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27 August 1992

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Tena Koe Claude

CLAIM MATTERS

... was good meeting with you as it provided the both of us an opportunity to canvass and discuss a number of matters relating to the claim.

I am sorry that my contribution to the research report is not ready however the matter is proceeding and should be completed not in the too distant future.

It must be appreciated that the claim has taken a new profile largely to your efforts in the manner that you have presented the case before the Government.

The Minister of Justice and officials have an interest in the claim and are willing to embark on a negotiation process. Due to that, time is spent on presenting a negotiation stance which you have already been advised on.

There are a number of matters that the Board should at the earliest opportunity address in order to expedite matters.

Whakatohea Trust Board

The first, is to ensure that the Board is appropriately constructed so that it is an effective mechanism to facilitate claim negotiations.

You have raised with me some time ago, the need to address a Whakatohea structure so that it represents the realities of the hapu and communities that in fact constitute the Iwi.

My advice at least in the interim is to address the current constitution of the Board and to confirm whether the divisions that make up the Board's representation are of sufficient coverage to represent the tribe.

In terms of the Maori Trust Board's Regulations 1985, the Second Schedule lists the Boards divisions as follows:

Ngaitama	2 representatives
Ngati Patu	2 representatives
Ngati Rua	2 representatives
Ngati Ngahere	2 representatives
Te Upokorehe	2 representatives

If it is desirable to amend or totally reconstitute the divisions then the Regulations will need to be amended as provided for by Section 56 of the Maori Trust Board's Act.

You may wish to give some thought to this. The Board will need to formally approve by resolution any amendment to the current position.

Police Station Property

As you are aware the sale of the Police Station as indeed all Crown assets with the rohe of Whakatohea are on hold until a system is put in place to ensure that your rights are not prejudiced. I have, due to the potential desirability of the Police Station and associated dwellings as a premises for enabling the Board contract for general medical services, undertaken steps to have the property resumed. A case can be established to negotiate the handing over of this land to Whakatohea in the same circumstances land and property have been handed over to Tainui, Ngati Awa and a number of other Iwi.

Fishery

I raised this matter with you as proposals are well underway for the Maori Fisheries Commission to allocate quota, cash and shares to Iwi. The date of commencement for allocation is 1 October 1992.

The Commission will only transfer those entitlements to tribes who can establish "Mana Moana, rangatiratanga or authority over the sea area." Whakatohea will have no difficulty meeting that requirement.

It is likely that the Board would have by now received from the Commission a coastal map showing the sea boundary of Whakatohea and any over-lapping claims from other Iwi.

The Whakatohea response/confirmation of its coastal boundary should by the end of this month be reported back to the Commission.

Ngati Awa have as its eastern boundary the Ohiwa harbour entrance. The Western boundary of Whakatohea is at Waiotahi leaving a gap. My advice is that the boundary, if acceptable to you, should meet that of Ngati Awa.

Before anything can be transferred to Whakatohea, the Commission have laid down four criteria that must be met:

- Whakatohea must be represented by a legal entity.
- Members of the Whanau and hapu having rangatiratanga over the fishery must agree that the above legal entity should hold quota, cash and shares for them.
- The legal entity must agree to act for the Whanau and hapu of Whakatohea.
- The legal entity must have a way of accounting to the tribe.

The Commission have adopted this stance for the reason that tikanga Maori and Maori fishing rights were the key reason why it received quota from the crown and therefore allocation must reflect that.

It is up to the Iwi to determine allocation (and use) of quota once it is received.

There are substantial property rights and value tied up in this. In due course the Commission on a determination of your fishery will calculate the amount of permanent quota that you will expect to receive.

Much of what I have stated here may already be known to you. It is important however that the Board, perhaps, lead in this matter or otherwise address how in the alternative it should be managed.

Finally, I am preparing a formal memorandum setting out the protocols to enable Whakatohea embark upon a negotiation process with the Crown. The document will be ready in two weeks.

Regards



Tom