

Project Manager
Whakatohea Raupatu Negotiating Committee

Report # 3

Finance

FUNDING

In mid December, Cabinet approved funding assistance for Whakatohea of \$330,000. On 22 December we received from the Crown \$249,533 of this amount.

\$149,533 was approved for expenditure incurred prior to 1 October 1995. Of this amount \$116,745 was incurred by the Whakatohea Maori Trust Board. The Trust Board had claimed a total expenditure of \$150,906 but Cabinet rejected \$14,161 of interest charges and reduced the amount by a further \$20,000; this being a sum advanced to the Trust Board in 1992 by the Waitangi Tribunal for research. \$32,788 was approved for expenditure incurred by this committee.

Cabinet approved \$180,467 for future expenditure.

Of this amount \$100,000 has been advanced immediately. \$40,000 will be paid once our claim is entered onto the Negotiations Work Programme. \$40,467 will be paid once the claim has been entered onto the Negotiations Work Programme and appropriate documentation is provided showing how the funding is being utilised.

Cabinet has made the funding conditional on the receipt of detailed financial reports being received on a quarterly basis. If necessary we can also apply for further funding.

I am currently clarifying with OTS as to what they require for us to be entered onto the Negotiations Work Programme and what documentation they require, in order for us to receive the balance of \$80,467.

The request for consideration of Mokomoko whanau costs was rejected by Cabinet on the basis that their funding requests will be dealt by the Crown directly with the Mokomoko whanau.

CURRENT ACCOUNTS

Attached is a copy of the current accounts. These have been prepared as at 3 January 1996.

We have on deposit two amounts; one of \$20,000 and one of \$230,000. These are both on one month roll-over contracts. As we have received funds of \$116,745 for reimbursing the Whakatohea Maori Trust Board I believe this should be done.

BUDGET

At Terere Marae on 1 October I presented a budget which was copied to all negotiators. This budget was for 6 months ending 31 March 1996. Budgeted expenditure for the 3 months ending 31 December was \$80,700. Actual expenditure during those 3 months was \$44,567. You will notice that the accounts refer to a total expenditure of \$77,355, but this includes the \$32,788 incurred prior to 1 October.

Attached to your report is an analysis of actual expenditure compared to that budget presented on 1 October. Also attached is a new budget for the next 3 months which I submit for your approval. You will notice that I have not budgeted for the expenditure of all funds as I do not believe it will be necessary.

① **Motion:** that this committee reimburse the Whakatohea Maori Trust Board the sum of \$116,745 which was received on its behalf from the Crown.

Unanimous 22.12.95

*Moved: JD
Seconded: JH.*

② **Motion:** that this committee approve the current accounts as submitted for 3 January 1996.

Unanimous

*Moved: JD
Seconded: TT*

③ **Motion:** that this committee agree the Project Manager forward to the Crown the necessary financial documentation in order to satisfy the Crown's requirements with respect to the funding assistance provided by the Crown.

Unanimous

*Moved: JD
Seconded: FM*

Delay **Motion:** that this committee approve the new budget for the 3 month period ending 31 March 1996 as submitted.

*Moved:
Seconded.*

Analysis Of The Funding Assistance Approved By The Crown

Reimbursement

Prior expenditure claimed by WMTB	150,906		
- interest rejected	- 14,161		
- Waitangi Tribunal grant	- 20,000		
Net reimbursement to WMTB	<u>116,745</u>		
Prior expenditure claimed by WRNC	<u>32,788</u>		
Total reimbursement prior expenditure		149,533	149,533

Future Expenditure

paid immediately	100,000		100,000
paid once entered on N.W.P.	40,000		
paid when on N.W.P. with documentation	<u>40,467</u>		
Total for Future expenditure		<u>180,467</u>	
Total amount approved by Cabinet		330,000	
Total amount of first payment			<u>249,533</u>

**Comparison of actual expenditure with budget
presented at Terere Marae on 1 October 1995**

	3 month actuals	first 3 month budget	second 3 month budget	6 month budget
meetings with Crown (7)	6800	7500	7500	15000
“sub-committee” meetings	0	12150	7850	20000
meetings with Whakatohea	1500	10000	10000	10000
Project Manager (fee, admin, computing, postage telephone, vehicle)	24227	39300	30700	70000
beneficiary register	200	1750	18250	20000
legal fees	4640	0	20000	20000
miscellaneous	2200	2000	13000	15000
committee expenses	5000	8000	12000	20000
* totals	44567	80700	119300	200000
* prior expenditure	32788			
* actual expenditure	77355			

**New Budget Presented for Approval
for the 3 month period ending 31 March 1996**

PROPOSED ACTIVITIES

Meetings with Crown

- 6 with OTS in Wellington
- 2 with OTS in Opotiki
- 2 with Doug Graham in Wellington
- 1 with Doug Graham in Opotiki

Meetings with Whakatohea nationally

Kawerau, Rotorua, Tauranga, Hamilton, West Auckland
South Auckland, Whangarei, Te Kaha, Gisborne, Napier
Palmerston North, Hutt Valley, Porirua, Wellington
Christchurch, Dunedin

Project Manager

management fees, administration, computing, vehicle
postage, telephone, valuations

Beneficiaries Register

PROPOSED BUDGET

	<u>January</u>	<u>February</u>	<u>March</u>	<u>TOTAL</u>
accommodation	1000	4000	4000	9000
advertising	0	1000	2000	3000
administration	800	800	800	2400
catering	200	2000	2000	4200
fees - historical	0	0	15000 5000	-500015000
fees - legal	0	0	5000	5000
fees - Project Manager	6000	6000	7500	19500
fees - negotiators	2000	4000	4000	10000
fees - valuations	2000	0	1000	3000
fees - secretarial	300	300	300	900
postage	100	200	200	500
telephone	250	350	400	1000
travel	1500	3500	5000	10000
vehicle	1000	1000	1000	3000
miscellaneous	3000	5000	5500	13500
* TOTALS	<u>18150</u>	<u>28150</u>	<u>-43700</u>	<u>-90000</u>
			\$ 100,000	\$ 100,000

Ham 8.

Update On Meetings With The Crown

Since the last meeting there have been a number of meetings with the Crown.

On 7 December several of us met with Doug Graham. Attending were myself, Claude Edwards, Tu Williams, Tairongo Amoamo, John Hata and Tom Woods. We covered a number of issues including funding and surplus Crown properties. These issues are covered later in my report.

An observation made by Tairongo was that, at both meetings with Doug Graham, proceedings were dominated and controlled by him. Given his position and that we are in his environment, it is difficult to control this. Tairongo has suggested we request that when we enter into formal negotiations with Doug Graham those meetings be chaired by an independent party, for example, a retired judge.

Meetings have also been held with officials from OTS discussing such issues as funding and the surplus Crown properties. At one stage relationships were a little tense when the director of OTS wrote questioning Whakatohea's attitude (read that as my attitude). I considered that the Crown was being patronising to Whakatohea in a number of areas and took them to task over it. We have now clarified our respective positions and I believe we can now progress.

At one stage OTS had decided not to renew Ian McLean's contract. It seems this decision has been reviewed as he is again acting for them.

I consider a lot of progress has been made, not the least being the improved relationships among negotiators and iwi members in general. However, I still consider the biggest danger to achieving a settlement is how we relate with each other. It is imperative we work together and never forget that our opponent is the Crown, not each other.

In recent discussions I have had with OTS officials they have expressed concern about the possible competing interests of the Mokomoko whanau, the separate claim filed by Ngati Ira and the position of Ngati Rua as expressed by Tairongo.

While it inevitable, and I believe healthy, that there are differing and strongly held views by negotiators and iwi members in general we should discuss them among the committee before an approach is made to the Crown. Our biggest strength should be our unity and I am sure it will be.

Continued.

MOW Depot

Following our last meeting of 18 November I wrote to the Office of Treaty Settlements on 20 November and advised them that this committee had agreed the MOW Depot be land-banked. I also instructed Graeme Hill to do a valuation of the property as a precursor to negotiations with the Crown.

On Friday 24 November I met with OTS officials in Wellington. I was accompanied by Tu Williams and Tairongo Amoamo. We were advised that Works had entered into a binding 5 year lease with an un-named 3rd party. It was later confirmed the lease was with Dave Edwards of East Coast Logging.

I conveyed our anger to OTS at this breach of good faith by the Crown. I also followed up with letters to Doug Graham, Philip Burdon the Minister of State Owned Enterprises and to OTS.

While there were apologies all around the legal position was that the lease stood.

Subsequent events have clouded the issue somewhat. As at Xmas it was my understanding that Dave Edwards had still not signed an agreement and John Kameta had been negotiating with him on behalf of Ngati Ira with I understand a view to sub-leasing the site.

On Xmas Day a group from Ngati Ira celebrated at the MOW Depot. I understand Ngati Ira may have set up a runanga office on site.

I expect to meet with OTS later this month to discuss the purchase cost of the site.

Motion: that this committee approve the Project Manager and Tu Williams to negotiate the purchase of the MOW Depot, subject to this committee having the final approval of the terms of purchase.

unanimous.

Moved: JK
Seconded: JH.

→ T Amoamo

Proposed "One Stop Shop" Medical Centre

During November and December I met with the Opotiki Community Group who are behind the proposed centre. It has been agreed that an interim committee of 8 members will be set up; including 4 from iwi. This interim committee will remain in place only until the centre is opened. The proposed iwi members are myself, Heather Thomson, Lady Mary Delamere and Dr Guy Naden. I have canvassed various people within Whakatohea, Ngai Tai and Te Whanau a Apanui on the 4 iwi members and have received strong support.

Following our last meeting the Office of Treaty Settlements advised me that we had until 20 December to make a decision on whether or not we wanted the surplus NZ Post site land-banked. If we did not confirm our intention to have the property land-banked then the Crown would go ahead with the sale.

Consequently, I wrote to all negotiators on 19 December notifying them that I had advised the Crown of our interest in land-banking all the properties involved with the proposed "One Stop Shop". I did this as we can always pull out by not agreeing to terms of purchase with the Crown. To not advise the Crown of our interest could have put us into a confrontation situation with the Crown which I consider we should avoid if possible.

There has been much confusion throughout the community, including Whakatohea, in respect of the proposed centre. There was also confusion as to the position of Whakatohea. Therefore, on 16 December I wrote to all parties with an interest in the proposed centre explaining the Whakatohea position as I saw it.

I quote from my letter:

"Whakatohea, conditionally, support the concept of providing the majority of Opotiki's medical services in a single location in the downtown area of Opotiki, nominally the surplus NZ Post and Telecom sites. However, we are unable to give unequivocal support at this stage until Whakatohea has a clear and full understanding of all the financial and social implications. Currently I am still waiting for a copy of the "Grafton Report" which was promised more than 2 weeks ago. To date, no one from the Whakatohea Trust Board or the Whakatohea Raupatu Negotiating Committee has seen a copy of any report that details the proposed project.

... .. Should we reach agreement in our negotiations with the Crown on the purchase of those sites they will then be "put" into our land-bank. However, under current Government policy Whakatohea would not receive title to the sites until our whole claim has been settled. This is likely to be towards the-end of 1996 at the earliest.

Whakatohea would likely vigorously oppose any attempt by NZ Post or Telecom to sell those sites to any other party unless Whakatohea decides it no longer has any interest in those properties.

Whakatohea can not, at this point in time, make an absolute guarantee we would use those sites for the "One Stop Shop" if they are returned to Whakatohea ownership.

Please note that this statement should not be seen as a threat. It is made purely to ensure everyone is aware of the reality of our situation. While Whakatohea have indicated its support for the concept I must remind you that we are not in a position to make a final decision as we do not as yet have enough information.

The biggest obstacle I see for the project is the fact that Whakatohea would not get title to those sites until our whole claim is settled. This may cause difficulties in raising funding from the private sector for the construction of the buildings.

Whakatohea is generally receptive to the proposed composition of the proposed management and ownership structures that will be involved in this project. However, until the issues of land ownership, building ownership and funding are resolved, we also reserve our right to review our position."

At the request of Guy Naden, I have also met with Managed Healthcare, a division of Aetna Insurance. They are looking to set up a network of doctors throughout the Eastern Bay of Plenty and Tairāwhiti which they believe will offer substantial benefits to patients and practices. I believe this option also needs to be further investigated because of the potential pluses for Whakatohea people in Opotiki but also because of the implications for the "One Stop Shop".

I now also have a copy of the "Grafton Report". It provides an overview of the proposal but there is still a lot of information missing, especially financial information. However, some of this information can not be determined at the moment. For example, we will not know the cost of the land and existing buildings until we complete negotiations with the Crown.

⑥ **Motion:** that this committee approve the Project Manager and Tu Williams to negotiate the purchase of the surplus NZ Post site, the surplus Telecom site and the Opotiki hospital site, subject to this committee having the final approval of the terms of purchase. *unanimous*

*all surplus Crown Properties → T Amosano
move: JD
seconded: JK*

⑦ **Motion:** that this committee endorse iwi membership on the interim committee for the establishment of the proposed "One Stop Shop" as Heather Thomson, Dr Guy Naden, Lady Mary Delamere and John Delamere. *unanimous*

*move: JD
seconded: T Biddle*

DIRECT NEGOTIATIONS

As most of you are aware I am strongly in favour of beginning our negotiations as soon as possible. Personally, I do not see any reason not to begin.

In his absence, Tairongo has asked me to table his opposition to beginning negotiations. He considers we need to do substantive research into the alienation of Whakatohea lands south of the confiscation line and therefore feels we may be possibly as long as 12 months away from beginning negotiations.

While I also agree with Tairongo that improper Crown actions probably alienated much of that land I do not believe there is any advantage in us not beginning negotiations. To the contrary I believe every day we lose is one day too many and at too great a cost.

However, we need to work together, we need unity and therefore we need to compromise. Consequently, I believe we should begin our negotiations as soon as possible but also, in parallel and concurrently, do exploratory research into the loss of lands south of the confiscation line.

I consider we should table our grievances as listed in the following summary on page 10. We state to the Crown that we claim that all our land was wrongly alienated either by confiscation, survey charges, public works or by legislation. In the meantime while we negotiate our settlement we press ahead with the research.

I also believe that we should start the negotiation process by presenting OUR settlement plan, along the lines as set on pages 11 & 12.

The question now, is, 'how do we go about it?' Do we go to Wellington and give it to him or do we get him to come to us? I favour Doug Graham coming to Opotiki. It gives our people, our elders, a chance to express to Doug Graham our feelings.

⑧ **Motion:** that this committee agree that Doug Graham be invited to come to Whakatohea as soon as possible for a presentation by Whakatohea to him and his officials. *Unanimous*

M: TT
S: JK

⑨ **Motion:** that this committee agree that Tairongo Amoamo, Tu Williams and John Delamere commission further research to explore the loss of Whakatohea lands south of the confiscation line, the cost of such research to be limited to a maximum of \$15,000. *Such amt to be reviewed as necessary. Unanimous*

M: CE
S: T. Biddle

⑩ **Motion:** that this committee approve the draft settlement plan set on pages 11 and 12 of this report. *Withdrawn.*

M:
S:

JD
read it - lets get it as a working part needed
propo further issues to complete claim
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page 9

research

A Summary of the Grievances

The injustices suffered by Whakatohea resulting from Crown actions and policies were immense. The cost of these injustices to Whakatohea are incalculable. To even attempt and put a value on those injustices in terms of today's dollars is to also demean Whakatohea and our tipuna.

- ✧ **Loss of land - 375,000 acres**
 - **confiscation**
 - **public works**
 - **survey charges**
 - **legislation**

- ✧ **Loss of life**
- ✧ **Rape of women and children**
- ✧ **Loss of culture**
- ✧ **Loss of language**
- ✧ **Lost economic opportunities**
- ✧ **Destruction of productive farms**
- ✧ **Destruction of coastal shipping fleet**
- ✧ **Destruction of written records**
- ✧ **the stigma of being branded in legislation as rebels**
- ✧ **sub-standard level of health**
- ✧ **sub-standard levels of educational achievement**
- ✧ **apathy of a people**

A Proposal to the Crown by Whakatohea for the Settlement of Its Treaty of Waitangi Claim

The Crown will agree:

- to offer to transfer to Whakatohea the ownership of all land owned by all Crown entities within the Whakatohea rohe, including, all Crown agencies, CHEs, departments, ministries and SOEs, including the conservation estate and the Queen's chain, such transfers to be exempt of stamp duty and any other taxes that may be payable.
- to offer to transfer to Whakatohea the ownership of all land owned by local government bodies originally obtained by the local body from the Crown and within the Whakatohea rohe, recognising that local government bodies derive their existence at the behest of the Crown, such transfers to be exempt of stamp duty and any other taxes that may be payable.
- to pay to Whakatohea the sum of \$400 million, exclusive of GST.
- to vest in Whakatohea the ownership of all lakes and rivers within the Whakatohea rohe, such ownership to include both land and water upon the land.
- to formally apologise and admit to the wrongs done by the Crown to Whakatohea, such apology to be in writing and presented to Whakatohea by an appropriate representative of the Crown at a marae of Whakatohea.
- to assist Whakatohea to set up a computerised database register of all those persons who have identified themselves at a census as belonging to Whakatohea.
- to reimburse all reasonable expenses incurred by Whakatohea in the pursuit of justice for their claims.
- to vest in Whakatohea ownership of all minerals on and under land owned by Whakatohea and the Crown within the rohe of Whakatohea.
- to vest in Whakatohea the ownership of the skeleton of any whale which has perished and is washed up on the beach between Maraetotara and Haurere Point in recognition that whale bones has been a taonga of Whakatohea since time immemorial.
- to do whatever they can to ensure the return of all Whakatohea urupa and pa.
- to recognise that resulting from the signing at Opotiki in 1840, the Treaty of Waitangi was an agreement made between two sovereign entities, the Crown and Whakatohea, and that, in recognition of the population of the Eastern Bay of Plenty being nearly 50% Maori, the Crown will:
 - enter into an appropriate arrangement with Whakatohea, Ngai Tai and Te Whanau a Apanui in those areas where the Crown enters into a partnership with the community at large, an example being in the appointment of directors for the Eastbay Health CHE which has a population catchment of 50% Maori but currently has no Maori directors although all directors are appointed by the Crown.
 - enter into an arrangement that will permit Whakatohea, together with Ngai Tai and Te Whanau a Apanui, to deliver to their own people those services which are currently delegated to Crown agencies, such as Income Support Service, NZ Employment and Community Corrections.

- enter into an arrangement that will permit Whakatohea, Ngai Tai and Te Whanau a Apanui to participate in local government as a matter of right, in particular the Opotiki District Council and the Bay of Plenty Regional Council.
- to enter into an arrangement with Whakatohea in the management and control of conservation lands within the rohe of Whakatohea.
- to enter into an arrangement with Whakatohea, Ngai Tuhoe and Ngati Awa in the management and control of the Ohiwa Harbour.
- to enter into meaningful discussion on the article III rights of Whakatohea.