OFFICIAL

Wai 1040, #3.2.353

WAITANGI TRIBUNAL JUDCIAL CONFERENCE

COPTHORN – WAITANGI

25TH NOVEMBER 2013

TE TAUMATA O TANGITU

To the Waitangi Tribunal

We take this opportunity to reaffirm our letter sent to Minister Finlayson dated 25th September 2013, (attached) and copied to the Tribunal, Legal Aid Services, Maori Land Court, Office of Treaty Settlement, Te Puni Kokiri, Crown Forest Rental Trust and Minister Pita Sharples.

The letter endorses the collective claimants' request that they no longer require the services of the Papa Hapu o Whangaroa within Te Papa Rahi o te Raki 1040 Hearings, effective from 25th September 2013.

The claimants have formed their own representative body known as Te Taumata o Tangitu (collective).

The letter also outlines the reasons for this collective decision, and wishes the Tribunal to record and accept the collective claimants within Te Taumata o Tangitu (collective) to proceed within Te Papa Rahi o te Raki 1040 hearings.

We wish to reiterate that we are not restricting any claimant from the hearings process, we do not have or claim to have that ability, and that we have great respect for this tribunal as being fair and just to all claimants within Te Papa Rahi o te Raki 1040.

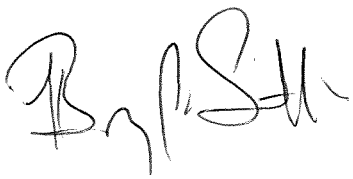
For the Tribunal, I have attached some of the reasons discussed by the claimants that aided in their decision to no longer require the services of the Papa Hapu o Whangaroa.

On behalf of Te Taumata o Tangitu (collective) I ask for full disclosure and accountability of all the financial accounting of the Office of Treaty Settlement funding received and administered by Te Pae Kororipo Resource Centre Management Committee for the Whangaroa Taiwhenua July Hearings week.

Kia ora

Bryce Smith

WAI 2377



RECEIVED
Waitangi Tribunal
25 Nov 2013
Ministry of Justice
WELLINGTON

25th September 2013

Hon Chris Finlayson
Minister for Treaty of Waitangi Negotiations
Parliament Buildings
Wellington

Te Taumata o Tangitu
PO Box 91
KAEO 0448

Ph: (09) 4051200

Email: Tetaumataotangitu@gmail.com

Ko matou ko nga Rangatira o He Wakaputanga o nga Rangatiratanga o Nu Tirini

Tena koe Hon Chris Finlayson

We write to reaffirm our status within Te Papa Rahi o te Raki 1040 - Te Tiriti o Waitangi.

We Te Taumata o Tangitu (Collective) advise the Minister that our decision has been reached through free and informed information, and has taken into account the following:

(a) Whangaroa Papa Hapu – Should continue to be recognized for the entity that it was set up for, and nothing outside of that.(Attached)
(b) Wai Claimants – No one or entity can purport to represent that Wai Claim without the express permission and or consent of that Wai Claimant representative. So at the minimum a verified signature should be attached to any such claim of representation.
(c) Mandating process – Each individual claimant has the right to register or not into the current Tuhoronuku mandating process, keeping in mind their decision will have consequences that only they can take responsibility for.
(d) Iwi Authority – We do not recognize, register or conform to any Iwi Authority regarding this process.
(e) Representation for negotiations of any settlement package – We Te Taumata o Tangitu (Collective) take note of past settlements made to individual Hapu, and will if required nominate our own negotiators.
(f) Te Runanga o Whaingaroa - Te Runanga o Whaingaroa will not get Te Taumata o Tangitu (Collective) mandate to manage any settlement package should we ever agree to settlement.
(g) Hearings process – We will continue with our current hearing process under Te Taumata o Tangitu (Collective)
(h) Division of Hapu/Whanau/Claimants within Whangaroa – We Te Taumata o Tangitu (Collective) see the current miscommunications and information received and delivered by Tuhoronuku, Te Kotahitanga, Whangaroa Papa Hapu, Crown Forest Rental Trust, Te Pae

Kororipo Resource Centre and Counsel as dividing, we therefore use our discretion as to when and if we participate or engage in any future division agendas' of these organizations.

In conclusion, we state:

1. We Te Taumata o Tangitu (Collective) Claimant representatives withdraw from **all** future representation by the Whangaroa Papa Hapu and
2. We Te Taumata o Tangitu (Collective) Claimant representatives request the Crown accept this letter as a true and correct record of a free and informed collective decision, and to be recognized as **separate** from the Whangaroa Papa Hapu and
3. We Te Taumata o Tangitu (Collective) Claimant representatives request an urgent meeting with the Minister or his representative to discuss a way forward for Te Taumata o Tangitu (Collective).

Sincerely

_____

Takawaenga Te Taumata o Tangitu
Nuki Aldridge
Wai 58, Wai 2376, Wai 2377, Wai 515, Wai 517, Wai 2382

Cc

Kevin Kelly and Maureen Hickey
Office of Treaty Settlements
SxO11
Wellington

Michelle Hippolite
Te Puni Kokiri
P O Box 3943
Wellington

Legal Aid Services
Ministry of Justice
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2nd Floor, Manaia House
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WHANGAREI 0110
DX Box AX10086
WHANGAREI

Crown Forest Rental Trust
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WELLINGTON 6011

Waitangi Tribunal
DX SX 11237
WELLINGTON N.Z

Hon Pita Sharples
Minister of Maori Affairs
Parliament Buildings
WELLINGTON

CONFIRMING THE MEMORANDUM OF UNDERSTANDING ENTERED INTO ON 19 SEPTEMBER 2003 – REVISED ON 6 AUGUST 2009

NAME

1 This Collective of claimants shall be called the Whangaroa Papa Hapu

ADDRESS

2 The office of the Collective shall be located at the physical address of the Te Runanga O Whaingaroa Building, Leigh Street, Kaeo

PURPOSE

3. The purpose for which the Collective is established is:

3.1 To progress the Waitangi Tribunal Claims within the Whangaroa Inquiry District as they apply specifically to Waitangi Tribunal claims numbers: Wai58, Wai179, Wai230, Wai295, Wai919, Wai1312, Wai1333, Wai1582 Wai1666, Wai1673, Wai1681, Wai1722 Wai1843, Wai1917, Wai1918,

3.2 To oversee any research undertaken in respect of the Whangaroa Papa Hapu claimant group:

3.3 To uphold the Memorandum of Understanding that the four claimant groups undertook to abide by viz:

"Kua whakaae matou katoa ki te haere Roopu Papa Hapu ki te whakahaere i o matou kohikohi korero mo nga taonga katoa."

CHARTER FOR THE WHANGAROA PAPA HAPU

DEFINITIONS

1. In these clauses:

1.1. *Ballot* means a vote taken in writing whereby each member has one vote in respect of each vote she/he is entitled to cast (whether personally or by proxy).

1.2. *Constitution* means and includes the Memorandum of Understanding, the Charter and any rules or regulations made thereunder.

1.3. *General Meetings* includes both Annual General Meetings and Special General Meetings and are open to all members.

1.4 *Month* means calendar month and year means calendar year.

1.5 *Executive* means the Chairperson, Vice Chairperson (if any), Secretary and Treasurer

1.6 *Special General Meeting* means a Special Meeting convened where members are invited to discuss and decide special business.

1.7 *Special Resolution* means a resolution passed by a majority of not less than three –fourths or 75% of the members of the Papa Hapu who are entitled to vote and who vote in person or by proxy at a General Meeting of which notice specifying the intention to propose the resolution as a Special Resolution has been given in accordance with the Law.

1.8 *Written* or *in writing* means any modes of representing or reproducing words in a visible form.

1.9 *Instrument* means the document used to appoint a person to represent a proxy vote.

1.10 *Papa Hapu* replaces the term '*Collective*' as used by the Crown Forestry RentalTrust and means the group made up of the members of the Whangaroa Papa Hapu

1.11 *Conflict of interest* means Clause 78.

PURPOSE

2. The Collective is established for the purposes set out in the Memorandum of Understanding.

GOALS

3. To achieve its purpose the Papa Hapu shall:

3.1 Explore all avenues to generate funds to meet its objectives, and

3.2 Ensure that any surplus funds shall be used for the betterment and progression of the Waitangi Tribunal claims within the Papa Hapu.

3.3 Seek contacts and maintain relationships to ensure the continuance of the work of the Papa Hapu.

3.4 Ensure that all monies will be spent to meet contractual requirements in ways that support the purposes of the Papa Hapu.

MEMBERS

4. The membership of the Papa Hapu shall consist of:

4.1 Any person with a registered claim with the Waitangi Tribunal which has been allocated a Wai number; and who has been appointed to represent the

Nuk

From: Kani Edwards <kani.edwards@cfrt.org.nz>
Subject: **Whangaroa E and C application.**
Date: 12 March 2013 4:47:53 PM NZDT
To: "'hiwi.pat@xtra.co.nz'" <hiwi.pat@xtra.co.nz>
Cc: Ngaire Wilson <ngaire.wilson@cfrt.org.nz>, Tania Smith <tania.smith@cfrt.org.nz>

Tena koe Whaea Pat.

Thank you for your application and correspondence received by CFRT dated 1 March 2013 seeking Approved Client Status. Having reviewed the documentation we advise that further information is require to satisfy the Trusts Approved Client criteria. Accordingly I have highlighted key areas needing further detail before we can accept and submit your application to the Trusts' Board for their consideration;

1. B10. of the application requires you to provide a signed statement from each of the claimants indicatin that they support **this** application. I would recommend you have your supporters fill out and sign a registration form confirming their support and noting the activities that Whangaroa Papa Hapu will undertake on their behalf. Please forward at your earliest.
2. C3. Reference to the MoU and Charter 2003. We have documentation in our records and have source this information as you have suggested. The documentation does require some updating given that ther are a number of new claims in the membership. Your MoU confirms only four (4) of the twenty nine (29) Wai numbers (Appendix 1) This is a material change to the structure of the Papa Hapu and will therefor need to be updated.
3. C4. As above given that the MoU requires updating you may want to review your policies and procedures as it relates to this section.
4. C5. We require that you have thought about how you will manage finances should you achieve Approved Client Status. This part of the application seeks confirmation that there are processes in place for financial control of any future Trust funds. Unfortunately some of the financial processes followed by the Papa Hapu in previous contracts have been confusing and difficult for yourselves and the Accountant involved to manage. This meant that recording accurate figures did not translate well for the purposes of meeting monthly financial reporting requirements. Should you seek CFRT funding this component is pivotal. It does not require that you engage an accountant or an auditor at this stage as you do not have funding or live contracts but it does require that there are clear processes for approving payments and recording financial information at the Papa Hapu level.

We also acknowledge receipt of the additional information supplied with your application and make the following clarifying comments:

1. We are happy to receive documentation from you electronically rather than have you travel to print documentation or spend money on a courier;
2. We acknowledge the timeframe was challenging therefore suggest you resubmit your application b 29 March to meet the April 16 board meeting. Whangaroa is scheduled for hearing week in July - therefore has time to resubmit an application;
3. The Otangaroa Forest remains a Crown Licensed Forest under the Trust. We understand your anguish regarding this process however ownership has not been determined via the settlement process therefore the Otangaroa Forest remains under the Trust with rentals pooled to support all claimants through to settlement.
4. Stage I hearings funding was not provided to IHOC. Payments were made directly by Trust staff to suppliers of services on presentation of invoices for work carried out. IHOC was set up by claimant for consultation purposes surrounding the presentation of evidence, preparation of witnesses and timetabling.
5. Unfortunately in an inquiry this size, providing travel support to each and every claimant would mos certainly stretch any sized budget especially if all claimants required support to attend at least one hui a month and wished to travel individually.

I trust the above provides you with some answers and direction. If you require further discussion or have any queries relating to the information I have highlighted above please feel free to contact me.