

Whakatohea Pre-Settlement Claims Trust

Annual Report 2020 -2021



CHAIR'S REPORT

The Whakatōhea Pre-Settlement Claims Trust (WPCT) present this Annual Report for the 01 July 2020– 30 June 2021 financial year. As in previous years KPMG as the appointed auditor has issued an unqualified Audit opinion for our Financial Statements.

Back in October 2019 we shared the date for ratification as being September 2020, however unforeseen issues in the negotiations process prevented that from happening. The valuation negotiations required extended discussions, along with protracted discussions with our Iwi neighbours, as well as Covid arriving on our shores .

On the 15th of July 2020 Minister Little visited as part of the negotiations process. This was to have occurred earlier in March however it was postponed due to Covid. The main kaupapa for this negotiation hui was for the Komiti Whiriwhiri Hītori to speak directly to the Minister and Crown negotiator on the work they have been doing for the Historic Account, as well as the opportunity for the marae and hapū chairs to meet the Minister.

In the same month of July, we embarked on one of two hui a rohe rounds for this year to update on the Minister Littles visit, shape of the settlement with the new redress negotiated under our Mana Tangata Mana Whenua and Mana Moana kaupapa, the results of the first Post Settlement Governance Entity (PSGE) survey and an update on the WAI 1750 North-Eastern Bay of Plenty District Inquiry

In November 2020 we shared the final shape of the PSGE as well as the results of the online survey on preferences for the name. At that same round we updated you on the progress in negotiating Relationship Agreements with Crown agencies as well as the results of negotiations that provides for the Whakatōhea Kaitiaki Forum.

The April 2021 Pitopito Kōrero announced Te Tāwharau o Te Whakatōhea as the name of the PSGE along with some further details of the shape of Te Tāwharau o Te Whakatōhea. The same newsletter shared the open letter from Minister Little talking about the dual process and the reason for the delays to date in completing settlement negotiations.

Throughout this year the Historical Account has been a major piece of work for the Komiti Whiriwhiri Hitori working party. This was all but complete by 30

June other than one chapter and the peer review by Eminent Historian David Williams. The Historical Account has now been uploaded to the website. Also outstanding at the end of this reporting period were some final details on the overlapping areas of interest and a final agreement in the valuation negotiations.

In March, the Marae Secretary for Omarumutu Marae Ngāti Rua advised that both the Omarumutu Marae and Ngāti Rua Hapu delegates had been withdrawn from the WPCT Trust. WPCT responded and noted the withdrawal of the Marae delegate as per the Trust Deed process and sought further information on the process undertaken regarding the withdrawal of the Ngati Rua hapū delegate to ensure it aligned with the process in the Trust Deed. No response has been received to the WPCT request to date. Also, in March 2021 Te Ringahuia Hata and Tuariki Delamere on behalf of Ngāti Patumoana filed an application to the Waitangi Tribunal for a reconsideration of an Urgency Application that was declined back in October 2020.

As at the end of November 2021 I am delighted to be able to advise that all negotiations are now complete with a goal for the WPCT to initial the Deed this side of Christmas, and presented to you Te Whakatōhea whanau to vote on in early 2022.

A handwritten signature in black ink, appearing to be the name 'Heath'.

Chair

WORK PROGRAMME FOR THE YEAR

Below is the full work programme that was completed over this reporting period.

- Historical Account – close to completed just a review of few remaining chapters and consideration of Eminent Historian to review
- Translation of Historical Account – commenced
- Peer Review of Translation of Historical Account – commenced
- Background section for Deed of Settlement – completed
- PSGE Structure - & name - completed
- Trust Deed for PSGE – draft completed for discussion
- Place name changes –completed
- Valuations –negotiations with Crown and Valuer in final stages
- Property Disclosures – reviewed and completed
- Right of First Refusal /Over Lapping Interests – completed with 2 of 3 Iwi neighbours
- Statutory acknowledgements completed
- Statements of Association completed
- Relationship agreements – completed 24 Crown Agencies that will included in Settlement legislation
- Natural resources / CMS chapter – discussions complete

PSGE - WHAT'S IN A NAME?

We were reminded by our whanaunga Selwyn Hayes, when we commenced the search for a name for the PSGE that it could take as much time and effort as some of our negotiation kaupapa. Well Selwyn was not wrong, as our PSGE working group soon discovered as well. We generated some names for discussion and feedback at hui a rohe, which we brought back to the Taumata Kaumatua and the Komiti Whiriwhiri Hitori. Then an online survey was also conducted with 3 names to choose from that showed a clear preference. However, on discussing those results we had further input from whānau that lead WPCT to think again about the name and what it needed to convey. All your feedback and input has been valuable in arriving at Te Tāwharau o Te Whakatōhea as the name, which was announced through our Pitopito Kōrero online newsletter in April 2020.

In April, the Trust also shared the structure of the related entities to Te Tāwharau o Te Whakatōhea; Ngā hapū o Te Whakatōhea, Te Pou Matua (tribal Executive), Te Pou Oranga (charitable arm) Te Pou Tahua (Asset Holding Company) Tohearau (Tikanga Committee) and the Taumata Kaumatua. WPCT believe that the PSGE model for Te Tāwharau o Te Whakatōhea is most representative of our needs at this point, it is helpful to remember that included in the constitution is the requirement for a 5-year review of the PSGE, which you can be a part of.

The PSGE working group have been behind this mahi which has all served to inform the Trust in its decision making and we thank you all for your time and effort.

HISTORIC ACCOUNT

The Komiti Whiriwhiri Hitori (KWH) is the Te Roopu Āwhina working party based in Ōpōtiki whose responsibility includes the Historic Account. The group has met consistently, mostly on a weekly basis and sometimes more over the last 2 years.

The Account is not a record in full of the history of Te Whakatōhea; it is the record of the historical relationship between the Crown and Whakatōhea that accounts the Crown's breaches against Te Whakatōhea. This account is recorded in our Deed of Settlement and Whakatōhea Settlement legislation and provides the background for the official Crown Acknowledgments and Apology.

Very early in our negotiations WPCT took the position and view that Te Whakatōhea lost all their land and we lost it mostly through the most egregious actions of raupatu. This position was not opposed by the Crown and the fundamental principle of having lost all our land provided the way and process of writing up the account that was slightly different from how historic accounts in earlier settlement had been undertaken. Both parties; the Crown and WPCT, agreed on how the account will be developed, and the information required to account fully all the breaches of the Crown against Te Whakatōhea. Peter Clayworth was appointed as the historian to collate the information required for the Account purposes and the KWH took the lead role in negotiating and reviewing every chapter written.

The Historical Account is now with Eminent Historian David Williams who has been appointed to review the account to ensure the account can withstand scrutiny from the general public, as well as Parliament and is a fair and accurate summary of the historical interaction between the Crown and Whakatōhea before 21 September 1992.

In completing this work, the KWH also took the lead in the hui that Whakatōhea were required to have with Ngāti Rangiwewehi with respect to the account of their tipuna Kereopa Te Rau as noted in the Whakatōhea historical account.

IWI NEIGHBOURS OVERLAPPING INTERESTS

The Crown is responsible and accountable for the overall overlapping interest process. This process includes the settling Iwi to work together with overlapping claimant and settled groups to resolve any remaining overlapping interest matters. For WPCT this has meant meetings with Ngāti Awa and Tūhoe who have settled as well as Ngai Tai, Te Whānau a Kai, and Te Aitanga a Māhaki who have yet to settle their claims. The Appendix on Significant Dates records a total of 17 meetings held over this reporting period with our Iwi neighbours on the areas of overlapping interest. The process notes that if after working together the overlapping interests remain unresolved the Crown may have to make a final decision. By the the end of this reporting year, there were still some outstanding issues requiring attention.

“THE SETTLEMENT ISN'T THE END OF THE JOURNEY, IT'S THE BEGINNING OF A NEW WAY OF WORKING WITH THE CROWN”

The Minister of Treaty Settlements Hon visited Waiaua in July 2020 to meet with Komiti Whiriwhiri Hitori as a part of the negotiations process and

to meet with Hapū and Marae chairs. The Minister spoke about the Settlement process noting that

“Settlement isn't the end of the journey, it's the beginning of a way of working with the Crown to deliver great outcomes for Whakatōhea.”

This new way of working starts with the 24 commitments enshrined in our settlement legislation that bind the Crown, our Te Tiriti partner, to deliver great outcomes for Whakatōhea as they walk alongside us all the way. The commitments with the Crown agencies range from Health, Education, Justice, Culture and Heritage and Housing and Social Services. Included in these commitments is the requirement to meet to discuss Waitangi Tribunal Reports for both historical as well as contemporary claims. While negotiating with each of the 24 agencies there have been some immediate opportunities to partner on projects before Settlement. These immediate opportunities are managed by the Whakatōhea Māori Trust Board to capitalise on now.

WAITANGI TRIBUNAL EASTERN BAY OF PLENTY HEARING

The Waitangi Tribunal announced in June 2019 that there would be a North-eastern Bay of Plenty Hearing that would include Te Whakatōhea. The Minister of Treaty Settlements Hon Andrew Little then announced the recommencement of negotiations to finalise the deed of settlement for ratification for Te Whakatōhea alongside the Waitangi Tribunal Inquiry. Usually with an Iwi Settlement, the Crown removes the ability of the Waitangi Tribunal to continue looking at these claims.

Whakatōhea is in a unique position where the Crown have agreed that the Waitangi Tribunal Inquiry can continue to completion and issue a report including findings but not recommendations. It also means Te Whakatōhea can have all contemporary claims (post 1992) heard and reported on with findings and recommendations. The 24 commitments with Crown agencies require a discussion on both Tribunal Reports and Te Whakatōhea's position on outcomes.

This parallel process means we can make the most of the Settlement now, whilst leveraging the opportunities around the Harbour and Aquaculture developments, AND having our claims heard by the Waitangi Tribunal.

No dates have yet to be set for the Eastern Bay of Plenty Hearing.

PRIORITY HEARING

Aside from the role the Waitangi Tribunal plays in the District Inquiries for historical claims, it can hear claims against the Crown regarding the settlement process. In March 2021 Te Ringahua Hata and Tuariki Delamere on behalf of Ngāti Patumoana lodged an application to the Waitangi Tribunal for a reconsideration of an Urgency Application declined back in October 2020. The Tribunal granted a 2-day hearing on

- the implications that the introduction of a bill will have on the conduct of a Tribunal inquiry; and whether it can continue to progress the district inquiry while the bill remains before parliament or wait a passage of legislation and

- Issues associated with the withdrawal mechanism and the amendments made to that mechanism following the Tribunal’s 2018 Whakatōhea Mandate Inquiry Report.

The Tribunal noted that there were also requests to hear other issues but, in their words, many (if not all) of the issues now raised in the urgency applications have already been the subject of inquiry and report. The hearing took place in September 2021 with no report issued to date.

APPENDIX SIGNIFICANT DATES

2020					
JUL		AUG		SEP	
01	Pitopito Kōrero monthly email newsletter	06	WPCT feedback to Taumata Kaumatua	07	WPCT meeting Pitopito Kōrero monthly release
01	Historian meets with Komiti Whiriwhiri Hitori (KWH) & Whakatōhea whanau	10	WPCT meeting	09	KWH meet re HA & Kereopa
02	WPCT feedback to Taumata Kaumatua	14	WPCT Zoom with Ngāti Awa	09	WPCT Zoom meeting with CEO Ngāti Awa
06	WPCT meeting	20	KWH meet re Historical Account	14	WPCT meet with Ngāti Rangiwewehi re Kereopa kōrero
08	WPCT meet with Tūhoe	23	WPCT update Te Roopu Āwhina	16	KWH meet re SOA /HA
09	KWH meet with Historian	24	WPCT meeting	17	PSGE Survey Monkey starts
12	Minister Visit to Waiaua confirmed WPCT notify Marae & Hapū reps	26	KWH meet re Historical Account/Kereopa	21	WPCT meeting
13	Rotorua Hui a rohe	26	Zui Panel streamed online	22	Mailchimp Survey for PSGE name
14	Tauranga Hui a rohe WPCT notify Marae & Hapū reps of final details for Minister visit			23	KWH meeting
15	Minister Little visit Waiaua Marae			24	WPCT meet with Tūhoe
15	Zoom meeting with Te Whānau a Kai			30	Zui Panel streamed online
15	Whakatane Hui a rohe			30	KWH zoom meet with Historian
17	Hamilton Hui a rohe				
18	Auckland Hui a rohe				
19	Wellington Hui a rohe				
20	Hastings Hui a rohe				
21	Gisborne Hui a rohe				
21	WPCT zoom meeting with Ngāti Awa				
21	WPCT meet with Te Whānau a Kai				
25	Omarumutu Hui ā Iwi				
26	WPCT comms with Ngai Tai				
29	Zui Panel streamed online				

2020					
OCT		NOV		DEC	
05	WPCT meeting	02	Tauranga Hui a Rohe	04	WPCT meeting re Iwi Neighbours
07	WPCT meet with Ngāti Awa	03	Rotorua Hui a Rohe	09	WPCT update Taumata Kaumatua
07	KWH zoom meet with Historian & Crown	04	Whakatāne Hui a rohe	13	WPCT meet with Ngai Tai Torere
08	PSGE Survey Monkey final day	06	Hamilton Hui a rohe	16	KWH receive draft of Apology
11	Ngāti Awa response from 07 th meeting	07	Auckland Hui a rohe	23	WPCT email update to Te Roopu Āwhina members
12	KWH re Place name changes	08	Wellington Hui a rohe		
16	KWH receive draft acknowledgments	09	Hastings Hui a rohe		
19	WPCT meeting	10	Gisborne Hui a rohe		
21	KWH meet with Historian	11	KWH meet with Te Arawhiti		
	Tribunal Issue decision not to grant urgency	16	WPCT meeting		
27	WPCT Hui	21	Hui ā Iwi Ōpeke		
28	Zui Panel streamed online	25	Zui Panel streamed online		
29	Ngati Rangiwewehi endorse Kereopa korero in Whakatōhea HA	26	WPCT meet with Ngai Tai		
30	Pitopito Kōrero monthly release	30	WPCT meeting re Iwi Neighbours		

2021					
JAN		FEB		MAR	
14	WPCT meeting with Adrianna Edwards and supporters for recognition of Ngāti Muriwai as a hapū of te Whakatōhea	03	WPCT email update to Te Roopu Āwhina members	02	WPCT zoom with Ratification Te Roopu Āwhina working group re: draft of Ratification booklet
16	WPCT update Ngai Tamahaua Hapu hui	09	WPCT meeting	03	WPCT Negotiators meet with Valuation & Property Te Roopu Āwhina working group
17	WPCT meet with Tuariki Delamere	10	KWH meet re: Place name changes	03	KWH meet to discuss HA & Mokomoko chapters
24	WPCT update Ngati Patu Hapu hui	17	WPCT zoom with Valuation & Property Te Roopu Āwhina working Group	08	WPCT meeting
25	WPCT meeting	18	WPCT meet with Ngāti Awa Whakatane	10	KWH meet with Historian
26	WPCT meet with KWH to workshop draft of Ratification booklet	22	WPCT meeting	11	WPCT meet Tūhoe Tāneatua
26	WPCT Ratification Te Roopu Āwhina working group- workshop ratification booklet	24	KWH meet re: Historical Account	22	WPCT meeting - supporters for recognition of Ngāti Muriwai as a hapū of Te Whakatōhea attended
27	Zui Panel streamed online	24	Zui Panel streamed online	29	WPCT meet with Ngāti Awa
31	WPCT update Ngāti Ngāhere Hapu hui	25	WPCT mail out to Ratification Te Roopu Āwhina working group		

2021					
APR		MAY		JUN	
06	WPCT meeting	03	WPCT meeting	03	WPCT update Taumata Kaumatua
09	WPCT meet with Ngai Tai and Te Arawhiti in Ōpōtiki	06	WPCT update Taumata Kaumatua	14	WPCT meeting
19	WPCT meeting	07	WPCT receive Ngai Tai support for Te Whakatōhea Settlement	16	KWH meeting to discuss Background content / provided feedback and suggested changes to WPCT
20	WPCT meet Tūhoe in Tāneatua	17	WPCT meeting	28	WPCT meeting
23	WPCT meet Ngāti Awa in Whakatāne	26	Zui Panel streamed online	28	WPCT Negotiators with Valuation & Property Te Roopu Āwhina working group to discuss valuation reports
		31	WPCT meeting	30	Zui Panel streamed online

