

Meeting of Whakatohea Treaty Claim Negotiators

3 September 1994

at the Whakatohea Māori Trust Board

start 10:10am

present: negotiators Claude Edwards, John Hata, Ranginui Walker, Wiremu Rewiri, Charlie Aramoana, Tairongo Amoamo, Teriaki Amoamo, John Kameta, Frank Matchitt, Tahu Taia, John Pio (for John Tai), Tu Williams

observers Lady Mary Delamere, Kahu Baker, Dawn Kincaid, Ruahema Tairua, Mrs Walker, Frank Amoamo, Tarati Carrington, Rover Waiapu, John Delamere, Hetaraka Biddle, Vaughan Payne, Kate Payne, Jade Stevens, Manny Mokokoko

chair Claude Edwards

minutes Tahu Taia

apologies *John Tai, Tenga Biddle (Frank/Charlie - unanimous)*

karakia Teriaki Amoamo

ngā mihi John Hata, Wiremu, Ranginui, Tairongo, Claude

Minutes

Claude distributed minutes of the last meeting of 26 June 1994

Tairongo - requested additions and alterations to agenda
 - what is the quorum?
 - record names of attendance to the hui
 - brought up several procedural issues for the running of meetings
 - asked about transfer of assets to this committee

Claude stated that Tairongo was trying to use to tīkanga Pākehā to embarrass the trust board and himself

Tairongo stated these were matters of accountability; it was important this committee be fully and openly accountable; not trying to hinder but help the process by getting the procedures and ground rules correct

Claude issues are being raised that were never previously addressed

Tairongo - additions to agenda!!

- continued non-attendance of Bishop Vercoe
- have reports to be tabled
- report back on Ngati Awa hearing
- a letter to be tabled from A C Lyall concerning stage I research
- executive hui for Sunday to be put on agenda

sought acknowledgement/agreement from committee for additions to agenda

Claude the real issue is to negotiate this claim. The Minister of Justice has already approved. We have the Gillings report. Any further talk about history will delay the negotiation process.

Tairongo happy to refer these issues to general business.

Tahu explains the transcript

John K refers to agenda and the need to look at other reports - under the item re Gillings's report

Matters Arising From Minutes

Tairongo What about the Kel Sanderson issue? The minutes of 26 June are incorrect and need to be amended and chairman to sign.

John H Ngai Tama representative dealt with in correspondence

Ranginui Abstentions p3 not recorded

Claude clarifies as 4 against the motion to purchase the MOW depot. Identifies those who voted against the motion as Ranginui, Tairongo, Tu and Lady Mary (who was substituting for Teriaki).

Claude Are the proxies in order?

Ranginui Need standing orders.

Railcorp report is not available.

Tairongo refers to report of 26 February on MOW depot. Is there a report?

Ranginui Is there a report on Crown properties?

Claude Gives a verbal report

Tairongo Not practical on report - remove names!!

John K A committee was established to look at MOW depot and Railcorp property.

Tairongo Amend minutes. Wants to give Whakatane raupatu hearing report. Talks about David Young's report. A need to properly identify those who did the report. David Young did not do the research. Claude's role in preparing the report must be identified.

Claude Confirms David Young did a report.

Tairongo Who did the research. It wasn't David Young.

Claude It was the research team established by the WMTB.

Tairongo There needs to be an amendment stating that the research team did the research and not David Young.

Claude Wanted it recorded the Mereaira Hata stripped the computer of all records, she took all reference notes. Everything was taken - gone!

Tu Asked for clarification on Mereaira's status

Claude Confirmed that Mereaira was a MACCESS trainer

John H Confirmed Claude's statement about Mereaira.

Tairongo Expressed concern that Mereaira needed an opportunity to respond to these accusations.

Referred to the Waikato Liaison team. critique - objective!

Claude Must be impartial

John K Put it on the agenda

Lady Mary Will there be any follow up on Mereaira?

John K This is a stale issue. Ngati Ira is offended.

Ranginui Objection. Wants minutes amended. Crown Fiscal Envelope needs to be added to the agenda.

Tairongo Important factors in the treaty claim arena need to be noted by this committee.

Claude Asks John Delamere to clarify if the Minister will be meeting with iwi about the fiscal envelope. Understands this may be the case.

John D Explains that to his knowledge nothing has been finalised although confirmed it is strongly rumoured the Crown may be announcing a number of treaty related policies in the near future.

Claude Refers to a draft statement expressing Whakatohea's rejection of the fiscal envelope policy.

Ranginui Calls for a point of order. Wants minutes to be corrected.

Tairongo Ngati Awa. Apologies.

John H Apologies.

Ranginui move minutes be accepted. 2nd Tairongo. passed unanimous.

General discussion takes place about the quality of the minutes.

Manny Talks about the need for a separate secretariat. Not fair on Tahu who is supposed to be a negotiator for Ngati Ngahere.

Tahu Explains what he does and the difficulties in trying to be both a negotiator and being the minute secretary.

Claude Do you want to resign.

Varied comments, some heated, from a number of negotiators.

Tahu Resigns!

John H Nominates John Delamere for position of permanent secretary. 2nd Frank.

11:12am

John D Declines as due to other commitments he can not guarantee always being available. Makes statement that it has been most disappointing listening to all the destructive criticism of the past hour especially that directed at Tahu. Noted that no one else has volunteered to do the minutes, a job which is difficult and thankless.

Dawn Declined being an interim secretary for today.

Claude Asked John D to consider an interim appointment for today at least.

John D Agreed

John H So moved. 2nd Frank. passed unanimously

11:16am

Correspondence

Ranginui Query on letter of 4 August 1994 from TOWPU to WMTB. Letter concerning funding read by Tahu.

Ranginui Requested Tahu read letter of 25 July 1994 from TOWPU to WMTB. Also concerned funding.

Explained concerns of the Auckland committee that the negotiators committee had not seen or approved the invoices submitted to TOWPU. Especially concerned about Whakatohea credibility given those invoices rejected by TOWPU.

Claude Acknowledged that some invoices had been sent in error by the WMTB to TOWPU for reimbursement.

- Tairongo Requested the recording of utmost concern by the Wellington committee on this matter.
- Claude/Tahu Explained how this mistake had been made and that the matter had now been rectified. The WMTB accounts division had sent the invoice to TOWPU without reference to the chairman. This is normal procedure. Mistakes happen from time to time. This one has now been rectified. Over \$17,000 paid by TOWPU. Money with WMTB.
- John H Supported the statements from Claude and Tahu.
- Tu Asked if the financial report would clarify the situation.
- Tahu It will but the report has not yet been prepared. It needs to be clarified who gets first reimbursement from TOWPU. All expenses up to 19 October 1993 were incurred by the WMTB. Expenses from that date are the responsibility of this committee.
- Tairongo Shouldn't the accounts have been presented to the committee first? Explained his concerns over accountability. When Tom Woods was brought to Omaramutu who did he represent? was it for the raupatu, or business unrelated to the claim? who paid the bill? Tom Woods account should be halved - half to WMTB half to this committee. Is it right the Crown should pay for trust board activities unrelated to this claim?
- Ranginui Explained his position on this issue; the respective responsibilities of the WMTB and this committee. The putea should stay with this committee, not the WMTB.
- Manny Expressed support to both Claude and Ranginui for their respective positions. Understood position of WMTB. Mokokoko whanau in its claim had incurred significant expenses that ultimately have also benefited the raupatu claim.
- Tairongo I "bring you a report from Wellington" from my meetings with TOWPU. The \$75,000 finding from TOWPU may or may not be a charge against the claim.
- Lady Mary Explained her understanding of the situation. The WMTB should bring the accounts to this table, although it has already been agreed the WMTB be reimbursed.
- Tu Asked for a recommendation that raupatu accounts be tabled for formal acceptance by this committee.
- Tairongo To Claude: I wrote to you on 22 December asking for the accounts to be tabled.
- Tairongo *Moved that the pre 19 October 1993 raupatu accounts incurred by the WMTB be tabled for acceptance by this committee. 2nd Ranginui, passed unanimously.*

11:48am Correspondence continues

Lady Mary Has the negotiators bank account been opened?

Tahu Yes. Interim signatories are Claude, Frank, Tahu.

Tairongo Where has the money received from TOWPU gone?

Tahu In the WMTB bank account.

Tairongo This money should come back to this committee.

Claude WMTB incurred huge expenses. It has a right to be reimbursed.

Tahu Would like to see an accountant employed to handle this committee's accounts.

John D Explained the funding process. The \$75,000 figure is the approval limit of what TOWPU can pay to claimants, over that figure Cabinet approval must be obtained. Whakatohea is entitled to full reimbursement of its expenses incurred in pursuing its claim, be they incurred by the trust board or this committee. Other major claimant groups have received well in excess of \$75,000 in funding, eg Ngai Tahu - more than \$1 million; Tainui - a similar figure; Ngati Whakaue. However all have had to submit budgets and receive separate cabinet approval. This committee needs to do the same. There is a need to prepare a negotiations budget as soon as possible. Also pointed out that this committee can not direct the funds paid to WMTB by TOWPU be paid into this committee. That would have to be a decision taken by the WMTB.

John H WMTB should be reimbursed. The accounts should be tabled with this committee and this committee reimburse the WMTB.

Tairongo agreed

Tahu explained the accountability of the WMTB. Currently accounts being assessed by the auditors.

John K The issue is about what was claimed by the WMTB. Some accounts were wrongly submitted.

Tairongo Moved that the monies held by the WMTB which were received by TOWPU be paid into the raupatu negotiators committee's bank account and that the trust board pre 19 October 1993 accounts be presented for ratification and payment. 2nd Claude. passed unanimously except Tahu (against).

Tahu spoke against the motion

Lady Mary spoke in support.

12:06pm correspondence completed

Accounts For Payment

- Ranginui Queried account listed for himself. Only required \$100 instead of the \$675. This was enough to cover his petrol.
- Frank Same for him.
- Tahu Will take care of this and adjust the accounts as appropriate.
- Tairongo Queried the Graham Hill account.
- Claude A valuation report of the MOW depot based on a request from the last meeting.

12:12pm

- Tu Asked leave to go back to correspondence. Wanted to know if a letter had been received concerning his appointment to this committee.
- Tahu Yes. Letter received from Chief Judge Durie confirming that Minister had been advised of Tu's appointment as a delegate for Ngai Tama.
- Tu Asked for his expenses to be back dates to the meeting of 26 June 1994.
- Tairongo Moved that Tu Williams be reimbursed for meeting expenses beginning with the meeting of 26 June 1994. 2nd Ranginui, passed unanimously.*

Tairongo Moved payment of all accounts subject to correction of the accounts for Ranginui, Frank and Tu. 2nd John H, passed unanimously

12:18

- Tairongo Discussed the need for a financial working party who would look after all financial matters and be the bank account signatories.
- Tairongo Moved that Teriaki, John Tai and Tahu be appointed as the signatories for this committee's bank account with 2 of 3 signatures required for any withdrawal. 2nd Ranginui, passed unanimously*

- Ranginui Suggested item 7 on the agenda be moved to later on.
- Claude agreed to move till after item 10.

12:26pm Notices of Motion from the Whanganui-a-Tara team

- Tairongo item 1 - already dealt with
- item 2b, 2c - already dealt with
- item 2e - suggested Brian Riesterer for auditor

- Claude moved Ken Skeltern as auditor. 2nd John H, passed unanimously*
- Tairongo item 2a - need for a working party based in Opotiki.
- Tairongo moved that the signatories, Teriaki, John Tai and Tahu be a finance working committee with the power to co-opt. 2nd Teriaki, passed unanimously.*
- item 2d - can be handled by the new finance working committee
- item 3, 4, 5 - will discuss these later, as per agenda
- item 6 - believes there is a need for historical wananga to compile the Whakatohea early history
- item 7 - stress the importance that Whakatohea attend the Ngati Awa hearing beginning 12 September at Kokohinau.
- Charlie explained his position on the rights of Whakatohea. Also many other meetings in the rohe that people need to attend. Any decision to attend is up to you.
- Tairongo read his report on the first Ngati Awa hearing. Gave further elaboration. Expressed his disappointment at lack of attendance by these negotiators at the hearing. Ngati Awa claim White Island. Te Ehotu was only cross claimant. What about Whakatohea. Do we have a cross claim. Has the trust board agreed to a formal division of Ohiwa Harbour. Sid Mead is claiming there has been.
- Claude No. There has been no formal agreement. It was discussed but nothing done. Considers it a non-issue anyway as Crown will not return the harbour or the surrounding land. We do not have a specific claim on White Island.
- Tairongo It is not about the return of Ohiwa Harbour but about the need to set a basis for establishing compensation. We could be disadvantaged by the improper claims of Ngati Awa and even others as to their historical boundaries.
- Manny Supports Tairongo and his report. He also objects to the methods used by Ngati Awa.
- Claude Official documents from the Simm Commission to the report by Buddy Mikaere of the Waitangi Tribunal all clearly report on the boundaries of Whakatohea, notwithstanding anything Ngati Awa says.
- Tairongo Moved adoption of his report. 2nd Tu, passed unanimously.*
- 1:10pm adjourned for lunch
- 1:45pm resumed after lunch

Discussion of Motions submitted by Tamaki Makau Rau

- Ranginui recommendation 1 - discussed need for a strategic plan.

Claude Asked if this was outside the committee's brief.
There was general discussion supporting the recommendation. Something needs to be done as there is no body set up to officially receive any compensation.

Ranginui Moved adoption of recommendation 1. 2nd Tu, passed unanimously.

Ranginui recommendation 2 - discussed need for beneficiary lists.

Ranginui moved adoption of recommendation 2. 2nd Tu

Claude It is the responsibility of the hapu, the WMTB can only be the keeper of the information - using its computers.
a general discussion followed about hapu responsibility.

Claude moved an amendment "that the hapu compile their list of beneficiaries which will then be maintained by the WMTB on its computers". 2nd Tahu.

Vaughan raised concerns about the use and privacy of this information.

Claude moved further amendment so that full motion reads, "that the hapu compile their list of beneficiaries which will then be maintained by the WMTB on its computers and that such information be used only for the purposes of Whakatohea such as tribal elections and establishing rights as raupatu beneficiaries. 2nd Ranginui, passed by all except Ngati Ira who abstained.

Ranginui recommendation 3 - already dealt with.
recommendation 4 - discussion as to why the Gilling report is only a part of the justification basis of the claim.

Tairongo where in the Gilling report is the degree of compensation established?

Claude the Gilling report is sufficient to go to negotiation

Tairongo other issues need to be addressed

- loss of land under various public works acts
- loss lands that were then given to Ngai Tai
- White Island not addressed

Tu we need more information

Ranginui moved adoption of recommendation 4 amended to read "that the Gilling report on the raupatu claim be accepted and adopted as apart of the justification basis for the claim. 2nd Tu, passed unanimously.

Ranginui gave presentation with overhead foils to support his arguments for recommendations 6.1, 6.2 and 6.3.

gave a detailed presentation on the global settlement proposal as put together by Sir Graeme Latimer, Maanu Paul and Bancorp. Considered this proposal also supported by the Government as well as a means to force iwi to a global Sealords type settlement. Backgrounded the depth of feeling of opposition growing from around the country. Also gave a presentation of the Tainui raupatu claim process. Considered this a model for Whakatohea to consider.

Claude Gave further background on the Latimer proposal as he attended the "secret" meeting at the Hyatt Kingsgate in Rotorua which was also attended by Bancorp, Doug Graham, John Luxton, Manu Paul. Claude accompanied by Tama Nikora.

Ranginui Submitted a suggested process for Whakatohea to adopt, "He Whakaaro Kaupapa Mo Te Raupatu".

There followed general discussion on the proposal.

Ranginui Moved adoption of his principles

Lady Mary Expressed concern about the impact of the motion on the 2 surplus Crown properties.

Ranginui Moved adoption of "Tainui principles recommendations 1, 2 and 3. 2nd John H.

Vaughan thought should be given to provision of amendment taking into account potential environmental contamination

Ranginui moved amendment to rec #2: "..including environmental degradation.." after maintenance or other charges. 2nd John H, passed unanimously.

Kahu How does this motion impact on the current protocols that were prepared last year by the WMTB.

Claude They are complementary. Have any of the negotiators read them?

Ranginui tabled the compensation formula from item 2 "The Second Tainui Principle" for future consideration by this committee.

moved the recommendations from item 3 - Hui Whakakotahi. Not voted on. Suggested that all the raupatu iwi gather to meet and discuss the whole basis of treaty settlements. Considers raupatu claims are the most significant and that as raupatu iwi have never got together before it would be a good idea if we did so.

There was general discussion on this matter. Suggested venues Omaramutu and Hopuhopu. Consensus for Omaramutu as Whakatohea are calling the hui. Invite all raupatu claimant iwi: Ngati Awa, Tuhoe, Ngaiterangi, Ngati Pukenga, Ngati Ranginui, Tainui Federation, Taranaki iwi, Te Atiawa.

Tairongo Moved that all the raupatu iwi be invited to a hui at Omaramutu as soon as possible on a date that will ensure the attendance of Bob Mahuta. 2nd Ranginui, passed unanimously.

John D Agreed to contact all the iwi by letter inviting them to the hui. Will contact his TPK counterparts to ensure that no-one is left out who should be invited.

Lady Mary Wanted some direction from this committee on the possible attempt by the CHE to sell off hospital land.

Ranginui Heather Thompson is in charge of the process. She will keep Whakatohea informed.

3:22pm The Gilling Report

Ranginui Considers the Gilling report has deficiencies. It is written for TOWPU. We need a report written for Whakatohea as well. The early tribal history needs to be done. Once done he (Ranginui) will prepare the final submission.

Tairongo Discussed his reasons on the limitations of the Gilling report. Distributed:

1. a proposal from Bryan Gilling for further historical research, 1870+;
2. a letter from Alf Lyall about doing the early history, pre-1840.

Gilling has said his report would take 8-10 weeks at \$23,500 all up.

Claude Is this research need? is it relevant?

Tairongo It is relevant to the claim. Gave a further explanation on the need for further research to be done.

General discussion followed on this matter.

Also recommended that Duncan Moore be engaged to monitor Bryan Gilling. If we engage Gilling we can not afford to have him operate without controls as it could get very expensive.

John D Current problem is how does this committee pay for these services? The committee has no money at the moment, except the balance \$7,000+ from the first \$25,000 allocation from TOWPU. This committee needs to get access and approval for the next \$25,000 allocation from TOWPU as well as submit a full budget to TOWPU for Cabinet consideration if the budgeted expenses are in excess of \$75,000 as they are likely to be.

Tairongo Moved that the research stage I (early tribal history) and stage III (post 1870) be carried out. 2nd Ranginui, passed unanimously.

Tairongo Moved that subject to the availability of finance and terms of reference Bryan Gilling be engaged to complete stage III of the report. 2nd Ranginui, passed unanimously.

4:01pm Whakatohea protocols

Ranginui read the claim protocols developed by WMTB and submitted to Minister of Justice for approval. Notwithstanding the fact that all claimants eventually have to meet the Crown in direct negotiations, expressed his concerns about the negotiations and its process. Concerned at being forced by the Crown to play by its rules. Probably prefers going to hearing.

Tairongo All negotiations should be in front of the iwi, on the marae.
General discussion strongly supporting this position.

Tairongo What does "private" mean in the context of the protocols? We should get this clarified by the Crown.

Claude As far as Claude concerned this means "private" to the Crown and all of Whakatohea.

Tairongo Moved that this committee accept the protocols subject to the word "private" to mean the inclusion of the negotiators and their iwi. 2nd Claude, passed unanimously except for Ngati Ira abstaining.

Vaughan Wants a statement that preserves the right of future generations to revisit any settlement if they believe such to be necessary.

There was general discussion on this issue - all supportive. General position is that no generation can bind another generation. Future generations will sit in judgement and decide for themselves the strength and fairness of any settlement.

Ranginui Moved that no settlement of this claim prejudice the rights of future generations. 2nd Tu, passed unanimously

4:27pm Researcher for Stage I

Tairongo spoke to the subject. There is a need to get together with Alf Lyall to identify the issues. We need to set aside \$20,000 to get this report done.

General discussion followed, especially Claude and Ranginui.

Tairongo Moved this committee employ Alf Lyall to write Stage I history of Whakatohea in association with Tairongo and Teriaki.

Ruahema Have any of you negotiators ever been on to these lands we are talking about? Expressed her feelings for the land. If you have been there you will immediately know what I am talking about. You will know what happened, you will know what needs to be done. Suggested this committee use Dave White.

Tairongo *Agreed to amend his motion to now read: "this committee employ Alf Lyall to write Stage I history of Whakatohea in association with Tairongo, Teriaki, Dave White and Charlie Aramoana. 2nd Ranginui, passed unanimously*

Ranginui Informed the committee of a Norwegian tangata whenua student (wahine) who is a researcher. She is coming to Opotiki. Could be of assistance to Whakatohea. Needs a place to stay - an Aunty.

Tarati Volunteered her home

Tairongo Will the assets of the previous research group be passed over to this committee?

Claude WMTB will investigate and report back.

4:48 **Surplus Properties**

John K What are we going to do? Further investigation is needed.

Claude reported that there are still issues that need to be followed up on. Spoke in support of acquisition, however more work needs to be done on investigating the viability. Suggested it could be beneficial, for example, allowing Whakatohea to have its own bus company rather than one coming over from Whakatane as at present for the school kids.

Lady Mary Thought it might be a valuable asset, but still unsure - need to be careful.

John K Moved the committee commissioned a study on the commercial viability of both the Railcorp property and the MOW depot. No vote was taken.

Next Meeting

Tairongo The Whakatohea should meet on Saturday then on the Sunday we can have the raupatu iwi negotiators hui at Omaramutu. Mahuta's attendance is imperative. Teriaki will arrange for the marae. John D will handle invitations and set up.

5:02 Teriaki closed the hui with a karakia.