

# Outcomes of the Ngati Whakaue Registered Voting Hui 4 September 2016

Thank you to all of you who attended the Hui a iwi for Ngati Whakaue, held at Te Papaouru Marae yesterday 4 September.

The purpose of the meeting was to present to Ngati Whakaue a full update on the negotiations between Te Komiti Nui and the Crown and to provide them with a comprehensive presentation to enable them to vote on whether to accept or reject the Crown's position for a settlement.

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## *Background*

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In 2008 Te Komiti Nui o Ngati Whakaue (TKN) was mandated to negotiate settlement of the Ngati Whakaue's extant historical Treaty of Waitangi claims. In April 2014 terms of negotiation were agreed and formal negotiations commenced in December the same year. Since this time the Negotiators Hamuera Mitchell, John Kahukiwa (along with former negotiators Paul Tapsell and Larissa Wharepouru) have worked closely with the Crown to negotiate a settlement package based on a settlement strategy which encompassed all Ngati Whakaue's outstanding claims both registered and unregistered.

While Te Komiti Nui was happy with the Crown's initial response to the settlement package, negotiations came to a head in March this year when Minister Finlayson wrote to Te Komiti Nui setting out the Crown's position on a settlement package for Ngati Whakaue.

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## *What is the Crown's position?*

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You can access the Crown Position for Settlement with Ngati Whakaue letter [HERE](#), outlining its expectations for the key redress items:

- i. Quantum,
- ii. Repatriation of lands;
- iii. Geothermal;
- iv. Crown/Ngati Whakaue relationship; and
- v. Maketu.

As you read the letter in detail you will see that there are substantial gaps between the Crown's position and the aspirations TKN presented for settlement (2015 AGM presentation can be found here on the website). While some 'gaps' between the two positions may be able to be resolved through the development of relationship redress, what is insurmountable is the total value the Crown is willing to attribute to a comprehensive settlement with Ngati Whakaue. The zero cash component presented will not allow Ngati Whakaue to resource a Post Settlement Governance Entity to receive those lands offered, let alone compensate the grievances Ngati Whakaue experienced at the hand of the Crown. Also notable

### SUMMARY OF CROWN'S POSITION

- No further financial redress
- Cultural redress, valued at approx. \$1 million for vesting of certain DoC sites;
- RFRs and DSP over Crown properties outside of the Pukeroa Oruawhata block;
- Historical Account, Crown Apology and Crown Acknowledgements.

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is that the Crown is not willing to pursue special redress in the geothermal space – disappointing given that Ngati Whakaue’s relationship with this resource is unequalled.

The Minister sought response from Te Komiti Nui on whether it accepts the Crown’s position on Ngati Whakaue’s settlement by 23 April 2016, going further to say that where Ngati Whakaue does not accept the Crown’s position, Office of Treaty Settlements (OTS) will remove Ngati Whakaue from the active negotiations work programme on a without prejudice basis to recommence at a later time- no date given. On the other hand, if Ngati Whakaue decided to continue negotiations within the parameters of the Crown’s position then an agreement in principle could be signed in the next 12 to 18 months (2018).

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### *How did TKN respond to the Crown’s position?*

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Copies of the correspondence between the Crown and TKN (along with the slides presented 4 September) are available on our website, however in summary Te Komiti Nui sought to keep Negotiations open through seeking clarity on the Crown’s Position, how negotiations can be progressed and potential timings on re-engagement. Minister Finlayson declined to get into detail, other than advising there was no agreement on the key issues for redress and as such Ngati Whakaue would be removed from the active work programme to recommence at a later time.

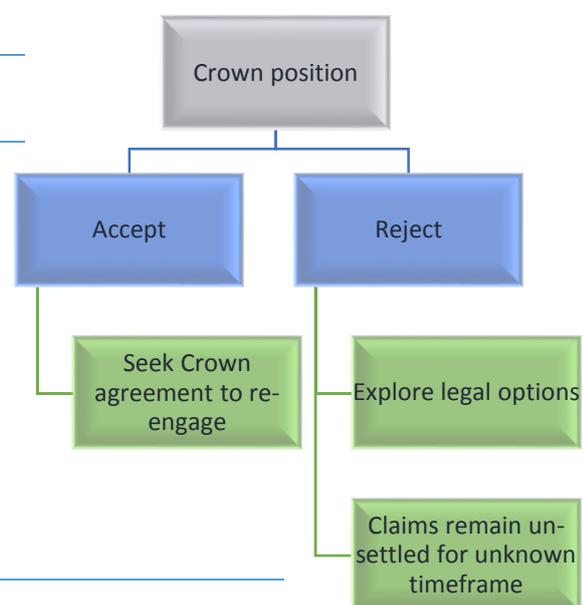
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### *What were Ngati Whakaue’s options forward?*

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Ngati Whakaue had two options- Accept or Reject the Crown’s position.

- vi. IF ACCEPT- 12-18 months to achieve AIP (subject to Crown agreement to re-engage)
- vii. IF REJECT – Claims remain unsettled for unknown timeframe and/or TKN explores options to confirm Ngati Whakaue rights through legal action.



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### *What were the results of the vote facilitated by Returning Officer on 4 September 2016?*

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The preliminary results are that Ngati Whakaue voted to REJECT the Crowns position. This means that those present at the hui were of the view that the Crowns position did not go far enough to settle Ngati Whakaue’s extent claims. The second motion regarding Te Komiti Nui’s next steps following this decision was deferred and Te Komiti Nui has been tasked to report back in detail on options forward for the AGM.