



27 July 2015

Deputy Chief Judge Caren Fox  
 Presiding Officer  
 Porirua ki Manawatū Inquiry  
 Waitangi Tribunal  
 WELLINGTON  
 DX SP22525

Tēnā koe e te Rangatira

### Memorandum Concerning Research Progress and Trust Tender Process from the Crown Forestry Rental Trust

1. In its Memorandum-Directions of 1 July 2015 (Wai 2200, #2.5.106), the Waitangi Tribunal asked parties to file a quarterly update on research progress for the Porirua ki Manawatū Inquiry by midday Friday 17 July 2015. An extension was subsequently granted to midday, Monday 27 July 2015 to enable Trustees to consider the Memorandum-Directions at their meeting on 23 July 2015. This is the fifth research update from Crown Forestry Rental Trust (the **Trust**).
2. At paragraph 12 of its Memorandum-Directions, the Waitangi Tribunal requested my speaking notes for the judicial conference held on 30 June 2015. These notes are contained within this update. I also address research related issues raised by claimant counsel and the Waitangi Tribunal at the judicial conference, and in filed submissions.

#### Trust-commissioned technical research projects

3. Trustees have agreed to fund six District Overview Technical Research Projects for the Porirua ki Manawatū Inquiry, and four Historical Issues Research Projects for iwi and hapū broadly affiliated with Ngāti Raukawa.
4. The six district wide overview technical research projects are for all claimants within the Porirua ki Manawatū District. This means that all Approved Clients of the Trust and claimants within this district will be invited to participate in these research projects. Those projects include:
  - (a) Block Research Narratives
  - (b) Public Works Issues
  - (c) Local Government Issues
  - (d) Environmental and Natural Resource Issues
  - (e) Inland Waterways
  - (f) Inland Waterways Cultural Perspectives

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5. The four Historical Issues Projects are Raukawa-specific projects, and are for those claimants who broadly affiliate with Ngāti Raukawa. All Ngāti Raukawa and affiliated claimants are welcome to participate in these projects, including those who are not members of the Trust's Approved Clients. Those projects include:
    - (a) Custom, Colonisation and the Crown, 1820-1900
    - (b) Crown Action and Māori Response, Land and Politics, 1840-1900
    - (c) Māori Aspirations, Crown Response and Reserves, 1840-2000
    - (d) Rangatiratanga versus Kāwanatanga, 1890-2000.
  6. The Trust is also commissioning oral and traditional history projects for two of its Approved Clients, Tūmatanui Incorporated Society and Te Hono ki Raukawa.

### **The Trust's Tender Process in Porirua ki Manawatū Inquiry**

7. In January 2015, the Trust commenced a closed tender to find suitably qualified research providers to complete the six District Overview Technical Research Projects.
8. This tender round was unsuccessful. The Trust did not receive tenders for all projects. No preferred providers were identified for two of the six district overview research projects. Furthermore, the Trust was unable to agree preferred providers for the other four research projects.
9. As part of that tender, the Trust invited a significant number of people and organisations to submit research tender proposals for the district wide overview research projects - 68 in total, including many Māori individuals and well known Māori academics.
10. To put this number in perspective, the Trust typically invites 20 to 30 people and organisations in any given tender round to submit proposals. In this case, however, it issued 68 invitations. Of this number, only six individuals and organisations submitted proposals (a 9% response rate).
11. None of the six tenderers who submitted proposals were ones nominated by Approved Clients or claimants, despite those nominees being invited to do so.
12. On Monday 29 June 2015, the Trust commenced a new closed tender to find suitably qualified research providers to complete the six District Overview Technical Research Projects and the four Historical Issues Projects. This tender round was approved by Trustees at their meeting on 25 June 2015. Trustees have clarified key tender processes and key tender policy requirements for this closed tender. Trust management and staff, therefore, are working within a revised tender process framework with much tighter procedures and controls. The Trust is optimistic that this new tender framework will be clearer for Approved Clients, claimants, prospective tenderers and the Trust itself.
13. As part of this new tender process, letters were sent to Approved Clients and claimants seeking nominations for potential researcher providers to undertake these projects. These letters clearly set out the rules and controls that the Trust will apply during this new tender process.

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14. 109 individuals and organisations have been invited to submit a tender for these projects, including 54 nominated by Approved Clients and claimants, existing Approved Research Providers of the Trust, and other suitably qualified academics and individuals.
  15. The Trust would like to assure claimants that, regardless of whether or not they are part of an Approved Client, they will be invited to comment on the Trust's preferred providers; attend research hui convened by the Trust or its research providers; and provide feedback on milestones such as progress reports and draft research reports.

### The Tendering Timeline

16. The Trust's expectation is that its tender process will be completed in early September 2015. Below are the steps and milestone dates for the Trust's tendering process:

Description	Date
Trust invites Porirua ki Manawatu Approved Clients and claimants to nominate research providers to receive tender invitations	29 June 2015
Nominations due from Porirua ki Manawatu Approved Clients and claimants	5.00 pm 3 July 2015
Trust releases tender documents to selected applicants and invites them to submit a proposal	6 July 2015
Proposals due from selected applicants	5.00pm 3 August 2015
Trust staff assess proposals against the Trust's assessment criteria and confirm preferred research providers	17 August 2015
Trust staff consult with Porirua ki Manawatu Approved Clients and claimants about preferred research providers	19 August – 2 September 2015
Comments due from Porirua ki Manawatu Approved Clients and claimants	5.00pm 2 September 2015
Trust confirms researcher providers and begins contract discussions with them	Monday 7 September 2015

17. Until the Trust concludes contracts with its confirmed research providers (and it expects to do this in September 2015, at the earliest), the Trust cannot say when its commissioned research will be completed. However, the Trust hopes that the research projects will all be concluded by the end of 2016 or the first quarter of 2017, at the latest. When all projects have been contracted, the Trust will provide a written research update to the Waitangi Tribunal setting out all project milestones and completion dates.
18. Both the Waitangi Tribunal and Te Hono ki Raukawa have commented on aspects of the tendering timeline as presenting difficulties for claimants.<sup>1</sup> However, the timeframes set

<sup>1</sup> Wai 2200, #2.5.105, para 4; Te Hono ki Raukawa Memorandum of Counsel, 30 June 2015.



out in the table above are standard timeframes, which the Trust has used for all previous research tenders. Further, Trustees approved funding for the District Overview Technical research in November 2013, and approved funding for the Historical Issues research projects in November 2014. In the 19 months since that first funding approval, Approved Clients, claimants and their counsel have had ample opportunity to discuss their research provider preferences, and to talk with their iwi researchers.

19. Approved Clients, in particular, are funded by the Trust to be engaged in, and actively participate in, the research preparation phase. Indeed, researcher nominations were made for the Trust's first tender round in January 2015 and the Trust notes that all Approved Clients and some claimants submitted researcher nominations by the deadline of 29 June 2015.
20. Prospective tenderers should be able to construct a competitive tender within a month's timeframe. If they cannot, it would not bode well for managing and meeting milestones in a major research project for a Waitangi Tribunal Inquiry.

### **Clustering**

21. At the judicial conference, I commented on various memoranda of counsel referring to "Clusters of Hapū Approved by CFRT for Research Purposes".
22. For the record, the Trust does not have a view about hapū clusters for hearings or research purposes. This is not a matter for the Trust. The only reference that the Trust is aware of regarding hapū clusters for research purposes is in terms of correspondence from a particular Approved Client.

### **Update on Trust-Commissioned Oral and Traditional History Projects for Approved Clients**

23. Tūmatanui's Historian, Peter McBurney, has begun work on their Oral and Traditional History Project. Funding for this project was approved by Trustees in November 2014. The project is expected to be completed in early 2016.
24. Funding for Te Hono ki Raukawa's Oral and Traditional History Project was approved by Trustees in February 2015, and planning is currently underway to begin this project. It is expected to take up to 12 months, and to be completed by mid-2016.

### **Update on Rangitīkei River Research Projects**

25. Mr David Alexander is undertaking the Rangitīkei River Historical Issues Report on behalf of claimants with interests in the awa in both the Porirua ki Manawatū and Taihape: Rangitīkei ki Rangipō Inquiries. The draft report was recently distributed to parties in both inquiries for review and feedback. Details regarding a feedback hui with Mr Alexander will follow in due course. The final report is due on 28 September 2015.
26. Hohonu Ltd are undertaking the Rangitīkei River Cultural Perspectives Report on behalf of claimants with interests in the awa in both the Porirua ki Manawatū and Taihape: Rangitīkei ki Rangipō Inquiries. With the explicit support of three of its Approved Clients,



the Trust recently filed a memorandum seeking an extension to the filing deadline of that report to 29 January 2016.<sup>2</sup> Trust staff expect this request to be discussed at the Wai 2180 chambers conference on 14 August 2015, and will update parties in the Wai 2200 Inquiry as this matter progresses.

27. If the Tribunal, claimants or counsel have any queries regarding this update, please do not hesitate to contact us.

Nāku noa, nā



Rama Rewi  
**Director Funded Services**

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<sup>2</sup> Wai 2180, #6.2.40. R Rewi (CFRT), Request for an extension to Trust-commissioned Rangitikei River Cultural Perspectives Report filing date, 16 July 2015.