

VMRA - 0033 - 24

COMPLETED

# Whakatohea Raupatu Negotiating Committee

"For and on behalf of Whakatohea in all matters whatsoever connected in achieving a settlement of the claim ('the negotiating group')." Mission Statement as per Te Ture Whenua Act 1993 Section 30 (1)(b).

Project Manager  
Cnr St John & Elliot St  
PO Box 207  
OPOTIKI

Telephone: Office 07-315-6150  
Home 07-323-8885  
Mobile 02-582-5975  
Office 07-315-7968  
Home 07-323-9115

**TO:** Negotiating Committee

**DATE:** 8 October 1996

**SUBJECT:** NOTICE OF MEETING

*Josie GEDSON*  
Kia ora, tena koe

Notice is hereby given that the next meeting of the Whakatohea Negotiating Committee will be held in the Boardrooms at 11.00 am on Sunday 20 October 1996.

## AGENDA Sat 19-10-96 6.30pm

1. Karakia ✓

2. Mihi ✓

3. Apologies ✓

4. Minutes

5. Matters arising

6. Standing Orders ✓

7. Project Manager

8. Secretary

9. Mandate of Negotiating Committee Court Order - 2.2.94

10. Mandate of Delegation - 13.9.96

11. Deed of Settlement ✓

12. Correspondence

13. Financial Report

14. General Business

Consultants

Claims Manager / Standing Orders

Proposals new

Claims

(15) Creation legal entity

by ACINW 2.3.96

~~(16) Criteria by WTB~~

~~WFAE investment - Motege~~

Heoi ana  
Ngaku nga

*[Signature]*

Hone John Kameta, J.P.

1/1

Nº 2

Kia ora

**RE: MEETING WITH THE NEGOTIATING COMMITTEE**

As you know our Project Manager John Delamere was charged with bringing about a formal offer of settlement from the Crown to Whakatohoa. With the signing today of the Deed of Settlement offer, John has completely and fully discharged his duties.

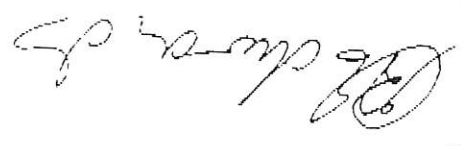
You will recall that in August our committee did not think John would be able to complete the above task by the end of his contract on 1 October 1996. Subsequently the committee resolved that "John Kameta be appointed to complete the task charged to the Project Manager, subject to contract details being agreed on." However, as John did complete his contracted task there is no need to take any further action on the above resolution.

Nevertheless, due to the signing of the Settlement Deed this morning there is a need for an urgent meeting to take place at the Whakatohoa Trust Broad in Opoiki on the 20 October 1996. The intention of this meeting is to discuss ratification issues relating to the Settlement Deed and Asset Trust.

Further agenda for the meeting will be forthcoming in the near future.

I look forward to discussing the above mentioned issues with you at the meeting, which will start at 11am.

Heoi Anō



Claude Augustin Edwards

*John Langford*

- 1 That the date of meetings be agreed to by negotiators at least one month before the meeting.
- 2 That minutes and agenda be mailed out two weeks before the meeting.
- 3 That committee members may submit items to the secretary for inclusion in the agenda.
- 4 That committee members may issue notices of motion on behalf of their hapu, or liaison committee for inclusion in the agenda.
- 5 That a quorum be two thirds, i.e. no fewer than eight out of twelve members.
- 6 That Negotiators have the right to nominate a proxy if they are unable to attend a meeting.
- 7 That the secretary and chairman have the responsibility for enacting the motions/decisions or policies determined by the committee.
- 8 That if the chairman, secretary, or any committee member, want to take a particular line of action, the matter should be put to the meeting for debate and agreement.
- 9 That no member of the committee, including the chairman and secretary, has the right to take independent and unilateral action.
- 10 That if the chairman or secretary, between meetings, are forced by circumstances to act on an issue that was not discussed at the previous meeting, the matter shall be reported to the next meeting for discussion and approval.
- 11 That Negotiators meetings be separate from hui a iwi.
- 12 That Negotiators report to their hapu.
- 13 That observers do not have speaking rights except by leave of the negotiators.
- 14 That Consultants with specialist skills may be brought in to assist the committee.

PROPOSED SET OF STANDING ORDERS

WHAKATONGA RAUPATU NEGOTIATORS COMMITTEE

No 1

2

To John Kāmata

This is to confirm that Ranginui Walker and Tairongo  
Amoamo fully endorse the Whakatohea Kaupatu  
Committees decision appointing John Kāmata as Project  
Manager.

*W. Amoamo*

TW Amoamo

3/10/96

MEMORANDUM TO

John Kameta  
Chairman WMTB  
Opotiki

Ranginui I Walker

FROM:

October 3, 1996

DATE:

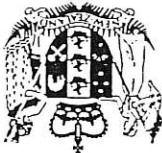
Project Manager Whakatohea Raupatu Committee

SUBJECT:

Tairongo and I fully endorse you taking up the position of Project Manager for the Whakatohea Raupatu Negotiator's Committee. The weekend of 19 October suits me for a meeting of the Board.



Judge's Chambers  
Maori Land Court  
Private Box 2750  
Wellington,  
New Zealand  
Ref: DCJ 1/1/4



10 October 1996

Mr John Kameta

Tena koe

**RE WHAKATOHEA RAUPATU CLAIM**

Your memorandum of the 19th September indicating your wish to resign from your position on the Whakatohēa Raupatu Negotiating Group has been referred to me as Deputy Chief Judge.

In terms of Section 30 of Te Ture Whenua Maori Act 1993 the Chief Judge may refer to the Maori Land Court for determination the question as to who are the appropriate representatives of Maori living in a particular rohe for specific purposes. Applications of this nature may not be referred to the Maori Land Court by the Chief Judge unless he is satisfied that the parties seeking a representative order have endeavoured to reach agreement as to the appropriate representatives but have been unable to do so. I would respectfully submit that the corollary of this is that where named persons have been determined as appropriate representatives and one of that group wishes to resign then, it is for the group represented by that person to accept the resignation. Neither the Maori Land Court nor the Chief Judge has any jurisdiction to vary the order originally made. Under the circumstances therefore I would suggest that you tender your resignation to the negotiating group and to the particular hapu for whom you were appointed as representative.

Naku noa

  
N F Smith  
Deputy Chief Judge

17 October 1996

Mrs Josie Gedson  
Secretary  
Whakathea Raupatu Negotiating Committee  
397 River Rd  
KAWEARAU

Kia ora Josie, Tena koe

With my assuming the role of Project Manager as of 1 October 1996, I have considered resigning as representative of my hapu Ngati Ira so as not to cause any complications or conflict of interest etc.

Accordingly, Ngati Ira hapu met on the 16 September 1996. I resigned and Mr John Pio was elected to replace me. Minutes etc were sent to the Registrar, Maori Land Court, Rotorua.

The reply attached from NF Smith, Deputy Chief Judge dated 10.10.96 explains.

I hereby tender by resignation to the Whakathea Raupatu Negotiating group.

He oi ana  
ngaku nga



Hone John Kameta, J.P.

69 Opoiki MB 11-26

ORDER TO DETERMINE REPRESENTATIVES OF MAORI

Te Ture, Whenua Maori Act 1993 Section 30(1)(b)

In the Maori Land Court  
of New Zealand  
Wairiki District

IN THE MATTER of the Whakathea Raupatu  
Claim

AT a sitting of the Court held at Opoiki on the 2nd day of February 1994  
before Heta Kenneth Hingston, Esquire Judge.

UPON READING the application of Claude Augustin Edwards for an Order  
pursuant to section 30(1)(b) of Te Ture Whenua Maori Act 1993.

NOW THEREFORE upon hearing all the evidence adduced in support thereof  
THE COURT DOTH HEREBY DETERMINE pursuant to section 30(1)(b) of Te  
Ture Whenua Maori Act 1993 that the persons in the schedule hereto are the  
most appropriate representatives to act as negotiators for and on behalf of  
Whakathea in all matters whatsoever connected in achieving a settlement of  
the claim ("the negotiating group") AND THE COURT DOTH HEREBY  
FURTHER DETERMINE that CLAUDE AUGUSTIN EDWARDS shall continue to  
lead Whakathea in the claim negotiations and for that purpose shall have all  
such powers and authorities as necessary to manage and research the claim  
for the effective performance of the negotiating group.

AS witness the hand of Heta Kenneth Hingston, Esquire, Judge and the Seal  
of the Court.



Judge

SCHEDULE

Claude Augustin Edwards, Claim Manager  
Tenga Biddle, Muriwai Jones, Tairongo Amoamo, Te Riki Amoamo, John  
Charles Amoamo, Wairimu Bayliss, Whakahauihihi Vasego  
Hata, Ranginui Walker, Frank Matchitt, Tahu Taha, John Tai, John Kameta,

DUPLICATE

Nº3

7



**Whakatōhea Raupatu Negotiating Committee**

**THE PROJECT MANAGER**

cnr St John & SH35  
PO Box 207  
OPOTIKI  
telephone: office 07-315-6150 home 07-322-8597 mobile 02-582-5975  
facsimile: 07-315-7968

Friday, 13 September 1996

Hon Doug Graham  
Minister in Charge of Treaty Negotiations  
Parliament Buildings  
Wellington

Tena koe

I have been instructed to advise you that the Whakatōhea Raupatu Negotiating Committee passed the following resolutions, that:

1 the Whakatōhea Raupatu Negotiating Committee agree to the proposed settlement offer from the Crown, subject to later agreement of the actual detail of the settlement, which will then be placed before the iwi to vote on.

2 the Project Manager advise the Hon Doug Graham, in writing, of the Whakatōhea Raupatu Negotiating Committee's decision to sign a Memorandum of Understanding reflecting motion #1 at a place and time to be decided on later.

The proposed settlement offer from the Crown referred to in resolution #1 is as follows:

1. a formal apology comprehensively addressing all historical Treaty claims of Whakatōhea;
2. a settlement quantum of \$40 million, being current dollars and not adjusted to December 1994 dollars of Tainui, and inclusive of all claimant negotiating costs and the current market value of the surplus and in use Crown/SOE properties nominated by Whakatōhea for settlement, and exclusive of the so called "Tainui rather" clause;

No 4

8

3. membership on the relevant Conservation and/or Reserve Boards to address Whakatohea's interests in management of Ohiva Harbour, and the wider conservation estate within the rohe of Whakatohea
4. arrangements for Whakatohea to access skeletal remains of perished whales within the rohe of Whakatohea;
5. involvement of Whakatohea in the nomination processes for local Crown entities;
6. facilitation of dialogue between Whakatohea and local service delivery agencies about service delivery to Whakatohea.

Although aware of yesterday's totally unexpected demand from the Crown that the offer will now be conditional on Whakatohea agreeing to the extinguishing of all Aboriginal title rights, the Committee decided no consideration could be given to the matter until confirmation in writing has been received from the Crown.

However, I am instructed to advise you that the Committee considers this last minute demand brings into question the legitimacy of the Crown's stated desire to negotiate with Whakatohea in good faith.

E noho mai ra, na

John Delamere

**Whakathea Raupatu Negotiating Committee**

**THE PROJECT MANAGER**

cnr St John & SH35  
PO Box 207  
OPOTIKI  
telephone: office 07-315-6150 home 07-322-8597 mobile 02-582-5975  
facsimile: 07-315-7968

Friday, 13 September 1996

TO: All negotiators

Report from special meeting called for Friday, 13 September 1996.

**Attendance**

The following members were able to attend.  
Claude Edwards, John Delamere, Wiremu Rewiri, Charlie Aramoana, Teriaki Aramoano, John Tai, Matenga Biddle, John Kameta, Tahu Taha.

**Apologies**

received and sustained:  
Ranginui Walker, John Hata, Tairongo Aramoano, Arithia Carrington, Whakahuhiui Vercoe, Frank Matchitt, Tuwhakairiora Williams.

**Report from Project Manager**

**Funding**  
Cabinet has approved funding for \$300,000. On Monday \$165,000 was deposited in our bank account. The balance of \$135,000 is available if and when needed.

**Consultation Tour**

The 14 meetings held throughout the country were very successful with over 500 people attending. Perhaps the biggest message coming through was that people wanted taura here groups to be formed with regular contact back to Opotiki. They are thirsting for information about Whakathea and what is going on in Whakathea.

**Aboriginal Rights**

Yesterday the Crown advised they required Whakathea to agree to the extinguishing of all aboriginal title rights. It was agreed that until the committee had received notification in writing from the Crown there was nothing to consider at the moment. However, the committee agreed that a legal opinion should be sought from Martin Dawson of Luckie Hain. Project Manager will probably meet with Doug Graham and Crown Law over the weekend.

Crown Settlement Offer

The committee considered the outline of Crown's proposed settlement offer as set in the confirmation letter of 8 September 1996 Doug Graham. The original motions were amended to correct some ambiguity. The committee then unanimously resolved that:

- 1 the Whakatohēa Raupatu Negotiating Committee agree to the proposed settlement offer from the Crown, subject to ~~later agreement of the actual detail of the settlement,~~ ~~which will then be placed before the iwi to vote on.~~
- 2 the Project Manager advise the Hon Doug Graham, in writing, of the Whakatohēa Raupatu Negotiating Committee's decision to sign a Memorandum of Understanding reflecting motion #1 at a place and time to be decided on later.

It was noted that:

votes in support of the original motions had been received from Ranginui Walker, Tairongo Amoamo and Whakakahuhui Vercoe; and  
a vote opposing the original motions had been received from Frank Matchitt.

3. membership on the relevant Conservation and/or Reserve Boards to address Whakatōhea's interests in management of Ohīwa Harbour, and the wider conservation estate within the rohe of Whakatōhea
4. arrangements for Whakatōhea to access skeletal remains of perished whales within the rohe of Whakatōhea;
5. involvement of Whakatōhea in the nomination processes for local Crown entities;
6. facilitation of dialogue between Whakatōhea and local service delivery agencies about service delivery to Whakatōhea.

Although aware of yesterday's totally unexpected demand from the Crown that the offer will now be conditional on Whakatōhea agreeing to the extinguishing of all Aboriginal title rights, the Committee decided no consideration could be given to the matter until confirmation in writing has been received from the Crown.

However, I am instructed to advise you that the Committee considers this last minute demand brings into question the legitimacy of the Crown's stated desire to negotiate with Whakatōhea in good faith.

E noho mai ra, na

John Delamere

18 September 1996

Mr Tu Williams  
Whakatohea Raupatu Committee  
C/- Fax: 499 4608

Tene Koe, Tu

Whakatohea - Proposed settlement

1. We confirm your instructions to act in connection with Crown proposals for settlement. We further confirm your instructions to involve commercial lawyers. At present Mr Roger Drummond of Bell Gully Buddle Weir is under consideration. We also confirm your instructions to involve counsel, and at present Mr WM Wilson QC is under consideration. Finally, we confirm your instructions to obtain commercial advice, and in this respect Guinness Gallagher (Mr S Stevens) is under consideration.

2. We further note that the Crown has proposed that settlement discussions begin not by way of negotiation towards a non binding memoranda of understanding, but have directed that a draft Deed of Settlement which will be fully binding if signed, be the starting point for discussions.

3. This is a most unusual procedure in that a deed is generally drawn up only after negotiations have established the parameters and settled the bulk of the issues to be determined. The deed is a document that gives effect to the agreement arising out of that process.

4. The disadvantage we see in the truncation of this process is that you will be negotiating from a document drafted by the Crown for their own purposes containing what they consider should be the outcome, and that you will be struggling then to have inserted those matters of concern to you and to have altered those matters in the Crown document with which you do not agree.

5. In particular, such process does not give you the opportunity to thrash out both yourselves and with the Crown in a careful and comprehensive way all of the issues. We have in mind in particular that Whakatohea consider that a number of matters should not form part of any settlement, and indeed you have advised that the mandate of the negotiators (and Mr Claude Edwards confirmed this as recently as Monday) extends only to the reparative aspects of the grievance.

6. Complied with all of those factors, the Crown has stated that it wishes to have the deed finally settled by Wednesday of next week 25 September. This hardly gives time for consideration of the kind referred to above, gives little time for advisers to get to grips with the matter and to negotiate with the Crown and virtually no time for negotiators to obtain a mandate from the Crown. Such a process could be seen to be contrary to the Treaty.



Handed by you 4:30pm

13  
18/9/96

PARTNERS: John Mann Dawson Ltd Roger Dear Hayes Ltd Kathy Lawrence Emt Ltd  
MAIL PO BOX 204 • WELLINGTON • NEW ZEALAND • NZDX 5P26301 WYKING TAYLOR

BRIAN EASTON

Brian Easton

With Kindest Regards,

Kiaora,

I look forward to working with you again.

I am hoping the total fee for the report will be limited, because of the earlier work for Ngati Irapuata. However I cannot give a quote, until I know of the scope of the claim, and there are no complicated items (as the schooner "Hira" almost proved to be).

In this case it may not be necessary for me to do a rohe visit, because of your earlier kindness of showing me around the Ngati Irapuata rohe and claim. However if the committee wishes to see me, that could be arranged at a mutually convenient date.

In regard to the report, because of my earlier work for Ngati Irapuata, you will be aware of those itemized in paragraph 1.5 of my Ngati Irapuata report, plus as much documentation as broadly what I require. In particular I need a statement of losses to be quantified similar to possible as to the claims.

I checked my files. The last item in regard to Whakatohea is a letter to Tom Woods on 4 May in which, among other things, I ask that a copy be passed on to the Raupatu Committee and for their addresses. I can send you a copy of this letter if it is not on your records.

Thankyou for your fax of 2 October, following on from our conversation earlier in the day.

Tena Koe Hone,

**Economic Report on the Losses of Whakatohea**

Hone John Kameta,  
Project Manager,  
Whakatohea Raupatu Negotiating Committee,  
Box 207, Opoitiki.  
Fax 07-315-7968.

BRIAN EASTON,  
18 Talavera Tce,  
Kelburn, WELLINGTON.  
Phone 64 04 472 8950  
FAX 64 04 472 5305  
brian@wvmedia.co.nz

3 October 1996

174

Copy to Negotiating Committee  
Fri. Sun 25-3-96

Designs & Travel  
Kaua  
Return to Waka  
325.00  
\$5950.00

1. Miscellaneous Expenses as follows:  
None in this part of the contract.

\$5000.00  
\$ 625.00  
\$ .00  
\$5625.00

My Fee  
plus GST  
Miscellaneous Expenses  
TOTAL

For:- Preparation of Report as outlined in accompanying letter.

In Regard To:- Negotiations with the Crown

To:- Te Runanga o Ngati Irapuata

INVOICE

GST No 34-285-365

BRIAN EASTON,  
Economic Consultant,  
18 Talavera Tce,  
Kelburn, WELLINGTON,  
(04 472 8950)  
(Fax 472 5305)

3 March 1996

15  
30



# Whakatōhea Raupatu Negotiating Committee

## THE PROJECT MANAGER

cur St John & SH35  
PO Box 207  
OPOTIKI

telephone: office 07-315-6150  
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