

# PĀNUI SEPTEMBER 2018

## Tēnā koutou whānau,

Ngā mihi o te wā ki a koutou katoa. Nei ra te mihi, te tangi ki ngā mate ki a rātou kua rūpeke ki te ao wairua, ka rongo te pō, ka rongo te ao. Tātou te kanohi ora e whai nei i ngā tapuwae o rātou mā. Anei rā ngā kōrero o ngā marama tata nei mō te kaupapa o te whakataunga raupatu. Tēnā koutou katoa.

## AGREEMENT IN PRINCIPLE

More than 300 of our whānau joined us in Wellington back in August 2017 to witness and celebrate in the signing of our Agreement in Principle. This agreement remains in place and the interest earned since the signing of this agreement adds an additional \$2M to our settlement.

## COMPREHENSIVE OFFER

MANA WHENUA	MANA MOANA	MANA TANGATA
<ul style="list-style-type: none"> <li>• Transfer of sites totalling over 6,692 ha</li> <li>• Chapter in the Bay of Plenty CMS covering 83,000 ha</li> <li>• Cultural Materials Plan and Decision-Making Framework</li> <li>• RFR over Crown land in Whakatōhea rohe</li> <li>• Reserve Land Development Fund (Opape &amp; Hiwarau)</li> <li>• Statutory acknowledgements over certain waterways</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 5,000 ha reserved for aquaculture development near Opotiki</li> <li>• Marine and harbour development fund that includes support for a resource application by Whakatōhea</li> <li>• Offer to make Ohiwa Harbour Implementation Forum permanent (subject to agreement of Forum)</li> </ul>	<ul style="list-style-type: none"> <li>• Commitments from the Tertiary Education Commission to work with Whakatōhea</li> <li>• Education Endowment Fund</li> <li>• Te Reo Revitalisation Fund</li> <li>• Cultural Revitalisation Fund</li> <li>• Return of key sites potentially suitable for cultural development</li> <li>• Relationship redress with government agencies and Ministers</li> </ul>
	Reserve lands development fund	\$5,000,000
	Cultural revitalisation fund	\$5,000,000
	Te Reo revitalisation fund	\$1,000,000
	Education endowment fund	\$2,000,000
	Marine and harbour development fund	\$2,000,000
	Quantum	\$85,000,000
	<b>TOTAL</b>	<b>\$ 100,000,000</b>

## WAITANGI TRIBUNAL HEARING AND RECOMMENDATIONS

The Waitangi Hearing took place in November 2017, and the Report was issued in April 2018. The primary findings of the Hearing were that the Crown was in breach as the mandate process wasn't as robust as it should have been. The primary recommendation was to halt negotiations until a vote to test the level of support for direct negotiations is held. The Crown and Trust agreed to halt negotiations while Whakatōhea vote on the following questions:

**1. Do you support the Trust continuing to negotiate to reach a settlement with the Crown of the historical Treaty grievances of Whakatōhea?**

**OR**

**2a. Do you wish to see the current Treaty negotiations stopped in order that a mandate process be re-run from the start?**

**And /Or**

**2b. That the Waitangi Tribunal can carry out an inquiry into the historical grievances of Whakatōhea?**

## TRUST VIEWS

The Whakatōhea Pre Settlement Claims Trust is committed to reaching an enduring settlement for all of Whakatōhea, and strongly believe we represent the views of the majority of Whakatōhea.

We agree with reconfirming the support of our hapū and iwi, and also support the Crown engaging with both Mokomoko and Kahika whānau.

## VOTING PROCESS

The Trust has been working with the Crown to access funding and put in place a process that meets the recommendations of the Waitangi Tribunal. The Tribunal expects that votes will be recorded by hapū, to see the level of hapū support for direct negotiations.

The table below outlines the process that has been agreed with the Waitangi Tribunal. A Queens Counsel, Rhys Harrison, has been appointed by the Waitangi Tribunal to develop the explanatory statement for the vote, and he has also been contracted by the Crown to facilitate the information hui.

The proposed timeframes for the voting process are included in the table however this is subject to final approval from the Minister of Māori Development. We are working towards a deadline of 21 September to make a final decision on these dates.

The Independent Returning Officer has been appointed and he received registers from the Whakatōhea Maori Trust Board

and Ngāti Muriwai. The Tribunal stated that Ngāti Muriwai should be included, "provided Ngāti Muriwai make available their register the vote should proceed on the basis that those who whakapapa to Whakatōhea and who are over the age of 18 years should be able to vote in accordance with their primary affiliation to any of the following hapu: Ngāti Ira, Ngāti Muriwai, Ngāti Ngahere, Ngāti Patumoana, Ngāti Ruatakena, Ngai Tamahaua and Upokorehe."

The Trust expressed its objection to the Waitangi Tribunal deciding how hapū are recognised by Whakatōhea however the Tribunal did not believe the inclusion of Ngāti Muriwai for voting purposes would affect this. Ngāti Rua have expressed an objection to the recognition of Ngāti Muriwai on the basis that it is an internal matter for them to resolve. The Ngāti Muriwai register has been provided to the IRO and will be used for voting purposes. Whānau who are registered on both WMTB and Ngāti Muriwai registers will have to choose which register to align their vote with.

DATE	KEY EVENT
Friday 28 September 2018	Voting papers sent to all registered voters
Monday 1 October 2018	Voting period commences
Saturday 6 October 2018	Information Hui Opotiki
Monday 8 October 2018	Information Hui Mount Maunganui
Tuesday 9 October 2018	Information Hui Rotorua
Wednesday 10 October 2018	Information Hui Whakatane
Friday 12 October 2018	Information Hui Hamilton
Saturday 13 October 2018	Information Hui Auckland
Sunday 14 October 2018	Information Hui Wellington
Friday 26 October 2018	Voting period ends
Friday 26 October 2018	Progress result
Monday 29 October – Friday 2 November 2018	Verification of special votes
Friday 2 November 2018	Final Result

## ELIGIBILITY TO VOTE

Anybody of Whakatōhea descent over the age of 18 is eligible to vote, whether they appear on the register or not.

- Whānau on the Whakatōhea Maori Trust Board register or the Ngāti Muriwai register will receive a voting form in the post.
- Whānau on the register but who have changed address can ring the IRO for a voting form.
- Whānau not on either register can submit a special vote. The special vote will require whānau to submit their whakapapa for verification by the kaumātua committee.

**Note:** *Submitting a special vote including whakapapa is only for voting and verifications purposes. Whānau will not be added to the existing registers.*

## OTHER CHALLENGES TO THE SETTLEMENT PROCESS

**Māori Land Court:** Adriana Edwards took a case to the Māori Land Court to test the Section 30 appointment of the Whakatōhea Raupatu Working Group in the 1990s to see whether they still had standing. The Judge found that the committee did have standing but the purpose had been extinguished so he disbanded the committee.

**Judicial Review of the Waitangi Tribunal Recommendation:** Kahukore Baker has applied to the High Court for a Judicial review of the Waitangi Tribunal's recommendation to hold a vote. This hearing has yet to be completed but there was also an application for interim relief which would have halted the voting process until the completion of the court case. This part of the application was dismissed so the vote can proceed.

**Ministerial Inquiry into the WMTB:** The results of the WMTB elections held in Nov 2017 were challenged by some of the board members and their request for a Ministerial Inquiry was granted. The inquiry considered the quality of the WMTB register and governance/management processes. The report has only just been provided to the Minister of Māori Development and the outcomes will be made known in due course. We require the approval of the Minister of Māori Development before we can conduct the vote. We hope to have a positive decision about this by 21 September 2018.

## WHAT HAPPENS NOW?

Make sure your whānau are registered. Make sure you vote and make sure your whānau vote. If anybody is unsure of what they are voting for, we encourage you to attend one of our information hui. You can also talk to our Trustees, come to our open Monday meetings, pick up the phone or send an email to ask your questions.

The registers with the Independent Returning Officer (IRO) are solely for the vote. Once the vote is complete those registers are not retained by anyone or any entity, and the voting papers will be destroyed.

The Whakatōhea Pre-Settlement Claims Trust is proud of the settlement we've negotiated on your behalf. It will be up to the whānau and hapū of Whakatōhea to decide whether we continue this on this pathway.

Naaku noa  
Graeme Riesterer  
Chairman