



## OFFICE OF TREATY SETTLEMENTS

*Te Tari Whakatao Take e pā ana ki to Tiriti o Waitangi*

### INTERNAL MEMORANDUM

**File Number:** CLA- N116-NF-01-03  
**To/Ki a:** Lillian Anderson, Acting Deputy Secretary Treaty and Director  
**From/Nā:** Maureen Hickey  
**Cc:** Andrew McConnell  
**Date/Te Rā:** 14 September 2012  
**Subject/Kaupapa:** Ngatikahu ki Whangaroa claimant funding

#### Purpose

1. This memorandum seeks your approval to the release of \$50,000 of claimant funding to Ngatikahu ki Whangaroa from their claimant funding allocation. The proposed release would allow Ngatikahu ki Whangaroa to progress the governance entity and ratification milestones.
2. Cabinet authorised the Secretary for Justice to release claimant funding within the amounts set aside for each milestone from the overall claimant funding amount [TOW Min (09) 6/4 and CAB Min (09) 20/2 refer].

#### Background

3. In June 2009, Cabinet approved further modifications to the claimant funding policy [CAB Min (09) 20/2 refers]. The Minister for Treaty of Waitangi Negotiations and the Minister of Finance subsequently agreed that Ngatikahu ki Whangaroa receive an allocation of \$1,009,000 of claimant funding as a contribution to expenses incurred in negotiating their deed of mandate, terms of negotiation, agreement in principle, deed of settlement, ratification, legislation and governance workstreams.
4. The proposed release is within your delegated financial authority as Deputy Secretary Treaty and Director. The proposed release is appropriated through the non-departmental other expense appropriation: Claimant Funding. There is sufficient funding for the proposed release.

#### Claimant funding request

5. Ngatikahu ki Whangaroa have requested the release of \$50,000 of claimant funding. Officials are satisfied that the information they have provided shows they have incurred \$54,607.62 of legitimate negotiation costs against the previous release of \$50,000.

### **Progress in negotiations**

6. Ngatikahu ki Whangaroa signed an agreement in principle with the Crown on 22 December 2007.

7.

**Withheld under section  
9(2)(g)(i) of the Official  
Information Act 1982.**

8. At Mr McKenzie's instigation the Trust Board set up a working group to focus on development of a PSGE. Attached is a power point presentation prepared earlier this year by the working group.

9.

**Withheld under section  
9(2)(g)(i) of the Official  
Information Act 1982.**

10. There is now a new Trust Board chairman, David Manuel, who for some time has been a marae representative to the Trust Board. Mr McKenzie remains on the board as a representative of his marae. Mr Manuel and indeed the Trust Board as a whole want to continue PSGE development. However they require a new claimant funding tranche for this to occur.

11. **Withheld under section  
9(2)(g)(i) of the Official  
Information Act 1982.**

### **Remaining claimant funding**

12. If you approve the claimant funding request, \$14,000 funding for the legislation and governance milestone will remain and \$114,000 will remain available to Ngatikahu ki Whangaroa for the ratification milestone.

13. A total of \$456,000 of claimant funding will remain to enable Ngatikahu ki Whangaroa to complete the settlement process.



NGATIKAHU KI WHANGAROA CLAIMANT GROUP CLAIMANT FUNDING					
Milestones for claimant funding	A Funding allocation at Jun 2009 (\$)	B Prior releases against this allocation (\$) (excluding C)	C Most recent release: Feb 2012 (\$)	D Proposed release at Sept 2012 (\$)	E=A-(B+C+D) Balance remaining after proposed release (\$)
Recognised Deed of Mandate	52,000	52,000			
Terms of Negotiation	16,000	16,000			
Formal Negotiations to Agreement in Principle	215,000	215,000			
Formal negotiations to Deed of Settlement	498,000	170,000			328,000
Ratification	144,000			30,000	114,000
Legislation and Governance	84,000		50,000	20,000	14,000
<b>TOTAL</b>	<b>1,009,000</b>	<b>453,000</b>	<b>50,000</b>	<b>50,000</b>	<b>456,000</b>

### Recommendations

14. It is recommended that you:



1. **note** officials are satisfied the previous claimant funding instalment has been spent on legitimate negotiation costs;
2. **note** the proposed release is within your financial delegation, and there is adequate funding under the Non-departmental Other Expense appropriation: Claimant Funding in 2012/13;
3. **approve** the release of \$50,000 of claimant funding to Ngatikahu ki Whangaroa (\$20,000 from their legislation and governance claimant funding milestone and \$30,000 from their ratification claimant funding milestone); and

YES / NO

4. **note** that if you approve this recommendation, Ngatikahu ki Whangaroa will have \$14,000 from their legislation and governance milestone and \$114,000 from their ratification milestone unspent.



Maureen Hickey  
Negotiation and Settlement Manager

ENDORSED / NOT ENDORSED	NOTED / <u>APPROVED</u> / NOT APPROVED
 Andrew McConnell Deputy Director	 Lillian Anderson Acting Deputy Secretary Treaty and Director
Date: 14 / 9 / 2012	Date: / / 2012

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# Kahukuraariki Trust Board

*Trading as Ngāwhakahu ki Whangaroa Trust Board*

Presentation from the Post Settlement Governance Entity  
(PSGE) roopu

Saturday 18 February 2012

Maifaruhe Marae



Kahukuraariki te tūpuna

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## The PSQE sub-komiti

- Late last year [2011] the Trust Board established a sub-komiti
- The purpose of this sub-komiti is to form an entity that will, with Whanau, Hapu, and Iwi tautoko, receive and manage the assets in the yet to be designed and approved • deed of settlement • that we anticipate will result from the Agreement in Principal (AIP)
- The roopu met for the first time in January this year

### **With a signed AIP; What's next? Quite simply it is: -**

- Consulting with and listening to whanau, hapu and iwi?
- In doing so.... be pro-active as we move toward a 'deed of settlement'

**Kahukuraariki te tupuna**






The PSCE Roopu consists of the following

- Carol Berghahn (Convener) - background in Policy development, Project Management and Community Development
- Norm McKenzie -background in Strategic Planning/Finance & business development
- Richard Hawk – Legal Advisor
- Pita Pangari – Kaumatua
- In attendance at all hui: -
  - Steve McKenzie (Chair: Kahukuraariki Trust Board T/A Ngatikahu ki Whangaroa Trust Board)

*Kahukuraariki te tuupuna*



Our purpose today is to present some background, achievements, context and facts as at 18 February 2012. We hope that this will culminate in a recommendation that will be supported by te Whanau Whanui o Kahukuraariki

*Ka whakaurua mai ki te kaupapa*






The koreo from here:

- Background to the Agreement in Principle (AIP)
- Summary of the Redress
- Next Steps in Negotiations
- Questions and Answers

*Kāhaukūmārauriki te tūpuna*

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*From 1876 to 1915 and onwards  
Hemi Paera (also known as Hemi Rua) and  
others protested against crown actions in  
relation to Taemaro and Waimahana lands*

*Today that role rests with us, the  
descendants of Kahukuraariki – it is  
we that continue their work*

*Kahukuraariki te tūpuna*





**1981** Hui-a-Iwi (Auckland)  
**1981** We begin our research

**1985** WAI 116 is registered with the Waitangi Tribunal

**1987** An injunction is made by claimants to stop sale of land

**1987** April – Stony Creek was a State Owned Enterprise (SOE)

**1987** Stony Creek is put in to the “Crown land bank”

**1991** Mediation commences directly with the Crown to fast-track settlement

**1992** Return to the Waitangi Tribunal

**1995** Evidence on the claim starts

**1997** Successful Waitangi Tribunal Report presented

**1998** Ngaitikahu ki Whangaroa Trust Board (NKKW) formed

**2000** Crown purchase assets from the SOE

**2000** NKKW recognised as the Mandated Iwi Authority

**2000 - 2007** negotiations with the Crown

**2007 Agreement in Principle signed**

**The Journey  
to Claim  
WAI 116**

**Kahukuraarua te tupuna**

## We have a signed Agreement in Principal (AIP) – 1

- Historical Account, Crown Acknowledgements and Apology are the cornerstone of the Crown's settlement offer
- Historical Account will represent an agreed understanding between the Crown and Ngatikahu ki Whangaroa
  - This is represented in attachment 2 of the AIP
- The Crown will then offer an Apology
  - Stony Creek Station – 2,275.2786 hectares – map1 of the AIP
  - Thompson Block – 390.0974 hectares - map2 of the AIP
  - Clarke Block – 380.4000 hectares – map3 of the AIP
  - Stony Creek Station Plant as at 1 September 2006 – attachment 5 of the AIP
  - Stony Creek Station Stock as at 1 September 2006 – attachment 6 of the AIP





## The signed Agreement in Principle (AIP) – 2

### **Obligations prior to transfer**

- Crown must maintain the Stony Creek Assets at the time of transfer and commercial arrangements are signed
- The Crown must maintain Stony Creek Station Stock at the time of transfer and commercial arrangements are signed
  - This means that Stony Creek assets & stock will be returned in a commercially viable and sustainable condition ready and able for business

### **Conditions of transfer**

- In the very unlikely event that assets (Stony Creek Station; The Clark Block; The Thompson Block) returned are sold within 30 years after settlement date then 50% of all sales proceeds (excluding sales expenses) must be paid to the Crown
  - This includes long term leases
  - The standard term & conditions of land banked properties in a Treaty Settlement apply



The signed Agreement in Principle (AIP) – 3

**Stony Creek Station: Interim Commercial Arrangements**

- The intention of the Crown and the Trust to enter into a commercial arrangement

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The signed Agreement in Principal (AIP) – 4

**Other Redress**

- Protocols
- Conservation Protocol
- Taonga Tūturū Protocol
- Fisheries Protocol

**Promotion of Relationship  
with Local Authorities**

- Interaction with the Council  
and NKKW

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The signed Agreement in Principal (AIP) – 5

**Wahi Tapu Properties**

- Pukeaanginga/Kiwiwha Urupaa
- Temahani Urupaa
- Opakau Urupaa
- Taemaro to Tokomata
- Paekauri Site

**Obligations associated with Cultural Redress Properties**

- Future pest control
- Fencing
- Bio-security
- Refuse/waste





The signed Agreement in Principal (AIP) – 6

**Vesting subject to a conservation covenant**

- Integrated management
- Adjoining conservation whenua access

**Overlay Classification**

- Whakangi Scenic Reserve – map of the AIP

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The signed Agreement in Principal (AIP) – 7

**Statutory Acknowledgements**

- Paekauri Conservation Area – map10 of the AIP
- Oruaiti River – map11 of the AIP
- Akatere Historic Reserve – map12 of the AIP
  - Deed of recognition


**Place Names**

- Paekauri
- Akataarere
- Waikohatu
- Kowhairoa
- Tataa/Ranfurlly Bay
- Te Rere Bay
- Paekauri Conservation Area
- Akataarere Historic Reserve

*Ka haurua kōwhiri i te tūpuna*

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The signed Agreement in Principal (AIP) – 8

Other Issues

- Claimant Definition
- Scope of Settlement
- Proposed Terms of the Deed of Settlement
- Ratification
- Governance Entity
- Settlement Legislation
- Taxation

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**Where to from here?**

**Kahukuraariki te tūpuna**

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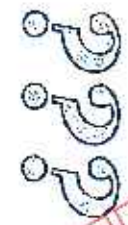
# Having the "ATP and PSGE" korero



# Kahukuraariki te tūpuna

Do we have a good plan

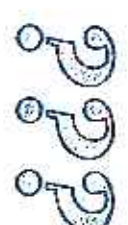
**HOW?** Do we have a good plan showing us the risks and options, timeframes, costs and resources



**When?** Do we have enough time this year to organise necessary number of roadshows

**What?**

Do we have the information in a nice easy format for whanau, do we know the criteria from OTS, do we have the skills

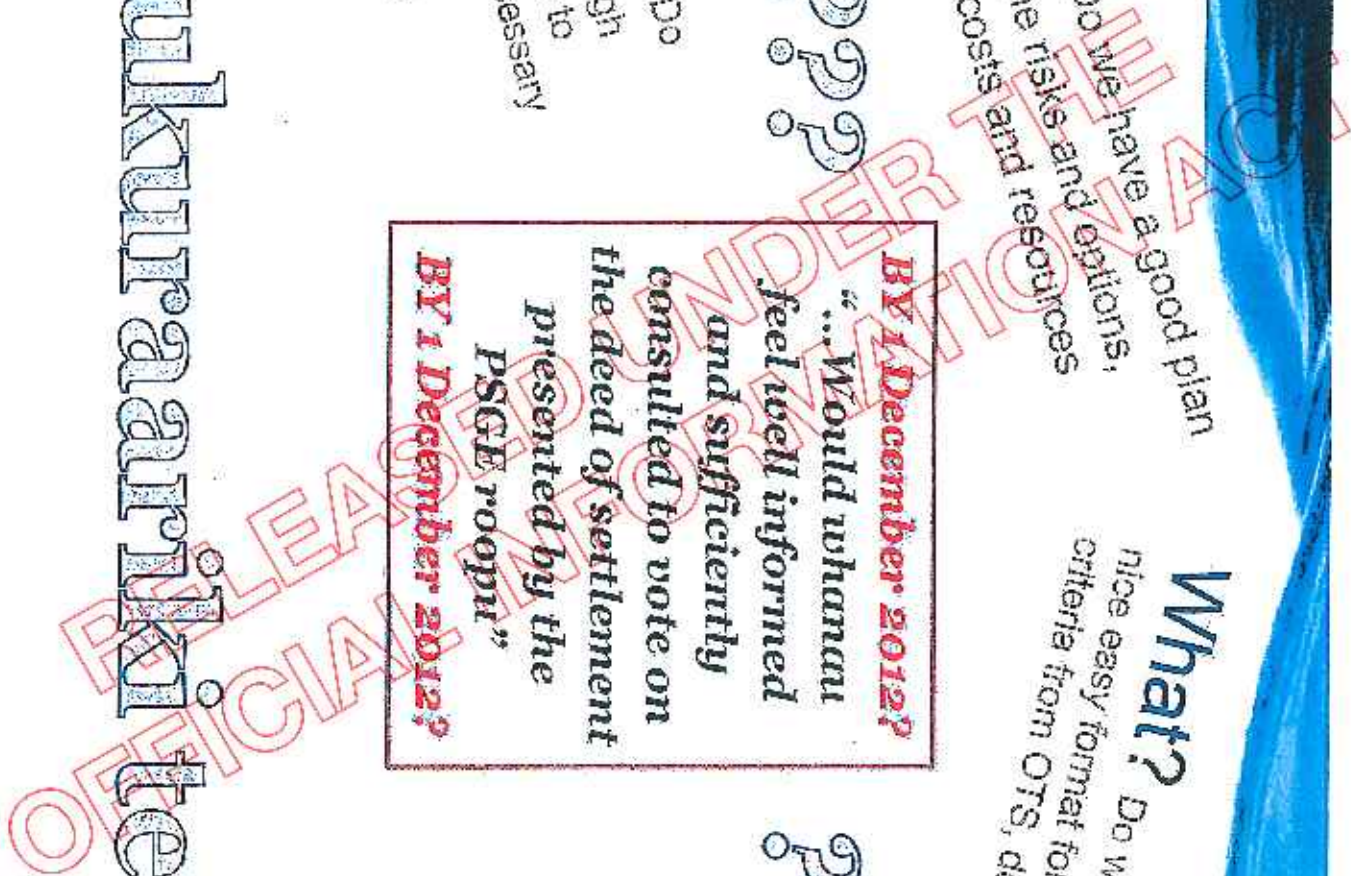


**BY 1 December 2012?**  
“...Would whanau feel well informed and sufficiently consulted to vote on the deed of settlement presented by the PSCE roopu”  
**BY 1 December 2012?**

**Who?**

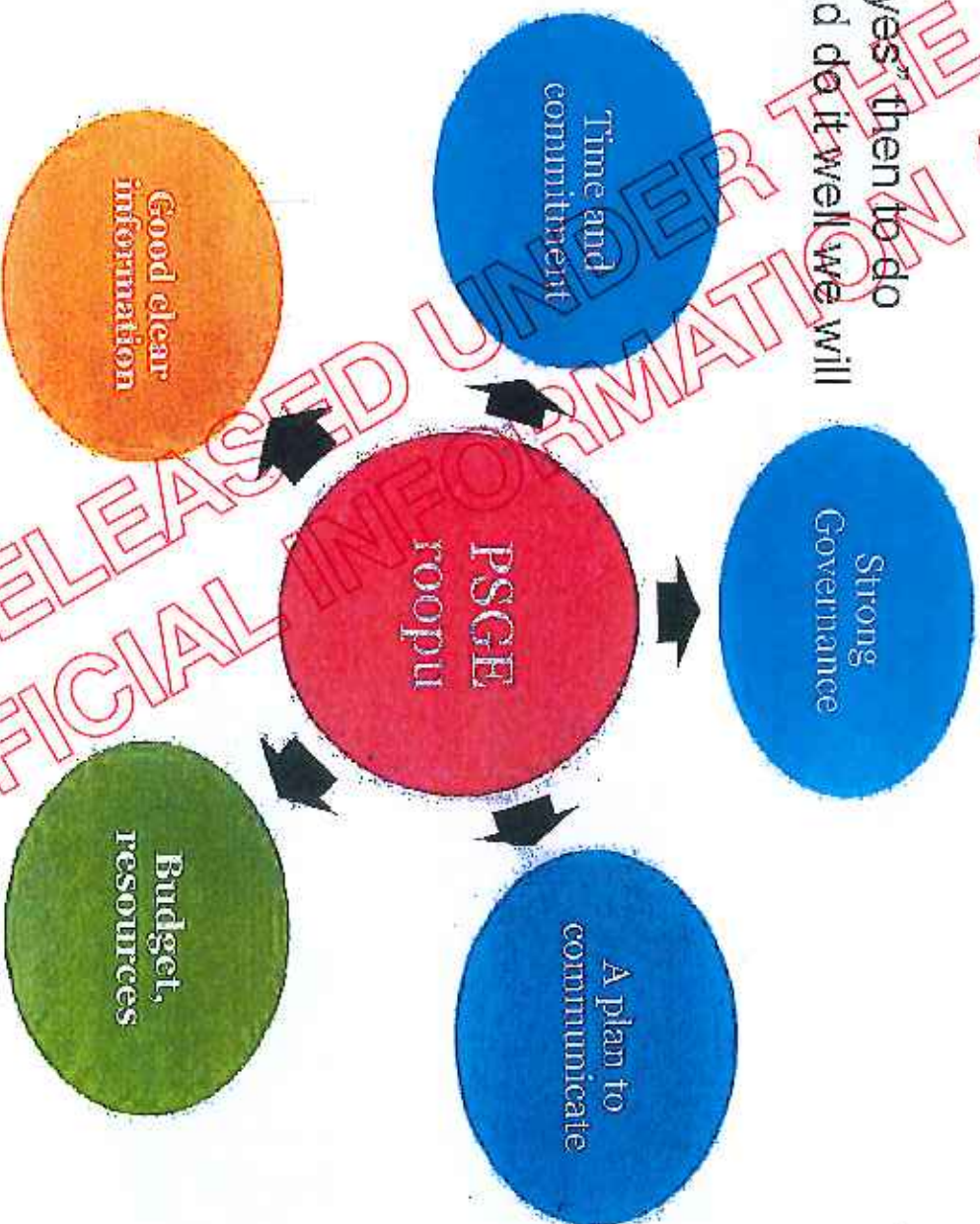
Do we have an up to date database on whanau, are they registered, what would make them connect to this

Kahukuraari ki te tupuna





**IF** we said "yes" then to do this job – and do it well we will need...



Kahaukuraariki te tūpuna



## A Basic Timeframe

Formalise results			Board release results of the <b>BALLOT</b>
Ballot Process			Board completes the <b>BALLOT</b>
Update 3			
Update 2		Korero pre postal ballot	
Update 1		Refine PSGE General update Whakawhiriwhiri korero	
PSGE roopu		PSGE roopu to organise	
Board	Korero about the next steps		
	Feb 2012	Feb - March	March - December
			December 2012

*Ka hānau kōwhiriwhiri i te tau pūmanawa*





“We are at a major point in our journey...”

It is time to talk to whānau and update them

- Kahukuraariki is the base of our identity
- An update on the AIP – the good, the bad, the ugly
- A ‘roadmap’ showing where we are [2011], where we’ve been [1876], the goal for 2012
- Talk about a Post Settlement Governance Entity

It is time to listen to whānau and get their feedback

- Whakawhitiwhiti korero
- Embark on a roadshow to inform people and get feedback
- Besides hui here, travel to where Kahukuraariki whānau are
- Registration forms for all – have your say
- Commitment to visiting each area 3 times - listen, feedback & confirm

*Kahukuraariki te tūpuna*





## Kahukuraariki ----- Issues and Challenges

- **OTS**, have not been able to meet our conditions on the Stony Creek Farm to give vacant possession but this claim is bigger than 'just' Stony Creek
- Some whanau have raised questions/expectations about other land and resources which should be returned to us
- The new **Government** wants to continue with the settlement process but are making changes to how claimants are funded
- Ngapuhi are working solidly on their claim and the Muriwhenua iwi are well advanced in their claims
- **This Trust Board wants to keep things moving – it is talking regularly to OTS and it is timely to think about a 'roadshow' on the AIP/PSGE and provide whanau with updates and ensure they participate**





## OUR VALUES

Principles  
underpinning our  
mahī

In all that we do we  
will...

- **Create** an inclusive culture and help whānau [re]connect to the kaupapa
- **Improve** information to whānau so they see themselves as the architects of their change
- **Reduce** confusion and “noise” and perhaps the view that ‘nothing is happening’
- **Increase** access and awareness and the opportunity for people from many locations to participate
- **Eliminate** any opportunities which lead to a divide and rule situation
- **Build** a strong sense of identity and pride
- **Maintain** transparency and **Develop** our relationships

*Kāwhiri Kōwhiri Kōwhiri Kōwhiri Kōwhiri*



# TODAY we make a decision **Yes or No**

- We have been stepped through the criteria/guidelines from OTS on what they require when there is consultation with the whanau
- We support the korero to allow the PSGE roopu scope to help us make this happen
- We know that we will need to talk to OTS, TPK and any other groups to help us find the funding and any other resources to make this happen
- We share the same feelings as others about being open, transparent, informative and upholding our tikanga in all that we do
- We will be kept regularly updated on progress and this will help me make well informed decisions
- We know a good communication plan will help us manage expectations and work through challenging issues
- If NO, we need more information and more time to make a decision

**Ka whiriwhiria aia i te wā nei**

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## Resolution/Motion

Move that the PSGE paper be authorised to finalise the detail of a "roadshow" that will inform and receive feedback on the AIP and develop a PSGE that will achieve the objectives, aspirations and sustainability o te whānau whānui o Kahukuraariki



# Kahukuraariki te tupuna



## END

No reira te whanau, te whanau whanui, e  
hoa ma

Nga whi ki a koutou katoa.

Ma te Atua tatou katoa e manaaki e tiaki  
ho ki

Tena koutou, tena koutou, tena tatou katoa

*Ka whakaurua ana i te kaupapa*