

WHAKATOHEA RAUPATU NEGOTIATING COMMITTEE

**A HUI A IWI OF WHAKATOHEA
WAS HELD ON SUNDAY, 1 OCTOBER 1995
AT TERERE MARAE COMMENCING
AT 10.45AM**

PRESENT: Claude Edwards (Chairman)
Josie Gedson (Secretary)
Ngati Ngahere : Tahu Taiai
Ngati Ira : John Kameta / John Tai
Upokorehe : Charles Aramoana / Wiremu Rewiri
Ngai Tama : Teinga Biddle
Ngati Patu : John Hata
Ngati Rua : Teriaki Amoamo

APOLOGIES: Frank Matchitt : Ngati Ngahere
Steve Paul, Doreen McCorkindale, Moira Edwards.

IN ATTENDANCE: 68 attendees as per attached list.

KARAKIA: Reg Williams

NGA MIHI: Otaki Kahiki (Ngai Tama)
Lani Mitai (Ngati Ngahere)
Teriaki Amoamo (Ngati Rua)
Wiremu Rewiri (Upokorehe)
Teinga Biddle (Ngai Tama)
Sonny Keepa (Te Puki Kokiri)
Joe Te Maipi

Claude Edwards opened the meeting by introducing the item on the agenda:

- (1) The appointment of a Project Manager for the Whakatohea Claim.

An offer had been received from Aotearoa Financial Services/Westpac Bank on Saturday, 9 September 1995 and was presented to the Raupatu Committee. It was noted for the record that a representative from AFS/Westpac was not in attendance. An application from John Delamere for the position of Project Manager had been received and it was noted for the records that John Delamere was in attendance.

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1. **AOTEAROA FINANCIAL SERVICES / WESTPAC**

John Hata introduced a summary of the AFS/Westpac offer presented to the Raupatu Committee on Saturday, 9 September 1995. Attached is a copy of a summary (*attached Appendix A - pages 1-2*) from that presentation read out by John Hata.

2. **LETTER FROM TU WILLIAMS RE: APPOINTMENT OF A PROJECT MANAGER**

A copy of a faxed letter dated 29 September 1995 from Tuwhakairiora Williams (Ngai Tama) on the subject of a Project Manager was read out to the meeting by John Hata. (*attached Appendix B - pages 3-6*).

A response to Tuwhakairiora William's letter was read out to the Hui a Iwi. (*attached Appendix C - page 7*).

Open Discussion

Matiu Taia (Ngati Ngahere)

Expressed his concern as to the entering of debate as to who has the authority to work on the claim, his concerns with personality issues and who should say what and how. He is of the opinion that the representatives on the Committee do not have the right to speak for him, and that he was not being informed, only by a Hui a Iwi.

Matiu, pointed out, in his opinion, that the two representations did not have the mandate of Ngati Ngahere as a whole. That meetings to inform the Hapu had not taken place.

Matiu spoke of his concern that it had been recorded that Frank Matchitt was in attendance at a meeting on 14 September 1995 (when the conference call took place), and that in his opinion Frank was not there.

Sonny Keepa (Te Puni Kokiri)

Sonny brought to the meetings attention that there were two issues to be discussed -

1. *Aotearoa Financial Services / Westpac*
2. *The appointment of a Project Manager*
3. *Tu Williams letter dated 29/9/95.*

That the Iwi makes the decisions and the Negotiators carry it out. This meeting today is for the Iwi and that issues of communication of information between the Raupatu Negotiators and the Hapu must go back to the respective Hapus.

Sonny voiced his concern at the writing of a letter instead of attending the Hui.

With regard to the Project Manager, John Delamere was part of the Committee then he was not, but that John would be able to devote his time full-time to us.

Sonny expressed an opinion that Tairongo Amoamo and Tu Williams should be in attendance at the Hui.

Mary Delamere:

Spoke of her concern that the Minutes may not have been adhered to, and that Negotiators were not advised of the meeting today.

John Hata:

In response John Hata advised that all the Negotiators were advised of the Hui being today.

Josie Gedson:

The Secretary was asked to read out the extract of a motion from the Raupatu's Meeting held on Saturday, September 9 1995 as follows:-

RESOLVED

Tairongo Amoamo / Tu Williams

That Aotearoa Financial Services be engaged to take Stage 1 to its conclusion subject to an acceptable agreement.

Moved.

Issac Mareroa:

Spoke of his concern as to where we are going. Is there any point if there is not going to be a unanimous agreement. If you do not agree go back to the Iwi. Concerned that there appears to be no agreement.

John Hata:

John advised the meeting that a conference call was held on Thursday, September 14 1995 at 2.00pm, and there were negotiators in attendance at the Trust Board for the call and that Frank Matchitt was in Auckland but was connected by to the conference call. Teriaki Amoamo was not in attendance. Because of technical difficulties not all negotiators were in on the call.

Tahu Taia:

Spoke in response to criticism of the two Ngati Ngahere representatives. He considered that he was there to represent Ngati Ngahere and that the Hapu left it up to the two representative to sort it out, and that he considered it to be a Ngati Ngahere issue.

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With reference to the conference call on Thursday, September 14, 1995, Frank Matchitt was not there in body, but was linked by conference call as he was located in Auckland, and that because of technical difficulties not all the negotiators were linked to the call.

He pointed out that the Committee had not agreed that AFS should take the job, but that a Contract/Budget would be presented to the Negotiating Committee for perusal before the conference call.

That Contract was not received until 12.30pm on 14/9/95 and the call was to be held at 2.00pm. The conference call took place at 2.00pm and Tahu informed he read out a prepared statement that the Negotiators in attendance at the Office of the Trust Board on that day had rejected the AFS Contract/Budget.

Tahu expressed his concern at the cost of \$6,000/week for 6 weeks for the AFS proposal, and that as an alternative John Delamere had the necessary qualities, skill and expertise, and that he is willing to stand by and defend it.

Tahu accepted the criticism but pointed out that this was not the real issue.

Mary Delamere:

Mary was of the opinion that it should go back to the Negotiating Committee to decide, then for all to have their say.

3. APPLICATION BY JOHN DELAMERE FOR THE POSITION OF PROJECT MANAGER

Attached are copies of information presented by John as part of his presentation.

(attached Appendix D - pages 8 - 35).

John responded to Tu Williams letter dated 29/9/95 regarding the comment about OTS. That he had contacted Neil Martin to see if he would assist us in our claim, and his reason for approaching him for the knowledge that would assist us. John further advised that Neil Martin had been his TOWPU boss when he worked with him.

John pointed out to the meeting that AFS had gone from Iwi to Iwi promoting their submission, and that he had received a fax to the effect that the person who fronts the AFS now works for TRADE ENZ.

On his experience John pointed out that he and Claude did not always agree, but that they would talk it out between themselves. John spoke of his respect for Claude and the Whakatohea Trust Board, that Whakatohea had a strong substantial base. He advised that John Tamahere had investigated the financial position of the Trust Board and had proved that it has a strong asset base.

John further informed the meeting that Tahu Taia as Secretary of the Raupatu Committee had been criticised for not including enough in the Minutes, that he himself was criticised for having too much, and that he hoped that the present Secretary would have better luck and be somewhere in the middle. He pointed out that the minutes must be an accurate reflection of what happened and that it was necessary to keep people informed, and copies sent to those on the list.

John pointed out that he still held the position of Deputy Claims Manager, and that he was willing to accept what the Iwi wanted.

John spoke on the bringing in of the AFS/Westpac group that the people back home are incapable of seeing that they would perceive that with AFS/Westpac at the table that it would be equal. Dealing with the Crown is an unfair process, the Crown is Judge/Jury/Project Manager and holds all the cards.

John spoke of his discussion with Tainui and was advised that they had taken criticism from their own, and that they were tired of being poor, and that they could have settled 2/4 years ago at \$170M.

John spoke on his experience of working with people. He pointed out that the reality is that the Crown is the criminal and the judge, and that the situation is unfair but that is the rules of the game.

With regard to the loss John pointed out that the claim will be nowhere close to what the loss really is, and that the window of opportunity should not be lost.

Structures need to be put in place to manage the claim. A roll of beneficiaries needed to be included. We need to settle the claim and then get on with our lives.

John advised the meeting that the Crown refuses to negotiate until a Deed of Mandate is set in place.

John concluded by quoting 'What can done - get it done and done soon'.

RESOLVED

Issac Mareroa / Sonny Keepa

That the Iwi of Whakatohea recommend that John Delamere be appointed as the Project Manager for the Whakatohea Claim.

A show of hands to record the votes are detailed as follows:-

62 In favour

5 Voted against the Motion namely:

M Taia, M Kelly, M Williams, J Richardson, T Potter.

1 Abstained

6
G Riesterer.

Carried.

Mary Delamere:

Concerned that the Raupatu Committee had agreed to the AFS motion, and that a decision should be made by the Negotiating Committee on John Delamere's appointment. Mary thanked John for his presentation.

Tom Potter:

Tom was of the opinion that it was not up to the Iwi to elect a Project Manager, and that it was up to the Negotiators to elect the Project Manager and then the issue be taken back to the Iwi.

Issac Mareroa:

Pointed out that he was allowed to make a motion.

Sonny Keepa:

Sonny pointed out that it was the Hui a Iwi that voted John Delamere into the position of Deputy Claims Managers.

Charlie Aramoana:

Charlie pointed out that they did not agree to Westpac.

Mary Delamere:

Mary commented on that if the Westpac had not been brought to the Committee, then the idea of a Project Manager would not have come about, and that Westpac should be congratulated for the idea.

Paeone Shaw:

Pointed out that the Negotiators had be given the mandate from the hapu to do it for them.

Sam Edwards:

Sam asked who requested the Hui a Iwi held today.

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John Hata:

John explained that it came about after the conference call held on 14/9/95, when it was advised that John Delamere was a front runner for the position of Project Manager, and that Tairongo Amoamo expressed his concern that the position should be advertised. There were two applicants for the position AFS/Westpac and John Delamere.

THE MEETING CONVENED FOR LUNCH AT 12.30PM.
THE MEETING RE-CONVENED AT 2.20PM

John Hata advised the meeting that all matters dealing with the Negotiations was closed.

**4. PROPOSAL OF A HOUSING DEVELOPMENT AT TE HORO
Charlie Aramoana / Wiremu Rewiri (Upokorehe)**

Charlie commenced by advising the meeting Mataatua was addressing this as a united body, and they would like the direction from the Iwi today, and would like the Whakatohea Maori Trust Board to put some weight behind it in objecting to the sub-division.

Ohope Waterways Limited are applying to the Whakatane District Council for planning permission to set up a marina/housing complex in the area known as Te Horo. The complex would involve the building of 40 residential houses. *(attached is a copy of a plan - Appendix E - page 36).*

By objecting to the sub-division, it is important that a compromise be offered as an alternative and suggested that half the area required providing the Developer leaves the other half as a reserve for Mataatua to manage.

John Delamere pointed out that the Developer would need to dig a channel from the main channel to the developer's land, for the owners of residential properties to bring their boats up to the marinas to be provided for each property on the water front.

John expressed concern for the impact on the harbour and marine life, and once the first developer is given permission then it will open the way for others.

RESOLVED

John Delamere / Ngati Rua

That this Hui supports Upokorehe's rejection to the Marina Development complex at Te Horo.

Unanimously Carried.

5. KURA KAUPAPA UNIT

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(Muriwai Stevens)

Would like the Iwi to support the return of the Opotiki Primary School, as it stands on confiscated land, and would like it to be included as part of the Claim.

It was pointed out to the meeting that the land for the School was given to the Government to be used for a School and that it would be returned it was no longer used as a School.

In relation to the claim it is a matter for the Negotiators to discuss.

A discussion was held with the following making comments:-

Mary Delamere:

Expressed concern there were not only Maori children but also Tauwiwi. It appeared that the Kura Kaupapa Unit was okay, and that if it was going into recess, then there could be a problem. Then there may be a need to get a Maori School going.

Tarati Carrington:

Tarati pointed out that the old people built that School. She felt that it was not necessary that it be, that School, for Kura Kaupapa and then we need to look around.

Paeone Shaw:

Paeone said that it had been very difficult working out of that School.

Ripeka Kirk:

Ripeka expressed an opinion that it is a Native School and also our whenua, that it belongs to us, and why should we move, when it is there.

Tarati Carrington / Mary Delamere

Did not agree with the claiming of the Opotiki Primary School under the negotiations, and if they are not happy look towards relocating somewhere else.

Sonny Keepa:

Sonny advised to look at the Titles and see what designation the School had been given, and that it would only revert to the Maori if it was no longer being used as a School.

John Hata:

Advised the meeting that the concerns would be taken into account and the negotiators would put this item on their list as a priority for discussion. He pointed out that the School would not have a Caveat put on it unless it became redundant as a School.

**6. COMMUNITY HOSPITAL CENTRE
(Mary Delamere / Moira Edwards)**

Mary Delamere:

Mary spoke on the subject of the Community Health Centre and on the fact that the hospital site on the hill was not a viable proposition. At present the community members are looking a transitional funding by forming a Community Trust, and was concerned at the lack on input from our own people.

Mary pointed out the they had only until November to pick up the funding, and they had not received feedback from Maori and that they would some input.

Mary advised that if the land was to be sold then it had to be offered to DOSLI or land banked.

Claude Edwards left the meeting at 2.35pm.

Moira Edwards:

Spoke on the need for Maori to have an interest in the Community Trust.

John Hata:

Expressed his concerns and felt there was a need to call a special meeting to deal with this item for the whole of Whakatohea.

Mary Delamere:

Mary felt it would serve the needs of the Community if it was located in the town, and that there had been a separate application for a birthing unit.

John Hata:

John advised that the concerns had been noted and would be placed on the agenda for the negotiators to discuss.

John also reported on the Whakatohea Health Centre, and advised that they were still trying to complete the rest of the building, and the hopes of bringing specialists to the town.

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KARAKIA: Reg Williams

There being no further business the Hui closed at 3.00pm.

Claude Edwards
Chairman
0110_wrc

Attached List of Attendees at Hui a hui on 1.10.95

Name	Address.	Hapu
✓ Wallace	67 FORD ST	Opotiki
MURAH SMITH KELLY	4 Pilkington Place	Ngati Pahi
Reginald Williams	60 Buchanan St	Opotiki Ngati
Eddie Rybick	306 Union St	Opotiki Pahi
Murwai Stevens (Tewini)	3 Unwin St	Opotiki Upokorehe
Murwai Jones	PO Box 120	Opotiki Ngati Tamahoua
Paeone Shaw	111A Richard St	Opotiki Ngati Ira
Dorothy Barrington	53 King St	Opotiki Ngatingahere
O. FAHI	32 LORD CAMPBELL AVE.	WHAKATANE
RANGINUI MITAI	32 STEWART ST	OPOTIKI
Daniel Lux	118 Ford Street	Opotiki
Jillie LAY	" " "	" "
Missee Amelano	28 Dunlops Rd	Opotiki
Frank Amelano	28 Dunlops Rd	Opotiki
APORINA (CHICKEY) JOBE	PAROA ROAD R.D. 1	WHAKATANE NGATI KUA
Tom Chapman	" " "	" "
J. Amelano	85 Woodland Rd	Opotiki
Parekura Taria	109 Goring St	Opotiki Ngatingahere
Jan Paul - Steve Paul	111 Goring Street	OPOTIKI Ngatingahere
Ashlee Paul	" " "	" " "
MATIU TAIA	17 RAMBLER DRIVE	WHAKATANE NGATI NGAREHE
John Delamore	SH30, Onepa, RD2,	Whakatane
John Delamore	P.O. Box 110	Opotiki Ngati Pahi
Kuahemau Tairua	54 Goring Opotiki	(Whakatoheo)
Kui Amoama	85 Woodland Rd.	Opotiki
Doreen McConkindale	22 Bridge St	Opotiki
Ripeka Kink	65 Buchanan St	Opotiki
Hina Papuni	10 Lisa Cres	Rotorua Ngati Kua
Kuini Papuni (Ngamaki)	" " "	" "
Parekura Kerana Maica	Whanau Trust	
	Co Tom Chapman	
	Paroa Rd, R.D. 1	Whak
Valerine T Papuni	194 Massey Hills Rd,	Massey

Name	Address	Hapu
EVA JUNE WINDER	88 CHATFIELD RD.	Upokorehe
LEWIS REEVE	153 A FORD STR	Upokorehe
Briana Edwards	598 Wellington Street	Upokorehe
Katherine Baker	Rayolds Rd, Cambridge	Ngati Rua
Humeau Campbell	6 Poyce Place Hamilton	Ngati Rua
with WALKER	JACKSON RD R.D.1 OPOTIKI	Ngati Patu
Mary Delamere	36 Tuwharetoa St Kawerau	Ngaitama Ngaitapu
ESTEDWARDS	105 RICHARD ST	Upokorehe
ANIRI EDWARDS/HUDSON	56 GORING ST	Upokorehe
JUNIE EDWARDS	56 GORING ST	Upokorehe
MARINA Demant	Takaha	T. W.A. Apama
Dawn Kincaid	P.O. Box 51, Opotiki	Ngati Rua
noera Edwards	R.D.1 Opotiki	Ngati Patu
Aileen Kararaina Coleman	113 Bridge St Op.	Ngaitapu
cecilia Tubery/Walker	P.O. Box 264 Opotiki	Ngati Rua
atinga Bidder	86 Goring Street Opotiki	Ngaitama
Charles Aramoana	RD 2 Kutarere	Upokorehe
JOHN ERICKSON	NAIOEKA RD OPOTIKI	NGATI RUA
BORARA ERICKSON	209 TAHAREPA RD TAupo	NGATI RUA
VIRENI RENIRI	14 KITIRAKA RD UHK	Upokorehe
LANGI ATAMERU Rewiri	" " " "	" "
Te Ha Pūpūke Ahitapu,	Karigahua Bay, Te Rarua	Ngati Ngahere
	9- R.D.4. Hikurangi 0251 NORTHLAND	
Kawaka Rewiri Ahitapu	R.D.4 Hikurangi	Ngati Ngahere
Maere Marama	Omanuutu	Ngati Rua
HONG KAMOTA	Box 316 Kawerau	Ngati Ira
Wairana Tai	9 Bridge St Opotiki	Ngatiira
ini Kyei	R.D.1 Waiweka	Ngatiira
ERI KRITI	TERERE	- APACHE
Horley	Box 378	Ngati Rua
TOTAO (REPRESENTING WIFE NAIRE EDWARDS)		Ngati Patu
Ihu Tara	62 Bridge St	Ngati Ngahere
maie Hana	RD1. Huru Rd Whakatane	Ngatiira
mae Martha Kahi	30 Princess Street	Ngaitama
Maere Marama	123 Ford Street Opatiki	
mae Marama	RD 2 Opatiki	Ngati Patu
Richardson	4 Pilkington Place Opatiki	Ngati Patu

APPENDICES

for Hui a Iwi held on
Sunday, 1 October 1995

- Appendix A* *Summary of AFS/Westpac presentation
(Pages 1 - 2)*
- Appendix B* *Tuwhakairiroa William's letter dated 29/9/95
re: Project Manager
(Pages 3 - 6)*
- Appendix C* *Response to Tuwhakairiroa William's letter
(Page 7)*
- Appendix D* *Presentation by John Delamere for the position
of Project Manager
(Pages 8 - 35)*
- Appendix E* *Map of the proposed marine complex at Te
Horo, Ohope
(Page 36)*

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ELEMENTS OF THE WESTPAC OFFER

- a 5 stages
- 1 establish project
 - 2 set our vision pre-negotiation
 - 3 negotiate our settlement with the Crown
 - 4 transfer settlement assets to an iwi entity
 - 5 manage the iwi resources

- b time
- | | |
|-----------|--------------|
| stage 1 | 6 weeks |
| to finish | 12-13 months |

- c cost
- | | |
|-----------|-----------------------------|
| stage 1 | \$50,000 |
| to finish | estimated \$100,000 a month |

Westpac Stage One

- 1 identify the information required for negotiations with the Crown
- 2 identify the skills needed for the project team
- 3 determine the time & money needed to complete the first 3 stages
- 4 prepare a management plan and operational structure
- 5 identify the key players in the Whakatohea raupatu project
- 6 form a team to scope and establish the raupatu project

cost = \$50,000

time = 6 weeks

6 MONTH BUDGET

FAX:

TO: CLAUDE EDWARDS.

FAX: (07) 315-7968.

FROM: TO WILLIAMS.

TO BE READ AT

THE HUI IF

IT PROCEEDS ON

SUNDAY 1 OCTOBER.

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PO Box 5079
Wellington

29 September 1995

**Re: Appointment of a Project Manager
Whakatohea Raupatu Claim**

Tena koe Claude,

It is with grave concern that I write to you about the above matter.

At the last official meeting the Negotiators Committee, unanimously resolved to undertake the following:

1. Stage 1. i.e. The Establishment Phase of a proposal, presented to the Committee by Aotearoa Financial Services.
2. That Aotearoa Financial Services be engaged to carry out the work on Stage 1 for a fee of \$50,000.
3. That the Negotiators Committee be convened by teleconference on Thursday 14 September 1995 at 2.00pm to confirm the contract for services prepared by Westpac and amended by our legal counsel Tom Woods.

It is understood that the negotiators would take part in the conference call, instead those who did included Tahu Taia, Frank Matchitt, Tairongo Amoamo and me. Telecom experienced technical difficulties and were unable to connect Ranginui Walker and Tom Woods.

Tahu Taia read a prepared statement that he claimed reflected the view of all the negotiators based i te wa kainga.

The statement thanked the Wellington negotiators for the work they had done in assisting with the preparation of the proposals, noted the contract from Aotearoa Financial Services and explained that there had been an application from John Delamere for the position of Project Manager. He explained that it was the view of all the negotiators at home that John would be available for the job.

I am given to understand since then, that not all the home based negotiators were party to this decision. There are negotiators besides myself who live away from home who are totally opposed to the decision.

It has been determined without a formal meeting of the negotiators, cuts right across the decisions that were made at the last meeting and in my view is a reflection of the unilateral approach that appears to characterise your management style. Such an approach in these circumstances is unacceptable, as it is undemocratic, but worse still you have trampled the mana of the hapu of Whakatohea whose representatives have already agreed to a process that does not include the appointment of a Project Manager at this stage.

The Establishment Phase as you will recall, is the phase that would develop in detail a management structure to manage the claim more effectively, and that as part of that development the role and function of the Project Manager would be more clearly defined. To be fair to ourselves we need to know what that person will be required to do and then we can seek the best person for the job.

You will do our claim and our hapu a great disservice if you continue to override decisions made at formal meetings, decisions that are designed to close the huge parity gap that currently exists between ourselves and the Crown. It is important that we are totally united in our endeavours to negotiate the best settlement possible. I believe your unilateral approach is divisive and will serve to increase the parity gap.

The representation made by the representatives of Aotearoa Financial Services at our last meeting, embraced a project management approach. A lot of work was involved in the development of that presentation. Included in work of this kind is a certain amount of intellectual property. Having received the presentation, you then go off and take an element of it and use it in the way in which you are doing by advertising for a project manager is unprofessional to say the least.

You will also recall at our last negotiators meeting we discussed and adopted a set of procedures by which we would conduct our meetings. Included in this paper developed by Tom Woods, were rules to guide the Chairperson in, his responsibilities. It is the view of some negotiators that you have not abided by these guidelines and have made it clear by the action you have taken in advertising for a Project manager, that you have scant regard for these guidelines. That you have little or no regard for unanimous decisions made at formal meetings is abhorrent and irresponsible leadership.

No formal notice of the meeting on October 1 1995 has been received by some of us, and therefore I do not recognise this meeting.

In addition to these matters I wish to give you advance notice that I have a great deal of concern about people other than the properly mandated members of the Negotiating Committee attending our committee meetings. The Monday following our last meeting, it was brought to my attention that someone who is not a negotiator but had been in attendance at our meeting, had soon after that, been in contact with Neil Martin ex-director of the Treaty of Waitangi Policy Unit and had discussed with him matters concerning our claim. That person I am given to understand is John Delamere. I also understand that their discussion included the

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presentation made by representatives of Aotearoa Financial Services and that the committee had resolved to adopt Stage 1 of that proposal.

Neil Martin through his partner still has links with the Crown and officials in the Office of Treaty Settlements were aware by Monday morning of the project management approach were intending to adopt.

It is my view that Whakatohea people who breach confidentiality in this manner should have no further involvement in the claim. They are a serious risk to the fair and just settlement of the claim.

For the reasons outlined in this letter, I strongly recommend that the process for the selection of a Project Manager scheduled for October 1 be terminated immediately, and that the process i.e. the Establishment Phase, the Negotiators unanimously agreed to at our meeting on Saturday 9 September 1995 be reinstated.



Tuwhakairiora Williams
Ngaitama Hapu

A Response to Tu Williams letter

claims that negotiators committee unanimously resolved AFS (Westpac) be engaged to carry out the work on stage 1 for \$50,000

- the negotiators committee only agreed they would consider the AFS proposal after a contract was prepared and submitted for consideration.
- the Westpac contract was received & rejected by a majority of the negotiators committee

claims Claude acted undemocratically & trampled on the mana of the hapu of Whakatohea

- when Tairongo and Tu were advised that a majority of negotiators wanted John Delamere to manage the claim, and not Westpac, Tairongo told Tahu it was unfair and the position should be advertised. Claude acted on this request which was supported by a majority of negotiators and instructed Tahu to advertise the position and have applicants present their submissions in front of the iwi.

claims that John Delamere is not a negotiator

- John Delamere was unanimously appointed Deputy Claims Manager by a hui-a-iwi of Whakatohea at Terere marae on Sunday, 18 June 1995.

TE RAUPATU O WHAKATOHEA

QUALITIES NEEDED FOR PROJECT MANAGER

Kia whai tohu, a kia matatau ano hoki te kaiwhaka-haere o te raupatu ki nga whaka-ritenga e whai ake nei

- Experience in Treaty of Waitangi Claims
- Ability and Experience in Financial Management
- Proven Results in Negotiations
- Functioning and Relevant Networks
- Ability and Experience in People Management
- Manaakitanga, Wairuatanga for Whakatohea

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E matatau ana ahau ki nga whakawātanga a te
Tiriti o Waitangi e whakatau ana i ngā tono

EXPERIENCE IN TREATY CLAIMS

1990 - 1993 Manager, Policy and Negotiations
Treaty of Waitangi Policy Unit

successfully managed the settlement of:

- Ngati Whakaue claim for the Pukeroa-Ōruawhata block
- claim for the pardoning of Mokomoko
- Ngati Tahu claim for Kiore Whakakau near Reporoa
- Ngati Kahungunu claim to Mātakitaki a Kupe at Cape Palliser
- return of the surplus Telecom site in Whakatāne to Ngati Awa
- Ngati Rangiteaoreere claim to Te Ngae Mission Farm
- Tuhourangi/Ngati Rangitihī claims to Te Ariki Lands

10.

E matatau ana ahau ki nga whakawātanga a te
Tiriti o Waitangi e whakatau ana i ngā tono

EXPERIENCE IN TREATY CLAIMS

Other claims actively involved in:

- Te Roroa claim in Tai Tokerau
- Pouakani claim of Ngati Raukawa
- Tauranga Moana Raupatu
- Ngati Awa Raupatu
- Ngati Tuwharetoa claim for Rotoaira
- Waikareao Expressway claim of Ngai Tamarawaho
- Ahuriri claim (Napier Inner Harbour) of Ngati Kahungunu
- Murihiku Forest claims
- Takapourewa (Stevens Island) claims

Kei ahau te mātauranga me ngā tikanga katoa mo te whaka-haere, me te tiaki, i nga pūtea moni. Ānei aku tohu e whai ake nei.

ABILITY & EXPERIENCE IN FINANCIAL MANAGEMENT

Qualifications

- Bachelor of Arts Washington State University, 1974
- Master of Business Administration Long Island University, 1977

Experience

- Accounting Specialist United States Military Academy
- Senior Financial Accountant Caxton Paper Mills
- Chief Finance Officer Polynesian Airlines
- Manager New Zealand Operations Concurrent Computer Corporation
- Regional Director Te Puni Kōkiri

12.

He huhua nga tono, me ētahi atu take i tutuki pono i ahau. Ānei ngā rārangi e whai ake nei.

PROVEN RESULTS IN NEGOTIATIONS

Treaty Claims

- Ngati Whakaue • Ngati Awa
- Mokomoko • Ngati Kahungunu
- Ngati Tahu • Tuhourangi
- Ngati Rangiteaorere • Ngati Rangitihī

Business

- sold the \$10,000,000 computer system for Lotto
- sold the \$12,000,000 computer systems for New Zealand Insurance
- sold a \$3,000,000 computer system for Avis Rental Cars
- headed negotiations on international airline agreements
- participant in bi-lateral government negotiations representing Western Samoa
- secured New Zealand distribution rights for products from international corporations
- headed negotiations with Pilots, Engineers and Cabin Crew Unions

Ānei te rārangī ingoa a nga tari me nga iwi e āhei ana ahau ki te korero ngātahi.

FUNCTIONING AND RELEVANT NETWORKS

- nga iwi o Whakatohea
- nga iwi o Mataatua
- iwi leaders mai Murihiku ki Te Hiku o Te Ika a Maui
- Ministers of the Crown
- Senior members of key Government departments
- Members of Parliament
- policy analysts in key government departments
- influential members of the business community

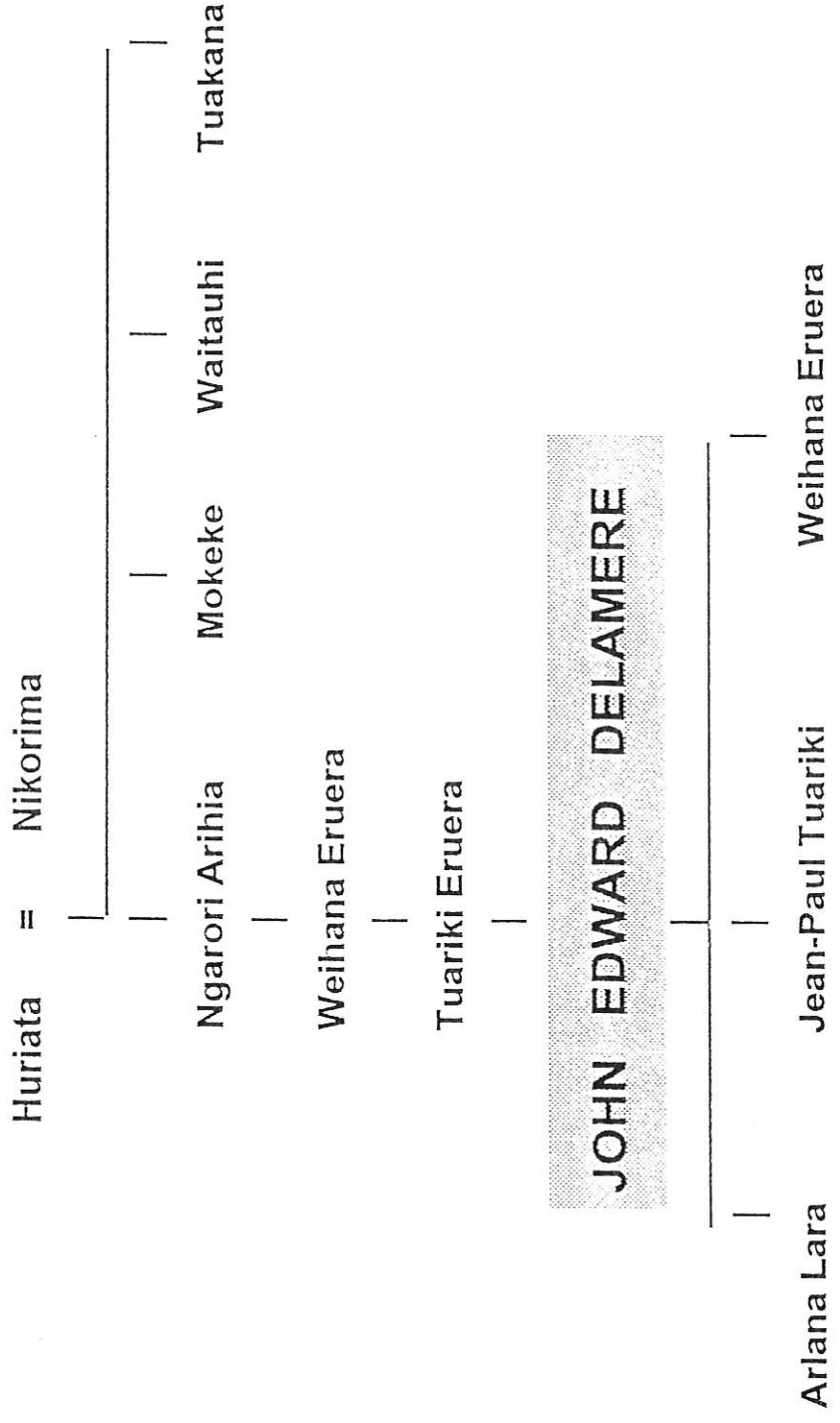
14.

E kaha ana, e matatau ana ahau, ki ngā mahi hāpai, ki ngā whakahaere ano hoki, e whai painga ai ngā tangata katoa. Ānei ētahi tohu e whai ake nei.

ABILITY AND EXPERIENCE IN PEOPLE MANAGEMENT

- selected as top soldier, US Army, Fort Leonard Wood, Missouri, USA
- member of President's Club for Sales Achievement, Burroughs Corporation
- Top sales person, Pacific Region, Concurrent Computer Corporation
- Successfully managed the "Fiscal Envelope" hui at Terere, Opotiki
- has support of iwi - Mataatua & Te Arawa
- Regional Director, Te Puni Kokiri
- Chief Financial Officer, Polynesian Airlines
- New Zealand Manager, Concurrent Computer Corporation

MANAAKITANGA, WAIRUATANGA FOR WHAKATOHEA



OUR FUTURE >>>> o tātou tamāriki <<<< >>>> o tātou mokopuna <<<< OUR FUTURE

John Delamere: Presentation to Whakatohea at Ōtēre: Sunday, 1 October 1995

16.

TE RAUPATU O WHAKATOHEA

Ngā Mahi Māma

e taka huritia ana

Kia Tāwhiwhi

e te hunga nanakia

WHAKATOHEA RAUPATU CLAIM

THE *SIMPLE*

is often turned into

THE *COMPLEX*

by those with a vested interest

WHAKATOHEA RAUPATU CLAIM

the WESTPAC view the WESTPAC view the WESTPAC view

the mana, the mauri, the ihi of WHAKATOHEA



\$100,000 a month

\$1.2 million to estimated completion



Aotearoa Financial Services



Westpac



Tauiwi

Ānei katoa te āhuatanga o ngā take e kore e taea e tātou ki te whakarerekēhia

THE REALITIES OF THE WHAKATOHEA RAUPATU?

- The Crown accepts that Whakatohea has a valid grievance
- The Crown controls the settlement process
- The Waitangi Tribunal has NO power
- The Crown has implemented the fiscal envelope policies and Whakatohea can do nothing about it
- The value of Whakatohea's loss is incalculable
- The Crown has already determined what they will offer Whakatohea as a settlement offer
- The Crown will offer compensation to Whakatohea at a fraction of our loss
- Further research will not increase the Crown offer

WHAKATOHEA NEEDS THE BENEFITS OF SETTLEMENT TODAY !!

He aha ngā wawata e tūmanakohia e tātou kia puta hai painga i muri iho o te whakautukitanga o te raupatu

TE RAUPATU O WHAKATOHEA

Ānei ngā hua koretanga mo te raupatu, ina kore tātou e whai tikanga inaia nei tonu

The Cost of Missing the Window of Opportunity

\$50 MILLION SETTLEMENT

- ★ \$4,000,000 a year
- ★ \$350,000 a month
- ★ \$12,000 a day

\$100 MILLION SETTLEMENT

- ★ \$8,000,000 a year
- ★ \$700,000 a month
- ★ \$24,000 a day

Ānei ngā hua koretanga mo te raupatu ina kore tātou e whakatau i te raupatu inaia nei tonu

TE RAUPATU O WHAKATOHEA

Wero Noa : Kia Mata-Ara

Wero Noa : Kia Mata-Ara

- Me pēhea tātou hanga roopu kaiwhakahaere i ngā painga ka riro mai i a tātou ??
- Ko wai ō tātou ka whiwhi ki ngā painga ??
- Me pēhea te tohatoha i ngā rawa ina waimaria tātou ??

22.

WHAKATOHEA RAUPATU CLAIM

THE CHALLENGE !!

THE CHALLENGE !!

- What Organisational Structures Do We Need ??
- Who Are Our Beneficiaries ??
- How Will Our Beneficiaries Benefit ??

Te Raupatu O Whakatohea

OBJECTIVE:

Restore the mana and economic base of Whakatohea

- ✳ ensure our raupatu grievance does not become a burden for our mokopuna
- ✳ erase the grievance mentality which has limited our development
- ✳ get on with our lives
- ✳ ensure the on-going development and survival of Whakatohea

24.

24

An Action Timeline

Te Raupatu o Whakatohea

<p>Deed of Mandate</p> <ul style="list-style-type: none"> - draft by 1 October - negotiators approval 1 October - sent to Crown by 5 October 	<p>Secure Funding</p> <ul style="list-style-type: none"> - from WMTB, 2 October - from Crown, 15 November - repay WMTB - reimburse Mokoimoko whanau 	<p>New Structures</p> <ul style="list-style-type: none"> - approval of concept 1 October - selection of rangatahi 5 October - draft by 1 November - considered by raupatu committee by 10 November - final by 1 December 	<p>Hui-a-iwi (round 1)</p> <ul style="list-style-type: none"> - during October/November - update on raupatu - update on fish/TOKM - update on WMTB - beneficiaries register
<p>Settlement Proposal</p> <ul style="list-style-type: none"> - draft by 1 October - approval by 15 October - sent to Crown by 20 October 			
<p>Heads Of Agreement</p> <ul style="list-style-type: none"> - draft by 1 December - negotiators approval by 15 December - iwi approval by 1 March 		<p>Distribution of Benefits</p> <ul style="list-style-type: none"> - approval of concept 1 October - selection of rangatahi 1 November - draft by 1 December - consideration by raupatu committee by 15 December - final by 15 January 	
			<p>Hui-a-iwi (round 2)</p> <ul style="list-style-type: none"> - February - explain heads of agreement - new structures - seek approval - beneficiaries register

NGA IWI O WHAKATOHEA

Bay of Plenty	5184
Auckland	1299
Waikato	717
Wellington	549
Gisborne	402
Canterbury	249
Manawatu	246
Hawkes Bay	171
Southland-Otago	156

26.

26

POSSIBLE RANGATAHI COMMITTEE

Dudu Maxwell

Jade Stevens

Kahukore Baker

Annette (Papuni) McLellan

John Tamihere

Vaughan Payne

Mereaira Hata

Monita Delamere

Tawhiro Maxwell

Josie (Mareroa) Karanga

Erica Lloyd

Hetaraka Biddle

Tom O'Reilly

27

27.

6 MONTH BUDGET

meetings with various Crown personnel

2 trips per month, overnight in Wellington
airfares, accomodation & expenses

meetings of rangatahi sub-committee

including 3 x 2 day hui
meeting fees and expenses for participants

Hui to inform Whakatohea whanui

Tauranga, Rotorua, Kawerau, West Auckland
South Auckland, Hamilton, Porirua, Hutt Valley
Christchurch, Dunedin, Gisborne, Hastings
airfares, accomodation, expenses, advertising

Project Manager

management fee, vehicle costs,
administration costs, computer, stationery etc

Compilation of Beneficiary Register

attending hui (national kapa haka etc)
temporary employees
administration (data entry etc)

Legal Fees

estimate only

Miscellaneous

Contingency

ESTIMATED TOTAL BUDGET

\$180,000

28.

28

MEMORANDUM

DATE 12 December 1991

TO Neil Martin

FROM John Delamere

SUBJECT **Mokomoko**

- 1 Yesterday you advised me that a reporter from Rotorua submitted a request to the Minister of Justice under the Official Information Act for a copy of papers written by Law Reform and Lawrence Tukaki-Millanta relating to Mokomoko. You also expressed concern that this request came two days after I was in Rotorua last weekend.
- 2 After talking with Lawrence Tukaki-Millanta I advised you that John Paki of the Mokomoko family had approached a reporter named Maramena Roderick as evidently John Paki wants the NZ Herald to do an expose on the Mokomoko situation. Ms Roderick had contacted Lawrence seeking information on the Mokomoko claim. Lawrence referred her to Crown Law and the Minister's office. I understand that Ms Roderick may have written a previous article on Mokomoko.
- 3 I have not talked or communicated in any way with John Paki or any member of the Mokomoko family since I met with John Paki at TOWPU offices 6 November 1991. Until yesterday I had never heard of Maramena Roderick nor have I ever met or discussed with her or any other reporter from any newspaper the Mokomoko claim. Lawrence has had no contact with John Paki or the Mokomoko family since 14 November 1991.
- 4 That the Mokomoko family have decided to go to the press should be of no great surprise given the distress they feel at the unwillingness of the Crown to date to consider a pardon for Mokomoko and the determination of John Paki to do whatever is necessary to get a pardon.
- 5 I am still of the opinion that the advice in Law Reform's memorandum of 13 November 1991 to the Minister of Justice was deficient in that their two basic concerns seem to be that:
 - a the Crown would set an unacceptable precedent if Mokomoko was pardoned; and
 - b the Ngati Awa statutory pardon was part of a much broader settlement with Ngati Awa involving confiscation of land.
- 6 As stated in the Crown Law opinion Heremita and Hakaraia of Ngati Awa, who were convicted and hanged for the murder of the Reverend Volkner, were pardoned by the passing of the Te Runanga o Ngati Awa Act.

- 8 In 1981 Parliament passed the Tauranga Moana Trust Board Act which among other things in s.7 *"...declared that after the passing of this Act the character and reputation of Rawiri Puhirake, Henare Taratoa, and all other members of the Ngaiterangi, Ngati Ranginui, and other tribes who fought in the battle of Gate Pa and Te Ranga shall be the same as if a full pardon had been granted to them in respect of all matters arising out of, or in any way related to, those battles."*
- 9 In 1866 Parliament passed The Indemnity Act which effectively pardoned all Pakeha for any deeds or actions committed against Maori during the Land Wars of the early 1860's *"And whereas military force has been employed to quell such Insurrections and acts have been done for the purpose of quelling the said Insurrections for which it is proper and expedient that the persons acting herein should be indemnified by law"*
- 10 The Te Runanga o Ngati Awa Act states a full pardon is granted to *"persons of Ngati Awa descent.....in respect of all matters arising out of the land wars in 1865"*, yet the Eastern Bay of Plenty confiscation resulting from the land wars not only included land belonging to Ngati Awa but also to four other iwi; Tuhoe, Whakatohea, Te Whanau a Apanui and Ngai Tai. Following petitions to the Crown, however, by Wiremu Kingi of Ngai Tai, and Te Tatana Ngatawa and Koopu Erueti for Te Whanau a Apanui their lands were restored.
- 11 Contrary to Law Reform's advice nothing in the Te Runanga o Ngati Awa Act 1988 refers to the confiscation of Ngati Awa lands or the passing of the Act being part of a broader settlement for the confiscations. The Act, except for s.11 which restores the character, mana and reputation of Ngati Awa, is solely about the creation of Te Runanga o Ngati Awa.
- 12 Law Reform's concern about granting a pardon to Mokomoko as it *"would provide a precedent for the grant of a similar pardon to any Maori involved in any incidents arising from the 1865 land wars who like Mokomoko were not Ngati Awa"* is I believe not warranted. The Crown Law opinion suggests that the Te Runanga o Ngati Awa Act is already a precedent. I would also suggest precedents were already created by the Indemnity Act 1866, and the pardon for all of Ngati Ranginui and Ngaiterangi in the Tauranga Moana Trust Board Act 1981, as well as the pardon for all of Ngati Awa in the Te Runanga o Ngati Awa Act 1988.
- 13 The Crown Law opinion refers to the need to act consistently. I believe the inconsistency is not so much whether Mokomoko is granted an individual pardon but whether or not those other iwi whose land were also confiscated along with Ngati Awa in the Eastern Bay of Plenty confiscation, namely Whakatohea, Whanau a Apanui, Tuhoe and Ngai Tai are granted a similar general pardon.

4 I believe we should advise the Minister of Justice that he should support special legislation that will restore the character, mana and reputation of the people of all those iwi within the Eastern Bay of Plenty confiscation area (that is, Ngati Awa, Whakatohea, Whanau a Apanui, Tuhoe and Ngai Tai) who were arrested, tried and labelled as rebels in or about 1865 and to their whanau and to their iwi as a whole; being the same status granted to Ngati Awa in s.11 of the Te Runanga o Ngati Awa Act 1988 and to Ngati Ranginui and Ngaiterangi in s.7 of the Tauranga Moana Trust Board Act 1981. Such a general pardon would not need to specify Mokomoko as an individual but would meet the requirements of the Mokomoko family as expressed in their statement of claim and other correspondence.

15 I believe we should also consider advising the Minister that it may be appropriate to consider a blanket pardon to all other iwi who were punished as rebels.

RECOMMENDATION

16 That Lawrence prepare a short discussion paper, based on this memorandum, for Law Reform and/or Crown Law with a view to putting forward a joint paper to the Minister of Justice if it is decided such action is warranted.

Joh
Declined - MJ is looking into it himself and is aware that a general pardon is an option. He has said he will let us know his decision.

Recommendation 1

that all land, including the conservation estate, proven to have been acquired by the Crown by confiscation, theft or other improper means be classified as Category A land essential to the settlement of the claim and that all such land be unconditionally returned to the beneficiaries of the original Māori owners, without cost.

Recommendation 2

that the Crown withdraw its demand for full and final settlement in favour of claimants signing up to the following statement:

We the claimants confirm for our future generations that we are satisfied with this settlement as although full reparation has not been made we have accepted the Crown's claimed inability to make full reparation.

Recommendation 3

that as the Government ultimately has total and absolute control of the Crown's finances there is no need to have an announced cap or quantum for settling claims and that each claim be negotiated and settled on its own merits.

Recommendation 4

that the Treaty of Waitangi Act 1975 not be amended to restrict claims to iwi or hapu as we consider it is morally wrong, unfair and unworkable and the requirements of mandate and representation will ensure claims are settled with the appropriate claimants.

Recommendation 5

that the Government approach the United Nations with a request for assistance in setting up an independent body, without vested interest, to determine the parameters for settling legitimate Māori treaty claims.

Recommendation 6

that the Government must allow Māori to appoint an autonomous team of analysts, funded by the Crown, to work with the Crown's Pākehā analysts on all submissions and if necessary submit a separate independent report to the Cabinet.

Recommendation 7

that the Ministers of Treaty Negotiations and Māori Affairs direct the Waitangi Tribunal to hear, under urgency, the generic claim of Māori ownership of all natural resources.

32.
Recommendation 8

that the Office of Treaty Settlements take immediate steps to ensure that it has an adequate and competent level of representation from Māori analysts.

Recommendation 9

that claimants whose claims are accepted as valid by either the Crown or the Waitangi Tribunal be reimbursed their reasonable costs for prosecuting and negotiating their claim.

Recommendation 10

that a joint Māori-Crown body be established to determine the appropriate level for reasonable costs for claim reimbursement.

Recommendation 11

that the Government agree to an annual \$300 million budget for Treaty of Waitangi claims for the next 10 years with such budget to be reviewed in year 2005.

Recommendation 12

that all costs involved in land banking be met by the Crown.

Recommendation 13

that legislation be enacted to make it illegal for any land owned by the Crown, or any agency in which the Crown has a share holding, to be sold without receiving clearance from either the Waitangi Tribunal or a joint Māori-Crown body.

Recommendation 14

that land conditionally gifted by Māori to the Crown be immediately offered for return at no cost if the terms of gifting are not being met or the land is considered surplus.

Recommendation 15

that the Crown, at its cost, assist iwi to set up or update their tribal registers using information gathered in the 1991 census or any future census.

Recommendation 16

that the Government acknowledge that all Government departments, all Government ministries, all local government authorities, all State Owned Enterprises, all Crown Research Institutes, all Crown Health Enterprises, and all other entities owned by the Government or the Crown are agents of the Crown and for the purposes of Treaty of Waitangi claims are the Crown.

Recommendation 17

that all land and resources owned by the Crown and wrongly alienated from Māori by the Crown be returned to the beneficial descendants of the original Māori owners.

Recommendation 18

that the Crown and its entities immediately start paying market rentals for any Māori owned lands they lease and that steps be taken to have those lands returned as soon as possible to Māori ownership and control.

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WHAKATOHEA MAORI TRUST BOARD

122 ST JOHN STREET
PO BOX 207
OPOTIKI



PHONE: (07) 315 6150

FACSIMILE: (07) 3157968

FACSIMILE TRANSMISSION

DATE: 25/09/95 FAX NO. (07) 323-9106

TO: Josie Gedson
Raupatu Secretary (Whakatohea)

FROM: John Delomere

PAGE: 1 OF 2 PAGES

MESSAGE:

Letter following.

Josie

COPY TO					
DATE SENT					
BECA SIMONS (KAWERAU) LTD					
25 SEP 1995					
BY					
SEE					
ACT					

Received pm 25-9-95

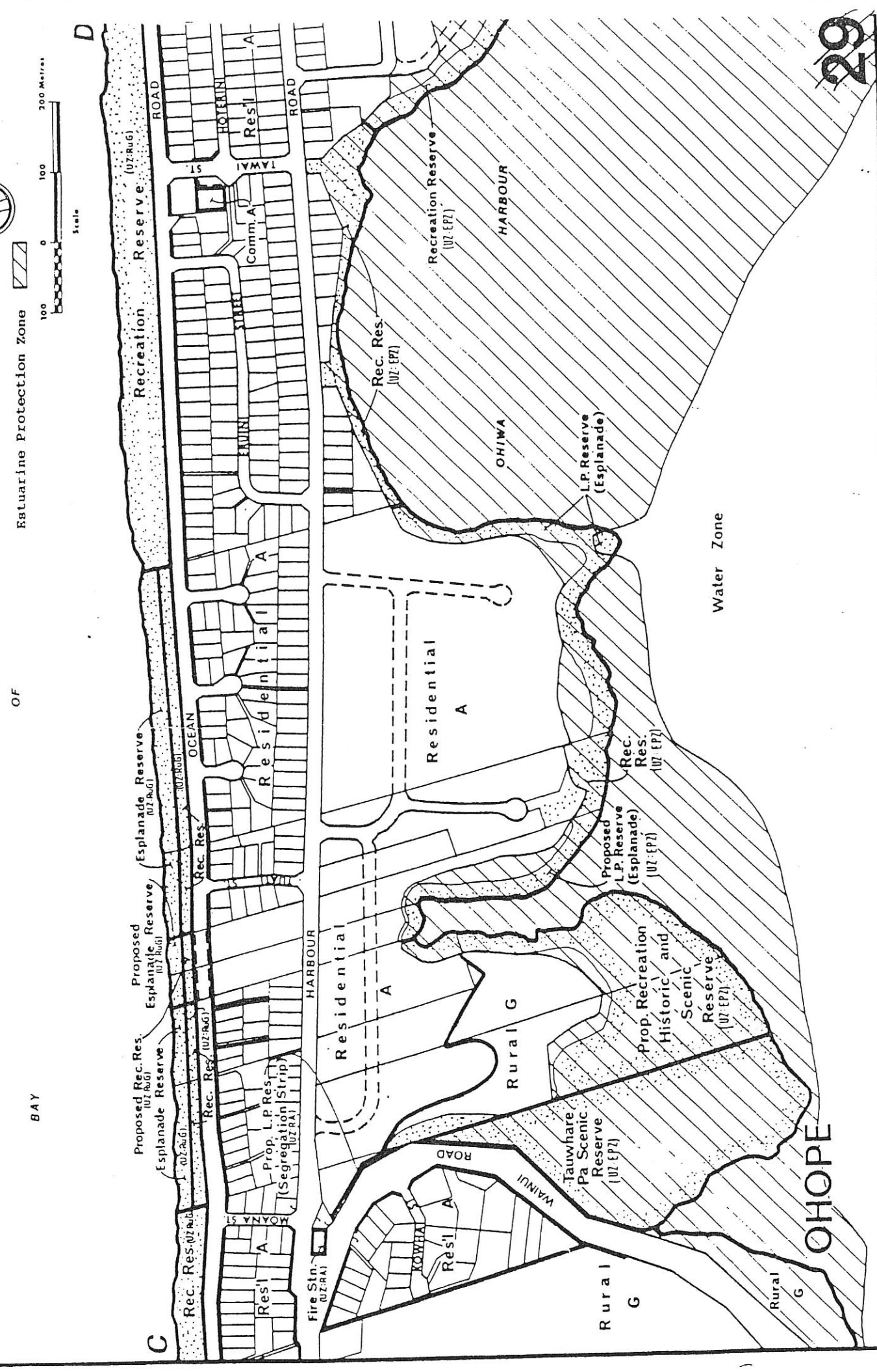
To : Whakatohea Maori Trust Board
 attention : The Claims Manager
 Box 207
 Opotiki

I John Edward Delamere hereby notify
 you that I wish to be considered
 a candidate for the position of Project
 Manager of the Whakatohea raupatu claim.
 As required I will present a submission to
 Whakatohea iwi on Sunday, 1 October 1995.

Yours faithfully


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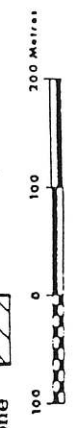
2936



PLenty

Estuarine Protection Zone

OF



BAY

C

Scale

D

Fire Stn. (Uz:RA)

HARBOUR

Residential A

OHIOPE

HARBOUR

Res'l A

KOWABA Res'l A

WAINUI ROAD

HARBOUR

Residential A

OHIOPE

HARBOUR

Rural G

Rural G

Res. Res. (Uz:EPZ)

OHIOPE

HARBOUR

Prop. Rec. Res. (Uz:RAG)

Esplanade Reserve (Uz:RAG)

Proposed Esplanade Reserve (Uz:RAG)

HARBOUR

Residential A

OHIOPE

HARBOUR

Res'l A

TAUWHARE PA SCENIC RESERVE (Uz:EPZ)

Prop. Rec. Res. (Uz:EPZ)

HARBOUR

Residential A

OHIOPE

HARBOUR

Rural G

Rural G

Res. Res. (Uz:EPZ)

OHIOPE

HARBOUR

Water Zone

OHIOPE

Water Zone

OHIOPE

HARBOUR