OFFICIAL

Te Rōpu Whakamana i Te Tiriti o Waitangi

WAI 1750 WAI 1884

Vaughan Payne

RECEIVED
Waitangi Tribunal
10 Sep 26
Ministry of Justice
WELLINGTON

Photo: Viking Barca

Ko wai au

- Raised in Ōpōtiki
- Tīpuna include Te Waihaku Ranapia (repeated attempts to save Rev Volkner) and Tāuha Nikora (1914 Petition)
- Various roles supporting my Iwi including:
  - Te Tāwharau o Ngā Hapū o Te Whakatōhea Resource Management Plan 1993
  - Te Tāwharau o Te Whakatōhea (uri who objected to 1996 Deed of Settlement)
  - Whakatōhea Hapū Claims Process Working Party (designed Te Ara Tono, a process to settle claims) 2007
  - Establishment Chair of Te Tāwharau o Te Whakatōhea (PSGE) 2022
  - Current Chair of Te Pou Oranga o Te Whakatōhea (charitable arm of Te Tāwharau)

Ko wai au (cont.)

- Various local government roles including:
  - CE, Ōpōtiki District Council
  - CE, Waikato Regional Council
  - Independent Member, Review Panel for Simplifying Local Government Head Start Proposals (MCERT) (current)
  - CE, Hawke’s Bay Regional Council (commence 31 August)
- Qualifications in land surveying, planning and business management

Focus of evidence

1. 1996 settlement
2. Local government decision making
3. State of our taiao
4. When we have the opportunity
5. Our contemporary challenge

1996 settlement: The Crown’s failure of process and the consequences for Whakatōhea

Comparing 1996 and 2023 Deed Processes

1996 Summary

Mandate by Māori Land Court (Section 30 Order)	1994
Mandate widened by Court to include all claims	1995
Deed of Settlement signed	1996

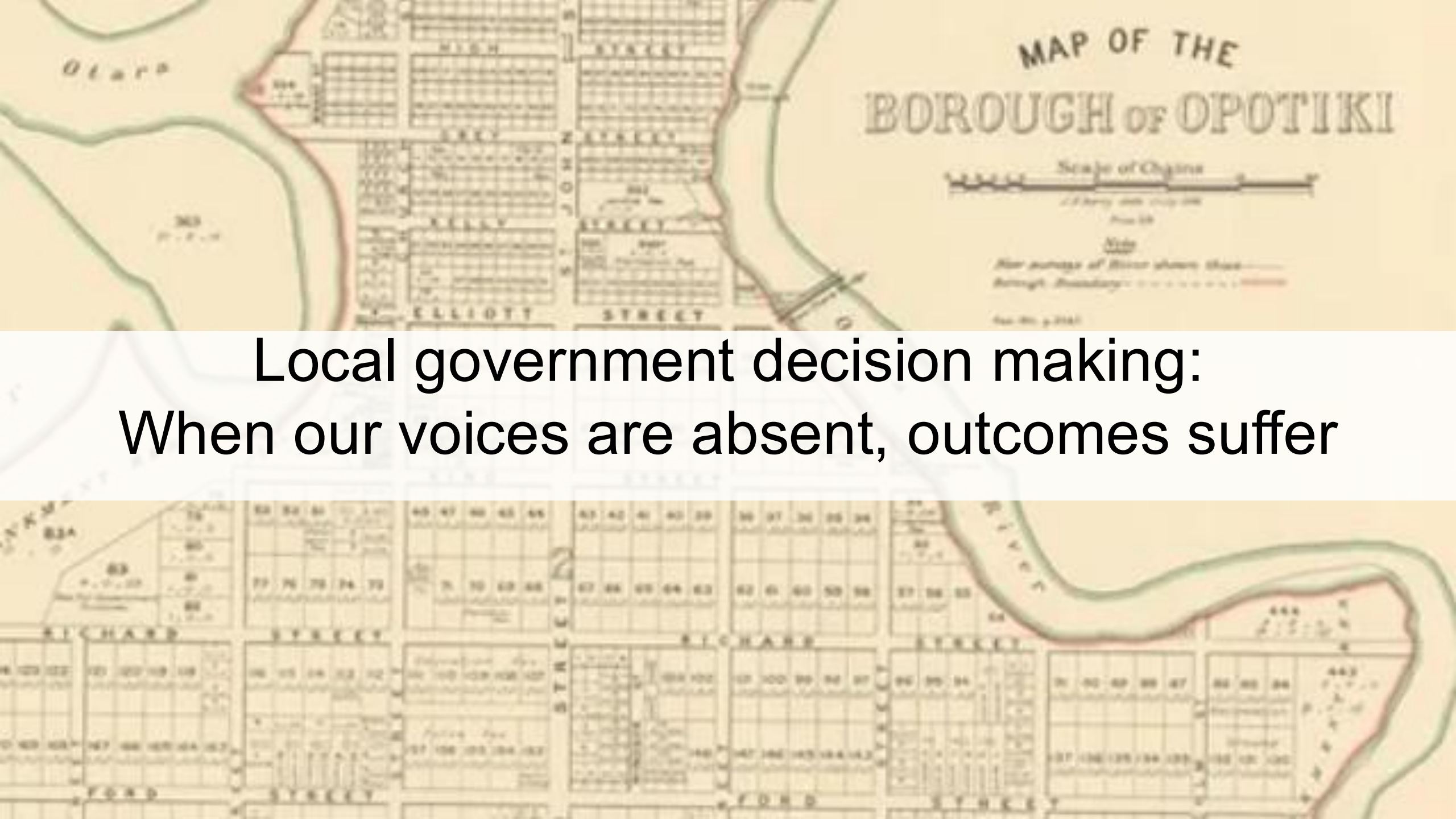
2023 Summary (excl Waitangi Tribunal inquiries)

Deed of Mandate by Whakatōhea	2016
Agreement in principle	2017
Hapū vote on Trust's Mandate	2018
Deed of Settlement initialled	2021
Mandate amendment vote	2022
Ratification vote	2022
Deed of Settlement signed	2023

Consequences of 1996 Process

- No enduring settlement reached
- Strained relationships and new grievances within Whakatōhea
- Crown improved mandating requirements for other Iwi but did not accept responsibility for its process failures regarding Whakatōhea
- Crown placed us at the ‘back of the queue’ for 20 years
- Whakatōhea has ultimately born the cost
- Social, economic, environmental and cultural challenges persist
- Estimated opportunity cost: $320m to $480m (asset base only)

The Crown’s process failed to produce a settlement that was both properly mandated and durable, and Whakatōhea then carried the consequences of that failure for more than two decades



Local government decision making:
When our voices are absent, outcomes suffer

Example: Place and identity

- Over the last 160 years since raupatu Whakatōhea have been largely absent from local authority decision making
- Māori comprise over 70% (6,183 of 8740) of the population in and around the Ōpōtiki township
- Of the 48 streets and roads in this area, only three (6%) have Māori names

Example: Infrastructure decisions

- In the 1950s the town sewerage network was installed, including a direct discharge into the Waiōweka River by the town wharf
- Decision makers viewed the sewerage system including treatment of our awa as an engineering issue
- Whakatōhea viewed the treatment of our awa as an issue of mana, identity and wellbeing

Example: Infrastructure decisions

- The Waiōweka River used to flow behind the town, and was used by our tīpuna for mooring their waka including our numerous trading ships prior to raupatu
- The area was used as an unlined rubbish dump in the 1970s. It has now been completely reclaimed and the river course permanently changed
- The treatment of our awa and whenua is an issue of mana, identity and wellbeing

TOWN
OPOTIKI

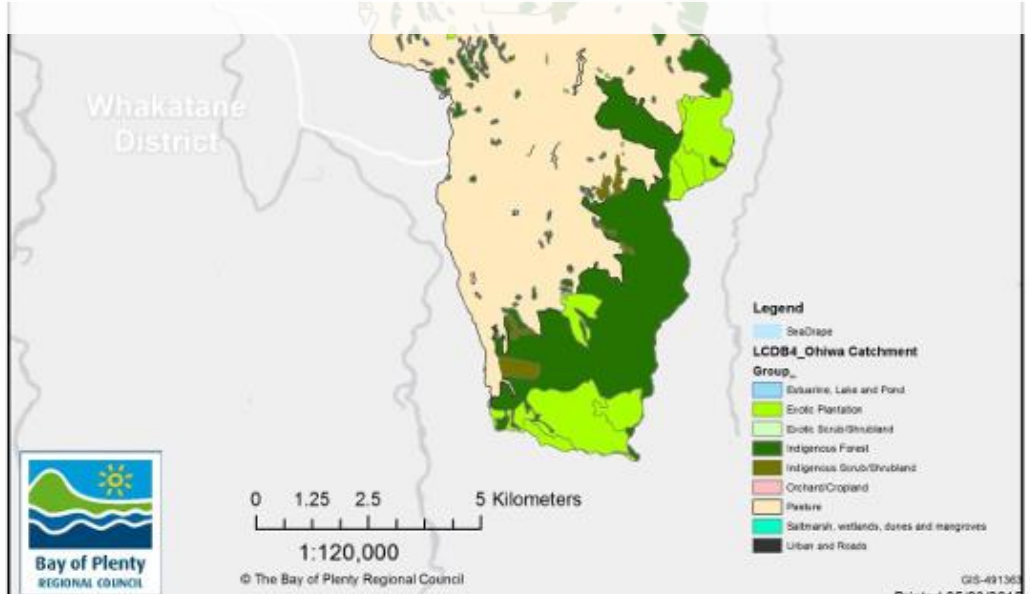
Waiōweka River: Engineering and reclaiming

1940

1976
(rubbish dump highlighted)

2024

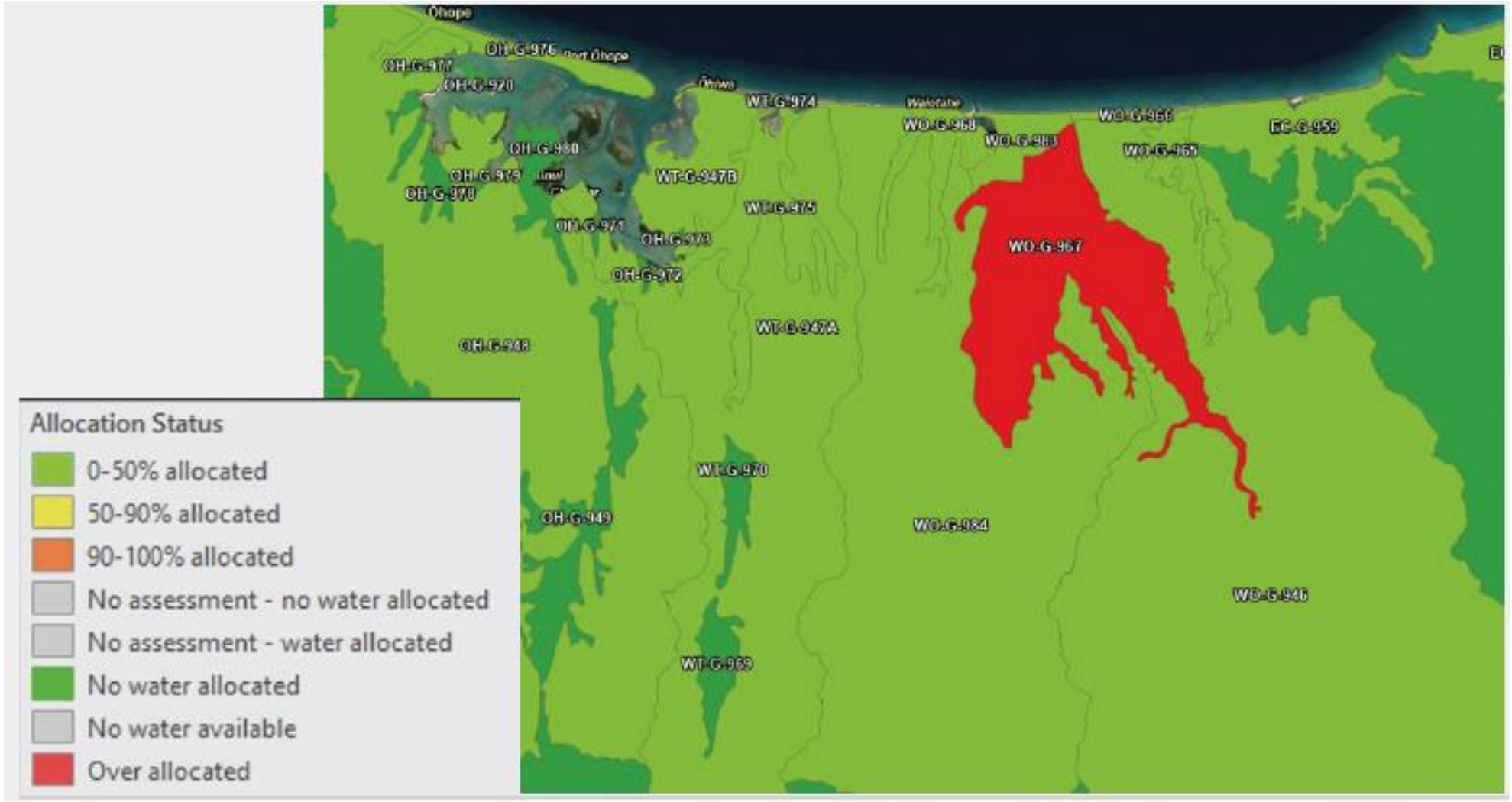
The state of our taiao: Reflects historical decision-making



Despite our recent involvement our taiao remains in decline

- State of steady decline
- A lot of our rohe (46%) is DoC responsibility – they have not looked after it
- Water quantity under pressure – Waiōweka (groundwater); eastern parts of rohe (surface water)
- Water quality – good but indications of decline from intensive farming and horticulture
- Biodiversity – significant loss. Increasing threats from people (e.g. coastal areas) and pests (animals and plants e.g. Caulerpa)
- Ōhiwa and Waiōtahe – ‘moderate’ health but limited monitoring

Water allocation



Too much of our limited capacity is spent repairing damage that could and should have been prevented by the Crown

When we have the opportunity: Our hapū demonstrate effective kaitiakitanga

Example: Removing sewerage discharge into our awa

- Tāwharau o Ngā Hapū o Whakatōhea | Whakatōhea Resource Management Plan 1993
- Ngā Wai Tīpuna Goal 3: “To ensure all contaminants, human or otherwise … are firstly adequately treated by … land …”
- 1994 engagement between Whakatōhea and Ōpōtiki District Council
- Council proposed to remove discharge pipe from the river and establish a system of land-based treatment of town’s sewerage at Te Ngāio
- Whakatōhea submissions in support of proposal
- 1995 consents granted and subsequently implemented

Disposal Area

The treated water from the oxidation pond is dispersed via small pipes onto the discharge field.

These look like fancy soaker hoses and are marked by the red dotted lines.

Example: Tawhitinui and Akeake urupā (20ha)

Under DOC responsibility: poor fencing, 4WD vehicles, dune damage, disrespect of urupā, increase in pests

Under assumed Whakatōhea responsibility (2023-2026):

- 70,000 native plants
- 3km fencing
- Reduction in invasive weeds: 69% to 36%
- Reduction in animal pests e.g. rats 60% to 5%

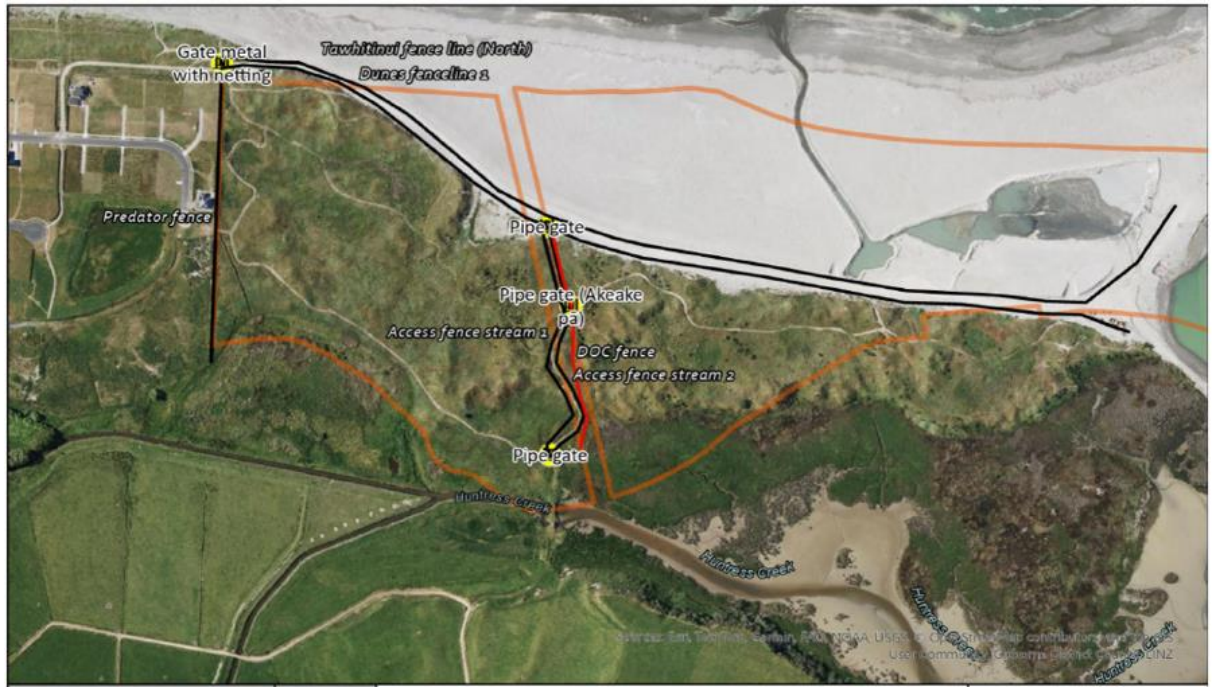
Waipaoa River
Pt Crown
Land SO 2809
Marginal Strip - 20m wide
Pt Crown
Land SO 2800

1945

2023

2025-26

2026



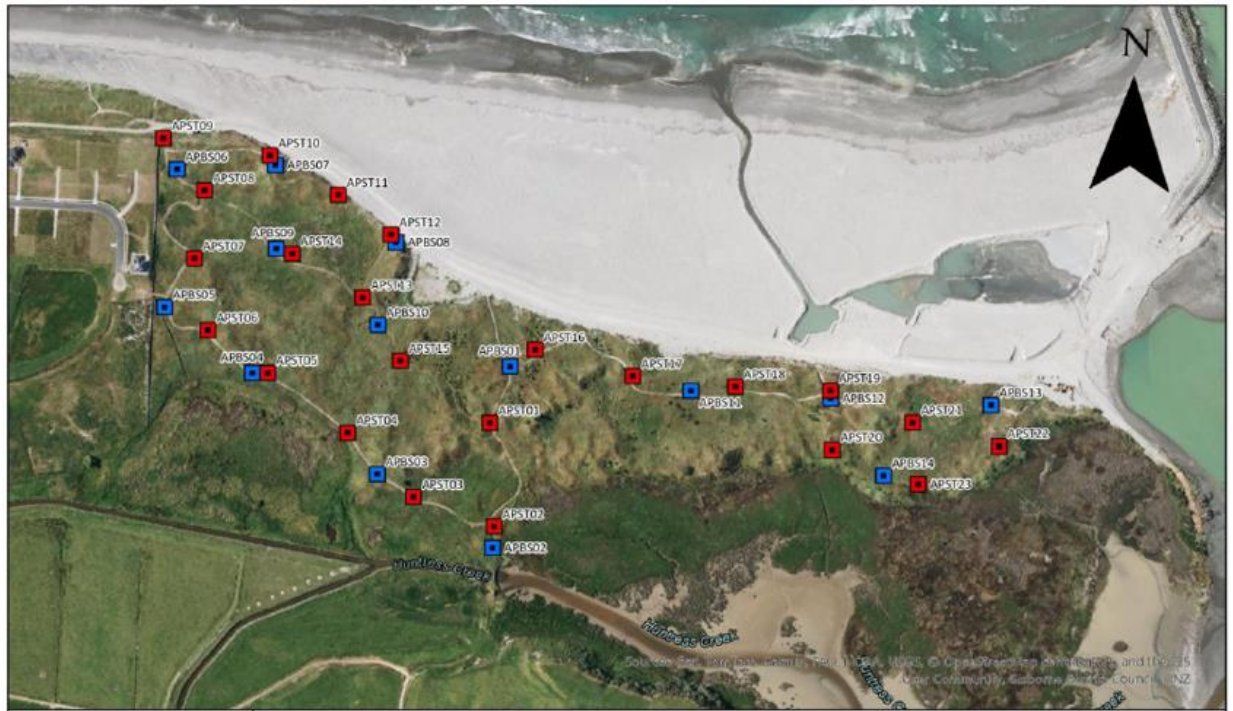
Name	Length_m
Predator fence	314.6
Dunes fenceline 1	1121
Tawhitinui fence line (North)	1029.5
Access fence stream 1	268.7
Access fence stream 2	272.3
DOC fence	240.6

Tawhitinui Fencing

Note: The DOC fence (depicted by the red polyline) has deteriorated substantially and can no longer be considered an effective stock-proof barrier.

N

0 0.030.07 0.13 Kilometers



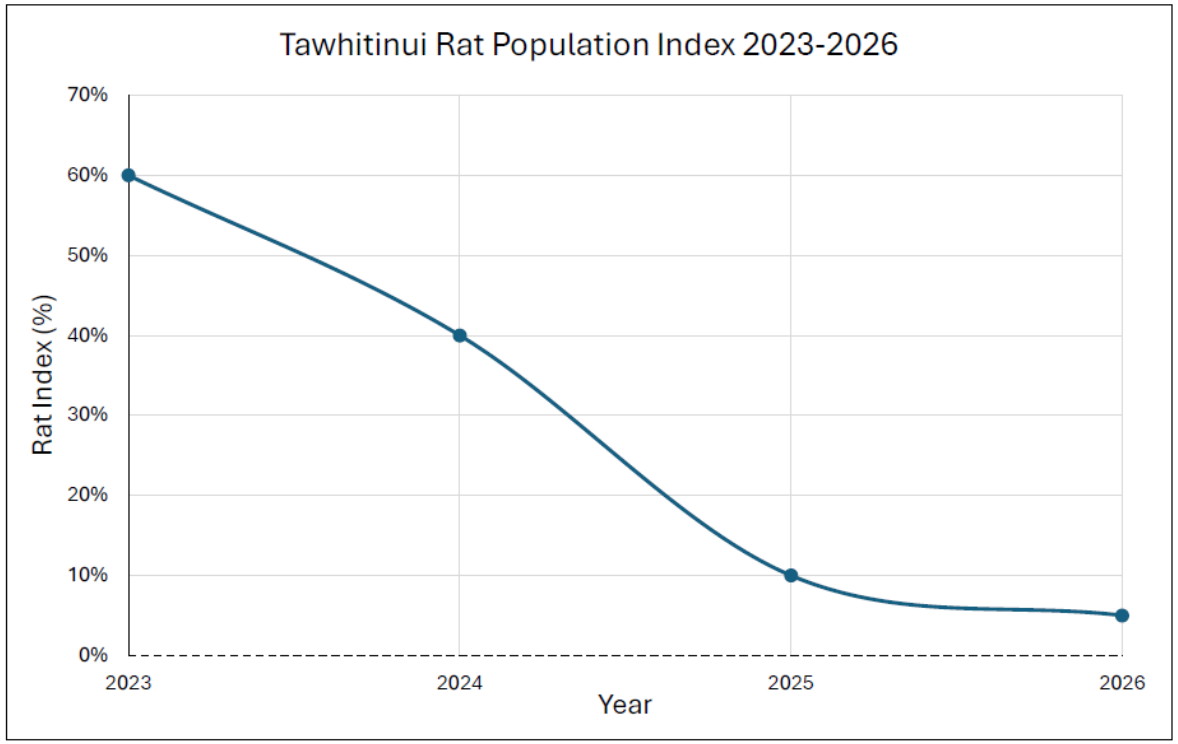
Waypoints
Category
- Bait Stations - 14
- Doc200 - 23

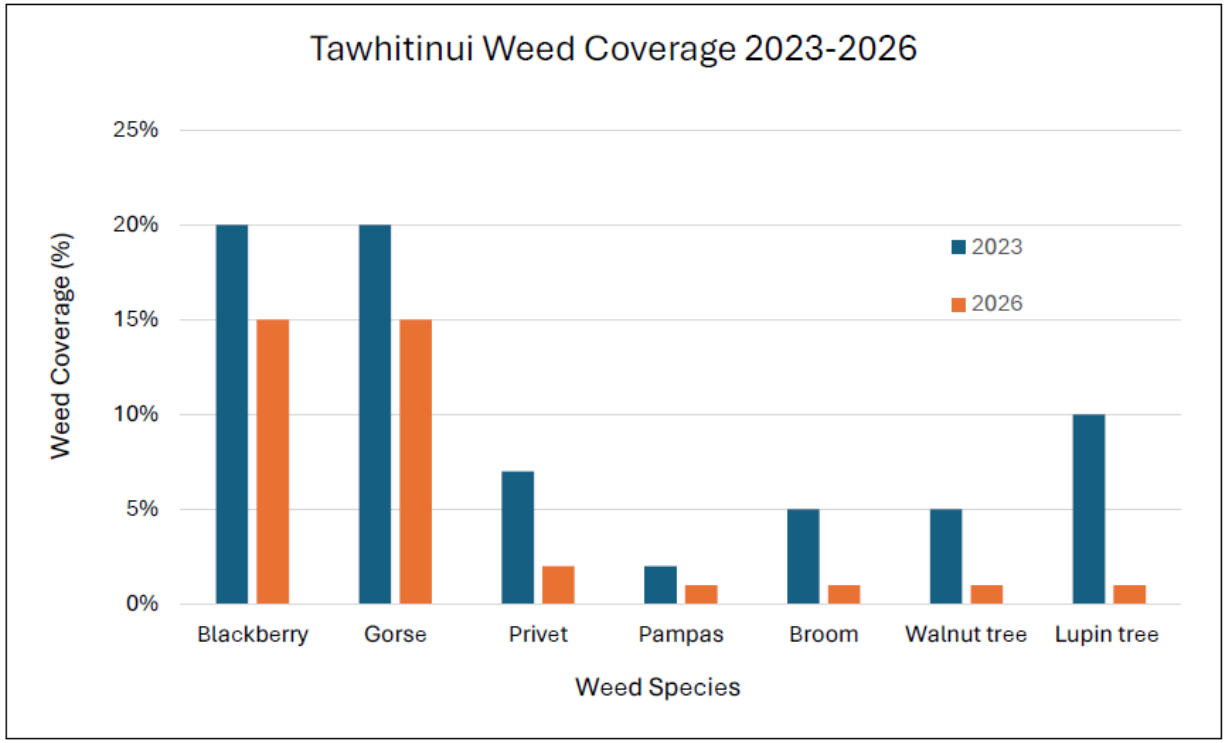
Tawhitinui Assets

0 0.1 0.1 0.2 Kilometers

Source: Te Pou Oranga o Whakatohea (April 2026) *Mauri Assessment Tawhitinui*

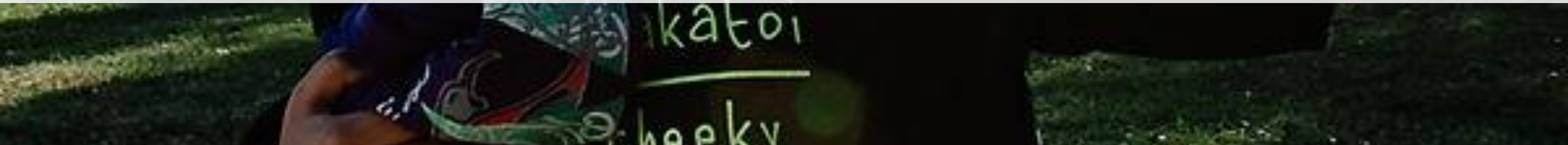
2023-26





Source: Te Pou Oranga o Whakatohea (April 2026) *Mauri Assessment Tawhitinui*

Our contemporary challenge: Empowerment and true partnerships



Our current and future issue is capacity and capability

Our people are committed but:

- 90% live outside the rohe
- Huge pressure on 10% of haukainga
- Significant energy consumed meeting government reporting and contract requirements
- Too much effort is spent responding to systems designed by others

Conclusion

- When our values are excluded from decision making, our people and environment suffer
- When we are trusted to lead, we achieve better outcomes
- Our challenge is not a lack of commitment, it is ensuring the systems around us enable, rather than constrain, our aspirations