

THE MINUTES OF THE MEETING OF THE RAUPATU CLAIM NEGOTIATORS  
HELD IN THE BOARDROOMS OF THE WHAKATOHEA MAORI TRUST BOARD  
AT 10.00AM ON THE 26TH FEBRUARY 1994

PRESENT

Claude Edwards, John Hata, Ranginui and Mrs Walker, Charlie Aramoana, Mary Delamere, Tairongo Amoamo, Tenga Biddle, John Tai, John Kameta, Frank Matchitt, Tahu Taia.

KARAKIA

Charlie Aramoana

MIHI

John Hata, Ranginui Walker, Charlie Aramoana, Tairongo Amoamo, John Tai, Claude Edwards

APOLOGIES

Whakahuihui Vercoe, Teriaki Amoamo, Muriwai Jones, Wiremu Rewiri

MOVED

That the apologies be received

John Hata Frank Matchitt

CARRIED

MINUTES

The Minutes of the previous meeting had been distributed to the Committee Tairongo queried aspects of the Minutes in respect of Deputy Chairman, legal counsel and that meetings be held in the weekends. It was agreed that the Minutes be amended to include "meetings be held in the weekend". The Deputy Chairman position to be held over until Whakahuihui Vercoe is available to clarify and the matter of legal counsel be referred to General Business.

MOVED

That the Minutes with the amendments be confirmed as a true and correct record.

Tairongo Amoamo John Hata

CARRIED

FINANCIAL INFORMATION

The availability of funding from the Treaty of Waitangi Policy Unit was discussed. A total of \$75000 is available for the negotiation process and is allocated in three separate stages, each of \$25000. Tairongo stated that whilst budgets are required for stages two and three, the first amount is available upon the presentation of invoices confirming expenditure.

MOVED

That the Secretary seek reimbursement of previous expenditure incurred for the claim and submit copies of invoices to TOWPU

Tairongo Amoamo Ranginui Walker

CARRIED

The question of the expenditure incurred by the Board in developing the claim to date was discussed. Tairongo stated that the transfer of financial information from the Board to the Negotiation Committee needs to be thoroughly examined and audited. Claude advised that the expenditure by the Board was approximately \$15000 and that the Boards Accounts are audited annually by Audit New Zealand. He further stated that it would be the Boards decision as to whether they would seek reimbursement from the negotiators.

MOVED

That there be a transfer of financial information and accounts from the Board to the Negotiating Committee.

John Kameta Tairongo Amoamo CARRIED

BUDGETS

Claude advised that budgets for TOWPU funding had not been compiled at this time and that all negotiators needed to be aware of the costings involved in the claim. Tairongo recommended that all personnel compile budgets which can then be finalised at the next meeting.

MINISTRY OF WORKS DEPOT

The depot has become surplus and has been placed on the market for sale. Tairongo questioned the economic viability of the depot and whether such assets should be part of any reparation. John Kameta was adamant that the depot was part of Whakatohea confiscated land and needed to be returned. However, the land value should not be included in overall cost that would be debited against the Whakatohea claim compensation. Claude advised of the Land Bank that has been established which identifies all Crown land in the Whakatohea rohe.

MOVED

That the Ministry of Works depot proposed sale be further investigated

Tairongo Amoamo John Kameta CARRIED

LEGAL COUNSEL

Claude advised of Tom Woods position whereby he would accept any decision that the Committee may make in respect of representation. A discussion on legal costs ensued and Tairongo stated that subject to costs, the Committee should accept Tom Woods as legal counsel as required and in Wellington only. Ranginui stated that the Committee should second a Whakatohea person who is suitably qualified in the legal profession.

MOVED

That Ms Andrea Tunks be seconded to the Negotiating Committee

Ranginui Walker Tairongo Amoamo CARRIED

Ms Tunks works in association with Mr Joe Williams who has a lot of experience in Iwi claims.

## POLICE STATION RETURN

Claude clarified the the events leading to the return of the Police Station. The facility is vested in Trust under the Board and is utilised for the Whakatohea Community Health Centre. The return of this facility was instrumental in the Whakatohea's claim proceeding straight to the direct negotiation stage. This has meant that a hearing with the Waitangi Tribunal has been held in abeyance, however, this does not preclude our case being referred back to the Tribunal in the event of problems arising from the negotiations. The ownership of future assets needs to be clarified.

## COMPENSATION OPTIONS

Tairongo stated that claims involving land could be subject to long delays and therefore he preferred a cash settlement. John Kameta expressed concern at this statement as he could not accept the "blanket and tomahawk" concept of reparation and that a combination of land and cash needs to be considered. Tairongo stated that the Crown has set a monetary value for all Iwi claims and those whose cases are heard first would have a great advantage.

Claude referred to the Treaty of Waitangi and those rights of the Iwi under Article 3. The Whakatohea claim would be a lever to ensure that the Whakatohea has guaranteed access under the policy of "mainstreaming" to Government resources that would help uplift the Whanau, Hapu and Iwi.

There needs to be an investigation undertaken to quantify the economic loss suffered by the Whakatohea since confiscation. Kel Sanderson was identified as having the qualifications to establish a monetary value on the loss, but there has not been any formal arrangements with him. Claude advised that John Delamere and Graham Hill had the ability to provide the required information. Tairongo cautioned that the Crown would not accept any figure that they may perceive as exorbitant.

## CROWN LAND

Claude advised of the Land Bank that has been established, which identifies Crown land in the Whakatohea area. This will enable the Committee to be aware of any proposed sale of such land. There has been a good relationship established with the Gisborne office of the Department of Survey and Land Information which deals with the sale of Crown land. However, in the past, Crown land has been sold in spite of the Iwi's claim being lodged.

John Hata queried the status of Housing NZ rental homes. Tairongo reiterated his concerns in pursuing land compensation and the time factor involved. He pointed out that in terms of the total Whakatohea population, there was a greater percentage living out of the Rohe and that any compensation should also consider their needs.

## MEETING AND TRAVEL COSTS

Tairongo referred to his travel costs in attending the inaugural meeting of the Committee. Claude advised that this Committee can approve all travel costs incurred by the members.

MOVED

That the travel costs of the members for the 19th October and 26th February be approved for payment

Tenga Biddle Frank Matchitt CARRIED

The issue of meeting costs was discussed. Whilst some members did not expect a meeting fee others thought that it was appropriate. As a comparative cost, the meeting fee for Board members had been set at \$140. per meeting. It was recommended that for this interim period, all meeting attendences be recorded and at a future date when the financial situation of the Committee is settled, then a retrospective meeting fee payment can be made. Travel costs will be met subsequent to meetings held.

MOVED

That the meeting fee be set at \$140. per meeting

John Hata Frank Matchitt CARRIED

CLAIMREPORT

Two reports on the Whakatohea case have been compiled, one by Mr Buddy Mikaere of the Waitangi Tribunal and the other by Mr David Young in association with the Board research team. Tairongo advised that TOWPU will compile their own report which will be done by Dr Brian Gilling and will draw information from the two previous reports. This has commenced on the 15th February 1994 and will take up to six months to complete. From this report, the Iwi needs to have some input and a final document will be compiled that will be the basis of the Whakatohea case against the Crown. Tairongo stated that through his contacts in his employment as Assistant Editor of the Dictionary Biography, he has identified Messers Tom Bennion and Duncan Moore as highly qualified people who would be able to professionally compile this final Whakatohea report. He further referred to his discussions with Mr Richard Hill of TOWPU and a perceived requirement for a liaison person in Wellington. He referred to the previous Minutes regarding this position and requested confirmation that he be the Committee's Crown liaison contact in Wellington. He advised that he had formed a small committee comprising of himself, Kingi Smiler and Maria Amoamo, as secretary.

MOVED

That Tairongo Amoamo be confirmed as the Committee's Crown liaison contact in Wellington.

Ranginui Walker Frank Matchitt

The motion was open for discussion. John Hata stated that Claude as Chairman and Claim Manager should be involved in all issues regarding the claim. John Kameta expressed concern in that the full committee should be involved in any discussions with TOWPU and wanted to avert any possibility of the claim process being dominated by one person. He referred to a previous statement whereby the Crown had indicated that they would be willing to meet in Opotiki and he preferred this option in any future discussions. Claude agreed and stated that no negotiations could be undertaken by individuals as this was the responsibility of the Committee.

Tairongo explained his accountability in relation to his employment and how he must maintain the highest standards of integrity. Ranginui stated that the key element in this position is the liaison function. Claude referred to the value of networking and now that there was a clear understanding of the proposed position, the Motion was put to the members and was Carried.

Claude clarified how this current claim was initiated. Once the Waitangi Tribunal was given the powers to investigate grievences into the past century, he began talking to the kaumatua as to reopening the Whakatohea case. There were mixed feelings from the kaumatua, however when Ngati Awa submitted a claim which encroached into Kutarere, a Whakatohea claim was lodged. Also the actions of the Opotiki District Council in respect of the management of Ohiwa harbour was another factor in presenting a claim to the Waitangi Tribunal. The basis of the claim was the total injustice of the confiscation and the inadequacy of the previous compensation. This committee needs to have a full understanding of the claim and consultation with the Hapu is essential before any negotiations can commence. There is also an avenue for "undergrowth claims" whereby individual Hapu or Whanau claims in respect of land issues can be investigated and presented in association with the main claim.

The meeting adjourned for lunch at 1.15pm and reconvened at 1.45pm.

#### CLAIM MANAGER

John Kameta queried the position of Claim Manager. Copies of the Maori Land Court records were distributed which confirmed Claude as Claim Manager.

#### PROPOSED IWI INFORMATION PLAN

Tairongo presented his proposal whereby information on the claim can be disbursed to the Hapu. He suggested that the Negotiating Committee work through the Whakatohea Executive in the transfer of information to and from the Hapu. It was his opinion that the Board was not an appropriate organisation to carry out this task as it had been established under a Government Act and the Executive held the Mana and the Reo of the Iwi. Claude stated that the Executive was also established under a Government Act and the Board had the resources that could assist in the transfer of information to the Hapu. John Kameta stated that the Ngati Ira delegates had the responsibility of keeping their Hapu informed. John Hata agreed with Ngati Ira and Tenga Biddle advised that Ngai Tama had in fact withdrawn from the Executive and that he would maintain the link with his Hapu. Tairongo stated that the Executive could be eligible for funding that would enable them to disburse information to the Hapu by way of regular meetings. Claude advised that the information process can take place as part of each Hapu's normal schedule of meetings and that no extraordinary costs need be incurred.

It was agreed that the Executive can be informed of the status of the Claim as part of this committee's consultation process and that negotiators report to their Hapu. Tairongo distributed a paper outlining his proposed plan to the stage of the final Whakatohea report.

MOVED

That the Committee support the kaupapa of the plan compiled by Tairongo Amoamo.

Ranginui Walker John Hata CARRIED.

It was agreed that the Committee should meet with the TOWPU personnel in order to familiarise the members with those people that they will be dealing with during this Claim process.

Tairongo stated that once the Whakatohea report is finalised, then it should be published as a historical document for the future generations of the Iwi. He further referred to the historical basis of the Whakatohea Hapu and their particular boundaries and whether this may have an effect on the claim. Claude pointed out the legal action taken by the Tainui Hapu in respect of their claim and the court ruling stating that it was Iwi based. The Whakatohea claim should also be Iwi based. John Kameta stated that he has always said that Ngati Ira will pursue it's own case subsequent to the main claim however, the Hapu will be supportive of the process that is underway at this time. The Whakatohea's claim over Ohiwa Harbour and the relationship with Ngati Awa has to be settled, as with the Mana Moana issue.

It was agreed that the next meeting be held on the 11th June, commencing at 10.00am. This will allow the TOWPU report to be completed and Hapu meetings held, with the objective being a consolidation of all appropriate information from the Iwi and the commencement of the final report. It was further agreed that this proposed meeting be advertised in order to avert any conflict with other hui at that time.

There being no further business, the meeting ended at 2.45pm

CONFIRMED.....CHAIRMAN

DATE.....