**Subject:** Outcomes of Whakatohea Raupatu Working Party Hui- 10 May 20081.doc

Kia ora Tom,

FYI, attached is a copy a letter sent to Ministers Horomia and Gillen on Monday by hapu/marae members of the working party regarding the outcome of the meeting in Opotiki last Saturday.

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Members of the Whakatohea Raupatu Iwi Working Party

Hon Michael Cullen

Hon Parekura Horomia

Please find attached the outcomes of the Whakatohea Iwi Working Party meeting <sup>App 1</sup> which was the first meeting of the Working Party since the Hui a Iwi of 09 March 2008 <sup>App 2</sup>.

We are forwarding these outcomes as members of the Working Party that represent Ngai Tama, Ngati Ngahere, Ngati Rua, Maromahoe Marae of Upokorehe and Roimata Marae of Upokorehe.

It is with regret that we make communication with you direct but as you will identify from the outcomes listed there are issues that need to be resolved with regards to our leadership and governance. In light of these issues there was a request made of, and accepted by the Chairman that he would desist in progressing with any business of the Raupatu until these issues have been resolved. In doing so the Chairman has also taken on the responsibility of advising <sup>1</sup> and <sup>2</sup> of these same outcomes.

Outcomes 6, 7 and 8 results in the request we have of you to please forward all correspondence inward and outward that you have with regards to the business of Whakatohea Raupatu and / or Whakatohea Iwi Working Party. That is to include up to the date of our next meeting on 24 May 2008.

We are very keen to engage with the Crown however as we were reminded at the Hui a Iwi we need more time than this current time frame grants us; and in doing so we have the procedural steps as defined within Te Ara Tono (our Process Report) that will ensure a robust process is adhered to.

**Outcomes of the Whakatohea Iwi Working Party Hui Saturday 10 May 2008**

**Background**

This is the first meeting of the Iwi Working Party since the Hui-a-Iwi of 09 March 2008.

Despite consistent and insistent attempt to communicate by Working Party members to the Chairman to ensure that the resolutions of the above Hui were being actioned, the only official communication between the Chairman of the Working Party and its members has been the distribution of the Agenda on 14 April 2008.

In response to the distribution of the Agenda (which by mere fact of its proposed content was in explicit violation of resolution 2 of the Hui a Iwi 09 March 2008) there was again consistent and insistent attempt to communicate with the Chair to seek dialogue and input into the Agenda. There was no response or acknowledgement to any requests to provide items for the Agenda.

The following meeting was taped and on file for reference.

**Outcome of Working Party Meeting**

1. The Chairman has not actioned resolution 1 from the Hui a Iwi.
2. Chairman (under the authority of Chairman of the Iwi Working Party) along with [redacted] and [redacted] has continued to engage with the Crown. These activities are in direct contravention to both resolutions of the Hui a Iwi.
3. A motion of "no confidence in the Chair" sits on the Agenda as the first agenda item for the next Working Party meeting of 24 May 2008.
4. That until the next meeting of the Iwi Working Party there has been a guarantee by the Chair that there will be no activity of any sort with regards to Raupatu business.
5. That the Chair has taken on the responsibility to advise [redacted] and [redacted] of this guarantee.
6. Non disclosure of documents - Correspondence was not tabled.
7. The Chair declined the request for the immediate distribution and notification of all inward and outward correspondence between now and the next meeting.
8. Working Part members will approach the Crown direct for all correspondence inward and outward on Whakatohea Raupatu since January 2008.

**Whakatohea Raupatu Settlement Committee  
PO Box 207  
OPOTIKI**

14 December 2008

Dr John Tamahori  
Strategic Director  
Treaty Settlements  
Te Puni Kokiri  
PO Box 3943  
WELLINGTON



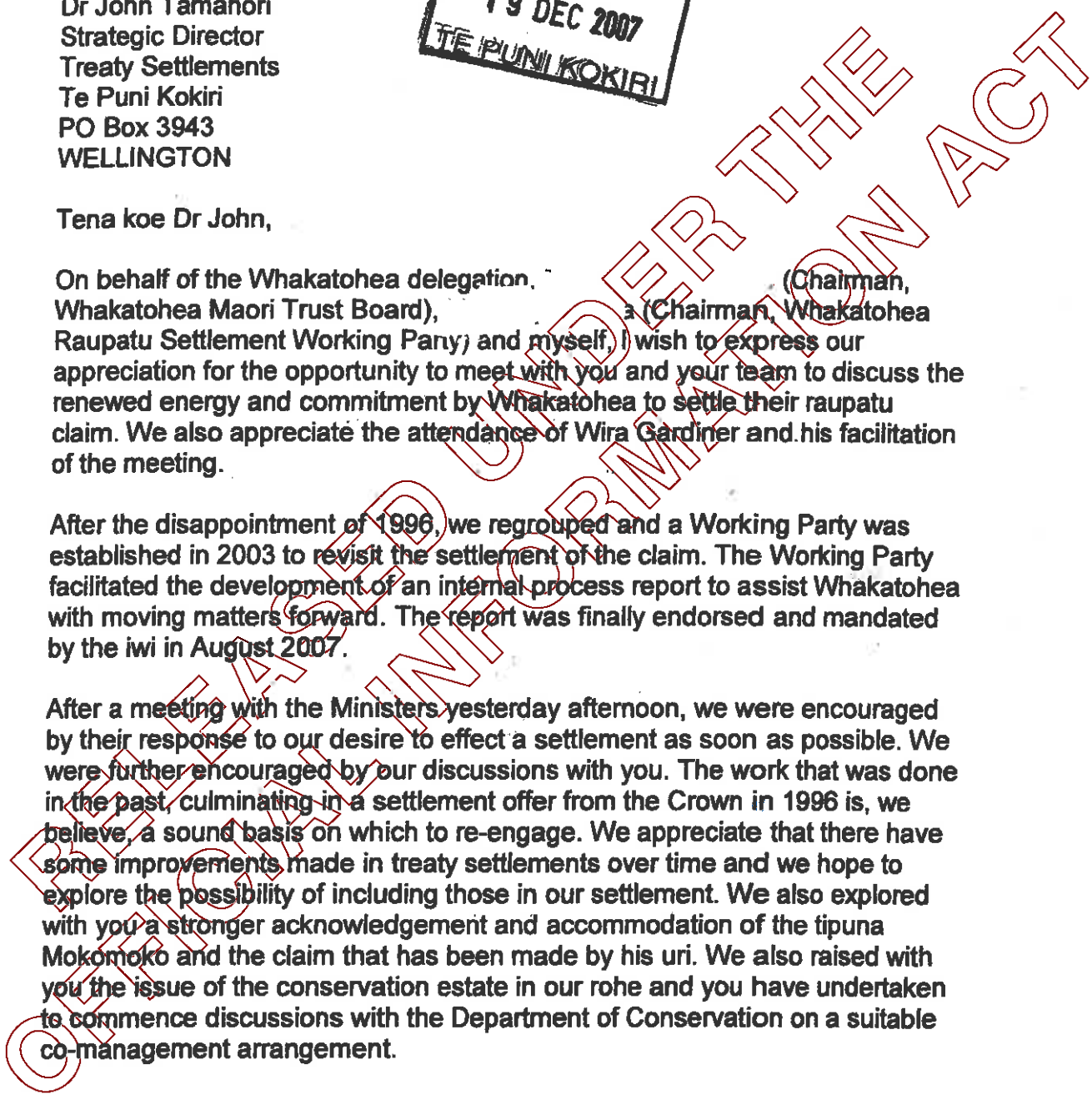
Tena koe Dr John,

On behalf of the Whakatohea delegation, (Chairman, Whakatohea Maori Trust Board), a (Chairman, Whakatohea Raupatu Settlement Working Party) and myself, I wish to express our appreciation for the opportunity to meet with you and your team to discuss the renewed energy and commitment by Whakatohea to settle their raupatu claim. We also appreciate the attendance of Wira Gardiner and his facilitation of the meeting.

After the disappointment of 1996, we regrouped and a Working Party was established in 2003 to revisit the settlement of the claim. The Working Party facilitated the development of an internal process report to assist Whakatohea with moving matters forward. The report was finally endorsed and mandated by the iwi in August 2007.

After a meeting with the Ministers yesterday afternoon, we were encouraged by their response to our desire to effect a settlement as soon as possible. We were further encouraged by our discussions with you. The work that was done in the past, culminating in a settlement offer from the Crown in 1996 is, we believe, a sound basis on which to re-engage. We appreciate that there have been some improvements made in treaty settlements over time and we hope to explore the possibility of including those in our settlement. We also explored with you a stronger acknowledgement and accommodation of the tipuna Mokomoko and the claim that has been made by his uri. We also raised with you the issue of the conservation estate in our rohe and you have undertaken to commence discussions with the Department of Conservation on a suitable co-management arrangement.

We informed you that we are working to a 31 March 2008 deadline to complete the Deed of Mandate process and that we would require assistance with resources to do this. We also raised the issue with Paul James, Director of the Office of Treaty Settlements at a later meeting and he has undertaken to have a discussion with you on this matter. We are also very keen to see the settlement of the claim included in the government's 2008/2009 budget.





In the meantime we will be reporting back to the Whakatohea Raupatu Settlement Working Party at a meeting before Christmas with a view to organising a series of Hui-a-Iwi early in the new year to secure a Deed of Mandate within the 31 March 2008 timeframe.

Once again, thank you for the opportunity to meet with you and we look forward to picking up the discussions again in the new year.

All the very best to you and your team for the festive season. He wa ano tenei hei whakamaumahara te whanau mai a te Karaiti, te Kaiwhakaora.

~~Nga mihi.~~

Strategic Advisor.

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**Kathryn Rose**

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**From:** Kathryn Rose  
**Sent:** Friday, 3 April 2009 9:32 a.m.  
**To:**  
**Cc:** Tom White  
**Subject:** Whakatohea Raupatu Working Party - Whakatohea Claim

Tēnā koe .

Thanks for getting back to me with respect to your letter of 24 March 2009.

In our phone conversation you confirmed that you were seeking a copy of a constitution or any other documents that relate to the rules and regulations of the Whakatohea Raupatu Working Party (WRWP) and I let you know that Te Puni Kōkiri does not hold any such documents. The WRWP's mandating process is on hold until internal issues have been resolved.

ā mihi,

Kathryn Rose  
Senior Analyst - Treaty Settlements / Foreshore & Seabed  
Te Puni Kōkiri

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24 March 2009

Te Puni Kokiri  
National Office  
PO Box 3943  
Wellington

~~Regional Office  
PO Box 26  
Whakatane~~

By Fax: (

~~By Fax: (~~

Dear Te Puni Kokiri,

**RE: Whakatohea Raupatu Working Party - Whakatohea Claim**

1. The writer is one of the Ngati Ira hapū delegates for the Whakatohea Raupatu Working Party ("WRWP") and this letter is sent on behalf of Ngati Ira hapū.
2. It was decided at our last Marae/Hapū hui (held 1/2/09), that we seek clarification and more information from whatever sources possible, as to the current operations and organization of the WRWP.
3. As you may or may not be aware, there has been division amongst the WRWP since about December 2007. This division has caused much confusion, frustration and anger for not only our hapū, but others of Whakatohea also.
4. We maintain the view that we wish to hold on to the decision of our late tohunga, kaumatua and former Ngati Ira delegate, Mac Wharekawa Kurei, that the Te Ara Tono document is the guiding document for Whakatohea to follow in pursuit of the resolution of our claims against the Crown. This view however is starting to diminish due to the "shambles" that has occurred since December 2007. Ngati Ira do not wish to separate themselves from the WRWP, but it is almost coming to a point where we will have no other choice but to.
5. The reason for this letter is to request a copy of the Constitution or any other document which provides the rules, regulations or agreements that the WRWP must abide by to maintain their mandate to receive funding for our Treaty of Waitangi Claim. Please forward any other relevant information to our Claim also. It has been difficult to say the least, to receive any response from the current Chairman of the WRWP, to this request.
6. We advise that Te Whakatohea Maori Trust Board, Office of Treaty Settlements and relevant Ministers of Parliament have been notified of our concerns and hope you will assist us by providing the information requested.

7. If you wish to respond to our concerns, I can provide you with all the documents I have for your consideration. I'm sure you can appreciate that these documents are not included in this initial letter as I will need to seek authority for their release from various organizations and other hapū.
8. It is not our intention to force this issue onto you; we simply need some answers so we can assist in some process for the benefit of our hapu, our tamariki and our mokopuna of the future.

Naaku noa,

*Ngati Ira hapu Delegate/Whakatohea Raupatu Committee  
Waioweka Trustees Secretary/  
Waioweka Marae Committee Secretary*

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*Phone:  
Fax:  
Mobile:  
Email:*

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Members of Whakatohea Raupatu Working Party & Wai 87  
& nga Pakeke  
Chairman Working Party

Raupatu Admin Office

Email:  
Ph:  
Cell:

30<sup>th</sup> January 2010

Hon Dr Pita Sharples  
Minister of Maori Affairs  
Parliament Buildings  
WELLINGTON

Tena koe e te Minita

Hon Peter Sharples

Minister

Thank you for your letter of 25 January 2011. The Whakatohea Raupatu Working Party welcomes the meeting that you propose between the trust board and ourselves, facilitated by the Crown. We suggest Tom White should be involved on the side of the Crown.

As you will know, the current Working Party has already been mandated by the iwi to progress to the Deed of Mandate stage. In addition the Working Party is responsible for the mandate strategy document and as such is required to set up the pre-settlement trust.

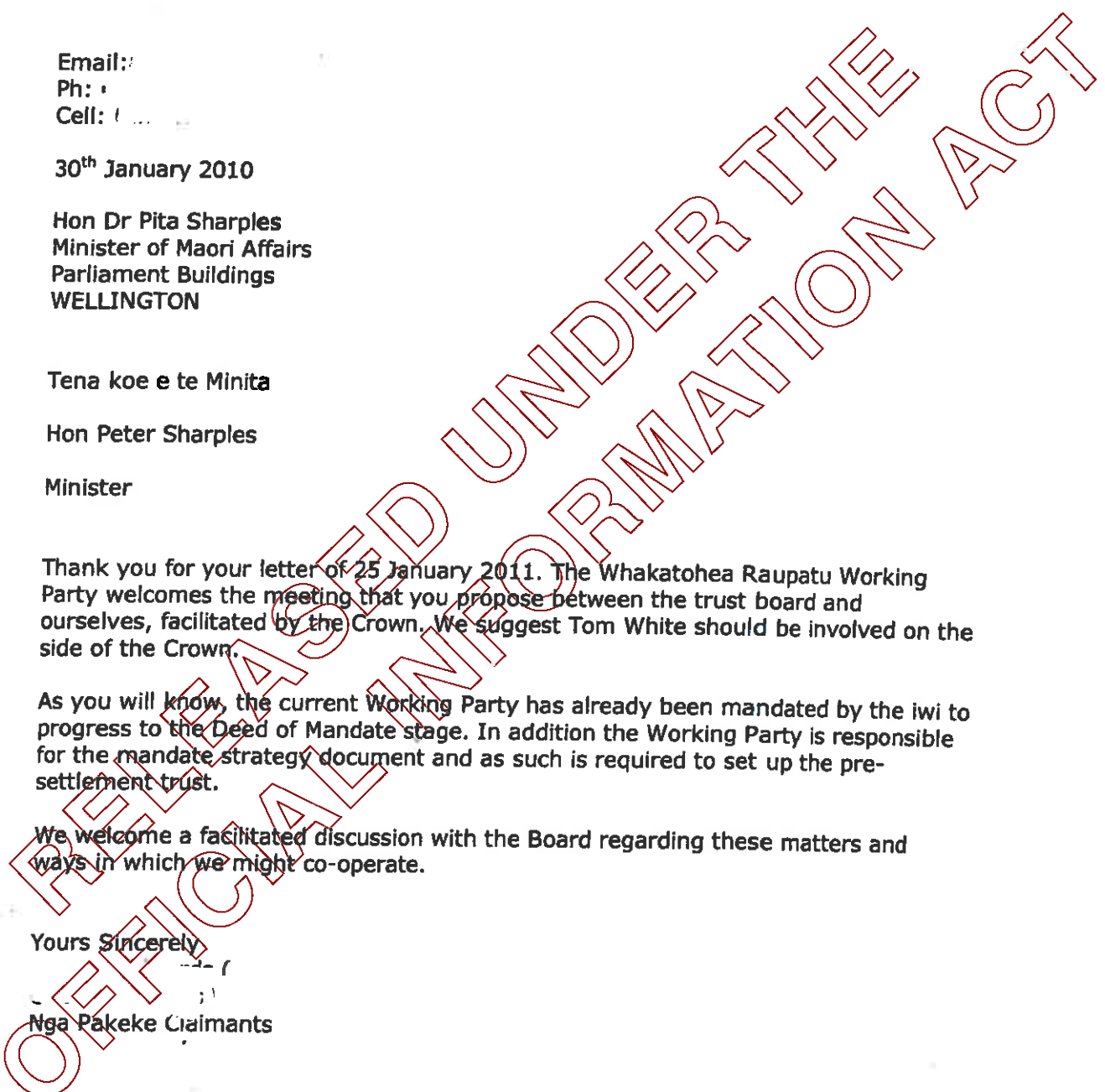
We welcome a facilitated discussion with the Board regarding these matters and ways in which we might co-operate.

Yours Sincerely

Nga Pakeke Claimants

cc:

Te Whakatohea Maori Trust Board  
Manager Te Whakatohea Maori Trust Board



Members of Whakatohea Raupatu Working Party

Chairman Working Party

Raupatu Admin Office

Email:

Ph: .

Cell:

7 October 2010

Hon Dr Pita Sharples  
Minister of Maori Affairs  
Parliament Buildings  
WELLINGTON

Tena koe e te Minita

Hon Peter Sharples

Minister

On behalf of the Whakatohea Raupatu Working Party we are preparing for a series of mandate hui in November where we hope that a mandate can be achieved for the settlement of Te Whakatohea claims.

We are aware that [redacted] wrote to you on 4 October 2010 about this process, and recent meetings with OTS and TPK officers, which we have been a party to. Dr Walker sets out his expectation of the outcome. It coincides with his long held view, set out at length in his 2007 book, "Opotiki-Mai-Tawhiti", that Te Whakatohea Maori Trust Board, representing 6 hapu, should take a lead role in progressing the settlement of the Te Whakatohea claims.

We ask you to simply note that this is by no means a forgone conclusion, and that, as OTS and TPK officers are aware, there is significant debate within Te Whakatohea about the role (if any) that the board might take in any mandate and negotiations process and about how the 12 hapu of Te Whakatohea might be best represented in settlement negotiations. Our view is that the matter is more complex than appears to have conveyed.

For your information, the 12 hapu that the Working Party is aware of and is working with are:

Ngai Tamahaua  
Ngati Ngahere  
Ngati Muriwai  
Turangapikitoi  
Ngati Ruatakena  
Ngati Ira

4 October 2010

Hon Dr Pita Sharples  
Minister of Māori Affairs  
Parliament Buildings  
Wellington,

Tena koe e te Minita,

Thank you for informing me of Te Puni Kōkiri officers' meetings with the Whakatōhea Trust Board and the Whakatōhea Raupatu Working Party. I was aware of those meetings and hopeful they would move the claim forward.

I called a hui of my hapū Ngāti Patumoana at Waiāua marae on Sunday 19<sup>th</sup> September to discuss the mandating of the negotiators for the Whakatōhea Raupatu Claim. The hui resolved that the Whakatōhea Trust Board facilitate the mandating of Ngāti Patumoana representatives on the Raupatu Committee. Three of six hapū have passed the same resolution. The decision of the other three hapū is pending. When all six hapū agree to the facilitation of the Trust Board then I expect the mandating process by postal ballot may proceed. The mandating is likely to be challenged by fringe groups, namely:

Ngāti Muriwai is a hapū resurrected in the 1990s by the late beneficiary list in the Whakatōhea Trust Board records for Ngāti Muriwai.

There is no

Pākowhai is an Incorporated Society Trust for the Pākowhai Memorial Hall.

Tūrangapikitoi is a border hapū between Whakatōhea and Tūhoe.

Maromahue marae is a refugee group from Ngāti Kahungunu in Whakatōhea rohe. Maromahue have intermarried with Whakatōhea, but are not a recognised hapū of Whakatōhea.

These fringe groups are a political reality in Whakatōhea territory. In my view they should be accommodated in the new corporate entity to replace the Whakatōhea Trust Board in the post-settlement phase of the Whakatōhea claim.

Heoi ano,



## Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau  
Minister of Māori Affairs  
Associate Minister of Corrections  
Associate Minister of Education

25 JAN 2011

Whakatōhea Raupatu Working Party and Wai 87

Tēnā koe

Thank you for your letter of 7 October 2010. I understand that you have been in regular contact with Te Puni Kōkiri officials, and that they have discussed the mandate process with you at hui on both the 20 September and 16 October 2010.

As my officials have discussed with you, before a mandate can be recognised, Whakatōhea must reach a broad agreement on which entity will progress the claim. The Whakatōhea Raupatu Working Party, along with the Whakatōhea Māori Trust Board and other interested parties will all have the chance to participate in this process. It is not until this broad agreement is reached that the mandate may progress.

I understand that my officials have proposed that the Trust Board and the Working Party hold a Crown facilitated hui to discuss these matters, and that this proposal has also been made to the Trust Board. I consider this approach a sensible one, and encourage the Working Party and Trust Board to work together to reach a solution that is acceptable to both parties. Kāti mō tēnei wā.

Keoi anō

  
nā Hon Dr Pita R Sharples  
Minister of Māori Affairs



## THE WHAKATŌHEA RAUPATU CLAIM

A Briefing paper for the Hon. Pita Sharples Minister of Māori Affairs 31 March 2010  
Hon. Christopher Finlayson Minister of Treaty Settlements

### AUTOCRATIC CONTROL OF Wai 87

In 1989, the Whakatōhea Raupatu Claim Wai 87 was lodged with the Waitangi Tribunal in the name of \_\_\_\_\_, chairman of the Whakatōhea Trust Board.

1990, a resolution was passed at the AGM of the Trust Board that the Board (namely the chairman) was the 'reo mana', the official voice of Whakatōhea.

1992 \_\_\_\_\_ began negotiations with TOWPU and expended \$20,000 on claimant research. The TOWPU deadline to receive the research report was not met and the debt was carried by the Board.

1992 Doug Graham Minister of Treaty Settlements introduced the policy of "Direct negotiation" to settle claims that were "well founded" by official reports.

Edwards opted for direct negotiation and entered into discussions with TOWPU. Officials informed Edwards of the requirement to establish a hapū mandated Raupatu Committee.

Pending the establishment of the Raupatu Committee, Edwards continued negotiations with the Crown to progress the claim for the return of surplus crown properties to Whakatōhea including the police station and a Public Works depot.

### THE RAUPATU COMMITTEE

1993 a sitting of the Maori Land Court at Ōmarumutu marae formalised the establishment of the Raupatu Committee of 12 members, representing six hapū of:

Ngāti Rua	Ngāti Patu	Ngai Tama
Ōpokorehe	Ngāti Ira	Ngāti Ngahere

\_\_\_\_\_ was not a mandated member of the Raupatu Committee. He did not represent any hapū. Instead, he persuaded the court to appoint him Claims Manager above the committee so that he had the combined offices of:

Chairman of the Board  
Claims Manager  
Chairman of the Raupatu Committee

Edwards sidelined the Raupatu Committee and ran the claim unilaterally using the resources of the Trust Board to:

- Take deputations of 'elders' to Wellington to meet with TOWPU and the Minister of Treaty Settlements Doug Graham.

- Get claimant funding from TOWPU which was put into the Trust Board account and expended without reference to the Raupatu Committee.
- Appoint \_\_\_\_\_ as Project manager for the Raupatu Claim.
- Hand-pick two members of the Raupatu Committee, \_\_\_\_\_ and \_\_\_\_\_ as negotiator alongside himself and Delamere.

#### WINDOW OF OPPORTUNITY

1996, the election year, was seen as a window of opportunity to 'fast-track' the settlement of the Whakatōhea claim. OTS and the negotiators hammered out an MOU for the terms of settlement for a quantum of \$40million.

September 1996 Delamere circulated a truncated MOU to the Raupatu Committee setting out six of the terms required by Whakatōhea, but none of the requirements from the Crown for the settlement quantum of \$40million.

The Raupatu Committee signed the MOU agreeing to the quantum of the settlement, expecting to be appraised of the Crown's terms in a Deed of Settlement before signing it. That never happened.

October 1st 1996, a group of elders and some, but not all, members of the Raupatu Committee were taken to Wellington and the Deed of Settlement was signed, without the Raupatu Committee seeing it or approving it first.

The Raupatu Committee refused to ratify the Deed of Settlement, objecting to the clause that the deed settled all of Whakatōhea's claims whether they had been identified researched or not.

The Raupatu Committee also opposed the inclusion of separate claims by:

- \_\_\_\_\_ Wai 203 and Wai 339
- \_\_\_\_\_ ta Wai 558

As far as the Raupatu Committee was concerned its mandate was to deal with single issue of raupatu. These matters were never discussed in the Raupatu Committee chaired by \_\_\_\_\_

1996 saw the fall from grace of \_\_\_\_\_ s in Whakatohea. The Trust Board lost \$1.2 million of Mana Loans in bad loans to individual business proposals and three failed business ventures directed by \_\_\_\_\_. \_\_\_\_\_ also incurred a debt to the Board of \$115,000 on his unilateral management of the claim. At the AGM Edwards was criticised for these failings. He was voted out of office.

#### RATIFICATION PHASE OF THE DEED OF SETTLEMENT

The ratification phase of the Deed of Settlement gave \_\_\_\_\_ a lifeline when OTS granted \$450,000 to take the Deed to Whakatōhea to be ratified.

banked the first tranche of \$250,000 in the trust account of [redacted] with himself and [redacted] as signatories.

Miffed at being voted off the Trust Board, Edwards seceded from the Raupatu Committee and established the breakaway Raupatu Settlements Office in the vacant Post Office Building. There he convinced his loyal followers that the Trust Board was the enemy and that from then on the Whakatōhea claim should be 'hapū driven'. His followers failed to see the contradiction in the ideology that he had sidelined the hapū mandated Raupatu Committee and ran the claim unilaterally as Claims Manager, chairman of the Trust Board and chairman of the Raupatu Committee.

Despite the Raupatu Committee opposing ratification of the deed, [redacted] and [redacted] conducted meetings in the North Island the South Island and Sydney seeking ratification. It was not forthcoming. The \$450,000 advanced by OTS was spent.

#### TERMINATION OF DEED

On 11 March 1998 [redacted] led a Raupatu Committee deputation to meet with the Minister of Treaty Settlements [redacted].

The Raupatu Committee sought to negotiate, for the first time in its own right, the Crown's terms in the deed of Settlement to which it was not privy until after it was signed.

There was no room for negotiation, only ratification. Doug Graham thereupon terminated the deed and made it official by public notification on 13<sup>th</sup> March 1998.<sup>1</sup>

The fallout from the termination of the deed:

- was a prolonged period of recrimination, antagonism and disunity in Whakatōhea
- [redacted] revived the moribund hapū of Ngāti Muruiwai as a tūrangawaewae for himself and his personal following.
- The Whakatōhea claim was to be 'hapū driven'.
- Distrust of the Trust Board and its emasculation by the ideology of hapū driven. The ideology is a contradiction because the Board is the only iwi authority mandated by hapū election.

\* The consequence of the ideology of 'hapū driven' promoted by [redacted] and sustained by his followers after his death is paralysis of the claim.

#### RESTARTING THE CLAIM

In July 2003 the Trust Board hosted a hui instigated by OTS where Andrew Hampton outlined the Crown's revamped settlement policy with large natural groups.

In August an Interim Whakatōhea Iwi Working Party was established to restart the claim

<sup>1</sup> Walker, R., *Ōpōtiki-Mai-Tawhiti*, pp.226-

On 5<sup>th</sup> October 2003 an Iwi Working Party (IWP) of hapū representatives was established to develop a proposal for achieving a mandate to restart the claim.

The IWP spent 2004 trawling through the OTS documents and the Crown's Treaty Settlement policies and came up with the first draft of *Te Ara Tono* which set out underlying principles to advance the claim:

- Hapū driven
- Process designed by Whakatōhea (not the Crown)
- Kotahitanga
- Inclusive
- Settlement to fit in with the wider strategy of Whakatōhea.

The document also set out a proposed Claims Structure and a Rōpū Kōkiri i te Rauapatu with reporting lines, accountability to hapu and communications strategies.

Despite the entrenchment of the hapū driven ideology, the claim remained static because the hapū have no resources to prosecute the claim. The ideology hangs around the neck of the claim like the proverbial albatross

Worse still there was a split in the IWP committee over confidence in the chair and suspicion that some members were conducting clandestine negotiations with the Crown. It didn't help that Wira Gardiner called the chairman of the Board and the chairman of the IWP to a meeting in Wellington.

In 2005 I joined the trust Board to promote this agenda:

- Separate governance from management.
- Appoint a CEO.
- The Board facilitate the restart of the claim.
- The Board establish a new corporate entity to replace the Board, take over its assets and receive the Crown's settlement of the claim.
- It was envisaged that the new corporate body would incorporate groups such as Ngāti Muriwai and others alongside the six hapu that now constitute the Board.

Only the first two objectives have been achieved. The hapū driven ideologues on the Board quibbled over the meaning of the word 'facilitate' which is what the board has done all along in carrying the costs for the IWP and for hui-a-iwi on the claim. That is why Whakatohea has been in a state of paralysis since the Deed was terminated in 1998. ] - ?

In the first quarter of 2009, a meeting was convened at my home in \_\_\_\_\_ by a member of the Iwi Working Party. I was not in favour of the meeting because it was *sub rosa*. In attendance were:

\_\_\_\_\_, chairman of the Trust Board  
\_\_\_\_\_, chairman of the Iwi Working Party

member of the IWP  
member of the IWP  
Michael Dreaver facilitator for the Crown

Dreaver proposed:

- The establishment of a committee to reopen negotiations
- A quantum of \$X million.

I responded by saying "Nice cart Mike, but there is no horse to pull it". None of us sitting around the table had a mandate from our hapū to talk to him. I advised Dreaver to go away and Whakatōhea would call him in when they were ready to restart the claim.

#### SUCCESSION TO WAI 87

On 11 March 2010 I received notice from Bennion Law of the Amended Statement of Claim for Wai 87. The claimants are:

and (his daughter) and Nga Kaumātua o ngā hapū katoa, nga Rōpū o Te Whakatōhea ... which comprises:

**Ngāti Rua**    **Ngāti Patu**    **Ūpokorehe**  
**Ngai Tama**    **Ngāti Ira**    **Ngati Ngahere**  
Kutarere    Marōmahue    Ngāti Muriwai  
Pākowhai    Rongopopoia    Tūranga Pikitōi  
Mokomoko whānau

Note: Names in bold are the recognised hapū who elect the Trust Board  
Kutarere and Marōmahue are marae under the aegis of Ūpokorehe  
Pākowhai is a hall in Ōpōtiki administered by trustees

#### MOOD FOR SETTLEMENT

- From the time that the Deed of Settlement was terminated in 1998, all hapū have wanted Wai 87 settled. But that desire was frustrated by the fallout of suspicion, disunity and factionalism following the mismanagement of the claim in the first instance.
- The Whakatōhea Trust Board has never wavered from wanting settlement and has carried the costs of numerous hui from the inception of the claim to the present time. The Board has refrained from being proactive in deference to the hapū driven ideology.
- The mood of the supporters and the 42 kaumātua of the amended claim is unanimous for settlement.
- On 24 February 2010, of Ngāti Ira notified the Board of his desire for settlement.
- At its meeting on 27<sup>th</sup> February where the letter was tabled, the Whakatōhea Trust Board resolved to convene a hui at Ōmrūmutu marae on 28<sup>th</sup>

March to facilitate the restart of the claim. It was resolved to invite Matiu Te Pou to act as facilitator.

## SUMMARY

- The mandated Whakatohea Raupatu Committee required by the Crown to negotiate a settlement was never in charge of the claim.
- The court appointed Claims Manager ran the claim unilaterally, appointing a Project Manager and two other negotiators.
- The negotiators negotiated a Deed of Settlement and signed it off with the Crown without running it past the Raupatu Committee, or the iwi.
- The Raupatu Committee refused to ratify the Deed.
- A Raupatu Committee deputation went to the Minister of Treaty Settlements to begin negotiations on the Deed in its own right.
- The Minister terminated the Deed because having being signed, albeit by a flawed process, there was only one option ratification.

## CONCLUSION

Whakatōhea has been punished twice:

- By the unjust confiscation of their land in 1865.
- By the termination of their Deed of Settlement in 1998 adding another twelve years to the 133 years that they have waited for justice.

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**Office of Hon Dr Pita R Sharples**

**MP for Tamaki Makaurau**

**Minister of Māori Affairs**

**Associate Minister of Corrections**

**Associate Minister of Education**

Opotiki

Dear : , tena koe

Thank you for your letter dated 29 June 2010.

I am writing to tell you that at this stage I feel it is not my role to be involved in the difficulties you have relayed to me re Whakatohea Maori Trust Board.

I know I will be eventually in communication with the board as we prepare the settlement process.

However, I feel that an intervention by me at this time would not be appropriate. Kati mo tenei wa.

Heoi ano

  
Hon Dr Pita R Sharples  
Minister of Maori Affairs

COPY

29<sup>th</sup> June, 2010

Minister of Māori Development

Hon Peter Sharples

Wellington

Tena koe e te rangatira

Ka nui te mihi ki koutou ngā kanohi o to tātou Paati Māori e para ana te huarahi, hei oranga mo te iwi Māori. Ahakoa ngā piki me ngā heke i te whare paremata ko te mea nui kei kora koutou e tautohe ana mo tātou.

The purpose of this letter is to support and affirm the need for a full and independent Ministerial Review, to be conducted at the Whakatohea Maori Trust Board in Opotiki.

A suitable Commissioner needs to be installed to lead an investigation into conduct of the Governance and Management practices, and coordinate a full review of the financial transactions of the Whakatohea Maori Trust Board and all its subsidiary companies.

I believe that there a serious financial impropriety that can only be fully revealed by the examination of all the financial systems, and records by a qualified forensic accountant

The Board has failed to produce audited accounts and submit budget details for review by the Beneficiaries, and what has been produced is of limited value to assess the true state of the financial position of the Whakatohea Maori Trust Board, and gives the people little room for confidence on the safety and security of the people's asset base.

The Whakatohea Maori Trust Board has also failed to meet the needs of the whanau and Hapu by withdrawing the Marae Grants, Marae insurances and fisheries quota dividend payment which has not been paid for 5 years.

The question must be asked what has the Whakatohea Maori Trust Board done with the Beneficiaries money, and has the Board maintained an adequate level of professional practice to protect the interests of the Beneficiaries



I also ask for a full and independent investigation into the Whakatohea Maori Trust Board as evidence from reports from hapū representations on the Board cite on-going dysfunction and duplicity within the governance of Te Whakatohea Maori Trust Board.

The social impact of Raupatu continues to resound within our Iwi the horrendous local statistics are alarming indicators of the entrenched abusive practices exacted, witnessed and experienced at all levels in Opotiki.

The undercurrent of social issues and deprivation is dreadful. We would have the highest concentration of extreme intergenerational issues of any community in the country. Combined this social dysfunction within Community, and the unethical governance and questionable management practices within our iwi entity which refuses to adhere to due and accepted practice the dysfunction enacted becomes unparalleled and puts our Trust Board, our people, our asset base at huge risk and it is this that the Minister has a responsibility to protect

The situation and crisis facing the Whakatohea Maori Trust Board, has been exacerbated by successive governments and policies that have failed to address the grass roots needs to attain and sustain wellbeing. Our iwi entity unfortunately perpetuates the situation. In recent years our local iwi members and hapū appealed to the previous Labour Government specifically Hon Parekura Horomia to conduct a review of the Whakatohea Maori Trust Board.

At that time Derek Fox was appointed to lead the review and signaled there were issues of concern. The minister Parekura Horomia could have continued with the appropriate interventions to address these issues highlighted in Derek's report, but he chose to distant himself from taking responsibility and therefore failed in his Ministerial responsibilities to get accountability for process and practice of the governance that breached the required legal standard.

Therefore the problems have continued at governance and management level to this very day. The abuse of power and corruption exacted by governance (prior and current), including previous managers have resulted in numerous personal grievances costing hundreds and thousands of dollars. The unrealized potential to whānau hapū and the iwi is immeasurable.

I'm compelled to write this letter because as a descendant of Te Whakatohea and an active member of my principle hapū Ngāti Rua I urge you as the Minister of Māori Development charged with Realizing Māori Potential, responsible for protecting Whakatohea's assets under the governance of the Whakatohea Maori Trust Board, intervene to support the development of whānau, hapū and iwi within Te Whakatohea. Our people's unrealized potential is definitely affected by those in governance.

I have attended Whakatohea hui-a-iwi and hui-a-hapū for 20 years and more. At this stage in one's life an appropriate summation could be described as a devil for punishment. There were a group of rangatahi from Whakatohea who opposed the Deed of Settlement to settle our Raupatu approximately 15 years ago. I was part of this group although we opposed it. We were prepared

to continue supporting the on-going development of whānau, hapū and iwi. There have been several occasions where I've put motions to the floor at hui-a-iwi and they've been passed, to no avail. The management and governance do not bother to action the sentiments of these motions. A conscious decision of non attendance at hui prevailed for a period of time. For the last two years I have actively engaged at hapū level to ensure my children and grandchildren as uri whakaheke maintain a connection to their turangawaewae.

Although strengthening our connections as a whānau and extended whānau continues in earnest. The effects of Raupatu within my immediate whānau include members with addiction problems, with a poly addict brother and in recent weeks trying to defend my 72 year old alcoholic father from serving a sentence in a penal institution. As a whānau member trying to intervene to prevent the inevitable and been powerless to stop your loved ones is nothing less than gut wrenching. The weeks of grief and anguish where the patriarch of the whānau who's addiction to alcohol has resulted in the very real possibility of a jail term and certain death has been a roller coaster ride of emotions. Is this the legacy that our children and grandchildren have to accept a father who committed suicide 14 years ago, a poly addict uncle and a grandfather looking to be sentenced to enter prison. There are so many of our whānau in crisis. I can certainly relate to a sense of hopelessness at times.

Determined to achieve an alternative sentence to ensure my father could gain entry into a detox program and a specialist residential home to address the core issue of alcoholism. My involvement with the Whakatohea Iwi Social and Health Service ensued. Whilst seeking support from this service I asked the manager to assist me with my 17 year old son who was diagnosed with bipolar in 2009. He was a great support. It was with great dismay, whilst visiting my dad's drug and alcohol counselor to discuss his case, I called into his office only to be informed by him that he had been suspended by [redacted] who is a Whakatohea Maori Trust Board member and interim manager for the trust board and director of the Te Wheke Atawhai Company a subsidiary entity of Te Whakatohea Maori Trust Board which umbrellas the Whakatohea Iwi Social and Health Service. A front page headline article in the Opotiki News highlighted some of the issues which included the removal of [redacted] and [redacted] as Te Wheke Atawhai directors and Ngai Tama hapū representatives on the Whakatohea Trust Board. During the investigation meeting for [redacted], it was revealed that [redacted] and [redacted] were removed trying to follow due process, whilst their fellow director [redacted] met with other trustboard members to remove them without the opportunity to mediate.

I attended an investigation meeting regarding his suspension as the manager of Whakatohea Iwi, Social and Health Service to support [redacted] in Whakatane. Although I cannot discuss the matters raised in this investigative meeting I find it in-comprehensible that he was suspended and his tenure remains in question and three other employees have since returned to work. The Whakatohea Maori Trust Board governance group continues with its oppressive practices which are legally compromising, and abhorrent treatment of an exemplar manager. He is one of the many individuals subjected to unacceptable treatment whilst employed by Te Whakatohea.

Once I was suspended I continued working with the Whakatohea Iwi Social and Health Services to achieve the outcome required for my father. This outcome was not achieved without having to forward a verbal complaint, and insist that the interim manager release a kaimahi to work on my father's case, which was at a crisis stage. Attached is a copy of the complaint regarding this matter.

The recent experience working with Te Whakatohea Iwi Social and Health Services has highlighted once again the internal issues and appalling governance practices and ethics demonstrated by the Whakatohea Maori Trust Board governance members. We need a miracle the intervention of a Ministerial Review will assist. Achieving Whanau Ora within Whakatohea is going to be a challenge because of the intergenerational corruption at all levels.

The opportunity to set the pathway forward with good governance practice to support our recently appointed General Manager for the Whakatohea Maori Trust Board is essential. Her employment tenure would be very tenuous within our current regime. An appropriate Commissioner to conduct a forensic investigation of the board's accounts, conduct and practices would allow the pathway to a better future for whānau, hapū and our iwi. I wait in anticipation for your reply.

Ngā mihi

Post dip tchg, BMS, dip tchg.

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**Tom White**

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**From:** Tom White  
**Sent:** Tuesday, 21 September 2010 6:14 p.m.  
**To:**  
**Cc:** 'Lillian.Anderson@justice.govt.nz'; 'Jonathan Easthope'; Lauren Keenan  
**Subject:** RE: Upokorehe

Kia ora

Te Puni Kōkiri is currently leading work on Whakatōhea mandate issues for the Crown so I've taken the liberty to respond to your letter.

Yesterday ourselves and OTS met with several of the people appointed to Upokorehe Treaty Claims Trust, including [redacted] and [redacted] at a hui called by [redacted] from the Raupatu Working group. At the hui, we discussed the mandate process and heard a variety of opinions on how Upokorehe and Whakatōhea might want to proceed toward getting a mandate. TPK offered to meet with the Trust to discuss these issues further and to hear more on how the trust sees its role in the mandate process.

In answer to your question, about current requirements for a mandate strategy. Once a claimant community has been recognized as a group suitable for negotiations, for the Crown to endorse a mandate strategy it would typically need to:

Define the claimant group;  
Set out the claims to be settled;  
Identify the area of interest and overlapping claims; Set out what the entity is that is to receive the mandate; Set out how the entity is representative of and accountable to the claimant group; and Sets out the process by which the entity will gain its mandate from the claimant community.

This is similar to the kind of information that would ultimately form a deed of mandate and is set out at pp47-49 of Ka tika ā muri, ka tika ā mua. Officials can provide checklists of information required and templates for mandate strategies to entities we are working with in developing a mandate strategy.

Recently the Tribunal has recommended that the Crown be more involved in consultation on mandate strategies and that Wai claimants be informed of mandates being sought for their claims. These are activities that the Crown has been seeking to do in recent mandate development if entities seeking a mandate agree but they do not alter the basic mandate requirements of the Crown as set out in Ka tika ā muri, ka tika ā mua.

Ngā mihi

Tom White  
Manager, Policy Wāhanga  
Te Puni Kōkiri

19  
Members of Whakatohea Raupatu Working Party

Chairman working Party

Raupatu Admin Office

Email:  
Ph:  
Cell:

7 October 2010

Hon Dr Pita Sharples  
Minister of Maori Affairs  
Parliament Buildings  
WELLINGTON

Tena koe e te Minita

Hon Peter Sharples

Minister

On behalf of the Whakatohea Raupatu Working Party we are preparing for a series of mandate hui in November where we hope that a mandate can be achieved for the settlement of Te Whakatohea claims.

We are aware that [redacted] wrote to you on 4 October 2010 about this process, and recent meetings with OTS and TPK officers, which we have been a party to. [redacted] sets out his expectation of the outcome. It coincides with his long held view, set out at length in his 2007 book, "Opotiki-Mai-Tawhiti", that Te Whakatohea Maori Trust Board, representing 6 hapu, should take a lead role in progressing the settlement of the Te Whakatohea claims.

We ask you to simply note that this is by no means a forgone conclusion, and that, as OTS and TPK officers are aware, there is significant debate within Te Whakatohea about the role (if any) that the board might take in any mandate and negotiations process and about how the 12 hapu of Te Whakatohea might be best represented in settlement negotiations. Our view is that the matter is more complex than Dr Walker appears to have conveyed.

For your information, the 12 hapu that the Working Party is aware of and is working with are:

Ngai Tamahaua  
Ngati Ngahere  
Ngati Muriwai  
Turangapikitoi  
Ngati Ruatakena  
Ngati Ira

Maromahue  
Rongopopoia  
Ngati Patumoana  
Roimata  
Kutarere  
Pakowhai

There are also claims by the Mokomoko whanau that require settlement.

We are happy to keep your office informed of progress.

We are copying this letter to the persons listed below. , the Minister for Treaty Settlements, and to

Yours Sincerely

Nga Kaumaua Claimants & )

cc: Te Ururoa Flavel Member of Parliament  
Office Treaty Settlements  
Te Puni Kōkiri

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4 October 2010

Hon Dr Pita Sharples  
Minister of Māori Affairs  
Parliament Buildings  
Wellington,

Tena koe e te Minita,

Thank you for informing me of Te Puni Kōkiri officers' meetings with the Whakatōhea Trust Board and the Whakatōhea Raupatu Working Party. I was aware of those meetings and hopeful they would move the claim forward.

I called a hui of my hapū Ngāti Patumoana at Waiaua marae on Sunday 19<sup>th</sup> September to discuss the mandating of the negotiators for the Whakatōhea Raupatu Claim. The hui resolved that the Whakatōhea Trust Board facilitate the mandating of Ngāti Patumoana representatives on the Raupatu Committee. Three of six hapū have passed the same resolution. The decision of the other three hapū is pending. When all six hapū agree to the facilitation of the Trust Board then I expect the mandating process by postal ballot may proceed. The mandating is likely to be challenged by fringe groups, namely:

Ngāti Muriwai is a hapū resurrected in the 1990s by the late . There is no beneficiary list in the Whakatōhea Trust Board records for Ngāti Muriwai.

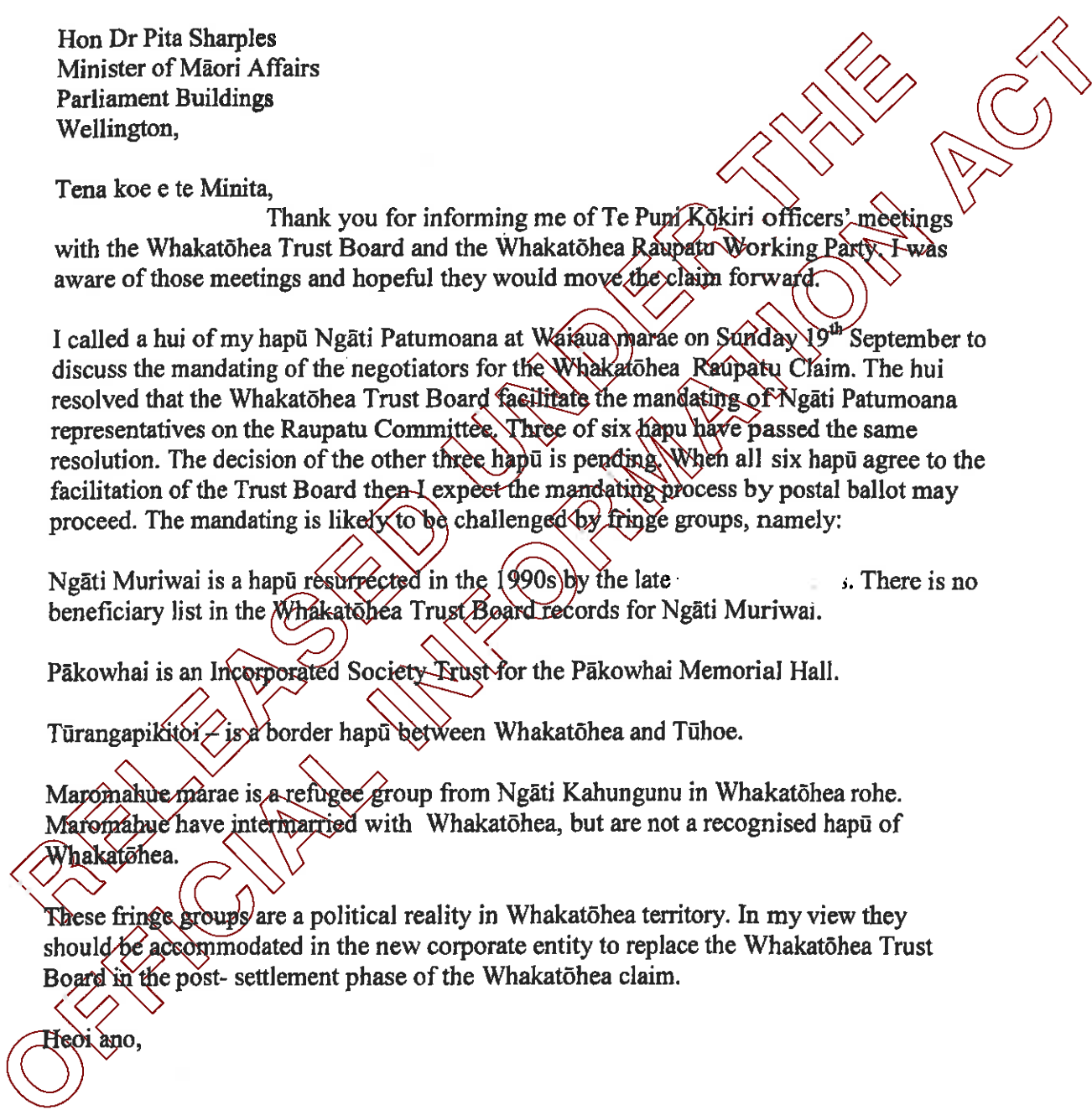
Pākowhai is an Incorporated Society Trust for the Pākowhai Memorial Hall.

Tūrangapikitōi – is a border hapū between Whakatōhea and Tūhoe.

Maromahue marae is a refugee group from Ngāti Kahungunu in Whakatōhea rohe. Maromahue have intermarried with Whakatōhea, but are not a recognised hapū of Whakatōhea.

These fringe groups are a political reality in Whakatōhea territory. In my view they should be accommodated in the new corporate entity to replace the Whakatōhea Trust Board in the post- settlement phase of the Whakatōhea claim.

Heoi ano,





## Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau

Minister of Māori Affairs

Associate Minister of Corrections

Associate Minister of Education

3 0 SEP 2010

Tēnā koe

I thought it would be timely to update you on the engagement my officials have had with the Whakatōhea Māori Trust Board and Whakatōhea Raupatu Working Party since meeting with you in March 2010.

Te Puni Kōkiri has been in regular contact with both parties. Most recently, they met with representatives from the Trust Board in Wellington on 15 September and with the Working Party and the Upokorehe Settlements Trust in Ōpōtiki on 20 September 2010. Office of Treaty Settlements officials also attended the hui on 20 September. As part of this engagement, officials have let both parties know that I am willing to be involved in a hui to discuss how we can progress negotiations. Officials have also noted to all parties that they are keen to move ahead with a mandate and await further information from them about which entity is best placed to progress this.

I understand that you called a meeting on 19 September to discuss Whakatōhea's mandate, and am interested to know the outcome of this meeting.

I will also write to the Trust Board to make the offer of my being involved in a hui to discuss how to progress the mandate. I am keen to make progress so that Whakatōhea negotiations can be restarted afresh. Kāti mō tēnei wā.

Heoi anō

  
nā Hon Dr Pita R Sharples  
Minister of Māori Affairs



**Lauren Keenan**

---

**From:** Katy Te Amo  
**Sent:** Tuesday, 2 November 2010 10:21 a.m.  
**To:**  
**Cc:** Tom White; Lauren Keenan  
**Subject:** 24th October hui - observers notes  
**Attachments:** SP01-L06-KO10110209290.pdf

Kia ora

Please find attached the observer notes from the hui held 24<sup>th</sup> October at Waiaua Marae. Thank you again for allowing me the opportunity to attend.  
If you wish to discuss further please feel free to contact me.

Ngā mihi, nā

Katy

**Katy Te Amo**  
Te Puni Kōkiri | 143 Lambton Quay | Wellington  
: [teaka@tpk.govt.nz](mailto:teaka@tpk.govt.nz)

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*This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.*

**MANDATE STRATEGY INFORMATION HUI OBSERVER REPORT:**

<b>Iwi</b>	Ngāti Patumoana, Whakatōhea		
<b>Location</b>	Waiaua Marae, Ōpōtiki		
<b>Date</b>	Sunday 24 <sup>th</sup> October 2010		
<b>Start time</b>	10.15am	<b>Finish time</b>	12pm
<b>Presenter</b>	Dean Flavell (DF)		
<b>Minute taker</b>	Jim Richardson		
<b>Observer(s)</b>	Katy Te Amo (TPK, Wellington) The observer was given the opportunity to introduce herself and her role.		
<b>Attendance</b>	Approximately 25 adults		
<b>Purpose</b>	To provide information in relation to moving towards a mandate strategy		
<b>Presentation</b>	<p>The hui was opened and closed with karakia by Kaumātua John. Before commencing with the presentation, DF shared some of his experience in the Treaty settlement sector and his whakapapa.</p> <p>DF presented a powerpoint presentation (as attached). The presentation was closely followed, with the additional information provided for the following slides:</p> <p><u>Background</u></p> <p>The Crown recognises Whakatōhea as a viable LNG.</p> <p>The claimant definition comprises of the descendents who affiliate to the marae and hapū with the Whakatōhea rohe. The claimant definition is to be inclusive.</p> <p>In 2004 a hui-a-iwi resolved that the treaty settlement process for Whakatōhea will be hapū driven and inclusive. The Working party has been proceeding on that basis.</p> <p>The Crown will need to be involved in the development of the mandate strategy.</p> <p>DF noted that there are a lot of Whakatōhea whānau living in the bigger city centres such as Auckland and Wellington, and they'll need to be informed as well.</p> <p><u>Purpose</u></p> <p>The goal is to present a mandate strategy for agreement.</p> <p>DF explained that comprehensive means a final settlement of claims.</p> <p>Attendees were informed that there are approximately 18 claims. Every hapū has lodged one, some have been lodged by whānau</p>		

and Wai 87 is a Whakatōhea wide claim. Raupatu is the cornerstone of Wai 87, but it also incorporates some later grievances such as the Public Works Act.

#### Wai claims

This slide listed the Wai claims, including the claim title and claimants.

DF noted that the Working Party has engaging directly with claimants so that all can move as one.

#### Mandate strategy model

Attendees were informed that negotiators will be chosen from within the iwi and based on their skills. DF noted that Tapuika currently has four negotiators.

A communications plan will be integral in ensuring all the 'cogs' work well. DF explained that obtaining a mandate is not the end of the road – that mandate needs to be maintained. One mechanism to assist with communications is people registering with the working party so they are able to keep the claimant community informed.

#### Way forward – Targets

1. Deed of Mandate process agreed by December 2010
2. Mandated entity enter negotiations with the Crown
3. Familiarisation of Wai 87

DF shared that the past 14 years have been a difficult road for Whakatōhea regarding their claims. The Working Party is trying to bring that to an end.

Attendees were informed that the meetings with Crown officials (TPK and OTS) and the Whakatōhea Māori Trust Board have been positive so far.

#### **Further information provided outside of the presentation:**

DF also gave an update on the Te Kōkiri Ngātahi hui which had recently taken place.

Some further explanation was provided by DF and Adrianna in relation to Wai 87. It was explained that the foundation of Wai 87 has not changed, it has only been enhanced, and now rather than the claimant name being 'tipuna' there are now Kaumātua names listed. A more thorough document detailing Wai 87 was shared with attendees.

Attendees were told that a request has been made by the Working Party to meet with the Whakatōhea Māori Trust Board to discuss the mandate strategy model. It was noted that if the two entities can work together then that is a positive way forward. The two entities need to come to an understanding. DF acknowledged that the Trust Board has a purpose, but not necessarily for treaty negotiations.

Tom Beninion and Charles Hirschfield are the Counsel.

*This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.*

	<p>A website will be live in the very near future. The registration form will be available via the website. To date the Working party have been sending the registration forms to the hapū representatives to give to whānau.</p> <p>The registration forms will be validated by the relevant Kaumātua of each hapū.</p>
<p><b>Questions and Comments</b></p>	<ol style="list-style-type: none"> <li>1. Has there ever been a Trust Board as the mandated entity for treaty settlements?             <ol style="list-style-type: none"> <li>A. No. A Trust Board (such as the Whakatōhea Māori Trust Board) is established under legislation, and in a way is the Crown.</li> </ol> </li> <li>2. Some clarification was sought from an attendee in regards to the registrations. It was clarified that the registration forms DF was referring to is a registration process separate from the Whakatōhea Māori Trust Board.</li> <li>3. One attendee raised some concern that the claimant definition isn't comprehensive enough as it doesn't incorporate hapū that existed before the 19<sup>th</sup> Century. The attendee claimed to have documented evidence detailing the hapū. Her comment was acknowledged.</li> </ol>
<p><b>Other comments</b></p>	<p>The hui was conducted in an open and fair manner. Attendees were encouraged to ask questions or seek clarification on any matters.</p>

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30 November 2010

Te Ūpokorehe Treaty Claims Trust

Tēnā koe

**Whakatōhea Treaty Settlement**

Thank you for your letter of 5 November 2010 to Lillian Anderson and myself. Lillian has asked that I respond on behalf of both our agencies to your letter. Please accept our condolences for the passing of Rocky Ihe.

The Crown considers Whakatōhea a Large Natural Group for Treaty settlement purposes, and further considers that Te Ūpokorehe sits within this. It is not the Crown's position that Te Ūpokorehe is necessarily one hapū of Whakatōhea. The status of groups within Te Ūpokorehe is an internal matter for Te Ūpokorehe and Whakatōhea to resolve. We will work to ensure, however, that any entity that achieves a mandate to progress Whakatōhea's settlement adequately represents Te Ūpokorehe and its constitute groups, and that Te Ūpokorehe's members are generally satisfied with the mandated entity.

As noted in earlier correspondence, Te Puni Kōkiri are willing to meet with you to discuss this matter further. Please contact myself on [whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz) or discuss the practicalities of such a meeting.

Nāku noa, nā

Tom White  
Policy Manager  
Te Puni Kōkiri

Te Puni Kōkiri

Te Puni Kōkiri House, 143 Lambton Quay, PO Box 3943, Wellington, New Zealand  
PHN Waea 04 819 6000 FAX Waea Whakaahua 04 819 6299



5 November 2010

Lillian Anderson  
[Lillian.Anderson@justice.govt.nz](mailto:Lillian.Anderson@justice.govt.nz)

Tom White  
[whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz)

Tēnā korua,

Firstly, thank you for your letter of 27 September 2010 regarding the hui held at Maromahue marae. Unfortunately a few days following that meeting, one of our newly appointed Trustees, \_\_\_\_\_, passed away suddenly. Consequently, there has been some delay in responding to the issues you raised.

In your letter the following points were raised:

- That our letter of 19 September was not received by you in time for you to reply to us prior to the hui on the 20 September.
- That at the hui you heard our views on the Whakatōhea mandate
- That for Treaty settlement purposes, the Crown considers Te Whakatōhea to be a Large Natural Grouping, and that Ūpokorehe is a hapū of Whakatōhea
- That Te Puni Kōkiri officials are available to meet with the Trust should that be helpful.

The Trust wishes to clarify that it was unaware of the proposed Crown visit to Ngā Uri o Te Ūpokorehe hapū and marae on the 20 September until receipt of a text from \_\_\_\_\_ on 18 September. Furthermore Maromahue marae was unaware of your proposed visit to their marae. Consequently we had little opportunity to correspond with you on the matter.

The purpose of the Te Ūpokorehe Treaty Claims Trust attending the hui at our marae was not to express our views on matters relating to the progression of Te Whakatōhea's mandate, but to purely state our position as the legally mandated entity of Ngā Uri o Te Ūpokorehe, and to oppose the hui that had been organised by individuals within our rohe without the knowledge or consent of Ngā Uri o Te Ūpokorehe hapū or marae.

The Te Ūpokorehe Treaty Claims Trust appreciates that for Treaty claims purposes, the Crown prefers to negotiate with a Large Natural Grouping. However it is our position that Ngā Uri o Te Ūpokorehe is a large natural grouping in its own right, comprised of the following five hapū and marae:

Ngā Uri o Te Ūpokorehe is yet to have our Treaty Claims heard and the placing of Ngā Uri o Te Ūpokorehe as one hapū of Whakatōhea by the Crown, is a grievance we have identified. To refuse to see Ngā Uri o Te Ūpokorehe as anything but one hapū of Te Whakatōhea perpetuates this grievance.

In closing, we thank you for your offer to meet. We would like to meet with you and look forward to doing so.

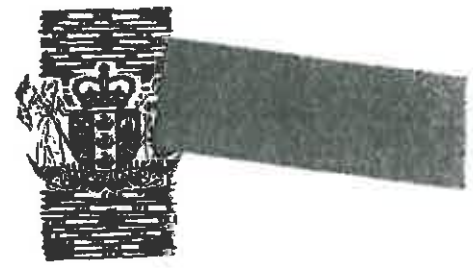
Finally, we would appreciate that all communications regarding Ngā Uri o Te Ūpokorehe between Office of Treaty Settlements, Te Puni Kōkiri, the Whakatōhea

Māori Trust Board, Ministers and/or any other party be ccd to our Trust and legal counsel!

Nāku noa na

Te Ūpokorehe Treaty Claims Trust

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27 September 2010

Te Ūpokorehe Trustees  
C/-

Tēnā koutou

Thank you for your letter of 19 September 2010 addressed to Lillian Anderson (copied to Tom White) which was presented to Jonathan Easthope at Maromahue Marae on 20 September, and your counsel's email to Lillian dated 17 September 2010. We regret that we did not receive your letter of 19 September in sufficient time to reply prior to the 20 September hui. We thank you for attending this hui, however, as it was of great benefit to us to meet with you and hear your views on matters relating to the progression of Whakatōhea's mandate.

Whakatōhea is currently considered to be a Large Natural Group for Treaty settlement purposes, and we consider Te Ūpokorehe to fit within this group. We acknowledge that it is important for Te Ūpokorehe to have a voice within this grouping, and will continue to encourage any entity seeking the mandate to represent Whakatōhea in Treaty settlement negotiations to adequately provide for this voice. Te Puni Kōkiri officials are able to meet with members of the Te Ūpokorehe trustees to discuss this matter further if required.

Please do not hesitate to contact Tom White on ∴ you would  
like to set up a meeting, or have any questions in the meantime.

Tom White  
Manager  
Te Puni Kōkiri

Lillian Anderson  
Deputy Director  
Office of Treaty Settlements

cc: Tania Ott, Manager, Office of Treaty Settlements  
cc: Jonathan Easthope, Senior Analyst, Office of Treaty Settlements



**Lauren Keenan**

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**From:** Tom White  
**Sent:** Wednesday, 22 September 2010 4:33 p.m.  
**To:** Lauren Keenan  
**Subject:** FW: Te Upokorehe Treaty Claims Trust  
**Attachments:** letter to OTS.doc

Tom White  
Manager, Policy Wāhanga  
Te Puni Kōkiri  
04 819 6140/027 245 3861

-----Original Message-----

**From:** [tom.white@justice.govt.nz](mailto:tom.white@justice.govt.nz)  
**Sent:** Sunday, 19 September 2010 11:58 p.m.  
**To:** [lillian.anderson@justice.govt.nz](mailto:lillian.anderson@justice.govt.nz)  
**Cc:** Tom White  
**Subject:** Te Upokorehe Treaty Claims Trust

Tena koe Lillian,

Please find attached a copy of a letter from the Trustees of Te Upokorehe Treaty Claims Trust, noting Te Upokorehe Hapu and the Upokorehe Treaty Claims Trusts concerns regarding a hui that is set to take place this Monday 20 September 2010 with the Office of Treaty Settlements and Te Puni Kokiri Officials in our rohe of Te Upokorehe Hapu, without the express consent or knowledge of nga Kaumatua katoa, me nga Marae katoa o Te Upokorehe Hapu.

We would like to further advise the Office of Treaty Settlements that the persons responsible for arranging this hui, do not have the support or mandate of Te Upokorehe Hapu to engage and negotiate with the Crown.

Te Upokorehe Treaty Claims Trust are the mandated legal entity to represent Te Upokorehe for all Treaty Claims within Te Upokorehe rohe, and were recently appointed on Saturday 12 September 2010 to drive this kaupapa and in the process protect our mana whenua and mana moana.

We strongly urge the Office of Treaty Settlements and other crown officials not to attend the hui this Monday 20 September 2010, as it does not have the support of the hapu or kaumatua.

We look forward to working with the Office of Treaty Settlements toward progressing and settling our Te Upokorehe Claims.

Please refer all responses to the trust via our Legal Counsel - [tom.white@justice.govt.nz](mailto:tom.white@justice.govt.nz) at

No reira, tenei te mihi ki a koe.

Naku noa na

Upokorehe Treaty Claims Trust Trustee  
on behalf of Upokorehe Treaty Claims Trust and Upokorehe Hapu kaumatua/kuia and Marae.

19 September 2010

Lillian Anderson  
Office of Treaty Settlements  
PO Box 919  
WELLINGTON

Lillian.anderson@justice.govt.nz

Tēnā koe,

Re: Te Ūpokorehe Treaty Claims Trust

As trustees of the Te Ūpokorehe Treaty Claims Trust (referred to as the Trust) we are writing to inform you that Te Ūpokorehe have as recently as Saturday 18 September been informed by text from that a meeting with Crown Officials has been scheduled for Monday 20 September 2010 in Te Ūpokorehe rohe.

Te Ūpokorehe strongly object to and associates and/or individuals purporting to represent Te Ūpokorehe Hapu, inviting Crown officials to Te Ūpokorehe rohe for their own personal agendas to drive the Wai 87 claim without the express consent of all Marae, and all Kaumatua of Te Ūpokorehe. Furthermore, Wai 87 does not represent the mana moana and mana whenua claims of Te Ūpokorehe.

The Trust understand that incorporated into the agenda for the Crown's visit on Monday are visits to Marae within our rohe, without the express consent from each Marae (Marae- hau kainga/ahikaa are not aware of the visit), and without consultation with all kaumatua of Te Ūpokorehe and the Trust. The Trust further advise that this action is a direct violation of Te Ūpokorehe tikanga.

The Trust is concerned that the Office of Treaty Settlements and Te Puni Kōkiri have been brought into Te Ūpokorehe rohe under false pretences, in that a handful of individuals have made contact with the Crown on their own behalf; and not on behalf of Te Ūpokorehe. The Trust and the wider hapu of Te Ūpokorehe, totally rejects the actions of these individuals purportedly representing Te Ūpokorehe.

Furthermore, the Trust advises that they are the legally mandated entity of Te Ūpokorehe to engage with the Crown for all Treaty related matters within Te Ūpokorehe rohe.

The Trust strongly advises that it is in the best interests of all concerned that the proposed visit does not occur, and that all Treaty matters within the rohe of Te

Ūpokorehe rohe be discussed directly with the Trust, who was mandated by Te Ūpokorehe at a Te Ūpokorehe Hapu hui.

The Trust and Te Ūpokorehe hapu will not be bound by any arrangements made between [redacted] and the Crown.

We would ask that any further contact by the Crown regarding Treaty issues within the rohe of Te Ūpokorehe be made to the Trust and/or our legal counsel,

Naku noa na

Te Ūpokorehe Trustees

Cc Tom White: [whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz)

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OFFICIAL INFORMATION ACT

16 December 2010

Te Upokorehe Treaty Claims Trust

Chairperson  
Whakatohea Maori Trust Board

Tena koutou katoa,

The Te Upokorehe Treaty Claims Trust is writing to advise that:

- a) Nga Uri o Te Upokorehe has established the Te Upokorehe Treaty Claims Trust as the only legally mandated body to progress all Treaty issues for Nga Uri o Te Upokorehe.
- b) Te Upokorehe Treaty Claims Trust advises the Board that Nga Uri o Te Upokorehe will negotiate any ongoing facilitation issues with Whakatohea and other groups, once Nga Uri o Te Upokorehe has achieved its own mandate.
- c) Following the Fisheries meeting at which [redacted] advised our hapu that the Board was seeking legal advice to remove itself from the Trust Board's Act, we sought advice from our Board member as to whether this matter had been progressed. We were informed that the Board Chair had sought advice as to whether the Board could become a private entity with the potential to receive Treaty settlement Crown assets, and was waiting for a response from the Crown.
- d) The Trust does not support the current Whakatohea Maori Trust Board removing itself from the Trust Board Act to become a private entity to receive Post Settlement Governance Assets. Furthermore, we wish to state that Nga Uri o Te Upokorehe has already discussed a number of options as to what a Post Settlement Governance Entity could look like.
- e) Once we have finalised a mandate strategy for consideration by Nga Uri o Te Upokorehe we would like to meet with you.

Naku noa na

Te Upokorehe Treaty Claims Trust

cc Tom White, TPK, Rachel Jones, TPK, Lillian Anderson OTS

**Lauren Keenan**

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14

**From:** [l.keen@justice.govt.nz](mailto:l.keen@justice.govt.nz)  
**Sent:** Tuesday, 1 March 2011 6:16 p.m.  
**To:** Tom White; Lauren Keenan; lillian.anderson@justice.govt.nz; Rachel Jones; jonathan.easthope@justice.govt.nz  
**Cc:** [l.keen@justice.govt.nz](mailto:l.keen@justice.govt.nz)  
**Subject:** FW: Progressing the Treaty Claims of Nga Uri o Te Upokorehe and Te Whakatohea.doc  
**Attachments:** Progressing the Treaty Claims of Nga Uri o Te Upokorehe and Te Whakatohea.doc

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Tena koutou katoa,  
Please find attached a position paper that the Te Upokorehe Treaty Claims Trust requested our Whakatohea Maori Trust Board representative table at the recent Board meeting on Saturday. The position paper and proposed way forward was warmly received by the Board.

Naku noa na.

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## Progressing the Treaty Claims of Ngā Uri ō Te Ūpokorehe and Te Whakatōhea

A position paper from the Te Ūpokorehe Treaty Claims Trust to the Whakatōhea Māori Trust Board.

### Background

*Why is it Ngā Uri ō Te Ūpokorehe do not want the Whakatōhea Maori Trust Board to facilitate or represent them?*

This is a structural issue that perpetuates an existing injustice to our people. The Whakatōhea Māori Trust Board Act does not include or represent in any way four out of the five hapū and marae within Ngā Uri ō Te Ūpokorehe. The facilitation document tabled at a recent Board meeting for our Board representatives to discuss with us is one of a number of examples that exclude all but one of our five hapū and marae. This means in terms of the current decision making process, they are all but invisible on key decisions affecting their rohe and their people at the Board table. This is another grievance where government legislation impacts and determines who we are as Ngā Uri Te Ūpokorehe.

As a consequence of this structural invisibility going back over half a century, there is a significant knowledge and information gap between the Board and the hapū and marae of Ngā Uri ō Te Ūpokorehe, our grievances and histories.

Our kaumatua have strongly advocated for proper representation of all five hapu and marae within te rohe o Te Ūpokorehe, throughout the Treaty claims process.

As a consequence of this long held view within the hapū, the hapū established the Te Ūpokorehe Treaty Claims Trust, to oversee and manage all aspects of our Treaty Claims.

### Trust position

The Trust does not believe the differing positions of both Ngā Uri ō Te Ūpokorehe and the Whakatōhea Maori Trust Board need create an impasse. Rather, it is our view that this strengthens our position as a whole. It is important to remember that there is more than Wai 87 on the table. Three further claims sit within Ngā Uri ō Te Ūpokorehe and focus on other issues as well as raupatu, such as breaches impacting on the Ōhiwa harbour, customary title, our seabed and foreshore, claims regarding freshwater, the Tāhora Block, activities of the Māori Land Court, to name some of the issues identified.

The Trust does not believe there needs to be competition between Te Ūpokorehe and the Whakatōhea Maori Trust Board or the chosen entity to progress the Whakatōhea claims.

The Te Ūpokorehe Treaty Claims Trust wishes to reach accommodation with the Whakatōhea Māori Trust Board in which the Board, or chosen entity, acknowledges the Te Ūpokorehe Treaty Claims Trust as having the mandate to facilitate and progress the Ūpokorehe claims, should that be secured; and the Trust in turn acknowledge that the Whakatōhea Māori Trust Board has the mandate to facilitate and progress the Whakatōhea claims, should the Board secure that.

To be clear, the Te Ūpokorehe Treaty Claims Trust will progress the issue of mandate within Ngā Uri o Te Ūpokorehe in a way that is appropriate for Ngā Uri ō Te Ūpokorehe and acknowledge the right of Whakatōhea to do likewise. Once that has occurred we propose that both groups then come together to comprise the Large Natural Grouping to progress ALL the claims that sit within our rohe.

We believe that with good will on both sides, this can be achieved. Importantly let us also acknowledge up front that at times there will be mistakes, but if we are forgiving of each other, and concentrate on the big picture of what settlement looks like for both Te Whakatōhea and Ngā Uri ō Te Ūpokorehe, we can all move forward together.

### **Way forward**

In the interim, the Trust believes it is important that both the Treaty Claims Trust and the Whakatōhea Māori Trust Board jointly develop and agree on protocols that enable both groups to work together throughout the process with equity, transparency and integrity, in order to ensure that, collectively, we re-build unity and trust within all our hapu and marae for the Treaty Claims environment. This is critical in order to move forward into a new future in which all of our people can see themselves.

In order to progress this matter, the Trust proposes the following resolutions:

1. That the Te Ūpokorehe Treaty Claims Trust and the Whakatōhea Māori Trust Board agree to meet and develop protocols that enable both groups to work together throughout the process with equity, transparency and integrity, in order to ensure that, collectively, we re-build unity and trust within all our hapu and marae for the Treaty Claims environment.
2. That this is progressed through a hui of both parties, the date to be mutually agreed.

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**Jessica Smith**

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15

**From:** Jade Wikaira (MIN) [Jade.Wikaira@parliament.govt.nz]  
**Sent:** Tuesday, 15 March 2011 12:06 p.m.  
**To:** SS - Ministerials  
**Cc:** Jeanie Polwart (MIN); Temp1 Sharples (MIN)  
**Subject:** 513 INFO: Letter to Hon Pita Sharples -Update  
**Attachments:** Letter Hon Pita Sharples 9.03.2011.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** .  
**Sent:** Wednesday, 9 March 2011 3:58 pm  
**To:** Parearau Black (MIN)  
**Cc:** Tom White; Lauren Keenan;

**Subject:** Letter to Hon Pita Sharples -Update

Āhīhi nui kia koutou katoa

Please find attached our letter to the Minister Hon Pita Sharples with an update of where we are at regards meeting with the Board and other interested parties.

Regards

Nga Pakeke

Te Whakatohea Raupatu  
Working Group

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OFFICIAL INFORMATION ACT



Members of Whakatohea Raupatu Working Party & Wai 87  
\*\*\* / & nga Pakeke  
Chairman Working Party

Raupatu Admin Office

Email: :  
Ph: '  
Cell: 0

8<sup>th</sup> March 2010

Hon Dr Pita Sharples  
Minister of Maori Affairs  
Parliament Buildings  
WELLINGTON

Tena koe e te Minita

Hon Peter Sharples

Minister

We would like to up date you of where we are at with regards to meeting with the Board.

, father passed away recently, our condolences go out to her for this sad loss to their whanau.

Presently we are waiting on the Board who we understand has received a request from Te Upokorehe Trust to meet with the Board before the Board meets with the Working Group. Thus I/we have been informed the Boards intention is to meet with Upokorehe, at this stage.

We consider Te Upokorehe hapu-blood kin groupings, five groups in all a significant group. Te Upokorehe Trust represents two of these hapu for the Treaty Claim process.

Therefore we consider it beneficial for all parties to be in the same room inclusive of the full Board representation being present. It is important that we strive towards unity within Te Whakatohea where all groups can be on an equal par in moving forward as an iwi.

As mentioned before, the role of the Working Party which accommodates representation from all these groups who have a claim within Te Whakatohea is to progress to the Deed of Mandate stage.

In addition the Working Party is responsible for the mandate strategy document and as such is required to set up the pre-settlement trust.

To reiterate again we welcome a Crown representative facilitated-discussion with the Board and other interested parties regarding these matters and ways in which we might co-operate.

Yours Sincerely

Nga Pakeke Claimants

cc: Tom White Te Puni Kokiri  
Lauren Keenan Te Puni Kokiri  
Chairman Te Whakatohea Maori Trust Board  
Manager Te Whakatohea Maori Trust Board  
& Whakatohea Board Members  
Legal Counsel Wai 87  
Legal Counsel Wai 1794  
Legal Counsel Te Upokorehe Trust

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OFFICIAL INFORMATION ACT

**Lauren Keenan**

16

**From:**  
**Sent:** Friday, 1 April 2011 9:20 a.m.  
**To:**  
**Cc:** Charl Hirschfeld; Tom White; Lauren Keenan; Jonathan Easthope;

**Subject:** Statement of Position Wai 87 Working Group  
**Attachments:** Statement of Position Wai 87 Working Group 1 April 2011[1].docx

Tena tatou

For your information attached is the Wai 87 and the Working Party Group Statement of Position.

Nga Mihi nui

(on behalf)  
; WAI 87 &  
Nga Kaumatua

Te Whakatohea Working Party Group

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Members of Whakatohea Raupatu Working Party  
WAI 87  
Chairman Working Party

Raupatu Admin Office

1 April 2011

Email:

Ph:

Cell:

#### **STATEMENT OF POSITION BY WAI 87 THE CURRENT WORKING PARTY GROUP.**

In response to the Minister the Honourable Peter Sharples' request to meet with Te Whakatohea Iwi pending the meeting of the Wai 87 Working Party Group and the Whakatohea Maori Trust.

As requested on numerous occasions the Working Party Group are keen to meet with the WMTB and all interested parties at your earliest convenience.

We need to all be aware of the economic climate with the impact of the Canterbury Earthquake, rising costs of oil and commodities as well as what is happening globally like the earthquake in Japan. There is no doubt that this will impact on us. With this in mind it is imperative that we work together to achieve a 'Mandate' that the Crown recognizes.

The Minister Hon Dr Pita R Sharples in his letter of 25 January 2011 stated:

*'before a mandate can be recognized, Whakatohea must reach a broad agreement on which entity will progress the claim. The Whakatohea Raupatu Working Party along with the Whakatohea Maori Trust Board and other interested parties will all have the chance to participate in this process. It is not until this broad agreement is reached that the mandate may progress.'*

For example any one group either the Trust Board, or the Working Party can delay the process by not meeting and working collaboratively to achieve a mandate.

#### **The Whakatohea Maori Trust Board and Upokorehe Trust Planned Meeting**

We understand the WMTB has opted to meet with the Upokorehe Settlement Trust before they meet with ourselves the Wai 87 Working Group.

We respect the right of The Board and Upokorehe to do this however we must make our position clear:

We cannot and will not support Upokorehe Trust (representing Roimata and Rongopopia) having an 'independent mandate' for their treaty claims separate from Te Whakatohea within whose boundaries they reside.

**Furthermore:**

Our research indicates that Upokorehe is not an iwi in their own right the current research has substantiated this. Upokorehe Hapu was a Crown created -concept as such is a grievance -in itself.

The hapu at Ohiwa – te rohe o Kahuki largely descend from Tuhoe, Kahungunu all intermarried into Te Whakatohea. They have always chosen to shelter under their Te Whakatohea lineage.

As well all the hapu o Te Whakatohea can largely claim whakapapa into the Ohiwa area. Therefore all decisions pertaining to Raupatu / Confiscation grievances including the boundaries, rivers, harbours are a Te Whakatohea Iwi Claim grievance.

We acknowledges that all hapu have the right to be represented in the Pre- Settlement Trust. Te Puni Kokiri and the Office of Treaty Settlements have maintained and advised us time and again that they support the Large Natural Grouping to achieve the mandate.

**-CURRENT POSITION**

**The Wai 87 Working Party is the only group mandated by the iwi to produce the Mandating and Pre Settlement Trust Documents. The Working Party is a forum that is open for all hapu representatives and interested parties in Te Whakatohea to participate in the process.**

1. The Working Group have completed a Mandate Strategy Document .
2. The Working Group have completed a Trust Document.
3. Both documents can be amended or modified as the iwi requires - pending the meeting with the WMTB.

**Wai 87 Proposal for working together:**

A Deed of Mandate with every hapu at the table.

We work to achieve consensus. But where there is a deadlock (a state where there are opposing views among 1 or more hapu which simply cannot be reconciled) a 75% vote is required.

Yours Sincerely

Nga Kaumatua Claimants

cc: Office Treaty Settlements

Te Puni Kōkiri

Legal counsel Wai 87, Wai 2160 Ngati Muriwai

Legal counsel Wai 1794 Turangapikitōi

Chairman Te Whakatohea Maori Trust Board

Manager Te Whakatohea Maori Trust Board

Te Whakatohea Working Party Members

Nga Hapu katoa o Te Whakatohea

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**Whakatōhea Māori Trust Board**

3 May 2011

Te Puni Kōkiri  
Attention: Tom White

Tēnā koe Tom,

**RE: Hapū request for meeting date with Whakatōhea Māori Trust Board**

I am writing to give you an update on the outcome of meetings that have been held with the Whakatōhea Māori Trust Board (the Board).

The Board is clear on its position and has been so for the last 12 years in respect of "Raupatu", hapū have clearly signalled that hapū want to drive the settlement process, therefore, the Board has not interfered, however, a consequence of hapū driving the Raupatu process, is that it has drifted for some time.

The Board clearly has a role in the settlement process as the current assets of the Board belong to the beneficiaries of Whakatōhea, and it would be remiss and a total shambles if two Board's or Trusts existed within this small community with the same beneficiaries.

To date we have met with the Te Upokorehe Treaty Claims Trust (TUTCT) who has provided an outline of their trust, and the process they have used to form this trust as well as a resolution passed at their hapū meeting. They requested a meeting with the Board of which we did on Sunday the 1 May and they are requesting another meeting with all the hapū within Whakatohea, these meetings will be taking place shortly.

On the day, three of the hapū indicated they will be happy to meet with the TUTCT to progress the claims forward.

As you may be aware, four hapū have come to the Board to request the Board facilitate. A facilitation document was provided to all 6 hapū of the Board, of this six, four hapū are meeting to clarify some points in the document. The two other hapū, 1 being Ngai Tama is not included because it has its own position, and the other hapū is made up of the TUTCT. Hopefully these meetings will take place within the next two weeks.

I am aware that there are other claimant groups as well, and we remain open to meeting with these parties as they see fit

Tom, we also met in the afternoon of the 1 May with the working party and clarified a number of points and also suggested that they call a meeting with the TUTCT trust and with hapū individually, given that five hapū are not willing to sit at the working party table.

The Board, hapū and ngā uri katoa o Te Whakatōhea want a positive outcome in relation to our settlement, and all agree that we need to move forward, there is no procrastination by the Board but a general desire to see a solution to a long and enduring process, however long this take.

I have called your office to give you an update and I am happy for you to contact me in relation to this letter.

Heoi anō  
Whakatōhea Māori Trust Board

General Manager

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Whakatōhea Māori Trust Board

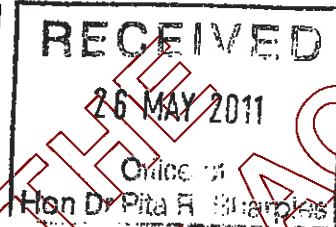
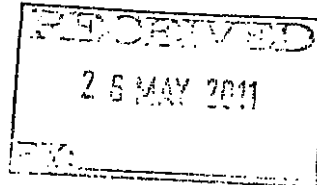
Tel: 06 336 1111

Fax: 06 336 1112

18

16 May 2011

Dr Pita Sharples  
Minister of Māori Affairs  
Parliament Building  
Molesworth Street  
WELLINGTON



1269

Tēnā koe e te Rangatira

RE: Hapū mandate

I am writing this letter in response to a number of letters and emails being sent to your office Minister, as well as the Office of Treaty Settlement and others in respect of Whakatōhea Treaty Claims, and to clarify the Whakatōhea Māori Trust Boards (the Boards) position again.

#### Historical background

Since the first settlement failure of 1996 where a proper mandate strategy was not followed, Whakatōhea have been trying to resolve their issues internally. Hapū have met continuously over the past 15 years regarding Raupatu issues, unfortunately little movement has occurred. Hapū have also indicated quite strongly that they have not wanted the Board to participate, but be the financial vehicle to enable Raupatu to be completed. The Boards position has been to identify the appropriate collective group before any funding will be provided, this position still stands.

The Board has heard the hapū stance and has remained in waiting until hapū had a strategy in place. At a meeting held on the 26 August 2007, the Te Ara Tono Document was approved at an iwi meeting. This document was process driven and had the consent of those present. This seemed to be the way forward, however, in March 2008, there were issues in regards to the Working Party not following the processes as agreed and a Crown observer was called in to facilitate.

Today the Board is still waiting, and has been accused of trying to seek a mandate, not want a mandate or seeking a separate mandate, this is not the case.

#### Board position

At a Board meeting held on the 16 October 2010, two hapū approached the Board and requested the Board facilitate the Raupatu process on their behalf; this was further followed by two other hapū. Since then, all hapū have received a discussion document as to what facilitation may mean, and the Board has further met to discuss how the Board and the 4 hapū will work together.

On the 1<sup>st</sup> of May the Board met with Te Upokorehè Treaty Claims Trust (TUTCT) which was very productive and clarified a number of issues that had been raised in letters received from the WAI 87 & Te Whakatōhea Iwi Working Party. The Board does not have a position in respect of who should or should not be at the table. The Board's view is that when a post settlement governance entity (PSGE) is selected, it should reflect the representatives of Whakatōhea.

To clarify our position in regards to a letter you have received from the WAI 87 & Te Whakatōhea Iwi Working Party on the 16 May 2011 from

The Board met with the Working Party following the meeting with TUTCT on the 1<sup>st</sup> May 2011 and the minutes of this meeting were recorded. The Board confirmed the agenda as directed by the Working Party:

- Position paper as presented by the Working Paper
- The decision to proceed with direct negotiations. Are there alternatives that need to be considered? What about groups that still want a hearing?
- The working party proposal for the negotiations body and process.
- The role of the trust board in negotiations and the future Post Governance Settlement Entity (PSGE)."

The question was asked "Is the Board seeking a mandate? Our General Manger replied the Board was not, as a Board, however, to be clear, the Board does want to assist and support a mandate strategy with the approved and appropriate group, whom ever that may be.

The Board is also clear that it currently holds \$20million in assets of the tribe, and wants to transfer these assets at legislation to the appropriate post settlement governance entity. In order for this to happen, the Board and its shared management services must be involved in some manner.

Minister, I know that you have requested to attend a hui a iwi, and at some point I hope this can still be achieved in the near future and I look forward to your response.

Heoi anō  
Whakatōhea Māori Trust Board

Chairman

Cc: Office Treaty Settlement



## Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau  
Minister of Māori Affairs  
Associate Minister of Corrections  
Associate Minister of Education

15 JUN 2011

COPY

Chairman

Tēnā koe

Thank you for your correspondence of 16 May 2011 and for keeping me updated on progress within Whakatōhea to decide which body will ultimately seek a mandate for Treaty settlement negotiations. I acknowledge your view of the Whakatōhea Māori Trust Board's role in the development of a mandate strategy with an appropriately representative body. As you are aware, I also received correspondence from Te Whakatōhea Iwi Working Party on this issue on 16 May 2011.

I am anxious that mandate and representation issues are resolved within Whakatōhea so that the iwi and constituent hapū can move into Treaty settlement negotiations in a timely manner. I encourage you to clarify the Board's position with the Working Party so that all parties are clear on their respective roles and expectations.

I consider that it is important that the various parties with an interest are able to agree on a unified approach to seek a mandate from the people of Whakatōhea for the settlement of the Whakatōhea historical Treaty claims. If the parties within Whakatōhea are able to reach agreement on a representative body to seek the mandate, Te Puni Kōkiri officials will be available to work alongside the nominated representatives to provide advice and support in relation to the mandate process.

Please contact Tom White, Policy Manager ([whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz)), or Rachel Jones, Te Moana a Toi Regional Director ([joner@tpk.govt.nz](mailto:joner@tpk.govt.nz)), to arrange a suitable time to meet and discuss further. Kāti mō tēnei wā.

Heoi anō

nā Hon Dr Pita R Sharples  
Minister of Māori Affairs



Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau  
Minister of Māori Affairs  
Associate Minister of Corrections  
Associate Minister of Education

19

COPY

15 JUN 2011

Chairpersons...

Tēnā koe

Thank you for your correspondence of 22 May 2011 related to Ngāti Rua and for informing me of your recent correspondence with Te Whakatōhea Iwi Working Party.

I am anxious that issues relating to mandate and representation are resolved within Whakatōhea so that the iwi and constituent hapū can move into Treaty settlement negotiations in a timely manner. I consider that it is important that the various parties with an interest are able to agree on a unified approach to seek a mandate from the people of Whakatōhea for the settlement of the Whakatōhea historical Treaty claims. To that end, I encourage you to continue working with Ngāti Rua and the various parties within Whakatōhea.

Please contact Tom White, Policy Manager ([whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz)), or Rachel Jones, Te Moana-a-Toi Regional Director ([joner@tpk.govt.nz](mailto:joner@tpk.govt.nz)), if they can be of any assistance. Kāti mō tēnei wā.

Heoi anō

  
nā Hon Dr Pita R Sharples  
Minister of Māori Affairs



NGATI RUA HAPU -  
Ph: C  
Email:

File Ref: MC00029-11

22 May 2011

Minister Right Honourable Pita Sharples  
House of Representatives  
Parliament Office  
Private Bag 18888  
Parliament Buildings  
WELLINGTON 6160

**RE: Te Whakatohea Working Party Correspondence 16 May 2011**

Tena koe Te Minita

Nga mihini ki a koe mai te hapu o Ngati Rua o Te Whakatohea.

This letter is to advise you that the hapu of Ngati Rua notified on the 24<sup>th</sup> of November 2010 that they did not support the activities of the Working Party that she represents.

Attached is a copy of the letter forwarded to from the hapu of Ngati Rua informing her of the position of Ngati Rua regarding the Whakatohea Raupatu Claim. Ngati Rua also supports the position of Ngati Ngahere of Te Whakatohea which was communicated to you earlier this month by the chairperson of the hapu committee.

Ngati Rua, like Ngati Ngahere, wishes to inform you that we consider that continues to misrepresent herself and the working party to which she belongs. Ngati Rua is the largest Whakatohea hapu, it represents over a third of the ten thousand registered membership of the iwi<sup>1</sup>. Ngati Rua withdrew its support for the working party to which is aligned sometime ago and have advised her of this both in writing and in public fora held within the rohe of Whakatohea. The hapu committee is more than happy to provide records of this if and when required. Despite our efforts, however, she continues to state that she has the support of the

<sup>1</sup> Whakatohea Maori Trust Board AGM 21.05.11



NGATI RUA HAPU

Ph:

Email:

File Ref: MC00029-11

hapu ahikaaroa of Te Whakatohea. Ngati Rua are currently in discussion with the Whakatohea Maori Trust Board with the view to consolidating their role in supporting the hapu of Whakatohea through the facilitation of the Raupatu Claim.

Ngati Rua remains unconvinced that [redacted] and the current Whakatohea Working Party have followed the Te Ara Tono Guidelines, the raupatu implementation process adopted by the iwi in 2003. It clearly states in Te Ara Tono that the raupatu is a hapu driven process and the original Whakatohea Raupatu Working Party was established under these guidelines.

Ngati Rua concurs with Ngati Ngahere for the reasons outlined in their correspondence to you that most of the main hapu of Whakatohea have lost confidence and trust in the current Working Party and I [redacted] as they have deviated from these guidelines.

Further more [redacted] considers that the WAI 87 claim that she fronts is a property right that she has inherited from her father [redacted] and she has amended it without consultation with Ngati Rua or any of the main hapu of Te Whakatohea.

The hapu of Ngati Rua has in its ranks kaumatua and kuia who were part of the original raupatu claim during the time that [redacted] was the claimant. These kaumatua include [redacted], one of the foremost authorities on Whakatohea tikanga and history and Isaac Mareroa, current chairman of the Omarumutu Marae Trustees and one of the oldest kaumatua of Ngati Rua hapu. Both these kaumatua were former trust board members during the time [redacted] was chairman of the Whakatohea Maori Trust Board and intimately involved in the raupatu proceedings at that time. Guidance has also been provided by kuia of Ngati Rua including [redacted], who attended the original Deed of Settlement signing at parliament in the 1980s.

Consultation with our kaumatua by [redacted] regarding amendments to WAI 87, has been lacking despite their considerable expertise in this matter. [redacted] has been misquoted by [redacted] regarding the current claim and; along with [redacted], are not represented in the Nga Kaumatua Signatories Claimant Group she has attached to her correspondence to you. Ngati Rua is confident that the hapu continues to be guided by kaumatua and kuia with expertise in the raupatu claim and this is evidenced in all the minutes of the monthly Ngati Rua hapu hui held over the last twenty years.



NGATI RUA HAPU -  
Ph:  
Email: ,

File Ref: MC00029-11

In closing the hapu of Ngati Rua are more than happy to furnish you with the records and documentation to support this correspondence. We wish to assure you that, Ngati Rua, along with other hapu of Whakatohea and the Whakatohea Maori Trust Board, continue to work steadily towards a collective resolution to the settlement of the raupatu.

No reira e te minita nga manaakitanga o te wa ki a koe.

Nāku noa na

Chairperson Omarumutu Marae Committee

CC: Whakatohea Maori Trust Board  
Ngati Ngahere  
Ngati Patu  
Ngati Ira  
Ngai Tama  
Upokorehe

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OFFICIAL INFORMATION ACT

**Te Whakatohea Iwi Working Party**

**16 June 2011**

**Hon Dr Pita R Sharples**

**Minister of Maori Affairs**

**Private Bag 18041, Parliament Buildings,**

**WELLINGTON 6160**

**Tena koe e te Rangatira/Dear Minister,**

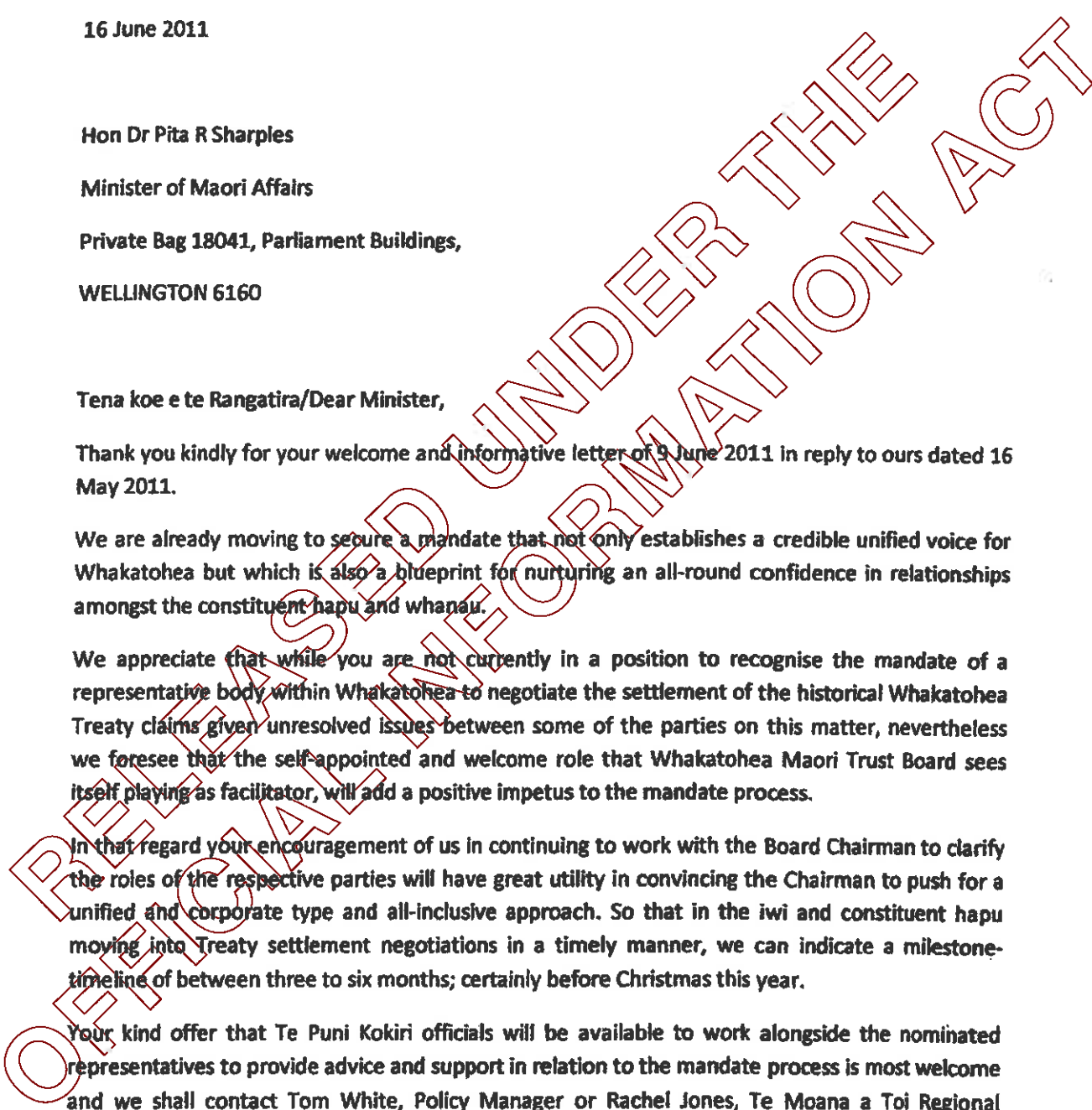
**Thank you kindly for your welcome and informative letter of 9 June 2011 in reply to ours dated 16 May 2011.**

**We are already moving to secure a mandate that not only establishes a credible unified voice for Whakatohea but which is also a blueprint for nurturing an all-round confidence in relationships amongst the constituent hapu and whanau.**

**We appreciate that while you are not currently in a position to recognise the mandate of a representative body within Whakatohea to negotiate the settlement of the historical Whakatohea Treaty claims given unresolved issues between some of the parties on this matter, nevertheless we foresee that the self-appointed and welcome role that Whakatohea Maori Trust Board sees itself playing as facilitator, will add a positive impetus to the mandate process.**

**In that regard your encouragement of us in continuing to work with the Board Chairman to clarify the roles of the respective parties will have great utility in convincing the Chairman to push for a unified and corporate type and all-inclusive approach. So that in the iwi and constituent hapu moving into Treaty settlement negotiations in a timely manner, we can indicate a milestone-timeline of between three to six months; certainly before Christmas this year.**

**Your kind offer that Te Puni Kokiri officials will be available to work alongside the nominated representatives to provide advice and support in relation to the mandate process is most welcome and we shall contact Tom White, Policy Manager or Rachel Jones, Te Moana a Toi Regional Director to arrange a suitable time to meet and discuss further. In the meantime we look forward to updating you as Minister as to progress and within the next few weeks.**





Given recent favourable comments by the Hon. Chris Finlayson, Attorney General and Minister in Charge of Treaty of Waitangi Negotiations (Finlayson speaks on Whakatohea ('Minister keen to move Whakatohea from back of queue'<sup>1</sup>) I have copied this letter to him.

Naku noa, na,

**Nga Kaumatua Claimants**

**Te Whakatohea Iwi Working Party**

cc Hon. Chris Finlayson, Attorney General and Minister in Charge of Treaty of Waitangi Negotiations

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OFFICIAL INFORMATION ACT

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<sup>1</sup> <http://www.waatea603am.co.nz/News/2011/May/Minister-keen-to-move-Whakatohea-from-back-of-queue/default.aspx>



## Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau  
Minister of Māori Affairs  
Associate Minister of Corrections  
Associate Minister of Education

09 JUN 2011

Te Whakatōhea Iwi Working Party

Tēnā koe

Thank you for your correspondence dated 16 May 2011 and for keeping me updated on the relationships between the various parties within Whakatōhea.

I am not currently in a position to recognise the mandate of a representative body within Whakatōhea to negotiate the settlement of the historical Whakatōhea Treaty claims. I am aware of unresolved issues between the parties on this matter, including the view of the Whakatōhea Māori Trust Board which considers that it has a role to play in the mandate process. I encourage you to continue to work with the Board Chairman to clarify the roles of the respective parties.

As previously indicated, I am anxious that mandate and representational issues are resolved within Whakatōhea so that the iwi and constituent hapū can move into Treaty settlement negotiations in a timely manner.

I consider that it is important that the various interested parties are able to agree on a unified approach to seek a mandate from the people of Whakatōhea for the settlement of the historical Whakatōhea Treaty claims. If the parties within Whakatōhea are able to reach agreement on a representative body to seek the mandate, Te Puni Kōkiri officials will be available to work alongside the nominated representatives to provide advice and support in relation to the mandate process.

Please contact Tom White, Policy Manager ([whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz)), or Rachel Jones, Te Moana a Toi Regional Director ([joner@tpk.govt.nz](mailto:joner@tpk.govt.nz)), to arrange a suitable time to meet and discuss further. Kāti mō tēnei wā.

Heoi anō

  
nā Hon Dr Pita R Sharples  
Minister of Māori Affairs

WAI 87 & TE WHAKATOHEA IWI WORKING PARTY

Phone:

Cell ph: f

Email: ; \_\_\_\_\_

16 May 2011

Minister Honourable Doctor Pita Sharples

Tena koe Te Minita,

**Introduction**

This letter is advice to you that Te Whakatohea Iwi Working Party ('the WP') is the only mandated body by the iwi, Whakatohea, that provides a forum for all the hapu to be represented on an equitable basis for the Treaty Settlement process.

**The WP's Relationship with Te Whakatohea Maori Trust Board on Mandate**

On 1 May 2011 we, the WP, met with Te Whakatohea Maori Trust Board (WMTB) at the Board Rooms. The purpose was to find a way to work together collaboratively. The question was then put to the WMTB as to whether WMTB desired a mandate to drive all Whakatohea claims. The General Manager, \_\_\_\_\_ supported by the Chair \_\_\_\_\_ stated the Board did not and will not seek mandate.

**The WP's Relationship with Te Upokorehe Treaty Claims Truston Mandate**

What came out of foregoing meeting was notice that Te Upokorehe Treaty Claims Trust (TUTCT) is pursuing a separate mandate. The WP disapproves of that. TUTCT for Treaty Claims purposes purports to represent two hapu/blood kin groupings these being Rongopopoia and Roimata. Rongopopoia is a Whare Marea connected to Te Kahikatea hapu (see the Te Puni Kokiri website). This hapu is split between Te Whakatohea ki Upokorehe and Tuhoe, with Te Kahikatea claiming for Tuhoe.

**The Position of the WP**

The WP position is we will not support any separate mandate within Te Whakatohea. That said and in order to move forward we have written to TUTCT inviting the Trust to meet with us to find an amicable pathway to move forward together on 22 May 2011 at Kutarere Marae.

As the WMTB does not want a mandate, we are now seeking the support of your Office its Officials to work with our hapu/iwi through the WP to achieve a mandate for Treaty Settlement.

Nga Mihi nui

1d

Nga Kaumatua Signatories Claimant Group

Te Whakatohea Iwi Working Party

Cc: TPK Officials , Our Legal Counsel & WMTB

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10 July 2012

Te Upokorehe Treaty Claims Trust

Tēnā koe

Further to discussions between officials from Te Puni Kōkiri and the Office of Treaty Settlements, we wish to confirm the Crown's commitment to progress the settlement of all Whakatōhea historical Treaty of Waitangi claims.

In order to progress negotiations with a view to sign an Agreement in Principle between Whakatōhea and the Crown by 2014, we strongly encourage you to work towards establishing and confirming a single entity, which will represent all of Whakatōhea in Treaty Settlement negotiations with the Crown.

We appreciate that several entities represent the interests of Whakatōhea and any entity set up will need to receive the support of the wider iwi community through a comprehensive mandate process. Before embarking on a mandate process, we would like to confirm the approach with a meeting between Crown officials and interested parties with a view to advancing a Mandate Strategy to ensure any mandate process pursued is robust.

If you have any questions, please contact Kererua Savage on [kererua.savage@tpk.govt.nz](mailto:kererua.savage@tpk.govt.nz). Kati mō tēnei wā.

Nā māua noā, nā

  
Tania Ott  
Deputy Director (Acting)  
Office of Treaty Settlements

  
Lucy Te Moana  
Director  
Te Puni Kōkiri

23 July 2012

Te Upokorehe Treaty Claims Trust

c/-

Secretary

┌

Lucy Te Moana  
Director  
Te Puni Kokiri

Tēnā koe Lucy,

Thank you for the letter of 10 July 2012 jointly sent to TUTCT (Te Upokorehe Treaty Claims Trust) by Te Puni Kōkiri and Office of Treaty Settlements.

- 1) We will copy you into our correspondence with the Office of Treaty Settlements as we believe OTS are yet respond. That letter was in response to their correspondence to the Whakatōhea Māori Trust Board 21 May 2012 advising the Board to deal with matters that lie outside the Board's mandate, on key cross-claims issues with Te Kotahi a Tūhoe on the western and southern boundary of te rohe o Te Upokorehe. *(We have enclosed a copy of our original letter of 18 June 2012 and the attachments that were sent to Office of Treaty Settlements).*
- 2) We are looking forward to the opportunity of working further with Te Puni Kōkiri in relation to progressing the Treaty claims of Ngā Uri o Te Upokorehe.

#### Te Upokorehe Treaty Claims Trust

- 3) Te Upokorehe Treaty Claims Trust is the mandated entity established and mandated by Ngā Uri o Te Upokorehe, to oversee all Treaty claims matters within te rohe o Te Upokorehe. This includes aspects of WAI 87, and independent hapū claims, Wai 1787, Wai 1092, 1794, and as support claimants to the national freshwater claim. The Trust Deed provides for Te Upokorehe Treaty Claims Trust to:

- i. progress all Treaty claims within Te Rohe o Te Upokorehe
- ii. develop and implement a mandate strategy for the comprehensive settlement of the historical claims of Ngā Uri o Te Upokorehe
- iii. join with other mandated groups to form a large natural grouping in order to enter direct negotiations with the Crown.
- iv. negotiate compensation from the New Zealand Government in respect of breaches of the Treaty of Waitangi by the Crown affecting Ngā Uri o Te Upokorehe
- v. develop and present Nga Uri o Te Upokorehere recommendations on a Post-Settlement Governance Entity.

## Claimant Group

- 4) The claimant group is 'Ngā Uri o Te Upokorehe'. This means the Tangata Whenua who have mana whenua, mana moana and kaitiakitanga within their rohe which includes the five marae and hapū established within Te Rohe o Te Upokorehe and who are unified by their Upokorehetanga.
- 5) Some of these hapu and marae within te rohe o Te Upokorehe identify different principal tipuna to the Whakatōhea hapū of Ngāti Rua, Ngāi Tama, Ngāti Patu, Ngāti Ira and Ngāti Ngāhere. Consequently having different origins, these hapu and marae are not formally part of the Whakatōhea Māori Trust Board which means that the Whakatōhea Māori Trust Board as an entity cannot speak for them. The hapū and marae resident within te rohe o Te Upokorehe, that are not formally represented by the Whakatōhea Māori Trust Board do whakapapa to Te Upokorehe, and are therefore part of Ngā Uri o Te Upokorehe and formally represented by Te Upokorehe Treaty Claims Trust.

## Mandate Strategy

- 6) A mandate strategy was developed by TUTCT and approved by Ngā Uri o Te Upokorehe 7 August 2011. The mandate strategy provides for Te Upokorehe Treaty Claims Trust to establish a separate but non-competing mandate process whereby the TUTCT is empowered to obtain a comprehensive mandate as described below:

<b>Mandated entity:</b> <b>Representing Ngā Uri o Te Upokorehe</b>	<b>Mandated entity:</b> <b>Representing the remaining Whakatōhea hapū</b>
<b>Comprehensive mandate</b>	

- 7) The mandate strategy identifies that we could reach a comprehensive mandate in one of two ways:
  - 1) Use the same process at the same time but distinguish the constituency entitled to vote for each. (NB This does require some degree of good will and cooperation); or
  - 2) Run a separate but non-competing mandate process.

It has become evident that owing to a lack of good faith and cooperation the second option, ie to run a separate but non-competing mandate process, will be adopted by TUTCT.

## Background to mandate process

- 8) We would like to advise that we have been ready to go to mandate for the past 12 months. However we deliberately postponed this in good faith in order to spend time presenting our position to all Whakatōhea hapū, where we attended hui-a-iwi at each Whakatōhea marae to present our proposed way forward as it was important to us that each hapū heard our position directly. We also offered to meet separately with each hapū should they wish to do so. To date only Ngāi Tama, who are on the eastern Whakatōhea border, has taken up this offer.

### First meeting with Whakatōhea hapū representatives

- 9) We first met with Whakatōhea hapū representatives 1 May 2011 at Roimata marae, Te Upokorehe, where we presented our preferred way for Ngā Uri o Te Upokorehe and Te Upokorehe Treaty Claims Trust to seek a collective mandate by using a separate but non-competing mandate process.
- 10) As Te Whakatōhea and Te Upokorehe have historically been strong at the hapū level, we explained that we had worked to develop this proposal whereby both Ngā Uri o Te Upokorehe and Te Whakatōhea could progress a collective mandate in a way that respects each other's mana and tino rangatiratanga over their respective rohe, yet presenting a united front to the Crown. (see enclosed 1 May 2011 presentation)
- 11) While the majority of Whakatōhea hapū representatives welcomed this stance and praised Upokorehe for their initiative, stating they would like to work with us, it became evident very early on that certain individuals within Te Whakatōhea were actively working to undermine our position.

### TUTCT and Ngā Uri o Te Upokorehe presentations to hui-a-iwi over 12 months

- 12) In spite of the actions of certain individuals we still sought to work our way around all the Whakatōhea hapū as it was important to TUTCT and Te Upokorehe that each hapū hear from us directly. The Roimata hui was followed by a further hui-a-iwi at Waiaua, 19 June 2011 where TUTCT repeated our presentation in order to provide the same information to Ngāti Patu and the other hapū members who attended.
- 13) Following the hui at Waiaua, our legal counsel ..., wrote to the Whakatōhea Māori Trust Board formally advising them that TUTCT was looking forward to working with the remaining Whakatōhea hapū, and advising in writing that 'Te Upokorehe has no intention of obtaining an individual mandate or of breaking away from Whakatōhea' (see enclosed letter). This hui was followed by further hui-a-iwi at Ngāti Ira (Waibeka), Ngāti Rua (Omarumutu), Ngāi Tama (Ōpape), Ngāti Ngāhere (Te Rere) and back to Upokorehe at Roimata marae. TUTCT and Ngā Uri o Te Upokorehe attended and presented at each hui.
- 14) At the last hui-a-iwi 3 March 2012 at Roimata marae, it was agreed that we had reached the position where representative groups would meet together to discuss a way forward. Four Whakatōhea hapū had come together to form a collective. This collective asked for time to hui amongst themselves to educate themselves, prior to meeting with us, which we understood. The collective also advised us that they would like the Whakatōhea Māori Trust Board to facilitate their group and stated that role of the CEO was as a 'tonotono' for the collective. Te Upokorehe has always made it clear that we will continue to facilitate ourselves.

### Whakatōhea Māori Trust Board undermines hui-a-iwi decision

- 15) Not long after the 3 March hui-a-iwi, the Whakatōhea Māori Trust Board, with no mandate to act on behalf of anyone, rode roughshod over the iwi by taking matters into its own hands in seeking to initiate other steps than those the iwi had agreed to. This included:
  - trying to bring in a mediator of their own choosing through the backdoor for the iwi as a whole
  - advertising in the Ōpōtiki News that all individuals could register directly with the Whakatōhea Māori Trust Board for claim purposes for the iwi as a whole



- holding hui amongst the four hapū where the CEO gave a presentation proposing that the Whakatōhea Māori Trust Board be the pre-settlement entity for the iwi as a whole.

OTS escalates matters internally by supporting the Board to act outside its mandate

16) While the Whakatōhea Māori Trust Board's position was clearly in breach of its mandate, Ngā Uri o Te Upokorehe could address such breaches of good faith through the TUTCT. However the critical factor in escalating the situation was the Office of Treaty Settlements writing to the Board to address key issues that lie in the mandate, authority, mana and traditional leadership of Te Upokorehe. At this point, the Board believing itself to be in the position to draw on Crown support against one of its own member hapū, stepped up its campaign to ride over the heads of Upokorehe and other hapū in the Claims process.

17) For example, although Te Upokorehe hapū is a member hapū of the Board, the Upokorehe hapū Board members, Treaty Claims Trust and hapū members only found out that there had been correspondence between the Whakatōhea Māori Trust Board and Te Kotahi a Tūhoe through reading a statement by Tamati Kruger in the Whakatāne Beacon. Furthermore, Te Kotahi a Tūhoe had been advised that TUTCT has the mandate for all Treaty matters for Ngā Uri o Te Upokorehe. However it is evident that Te Kotahi a Tūhoe saw a clear opportunity to play one side off against the other by stating they would work with the Whakatōhea Māori Trust Board.

18) Ngā Uri o Te Upokorehe is in a unique position within the rohe (although not unique in Māoridom) in that a number of iwi on all sides are attempting to claim either the uri and/or aspects of te rohe o Te Upokorehe, in order to strengthen their own stance within our rohe, and therefore their own negotiating positions within Maataatua as a whole. For example:

- Te Kotahi a Tūhoe offering \$100,000 payments to some marae in our rohe to allegedly secure principal iwi status within the rohe
- Te Whakatōhea Māori Trust Board and Ngāti Awa both agreeing how they will "divvy up" key parts of Te Upokorehe's rohe between themselves, where Upokorehe as the ahikaa and holders of the mana whenua and mana moana have no say in the outcome.

19) Yet, it is in the hands of the Whakatōhea Māori Trust Board that Office of Treaty Settlements places Upokorehe mana whenua, mana moana and tino rangatiratanga.

20) In spite of these overwhelming odds, Ngā Uri o Te Upokorehe are future-driven and have restructured themselves with a view to creating a better future for the people. TUTCT has also developed strategies, including a communications strategy and database establishment, for progressing our Treaty claims.

21) We have been active members of Te Urewera Treaty Tribes Forum in working through issues with Te Kotahi a Tūhoe cross-claims with ALL neighbouring hapū and iwi on our western and southern boundaries. Together, we share common concerns regarding the Crown and Te Kotahi a Tūhoe settlement process. For Te Upokorehe this is through Te Kotahi a Tūhoe claiming our rohe as "Tūhoe dominant".

22) TUTCT advises that Ngā Uri o Te Upokorehe and TUTCT have taken all these steps with no funding whatsoever, beyond Legal Aid for our legal counsel.

**Progress to mandate**

23) Notwithstanding unresolved cross-claims issues with Office of Treaty Settlements, we wish to invite you to meet with Te Upokorehe Treaty Claims Trust to discuss our mandate strategy and further steps towards settlement of all Treaty claims within Ngā Uri o Te Upokorehe. We would ask you to please contact Kahukore Baker, the Trust's secretary, to discuss a date and time.

We look forward to hearing from you.

Naku noa nā  
TUTCT

Cc'

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OFFICIAL INFORMATION ACT

**Andy Mackay**

22

**From:**   
**Sent:** Tuesday, 22 January 2013 1:30 p.m.   
**To:** Michael Hollis   
**Subject:** RE:

Tena Koe Michael

Thank you for this summary I will forward these onto our members

Nga Mihi Nui

---

**From:** [hollm@tpk.govt.nz](mailto:hollm@tpk.govt.nz)   
**Subject:**   
**Date:** Mon, 21 Jan 2013 22:51:41 +0000   
**To:**

Tēnā koe

Please find attached, summary notes of the Whakatōhea mandate discussions hui.

Nāku noa  
Nā, Michael

Michael Hollis | Policy Analyst | Te Puni Kōkiri  
Treaty Settlements Unit  
143 Lambton Quay, Wellington  
[michael.hollis@tpk.govt.nz](mailto:michael.hollis@tpk.govt.nz)



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*This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.*

## **File Note**

File Reference: 11 January 2013

Michael Hollis, Te Puni Kōkiri

### **SUMMARY NOTES OF WHAKATŌHEA HUI: PRELIMINARY MANDATE DISCUSSIONS**

Held at: Senior Citizens Hall, Ōpōtiki

Date: 11 January 2013

**Mihi Whakatau:** 11:10am

**Attendees:** Rauru Kirikiri (independent facilitator/Chair), Kererua Savage, Lucy Te Moana, Michael Hollis (Te Puni Kōkiri), representatives from the Whakatōhea Māori Trust Board, Tū Ake Hapū Collective, Whakatōhea Raupatu Working Party and Te Upokorehe Treaty Claims Trust, Ngāi Tamahaua and also other hapū representatives and uri of Te Whakatōhea who were interested in the kaupapa. Approximately 50 people were in attendance.

#### **Purpose**

The Chair, Rauru Kirikiri, explained that the purpose of the hui was to discuss a process by which Te Whakatōhea could agree on a single Te Whakatōhea mandated entity to negotiate a Treaty settlement with the Crown.

#### **Mandate Process**

Kererua Savage (TPK) gave a brief background on the mandate process and Treaty Settlement process, which included:

- principles of accountability, transparency and representation;
- voting process; and
- decision/approval of a final mandate process to be made by Minister of Māori Affairs and Minister for Treaty of Waitangi Negotiations.

TPK explained that there are different representation models a mandated body could have, and that whatever model Te Whakatōhea chooses, it would need to be representative of all of Te Whakatōhea. It would need to have a decision making process which is transparent, be accountable to the members of Te Whakatōhea, and seek to gain support from the entire Te Whakatōhea claimant community, through a formal voting process.

TPK explained that the mandate process will usually take about six months, however every iwi is different. Following that, negotiations with the Crown can, if expedient, take around three years.

TPK also explained that a settlement is made up of cultural redress, commercial redress including quantum (cash amount) and a Crown apology based on the historical account.

### **Ngāi Tamahaua**

A representative from the Ngāi Tamahaua hapū explained that Te Whakatōhea has previously engaged in a hapū driven process in its quest to develop a mandate. The support of hapū kaumātua in this effort was important. The attendee referred to an aspirational document written over ten years ago that highlighted the importance of recognising the mana of Te Whakatōhea hapū.

### **Te Whakatōhea Māori Trust Board**

A kaumātua from the Whakatōhea Māori Trust Board supported the idea of a single mandate to represent Te Whakatōhea in the negotiations of all historic Te Whakatōhea Treaty of Waitangi grievances.

The Chief Executive spoke of the need for a collective vision before proceeding.

### **Te Upokorehe Treaty Claims Trust**

A representative from the Te Upokorehe Treaty Claims Trust (TUTCT) explained that TUTCT seeks a comprehensive single Te Whakatōhea mandate, but with a parallel process for Te Upokorehe in the beginning. In essence this would entail Te Upokorehe developing their own mandate alongside the rest of Te Whakatōhea initially, but then the two would come together as a single Te Whakatōhea mandate in order to negotiate with the Crown in the settlement of all Te Whakatōhea claims.

### **Tū Ake Hapū Collective**

The Chair of the Tū Ake Hapū Collective ("Tū Ake") explained their purpose, vision, and mission statement. He explained that Tū Ake would work alongside the Whakatōhea Māori Trust Board since it shares the same vision and is associated with the Board's strategic plan. Tū Ake is an inclusive entity that represents all of the uri of Te Whakatōhea.

An attendee supported the Tū Ake vision and explained that Crown processes have divided Whakatōhea by restricting iwi members to register to one Te Whakatōhea hapū only. He/she explained that to engage with Te Whakatōhea, of whom 75 per cent are under the age of 30, the vision would need to be innovative, because rangatahi are the future of Whakatōhea.

**Lunch:** 12:35pm – hui reconvened at 1:00pm

### **Whakatōhea Raupatu Working Party**

The Whakatōhea Raupatu Working Party (WRWP) represents a number of Treaty of Waitangi claims. The WRWP has met with Tū Ake and both groups support a tangata whenua hapū driven mandate model.

The WRWP have an issue with TUTCT having separate representation to the rest of Te Whakatōhea as it would detract from the sense of unity that is currently being sought.

### General Discussion

Some of the main points to emerge from the general discussion that followed were:

- TUTCT was set up to maintain their manawhenua in the Te Upokorehe rohe partly in response to Ngāi Tūhoe incursions into Te Upokorehe territory as part of their (Ngai Tūhoe) settlement. This was necessary because it was claimed the Whakatōhea Māori Trust Board failed to do this.
- The Chief Executive of the Whakatōhea Māori Trust Board commented that a Whakatōhea collective vision was needed for Whakatōhea to move forward. The challenge is for Te Whakatōhea to develop such a vision.
- A TUTCT representative asked whether the facilitator could meet with the Te Whakatōhea groups independently prior to the next hui between the Crown and all Te Whakatōhea groups.
- A WRWP representative requested that resourcing be considered for expenses such as lawyers.

### TPK Comments

Having a single entity to represent Te Whakatōhea will, amongst other things, allow for claimant funding to be accessed from the Office of Treaty Settlements.

TPK committed to returning to Ōpōtiki within a month to continue this discussion, in particular what a potential Te Whakatōhea mandate structure might look like, and encouraged hui attendees to come to the next hui with constructive ideas of how Te Whakatōhea can move forward.

### Conclusion

A resolution was unanimously passed that: *"all of Te Whakatōhea agrees to work together towards a single inclusive mandate"*.

The Chair's final comment was that this resolution should indeed be the basis for all future discussion / hui with the Crown on this issue.

A follow up hui was tentatively scheduled for Friday, 15 February 2012 at the same time and venue. This will be confirmed prior to the next hui.

The hui closed at 2:20pm