

HUI A ROHE - FREQUENTLY ASKED QUESTIONS MAY 2018



The Whakatōhea Pre-Settlement Claims Trust has received several recurring questions during our recent Hui a Rohe around what the Waitangi Tribunal report means for Whakatōhea. The Trust's responses are provided below for your information.

1. Was the Waitangi Tribunal report about Whakatōhea's claim or our mandate?

The Tribunal considered whether the Crown's decision to recognise the Whakatōhea Pre-Settlement Claims Trust mandate was fair, reasonable, and made in good faith.

2. What were the key findings of the Waitangi Tribunal's report?

The Waitangi Tribunal found that the Crown should not have recognised the Pre-Settlement Trust Deed of Mandate in December 2016 and that the Crown had prioritised its political objective of concluding settlements by mid-2020 over a process that was fair to Whakatōhea. It recommended a temporary halt to negotiations so that all of Whakatōhea be given a chance to vote on how to proceed.

It made the following recommendations:

- That a suitably qualified independent returning officer be appointed to access the Trust Board Register and registers or rolls held by claimant groups to enable all adult members of Whakatōhea to vote on these questions:

1. Do you support the Whakatōhea Pre-Settlement Claims Trust continuing to negotiate to reach a settlement with the Crown of the historical Treaty grievances of Whakatōhea? YES/NO

IF ANSWER TO (1) IS NO

2. Do you wish to see the current Treaty negotiations stopped in order:
 - a. That a mandate process be re-run from the start (YES/NO); OR
 - b. That the Waitangi Tribunal can carry out an inquiry into the historical grievances of Whakatōhea (YES/NO)
- That voting be through hapū, postal and web voting, and votes recorded on a hapū basis
- That the Crown engage with the Mokomoko whānau to discuss aspirations of the whānau around settlement and an appropriate tribute
- That the Crown engage directly with the Te Kahika claimants to understand their wishes

3. What does the Whakatōhea Pre-Settlement Claims Trust think of the report's findings?

While we don't agree with all of the Tribunal's findings, we welcome the recommendation that Whakatōhea hapū be given the opportunity to decide how to proceed. We remain committed to establishing a settlement for all Whakatōhea and will work with all parties to address the Tribunal's recommendations.

4. What happens to the Whakatōhea Pre-Settlement Claims Trust now?

The Trust is committed to continuing to act for all of Whakatōhea and will be working through the findings of the Tribunal's report with all parties and preparing for the upcoming vote. We will also be holding a Hui a Iwi in June to discuss the report and update whānau on our work to date.

5. Does the Crown have to accept the findings of the Waitangi Tribunal's report?

The Crown is considering the findings of the Tribunal's report. They have indicated that they accept the recommendation that Whakatōhea vote on how they wish to proceed.

6. We have already voted on the mandate. Do we have to vote again?

The Tribunal has recommended that all Whakatōhea vote again on whether they support the Whakatōhea Pre-Settlement Claims Trust continuing to negotiate a settlement with the Crown. The Trust agrees it's a good idea that we test the pulse of the people, and encourages all members to vote.

7. When will the vote happen and what will it involve?

These details are still being worked through and the Trust will provide further information once the process and timings have been finalised. The Tribunal has recommended an independent returning officer be involved, and that the vote be through hapū, postal and web voting, with votes recorded on a hapū basis.

8. How long will it take until we get the results of the vote?

These details are still being worked through and the Trust will keep you updated as details become available.

9. What happens to the Whakatōhea Pre-Settlement Claims Trust if I vote for a re-mandating process?

If it is decided that people do not support the Trust continuing to negotiate a settlement for Whakatōhea, the current Trust would be dissolved. A process would then be undertaken to establish a new entity.

10. What happens to the settlement we've already agreed to if we vote for re-mandating?

This will be a decision for the Crown to consider as it reviews the findings of the Waitangi Tribunal report.

11. What does our current settlement offer include?

Our Punawhakaio (Agreement In Principle) includes the following:

MANA WHENUA	MANA MOANA	MANA TANGATA
<ul style="list-style-type: none"> • Transfer of sites totalling over 6,692 ha • Chapter in the Bay of Plenty CMS covering 83,000 ha • Cultural Materials Plan and Decision-Making Framework • RFR over Crown Land in Whakatōhea rohe • Reserve Land Development Fund • Statutory acknowledgements over certian waterways 	<ul style="list-style-type: none"> • Up to 5,000 ha reserved for aquaculture development near Opotiki • Marine and harbour development fund that includes support for a resource application by Whakatōhea • Offer to make Ohiwa Harbour Implementation Forum permanent (subject to agreement of Forum) 	<ul style="list-style-type: none"> • Commitments from the Tertiary Education Commission to work with Whakatōhea • Education Endowment Fund • Te Reo Revitalisation Fund • Cultural Revitalisation Fund • Return of key sites potentially suitable for cultural development • Relationship redress with government agencies and Ministers
ONE HUNDRED MILLION DOLLARS		
<ul style="list-style-type: none"> • Reserve Lands Development Fund (\$5m) <ul style="list-style-type: none"> • Cultural Revitalisation Fund (\$5m) • Te Reo Revitalisation Fund (\$1m) • Education Endowment Fund (\$2m) • Marine and Harbour Development Fund (\$2m) <ul style="list-style-type: none"> • Quantum (\$85m) 		

Further information on the Waitangi Tribunal report can be found online at:

www.waitangitribunal.govt.nz/news/the-waitangi-tribunal-releases-its-whakatohea-mandate-inquiry-report/