



WHAKATŌHEA
PRE SETTLEMENT CLAIMS TRUST

Whakatōhea Ratification

INFORMATION BOOKLET 2022



Mihi

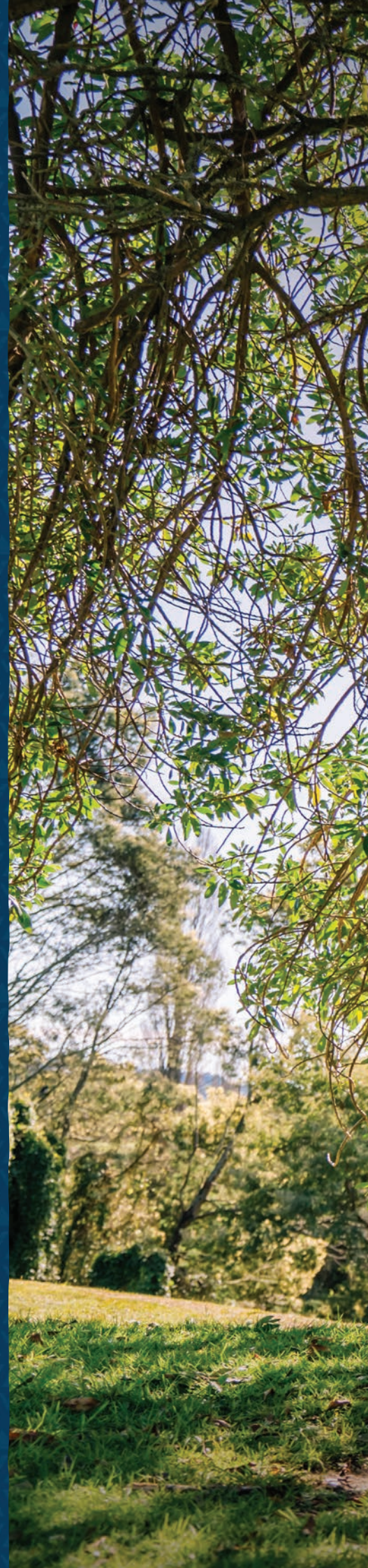
Tihe Mauri Ora!

E kore au e ngaro, e kore au e whakamā.
E kaha nei ahau ki te kimi, ki te rapu ko wai au?
Manene ki te motu, manene ki te ao, aha pēhea?
E kore e wareware ki taku ūkaipō,
he uri nō Te Whakatōhea!

E hāmama noa atu te wehi ki a Īhowā ko
te mātauranga me te kaha. Ā e hōmai ana e ia
te moe me te ngoikore ki ahau. Nā haere mai rā,
kia whāoina tāua ki te aroha, ao noa te rā.

Ka auhī, ka tangi tīkapa taku manawa ki te hunga
kua huri kōwaro kau ki te pō uriuri, ki te pō
nakonako, ki te pō e au ai te moe. E moe, e moe,
e moe i roto i te Ariki.

Tēnā koutou; Te Whakatōhea mana, Te Whakatōhea
ihi, Te Whakatōhea wehi, Te Whakatōhea tapu;
“Ngā mokopuna o Te Raupatu” i riro ai te Whenua
Hou Kura, i mate parekura ai te tīni o Hou Kōtuku
ki te pō. Kua kauria roa ai a Te Whakatōhea
tangata ora ki te ahi mumura o te whakamā ki te
rapu i te oranga. Tēnā tātou e ara ki runga rā,
tōia a Te Whakatōhea i te rua hōhonu kia whitiria
e te rā kia pūnehunehu ki runga te tipu hou
mō Te Whakatōhea tūmata ki anamata.



In order to honour our tīpuna, we acknowledge our past, we comprehend our loss,
we hold the Crown to account for their failures, we listen to their apology,
we settle with the Crown, and then we build a better future for our mokopuna.

Whakatōhea Maurua
FOR OUR PAST ▽ FOR OUR FUTURE



Ōpōtiki Chiefs who signed te Tiriti o Waitangi / the Treaty of Waitangi

The signatories were:

Tauātoro, Takahi, Āporotanga, Rangimātānuku, Rangiharepō,
Ake and Whākia

Na, ko matou, ko nga Rangatira o te Wakaminianga o nga Hapu o Nu Tirani, ka huihui nei ki Waitangi. Ko matou hoki ko nga Rangatira o Nu Tuarua ka huihui nei i te pitenga o enei hupu, ka tangohia, ka wakaatia ka toatia e matou. Noia ka tihungia ai o matou ingoa o matou tohu.

Ka meatia teni ki Waitangi i te rano o nga ra o Pepuere, i te tau kotahi mano, eua tekau, o te taita Aitiki.

+ Tauātoro his mark	Carey at Opotiki May 27 th 1840	James W. Sedgwick for Pōpōhia to the Honorable Maiki
Takahi his mark		
Āporotanga his mark		
+ Rangimātānuku his mark		
+ Rangiharepō his mark		
Ake his mark	May 28 th 1840	
Whākia his mark		

Tūtiki his mark	Soree June 11 th Te Kaha June 14 th /40
Rangihūatahi his mark	
Hōpurururangi his mark	
Āhiorangi his mark	
Hōmarama his mark	
Wāzua his mark	Soree June 14 th
Naia Teu 12	
Tautari his mark	Wakatane June 16 th
Mokai his mark	
Mato his mark	
Tāramatūate his mark	
Tūmū his mark	
Tāupiri his mark	
Haukākāwia his mark	
Piariari his mark	
Mātātāhōkia his mark	
Reora his mark	
Tupara his mark	
Mōkar his mark	

* The Chief at Opotiki expressed a wish to have it signified who were Pīkēpō (i.e. Roman Catholics) & who were not, the which I did by placing a crucifix preceding the names of those who are, as above, & at which they seemed perfectly satisfied.

James W. Sedgwick

(See reverse) Photo. lithograph at the Govt Printing Office Wellington, N.Z. by H. Davis.

Crown Apology to Te Whakatōhea

**To ngā uri o Te Whakatōhea,
to ngā tūpuna and ngā mokopuna.**

When Whakatōhea rangatira signed te Tiriti o Waitangi/ the Treaty of Waitangi, they did so in a spirit of trust and co-operation, with a view to the benefits Treaty partnership could bring to their people. The Crown betrayed that trust by waging war and confiscating Whakatōhea land in a raupatu for which the Crown alone is responsible. The Crown's actions caused significant loss of life, devastated Whakatōhea communities, created conflict between Whakatōhea hapū and whānau, and led to the loss of mātauranga Whakatōhea which is still felt today.

The Crown apologises to the rangatira who died at its hands. The Crown apologises to ngā uri o Te Whakatōhea, who have lived with economic, cultural and spiritual loss and deprivation as a result of the Crown's actions. The Crown has failed to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and brought dishonour upon itself. For its breaches of te Tiriti o Waitangi/the Treaty of Waitangi, and for the pain it has caused Whakatōhea through its acts and omissions, the Crown is deeply sorry.

The Crown pays tribute to the resilience of ngā uri o Te Whakatōhea, who have strived for justice and fought to retain and rebuild Whakatōheatanga over generations. Through this settlement, the Crown hopes to honour the promise of partnership it made with Whakatōhea in 1840. Let us look forward to a future of prosperity for the people of Whakatōhea and move towards it together in a spirit of good faith, partnership and respect for te Tiriti o Waitangi/ the Treaty of Waitangi.

Rārangi Upoko

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Whakatōhea Pre Settlement Claims Trust
Phone: 0508 Whakatōhea or 0508 942 528
Email: gina.smith@whakatōhea.co.nz
www.whakatoheapresettlement.org.nz



A message from the Trust



Te Whakatōhea negotiations with the Crown have been future focussed, based on our Whakatōhea 50 year plan and whānau aspirations shaping a Settlement around Mana Tangata, Mana Whenua, and Mana Moana.

Whakatōhea has been granted a unique opportunity to have a Waitangi Tribunal Inquiry continue after settlement.

Settlement for an Iwi is not without its internal debate and sometimes division. Having to choose between direct negotiations or the Tribunal pathway has created debate and differences of opinion within Whakatōhea in the past.

Our whānau that hold the WAI claims on behalf of Whakatōhea fought hard for a Waitangi Tribunal Inquiry and that can now continue with all Whakatōhea in support to ensure our claims will be heard through the Tribunal process.

We would also like to acknowledge our whānau who have been working on this Settlement for almost 30 years, and the many more who have passed on and have not been able to see its completion. Let us not leave this for another generation to complete.

Create a better future for all of Whakatōhea. Vote **YES** on all 3 Resolutions on your voting form and **#VoteWhakatōhea**

Mauri Ora
Graeme Riesterer

Chair – Whakatōhea Pre Settlement Claims Trust

We encourage you to vote **YES** to the 3 resolutions on your voting form.

Vote **YES** to a new beginning for Whakatōhea.

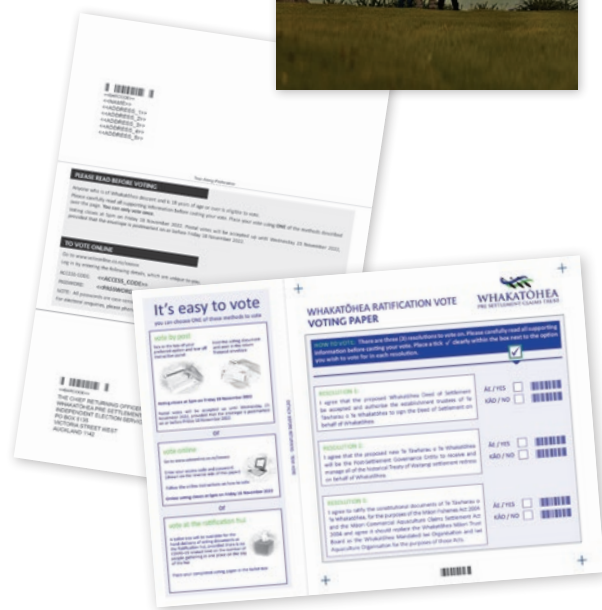
In this Ratification pack you should have received:



Ratification booklet



Voting Paper & Return Envelope



What are you voting for?



Vote YES to the 3 Resolutions on your voting form.

The Resolutions are:

Resolution #1 Proposed Settlement

I agree that the proposed Whakatōhea Deed of Settlement should be accepted, and authorise the establishment trustees of Te Tāwharau o Te Whakatōhea to sign the Deed of Settlement on behalf of Whakatōhea.

For more information on the Whakatōhea Deed of Settlement go to page 21.

Resolution #2 PSGE

*I agree that the proposed new **Te Tāwharau o Te Whakatōhea** will be the Post-Settlement Governance Entity (PSGE) to receive and manage all of the historical Treaty of Waitangi Settlement redress on behalf of Whakatōhea.*

For more information on the PSGE go to page 37.

At present the Whakatōhea Māori Trust Board holds the official status as the Mandated Iwi Organisation to look after the Fisheries and Aquaculture assets (Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004).

This status needs to be transferred from the Whakatōhea Māori Trust Board to the new PSGE entity, Te Tāwharau o Te Whakatōhea, through Resolution 3.

Resolution #3 Ratify the Constitutional Documents

*I agree to ratify the constitutional documents of **Te Tāwharau o Te Whakatōhea**, for the purposes of the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004 and agree it should replace the Whakatōhea Māori Trust Board as the Whakatōhea Mandated Iwi Organisation and Iwi Aquaculture Organisation for the purposes of those Acts.*

For more information on this resolution go to page 37.

**Vote YES for you,
your whānau, your tamariki,
and your mokopuna.**



What to do next?

Fill out your voting paper and send it back.

You can vote by returning your voting paper:

- ▲ in the pre paid envelope enclosed,
- ▲ by voting online

or

- ▲ by voting at one of our ratification hui.

Read through the booklet to get a better understanding about the Settlement and what is on offer.

**Your vote needs to be cast by 5 pm
on the 18th November 2022.**

Ratification/Voting Dates

15 October 2022 – 18 November 2022

Votes collated

20–25 November 2022

Result announced

30 November 2022

Ratification Hui

There will be hui held around the motu.

This information booklet will help you make your decision, but if you have more pātai, come along to one of the hui. You can also bring your voting paper and vote in person.

Vote Whakatōhea



Whakatōhea have occupied the coastal lands and rich alluvial plains around Ōpōtiki since the arrival of their tīpuna from Hawaiki.

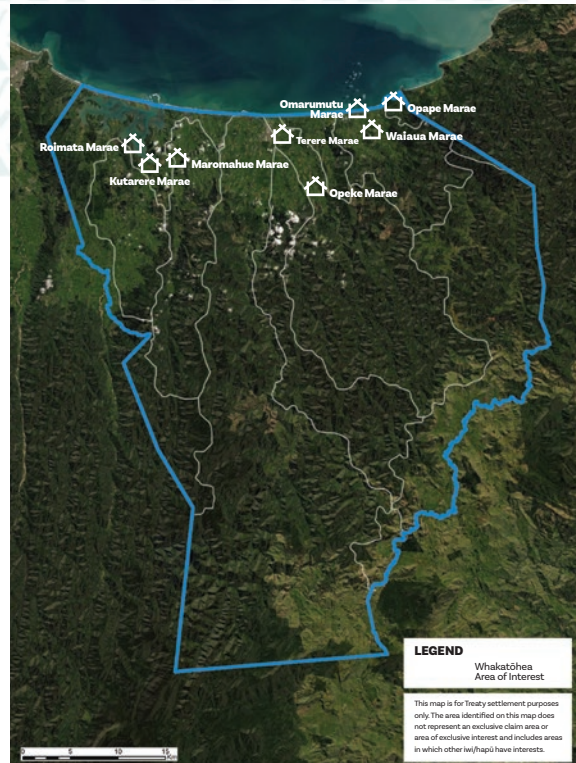
KURA KI UTA, KURA KI TAI
GROUNDED AT HOME, GROUNDED AFAR



Te Rohe o Te Whakatōhea

The traditional lands of Whakatōhea have been described as:

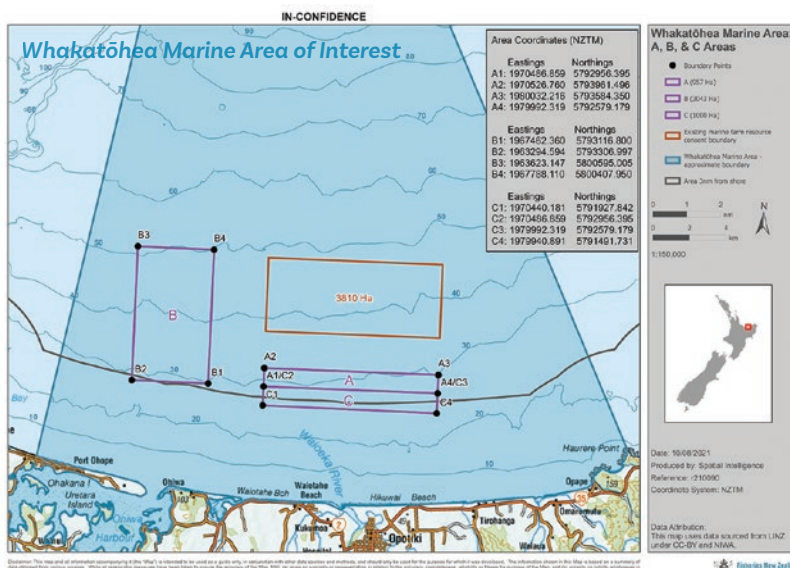
Commencing at Pākihi, at the mouth of the river along the sea coast to the mouth of the Waiōtahe Stream to the mouth of the Ōhiwa Harbour to Te Horo (a hill), then turning inland southwards to Puhikoko (a hill) to Pukemoremore (a hill) then to Māpouriki (a hill), at one time a fighting pā. Then descending to Waimana Stream; following the Waimana Stream toward its source at Tautautahi along the banks to the mouth of the Pārau Stream; then following Pārau Stream to Tangata-e-roha (a hill) on to Kaharoa (an old settlement); from Kaharoa to Pā Harakeke, a ridge leading towards Maungapohatu [to Te Ranga Kapua], then to Maungatāpere descending into the Motu river to Kaitaura falls to Peketutu (a rock); leaving the river and up a ridge to Whakararonga; following the hill tops until it reaches Tipi O Houmea (a peak) descending towards Makomako (a hill) till it crosses Takaputahi Stream to Ngaupokotangata (a mountain) following the ridge to Kamakama; along the ridge to Oroi then turning seawards to Te Rangī on the sea



Whakatōhea hapū;

- Ngai Tamahaua
- Ngāti Ira
- Ngāti Ngāhere
- Ngāti Patumoana
- Ngāti Ruatākena
- Te Upokorehe

coast; then along the sea coast to the mouth of the Ōpape Stream to Awahou Stream to Tirohanga and back to Pākihi (Jones, 1920 - Simms Commission Report; Boundaries given by Hoeroa Horokai and Heremia Hoera).



Maraetotara: Whakatōhea defeated Tuhoë in battle at Maraetotara. Whakatōhea therefore identifies Maraetotara as the western coastal boundary. (Johnson, E. Ōhiwa Harbour, 2003).

Te Ranga Kapua: Rangatira of Te Waimana confirmed with John Douglas (Ngāti Rua) that the south western boundary of Whakatōhea is Te Ranga Kapua.

Dual Process: Treaty Settlement and the Waitangi Tribunal

“Whakatōhea are the first iwi to be allowed to complete our Settlement and continue with the Waitangi Tribunal hearings.” – Maui Hudson

Prior to this, Whakatōhea would have had to choose between the two approaches iwi can take to settling historical claims with the Crown.

One approach is to undertake a district inquiry with the Waitangi Tribunal before entering negotiations with the Crown.

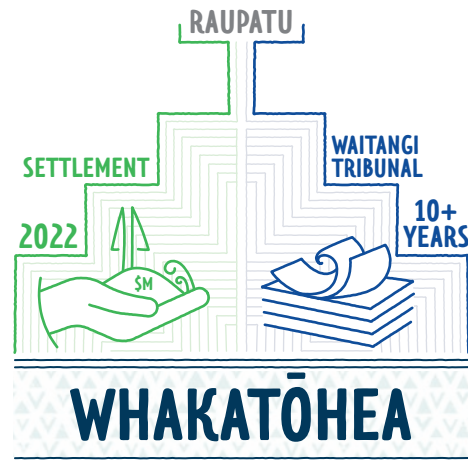
The other approach is to enter negotiations directly with the Crown, and forego the opportunity to have a district inquiry.

Waitangi Tribunal district inquiries

In a district inquiry, the Waitangi Tribunal looks at all of the claims in an area. It hears evidence from whānau claimants and expert witnesses, and writes a report.

Waitangi Tribunal reports contain recommendations on how the Crown should address its breaches of the Treaty, which may be considered during negotiations. Generally, these recommendations are not binding on the Crown. Ultimately, Treaty settlements are negotiated between the Crown and iwi based on iwi-aspiration and Crown policy, not Tribunal recommendations.

The Waitangi Tribunal can make binding recommendations to return some properties, including Crown Forest Licenced Land. Some claims in the district inquiry relate to Crown Forest Licenced Land outside of our rohe, to which other iwi also have claims.



Our options today

If Whakatōhea votes yes to the settlement, the deed of settlement will be signed and finalised. Parliament would pass legislation to make it final and we would receive the redress.

The Waitangi Tribunal will be able to continue the district inquiry after settlement is complete, with two amendments to its jurisdiction:

1. if Whakatōhea agree to ratify the deed of settlement, the Tribunal will not be able to recommend additional redress for Whakatōhea historical claims and the settlement will not alter based on Tribunal findings about historical claims; and
2. the Tribunal will not be able to inquire into the settlement process or the settlement itself, which is standard across all Treaty settlements.

If Whakatōhea decide not to accept the settlement, it will not be signed. In this case, we would wait until the district inquiry is complete to negotiate a new settlement. It is unlikely the current settlement package could be held for that time and we would have to negotiate a new one. It may be another 20 years before we can settle our grievances with the Crown.

“Am happy that the Waitangi Tribunal is happening simultaneously
– allows us to have our voice, let go of things a bit more.”

– Participant in research survey

There are pros and cons to both approaches.

Voting yes	
<p>Pros</p> <ul style="list-style-type: none"> ▲ We would proceed with the settlement now and see its benefits sooner ▲ We would have certainty about what we will receive through the settlement ▲ The Waitangi Tribunal will be a forum for whānau research and kōrero ▲ The Waitangi Tribunal report will be a rich history of Whakatōhea’s relationship with the Crown ▲ At the conclusion of the Waitangi Tribunal, Whakatōhea get the opportunity to address the “findings and recommendations on contemporary claims”. 	<p>Cons</p> <ul style="list-style-type: none"> ▲ The Waitangi Tribunal would not be able to make recommendations on historical claims
Voting no	
<p>Pros</p> <ul style="list-style-type: none"> ▲ The Waitangi Tribunal will be a forum for whānau research and kōrero ▲ The Waitangi Tribunal report will be a rich history of Whakatōhea’s relationship with the Crown ▲ The Waitangi Tribunal would be able to make recommendations on historical claims 	<p>Cons</p> <ul style="list-style-type: none"> ▲ The district inquiry will take many years to complete ▲ A new mandate process would need to be run after the inquiry is complete ▲ A new package would have to be negotiated ▲ There is no guarantee that the redress in the current package will be available when a new package is negotiated ▲ There will not be a commitment by the Crown to meet and discuss contemporary claims ▲ It is likely to be decades before we see the benefits of settlement and another generation will have to carry this burden

The North Eastern Bay of Plenty District Inquiry is hearing the Whakatōhea claims. Normally, a Treaty Settlement would mean the Waitangi Tribunal could no longer inquire into historical Treaty claims.

- ▲ The Waitangi Tribunal will be able to make findings but not recommendations on historical claims. This means the Waitangi Tribunal could not make binding recommendations for remedies for historical claims, including recommendations over Crown Forest Licensed Lands.

- ▲ The Waitangi Tribunal will be able to make findings and recommendations on contemporary claims.

The differences between a historical claim and a contemporary claim:

- ▲ **HISTORICAL**
Claims against the Crown for actions before 21 September 1992
- ▲ **CONTEMPORARY**
Claims against the Crown for actions after 21 September 1992



The Deed of Settlement: Summary

The Deed of Settlement is legally binding and represents the full and final agreement to settle the historical breaches by the Crown against Whakatōhea.

“Settlement is not an end but a beginning to the restoration of our relationship.”

– Minister Andrew Little

1. The Crown Apology and Acknowledgements

The Crown's Apology and Acknowledgements are based on the Historical Account. To read more, see page: 22

and

The Whakatōhea Historical Account

The Historical Account was jointly commissioned by the Whakatōhea Pre Settlement Claims Trust and the Crown; and was assembled through historical text and reports that were then fact checked by our Whakatōhea Komiti Whiriwhiri Hitorī. To read more, see page: 25

2. Mana Tangata

Initiatives which will support the growth of our Iwi. To read more, see page: 27

3. Mana Whenua

The whenua that will be returned to Whakatōhea and initiatives to support kaitiakitanga. To read more, see page: 28

4. Mana Moana

Marine space reserved for Aquaculture development. To read more, see page: 34

5. Financial and Commercial Redress

The financial component of the Settlement. To read more, see page: 35



**E ROI TE WHAKATŌHEA
I TE ROI A TINIRAU**
WHAKATŌHEA UNITED BY KINSHIP



Mana Whenua	Mana Moana	Mana Tangata
<ul style="list-style-type: none"> ▲ Establishment of the Whakatōhea Kaitiaki Forum ▲ The return of whenua totalling 6692ha ▲ Whakatōhea Chapter in the BOP Conservation Management Strategy ▲ Decision-making Framework and Cultural Materials Plan ▲ Right of first refusal over Crown lands and opportunity to purchase properties, including school sites ▲ Reserve Land Development Fund (Opape & Hiwarau) ▲ Statutory acknowledgements over our awa ▲ Return of key cultural sites 	<ul style="list-style-type: none"> ▲ 5000ha marine space reserved for aquaculture development ▲ Marine and harbour development fund to support resource consent applications and activities around the harbour precinct ▲ Participation in Iwi Fisheries Forum ▲ Development of Iwi Fisheries Plan ▲ Right of First Refusal over species introduced into fisheries quota system 	<ul style="list-style-type: none"> ▲ Historical Account ▲ Crown Acknowledgements and Crown Apology ▲ Commitments from the Tertiary Education Commission to work with Whakatōhea ▲ Education Endowment Fund ▲ Te Reo Revitalisation Fund ▲ Cultural Revitalisation Fund ▲ Relationship Agreements with Government Agencies includes process of engagement after completion of Waitangi Tribunal report

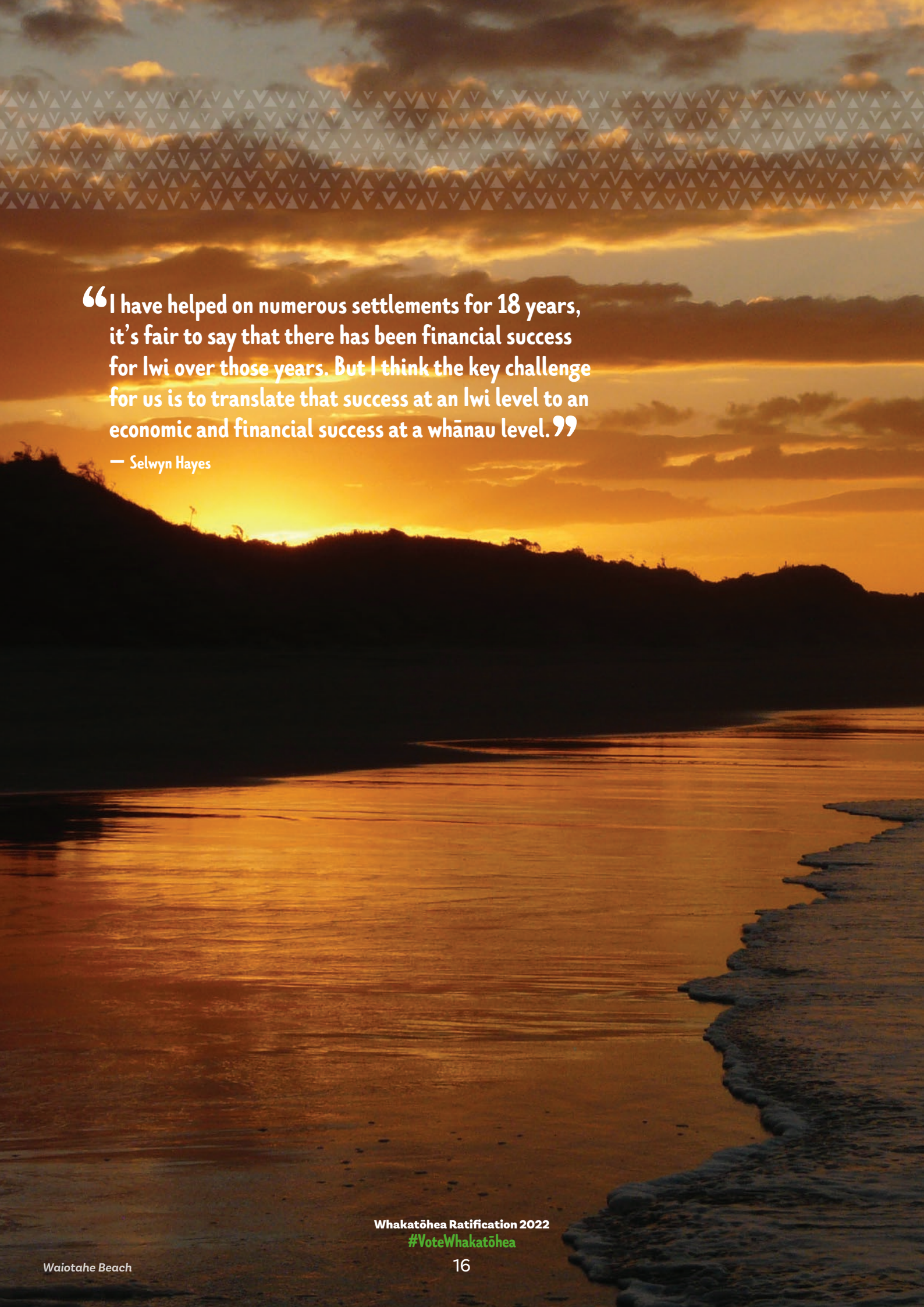
Reserve Lands Development Fund \$5m ▲ Cultural Revitalisation Fund \$5m

Te Reo Revitalisation Fund \$1m ▲ Education Endowment Fund \$2m

▲ Marine and Harbour Development Fund \$2m

Quantum \$85m

TOTAL: \$100,000,000 + Interest (\$5.18m)

A sunset over a beach with a decorative geometric pattern at the top. The sky is filled with orange and yellow clouds, and the sun is low on the horizon, casting a golden glow over the water and sand. The pattern at the top consists of a repeating geometric design of triangles and diamonds in shades of brown and gold.

“I have helped on numerous settlements for 18 years, it’s fair to say that there has been financial success for Iwi over those years. But I think the key challenge for us is to translate that success at an Iwi level to an economic and financial success at a whānau level.”

— Selwyn Hayes

Post Settlement Governance Entity Summary

TE INGOA / THE NAME

Te Tāwharau o Te Whakatōhea

Te Tāwharau o Te Whakatōhea as the PSGE will replace the WMTB and be responsible for both the Settlement Assets and the existing assets and liabilities of the WMTB. It will also become the Mandated Iwi Organisation for the purposes of the Fisheries Settlement and the Iwi Aquaculture Organisation for the Aquaculture Settlement.

The constitutional documents are the legal documents that will allow for the transfer of status from the WMTB to Te Tāwharau o Te Whakatōhea.

The PSGE documentation including the Trust Deed and the WMTB 2021 Annual Report will be available on the WPCT website, WMTB office, Te Puni Kokiri, Te Arawhiti and at all information hui. For more detail on the PSGE, please go to page 37.

Te Tāwharau o Te Whakatōhea means:

*To shelter and protect te tangata, te whenua, te moana, nga awa me nga taonga katoa o Whakatōhea.
To stand together with unity and purpose – Whakatōhea Tāwharautia.*

ARONGA / PURPOSE

Kia Rangatira ai ngā uri o Te Whakatōhea

To lift our nation, to grow and invest in the wellbeing of our people.

TE TĀWHARAU O TE WHAKATŌHEA (PSGE) STRUCTURE



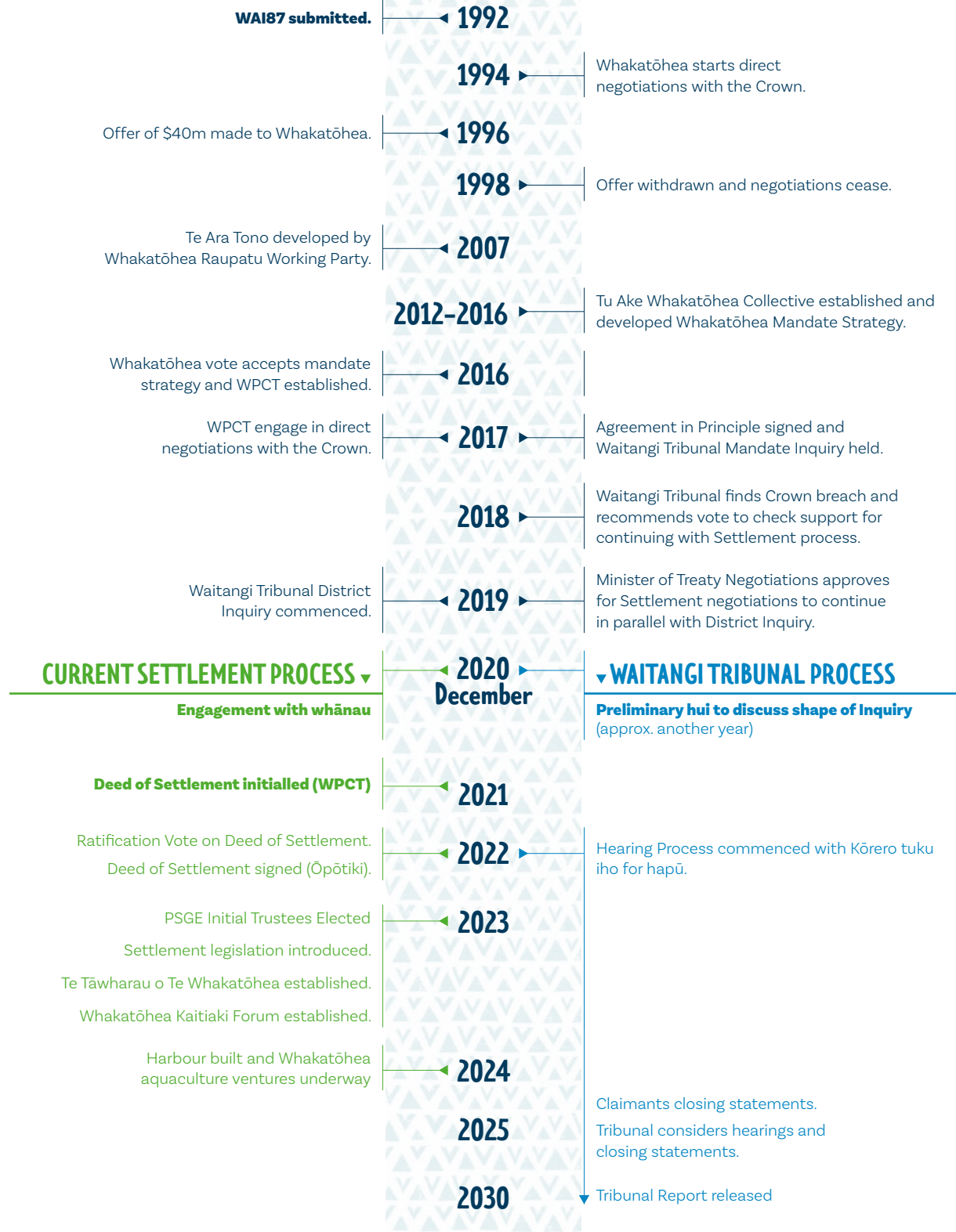
(6) HAPŪ x 2 SEATS = 12

(4) IWIWIDE = 4

with one of these seats for Rangatahi (18–35)

NGĀI TAMAHUA, NGĀTI IRA, NGĀTI NGĀHERE, NGĀTI PATUMOANA, NGĀTI RUATĀKENA AND TE UPOKOREHE

Our Settlement Journey

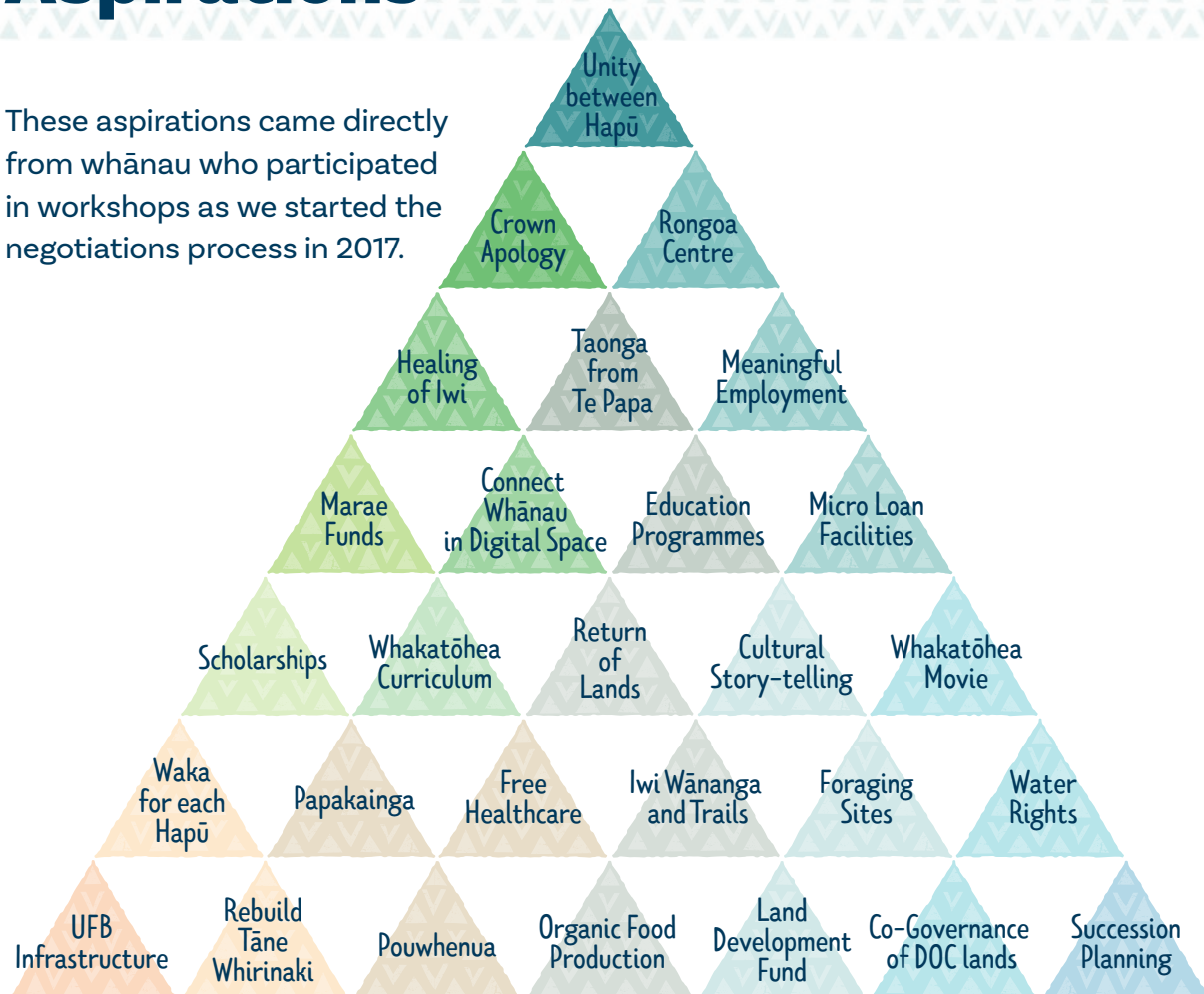




Whakatōhea Aspirations



These aspirations came directly from whānau who participated in workshops as we started the negotiations process in 2017.



“Stand strong Whakatōhea. I am the mokopuna of Muriwai, asking you all to think about all mokopuna of Whakatōhea and to vote Whakatōhea. This is over to our parents, uncles, aunties and elders to Vote for Settlement.” – Te Manawa Apanui



Deed of Settlement Overview



The Deed of Settlement (DOS) is the full and final agreement that creates the basis of the relationship between Whakatōhea and the Crown.

The agreed Deed of Settlement includes the Crown Apology, Cultural Redress and Financial and Commercial redress.

Whakatōhea negotiated its Settlement package based on, Mana Tangata, Mana Whenua and Mana Moana.

The following pages detail the Whakatōhea Settlement Package.

If you would like to know more, please attend one of the ratification hui.

If you can't make the hui, please contact us at gina.smith@whakatohea.co.nz or call us on **0508 WHAKATOHEA**.

The Deed of Settlement can be found on the WPCT website, at the Whakatōhea Māori Trust Board, Te Arawhiti and Te Puni Kokiri.

THE DEED OF SETTLEMENT

1.

**Crown Apology Acknowledgments,
and the Whakatōhea Historical Account**

2.

**Mana
Tangata**

3.

**Mana
Whenua**

4.

**Mana
Moana**

5.

**Financial and
Commercial
Redress**



DEED OF SETTLEMENT

Crown Apology

Crown Apology to Te Whakatōhea

To ngā uri o Te Whakatōhea, to ngā tūpuna and ngā mokopuna.

When Whakatōhea rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi, they did so in a spirit of trust and co-operation, with a view to the benefits Treaty partnership could bring to their people. The Crown betrayed that trust by waging war and confiscating Whakatōhea land in a raupatu for which the Crown alone is responsible. The Crown's actions caused significant loss of life, devastated Whakatōhea communities, created conflict between Whakatōhea hapū and whānau, and led to the loss of mātauranga Whakatōhea which is still felt today.

The Crown apologises to the rangatira who died at its hands. The Crown apologises to ngā uri o Te Whakatōhea, who have lived with economic, cultural and spiritual loss and deprivation as a result of the Crown's actions. The Crown has failed to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and brought dishonour upon itself. For its breaches of te Tiriti o Waitangi/the Treaty of Waitangi, and for the pain it has caused Whakatōhea through its acts and omissions, the Crown is deeply sorry.

The Crown pays tribute to the resilience of ngā uri o Te Whakatōhea, who have strived for justice and fought to retain and rebuild Whakatōheatanga over generations. Through this settlement, the Crown hopes to honour the promise of partnership it made with Whakatōhea in 1840. Let us look forward to a future of prosperity for the people of Whakatōhea and move towards it together in a spirit of good faith, partnership and respect for te Tiriti o Waitangi/the Treaty of Waitangi.



DEED OF SETTLEMENT

Crown Acknowledgements

The Crown Acknowledgements talk to a range of Whakatōhea grievances. The following paragraphs are only the first few chapters.



Document excerpt

Crown Acknowledgements

The Whakatōhea signing of te Tiriti o Waitangi/the Treaty of Waitangi

1. The Crown acknowledges that, on the 27th and 28th May 1840 at Ōpōtiki, seven Whakatōhea rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi. The rangatira who placed their marks on te Tiriti were Tauātoro of Ngāi Tamahaua and Ngāti Ngāhere; Te Takahiao of Te Upokorehe; Te Āporotanga of Ngāti Rua; Rangimātānuku of Ngāti Rua; Rangihaerepō of Te Upokorehe and Ngāi Tamahaua; Wī Akeake of Te Upokorehe and the rangatira Whākia (Wakiia).

The Whakatōhea pursuit of justice

2. The Crown acknowledges that:
 - 2.1 despite the promise of te Tiriti o Waitangi/the Treaty of Waitangi, many Crown actions created long-standing grievances for Whakatōhea and over the generations Whakatōhea has sought to have their grievances addressed;
 - 2.2 the work of pursuing justice for these grievances has placed a heavy burden on the whānau and hapū of Whakatōhea and impacted on the physical, mental, spiritual and economic health of the people; and
 - 2.3 the Crown has never properly addressed these historical grievances and recognition is long overdue.

The killing of Te Āporotanga

3. The Crown acknowledges that the deaths of the rangatira Apanui, Tūtakahiao, Mikaere Pihipihi and Te Āporotanga in fighting against Crown forces in April 1864 contributed to the loss of leadership within Whakatōhea. The Crown acknowledges that the Ngāti Rua and Whakatōhea rangatira Te Āporotanga, a signatory of te Tiriti o Waitangi, was killed while held prisoner in the custody of Crown forces, and the Crown's failure to keep him safe was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.



DEED OF SETTLEMENT

Crown Acknowledgements



Document excerpt

The killing of Tio Te Kāhika

7. The Crown acknowledges that Crown forces:
 - 7.1. killed Tio Te Kāhika despite clearly identifying him as a non-combatant;
 - 7.2. desecrated his body and gratuitously took possession of it to offend Whakatōhea;
 - 7.3. failed to return his body to his relatives; and
 - 7.4. that these actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The execution and pardon of Mokomoko

8. The Crown acknowledges:
 - 8.1. the sense of grievance and pain suffered for generations by Te Whānau a Mokomoko in relation to the Crown's treatment and execution of Mokomoko; and
 - 8.2. that its actions led to the stigmatisation of Mokomoko and his descendants, and the burden of shame and culpability Te Whānau a Mokomoko have carried for generations.
9. The Crown acknowledges that it interred the body of Mokomoko without ceremony within the Mount Eden prison walls after his execution in 1866 and retained his body until 1988.
10. The Crown acknowledges that the whānau of Mokomoko were unable to perform the rites of tangi for Mokomoko due to the Crown's refusal to return his body to them after his execution.
11. The Crown acknowledges that the Mokomoko (Restoration of Character, Mana, and Reputation) Act 2013 Te Ture mō Mokomoko (Hei Whakahoki i te Ihi, te Mana, me te Rangatiratanga) 2013:
 - 11.1. restored the character, mana and reputation of Mokomoko and the character, mana and reputation of his uri, and acknowledged that:
 - 11.2. the free pardon of June 1992 did not expressly restore the character, mana and reputation of Mokomoko and his uri; and
 - 11.3. the Crown should have consulted with Te Whānau a Mokomoko about the wording of the free pardon.
12. The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to consult with Te Whānau a Mokomoko about the wording of the 1992 free pardon.

Visit the [Whakatōhea Pre Settlement Claims website](#) to read the full and final Crown Acknowledgements document.



DEED OF SETTLEMENT

Whakatōhea Historical Account

The Whakatōhea Historical Account is the official name for the section in the Deed of Settlement that lays out the breaches that Whakatōhea suffered at the hands of the Crown. It is not the entire history of Whakatōhea, nor is it meant to be, but is an important component of the Settlement process.

The Whakatōhea Historical Account will sit within the Deed of Settlement and forms the basis for the Crown Acknowledgements and the Crown Apology.

The Historical Account has been developed through various research reports and verified with Whakatōhea whānau over many years. The Komiti Whiriwhiri Hītori has been



Komiti Whiriwhiri Hītori

instrumental in the collation and verification of the Whakatōhea Historical Account.

The research reports and Historical Account material have also been used to support submissions to the Waitangi Tribunal and the High Court hearings on the Marine and Coastal (Takutai Moana) Act.

Whakatōhea Historical Account

Whakatōhea are an iwi whose early experiences of the Crown were characterised by violence against their people, the destruction of property, and the confiscation of large parts of their traditional lands.

In 1865, Whakatōhea were prosperous and actively engaging with the emerging settler economy. A year later, the Crown had displaced Whakatōhea from much of their ancestral lands and their economic base had been destroyed. The Crown's actions caused immense hardship for the people of Whakatōhea and has significantly impaired their ability to develop – economically, socially, and culturally – ever since.

To read our full Historical Account please visit our website, under Resources/Settlement Reports will be our full Historical Account.







DEED OF SETTLEMENT

Mana Tangata

The Mana Tangata redress focusses on how we can grow and support our Whakatōhea whānau and hapū to enhance Whakatōhea identity and culture as well as increase our mana across the rohe.

The Mana Tangata redress looks at initiatives and relationships which will support whānau and strengthen our Whakatōheatanga.

These are the specific funds that have been put aside to do this:

- ▲ **Te Reo Revitalisation Fund (\$1m)**
- ▲ **Cultural Revitalisation Fund (\$5m)**
- ▲ **Education Endowment Fund (\$2m)**

Te Reo Revitalisation fund (\$1m) will help to create programs and leverage resources for our whānau to learn Te Reo Māori ensuring that this taonga is supported for all future generations.

The Cultural Revitalisation fund (\$5m) can be used to support marae infrastructure upgrades (\$500,000 ea), hapū research for the Waitangi Tribunal (\$50,000 ea) and support hapū to host the Mihi Marino process (\$100,000 ea).

The Education Endowment Fund (\$2m) will support study and capacity building for whānau affected by the raupatu.

The Tertiary Education Commission (TEC) leads the Crowns relationship with the tertiary sector providing career services from education to employment. There is a commitment from TEC to work with Whakatōhea to create educational opportunities and programmes for our Whakatōhea whānau.

The Relationship Agreements will provide the basis for our future relationship with Crown Agencies.

The Relationship Agreements are important and support the iwi by doing the following:

- ▲ **Gives Whakatōhea the opportunity to meet with each of the Crown Agencies annually to agree on a work programme on issues that affect the Iwi**
- ▲ **Facilitates hui with appropriate Ministers**
- ▲ **At the conclusion of the Waitangi Tribunal, Whakatōhea get the opportunity to address the findings and recommendations on contemporary matters from the Waitangi Tribunal report**

REDRESS TYPE	AGENCY
Relationship Agreements	Culture and Heritage agencies (Whakaaetanga)
	Department of Conservation (DoC)
	Te Whatu Ora - Te Hiringa hauora Health Promotion
	Health Sector (Ministry of Health: MoH / Te Whatu Ora - Hauora a Toi Bay of Plenty)
	Justice Sector (Ministry of Justice: MoJ / Corrections / Police)
	Ministry Business Innovation and Employment (MBIE)
	Ministry for the Environment (MfE)
	Ministry of Education (MoE)
	Ministry of Social Development (MSD)
	Ministry Primary Industries (MPI) - Primary Industries Protocol
	Oranga Tamariki
	Statistics NZ
	Tertiary Education Commission (TEC)
Letters of introduction	Auckland War Memorial Museum
	Department of Internal Affairs (DIA) - Local Government Sector
	Ministry for Housing and Urban Development
	Ministry Primary Industries (MPI)
Letters of commitment	New Zealand Trade and Enterprise (NZTE)
	Te Arawhiti
	Te Puni Kokiri (TPK)
Protocols	Ministry Business Innovation and Employment (MBIE) - Crown Minerals Protocol



DEED OF SETTLEMENT

Mana Whenua

The Mana Whenua redress focusses on how we can grow and support Whakatōhea whānau and hapū to enhance kaitiakitanga across the rohe whenua. These land blocks are being returned into the tribal estate to be called Te Whenua o Te Whakatōhea.

The Mana Whenua redress contains a number of elements and includes;

- ▲ **The return of 6692ha of public conservation lands to Whakatōhea made up of the following large blocks;**

Waiaua Scenic Reserve	837ha
Waoeka Conservation Area	362ha
Waiotahi Scenic Reserve	262ha
Meremere Hill Scenic Reserve	1000ha
Marawaiwai Scenic Reserve	71ha
Waoeka Conservation Area	1000ha
Pakihi Conservation Area	100ha
Toatoa Scenic Reserve	784ha
Whitikau Scenic Reserve	840ha
Waoeka Gorge	1000ha

“My aspiration is to achieve complete ownership of our rohe, even if it is one acre at a time.”

– Dr Ranginui Walker

- ▲ **The smaller blocks include:**

Kutarere Recreation Reserve
Dunes Conservation Area
Huntress Creek Conservation Area
Pakihi stream conservation area
Hikutaia Conservation Area
Tukainuka Scenic Reserve
Old Town of Ohiwa
Waoeka Gorge Roadside reserve
Waiotahi conservation area
Tirohanga dunes conservation area
Matekerepu Historic Reserve
Kotare Scenic Reserve
Pataua Island Scientific Reserve
Oroi Scenic Reserve
Matiti, Raetakohia
Matepuritaka/Titiwa
Kiwikiwi and Te Tawa Flats
Waiotahi Recreational Reserve

- ▲ **Return of sites from Ōpōtiki District Council:**

Hikutaia Domain
Ohui Domain
Paerata Recreation Reserve
Te Ngaio
Volkners Island

- ▲ **Properties being returned to Whakatōhea include:**

Te Papa (Hospital Hill land block)
DOC Huntress Creek A and B

Rights of First Refusal – Whakatōhea will get the first opportunity to purchase Crown property that may come up for sale

DEED OF SETTLEMENT

3. Mana Whenua continued

Whakatōhea Kaitiaki Forum


The establishment of the Whakatōhea Kaitiaki Forum is to focus on the rivers and catchments in the Whakatōhea rohe in relation to Whakatōhea kaitiakitanga and mana whakahaere and Te Mana o te Wai.

The purpose of the forum is:

- ▲ to allow Whakatōhea to express and discuss their interests and views in relation to the rivers and catchments in the Whakatōhea rohe with relevant councils and agencies;
- ▲ to allow relevant councils and agencies to better understand Whakatōhea's interests and views in relation to the rivers and catchments in the Whakatōhea rohe;
- ▲ to provide for the kaitiakitanga and mana whakahaere of Whakatōhea hapū;
- ▲ to promote te mana o te wai - the protection and enhancement of the health and wellbeing of the rivers and catchments in the Whakatōhea rohe; and
- ▲ to build direct strong relationships between Whakatōhea and relevant councils and agencies

Reserve Lands Development Fund

Reserve Lands Development Fund (\$5m) is to support and leverage land development opportunities on the Opape Native Reserve and the Hiwarau Blocks.



“A lot of these solutions need to be dreamed up by whānau or our kids, the people that are going to be coming in and starting to make decisions on what's the best way forward.” – Maui Hudson

Whakatōhea Chapter in the BOP Conservation Management Strategy (CMS)

Co-drafting of a chapter in the Bay of Plenty Conservation Management Strategy which provides the highest level of influence possible in the DOC space.

- ▲ **Decision-making Framework**
Te Whakatōhea will be included in the concessions process which is the approval to access the Conservation Estate

Whakatōhea get to exercise Authority over the issuing of consents that DOC used to have sole authority over
- ▲ **Cultural Materials Plan**
(covering take of flora, and possession of dead protected wildlife)

The CMS chapter would cover all public conservation land, and provide influence over wildlife and waterways on private land, for Whakatōhea's core area (excluding the coastal environment)

CMS redress will sit alongside, and support the effectiveness of the Whakatōhea Kaitiaki Forum.

DEED OF SETTLEMENT

3. Mana Whenua continued

Proposed Whakatōhea Redress

as at December 2021 / MAP COLOUR CODED REFERENCES

Map ID	Site Name	Redress
1	Kiwikiwi and Te Tawa Flats property	Vesting subject to scenic reserve status
2	Kōtare property	Vesting subject to scenic reserve status
3	Marawaiwai	Vesting subject to scenic reserve status
4	Matekerepu	Vesting subject to scenic reserve status
5	Matepuritaka	Vesting subject to scenic reserve status
6	Mātiti	Vesting subject to scenic reserve status
7	Meremere property	Vesting subject to scenic reserve status
8	Ōhiwa property	Vesting subject to scenic reserve status
9	Oroi property	Vesting subject to scenic reserve status
10	Paerātā property	Vesting fee simple
11	Pakihi site 1	Vesting fee simple
12	Pakihi site 2	Vesting subject to scenic reserve status
13	Pakihikura property	Vesting fee simple
14	Pātaua Island property	Vesting subject to scenic reserve status
15	Raetakohia property	Vesting subject to scenic reserve status
16	Tāwai	Vesting fee simple
17	Tawhitinui	Vesting fee simple
18	Te Ngaio property	Vesting subject to recreation reserve status
19	Te Papa property	Vesting fee simple
20	Te Papa Tākaro o Ōhui property	Vesting subject to recreation reserve status
21	Te Papa Tākaro o Whītikau property	Vesting subject to recreation reserve status
22	Te Roto Urupā	Vesting fee simple
23	Tirohanga Dunes site 1	Vesting fee simple
24	Tirohanga Dunes site 2	Vesting subject to scenic reserve status
25	Toatoa property	Vesting subject to scenic reserve status
26	Tukainoke	Vesting subject to scenic reserve status

Map ID	Site Name	Redress
27	Tutaetoko property	Vesting subject to scenic reserve status
28	Urupā Tawhito	Vesting fee simple
29	Waiaua property	Vesting subject to scenic reserve status
30	Waiōtahe property	Vesting subject to scenic reserve status
31	Waioweka property	Vesting subject to scenic reserve status
32	Whenua Maumahara o Hukutaia	Vesting subject to recreation reserve status
33	Whītikau property	Vesting subject to scenic reserve status
34	Corner St John Street /Elliott Street (SH35), Ōpōtiki (PF 483)	Commercial redress property
35	115 Church Street, Ōpōtiki (PF 489)	Commercial redress property
36	153 Duke Street, Ōpōtiki (PF 1026)	Commercial redress property
37	116A Goring Street/ Elliott Street, Ōpōtiki (PF 1042)	Commercial redress property
38	Flats 1, 2, 3 and 4, 72 Richard Street, Ōpōtiki (PF 1048 and PF 1819)	Commercial redress property
39	65 Buchanan Street, Ōpōtiki (PF 1049)	Commercial redress property
40	86 Ford Street, Ōpōtiki (PF 1377)	Commercial redress property
41	8 Wairata Road, Wairata (PF 1552)	Commercial redress property
42	16 Sedgewick Road, Ōpōtiki (PF 1600)	Commercial redress property
43	27 Windsor Street, Ōpōtiki (PF 1883)	Commercial redress property
44	29 Windsor Street, Ōpōtiki (PF 1884)	Commercial redress property
45	Hukutaia Conservation Area	Commercial redress property
46	Part Old Town of Ōhiwa Conservation Area site A	Commercial redress property
47	Part Old Town of Ōhiwa Conservation Area site B	Commercial redress property
48	Pakihi Stream Conservation Area	Commercial redress property
49	Part Tukainuka Scenic reserve	Commercial redress property





DEED OF SETTLEMENT

3. Mana Whenua – Proposed Whakatōhea Redress continued

Map ID	Site Name	Redress
50	Part Waioeaka Gorge Roadside Reserve	Commercial redress property
51	Part Waiotahi Conservation Area	Commercial redress property
52	10 Elliott Street, Ōpōtiki (land only)	Deferred selection property
53	18 Potts Avenue, Ōpōtiki (land only)	Deferred selection property
54	30 Waioeaka Road (SH2), Ōpōtiki (PF 740)	Deferred selection property
55	Ōpōtiki College (land only)	Deferred selection property
56	Ōpōtiki District Court (land only)	Deferred selection property
57	Ōpōtiki Police Station (land only)	Deferred selection property
58	Ōpōtiki School (land only)	Deferred selection property
59	Woodlands School (land only)	Deferred selection property
60	43 Brabant Street, Ōpōtiki (PF 2000)	Deferred selection property
61	16 Stewart Street, Ōpōtiki (PF 2010)	Deferred selection property
62	Motu Scenic reserve	RFR list land
63	Motuore Point Conservation Area	RFR list land
64	Nukuhou River Marginal Strip (Parcel ID's 4263164, 4442038)	RFR list land
65	Nukuhou Saltmarsh Conservation Area	RFR list land
66	Ohiwa Harbour Marginal Strip	RFR list land
67	Ohiwa Harbour Marginal Strip	RFR list land
68	Ohiwa Harbour Marginal Strip	RFR list land
69	Ohiwa Harbour Marginal Strip (Parcel ID's 4124784, 4145362)	RFR list land
70	Part Ohiwa Recreation Reserve	RFR list land
71	Ohiwa Scenic reserve	RFR list land
72	Opape Scenic reserve	RFR list land
73	Oscar Reeve Scenic reserve	RFR list land
74	Paparoa Pa Historic Reserve	RFR list land

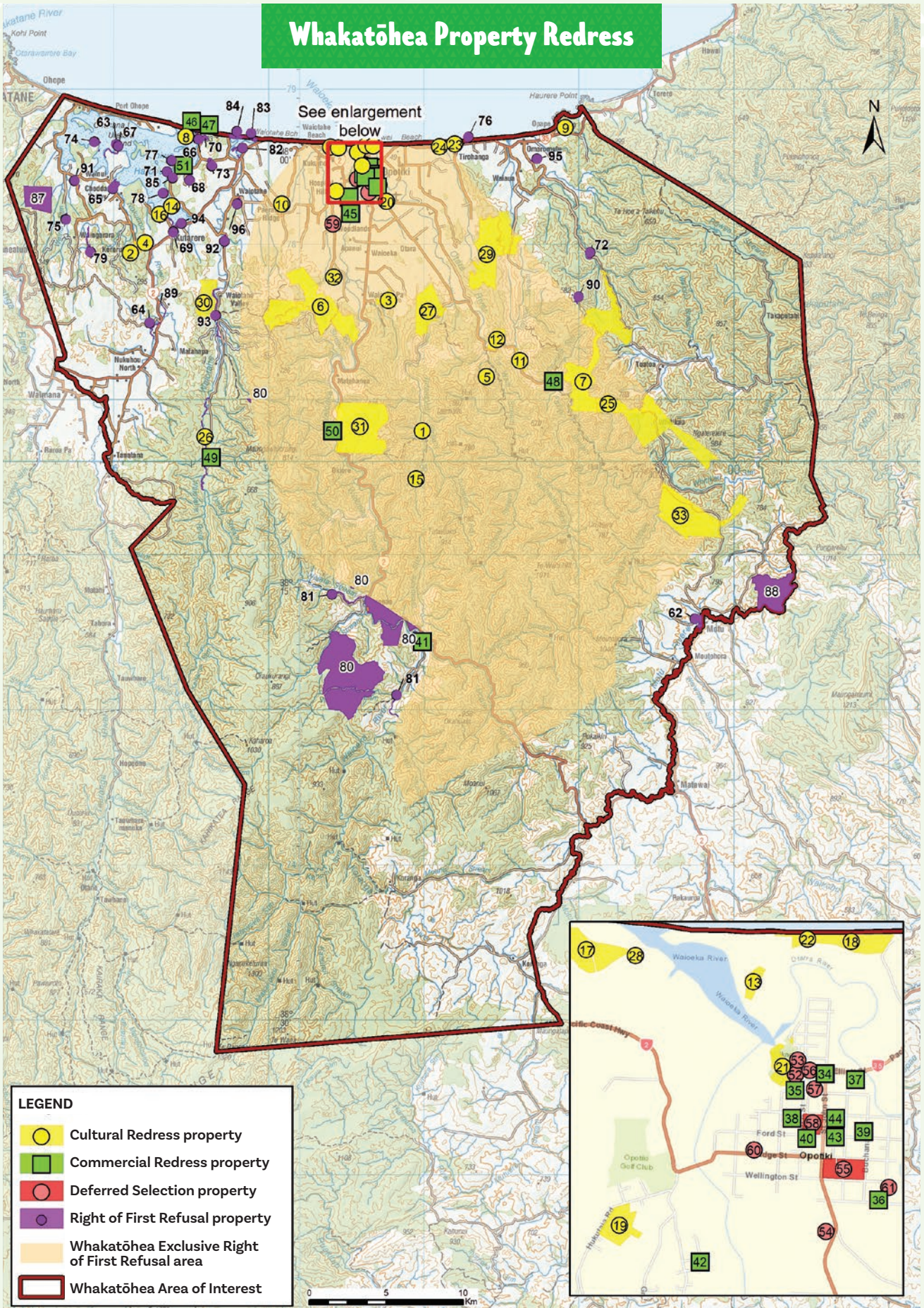
Map ID	Site Name	Redress
75	Soda Springs Reserve Crown Land	RFR list land
76	Tirohanga Recreation Reserve	RFR list land
77	Tokitoki Historic Reserve	RFR list land
78	Unnamed Recreation Reserve	RFR list land
79	Waingarara Stream Marginal Strip (Parcel ID's 4310862, 4344262, 4417689, 4491905, 4524046, 4548059)	RFR list land
80	Waioweka Gorge Scenic reserve	RFR list land
81	Part Waioweka River Marginal Strip	RFR list land
82	Waiotaha Estuary Scenic reserve	RFR list land
83	Waiotaha Spit Historic Reserve	RFR list land
84	Waiotaha Spit Scenic reserve	RFR list land
85	Part Waiotahi Conservation Area	RFR list land
86	Waiotahi River Marginal Strip (Parcel ID's 4124075, 4120725, 4109944, 4113497, 4110133, 4138571, 4128371)	RFR list land
87	Waiotane Scenic reserve	RFR list land
88	Whinray Scenic reserve	RFR list land
89	Closed Road, Glenholme Road, Matahapa (16367)	RFR list land
90	Crown Land - Pakihi Road, Te Urewera National Park (11286)	RFR list land
91	Stopped Road - 71a McCoy Road, Whakatane (17702)	RFR list land
92	Waiotahi Valley Road Parcel ID and 4134346	RFR list land
93	Waiotahi Valley Road Parcel ID 4130244	RFR list land
94	Kutarere School	RFR list land
95	Omarumutu School	RFR list land
96	Waiotaha Valley School	RFR list land

MAP COLOUR CODED KEY REFERENCES

	Cultural Redress property
	Commercial Redress property
	Deferred Selection property
	Right of First Refusal property

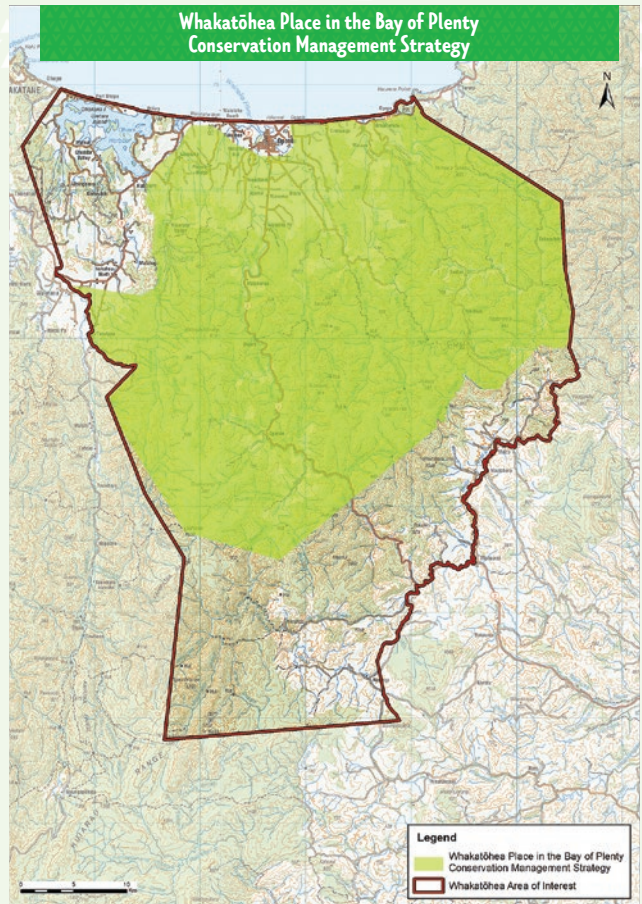
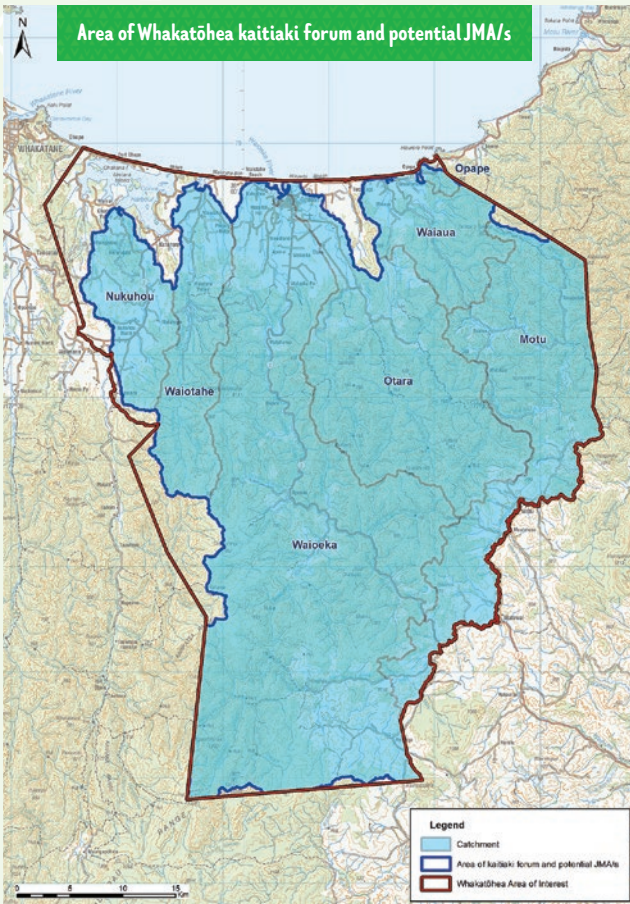
DEED OF SETTLEMENT

3. Mana Whenua – Proposed Whakatōhea Redress continued



DEED OF SETTLEMENT

3. Mana Whenua – Proposed Whakatōhea Redress continued





DEED OF SETTLEMENT

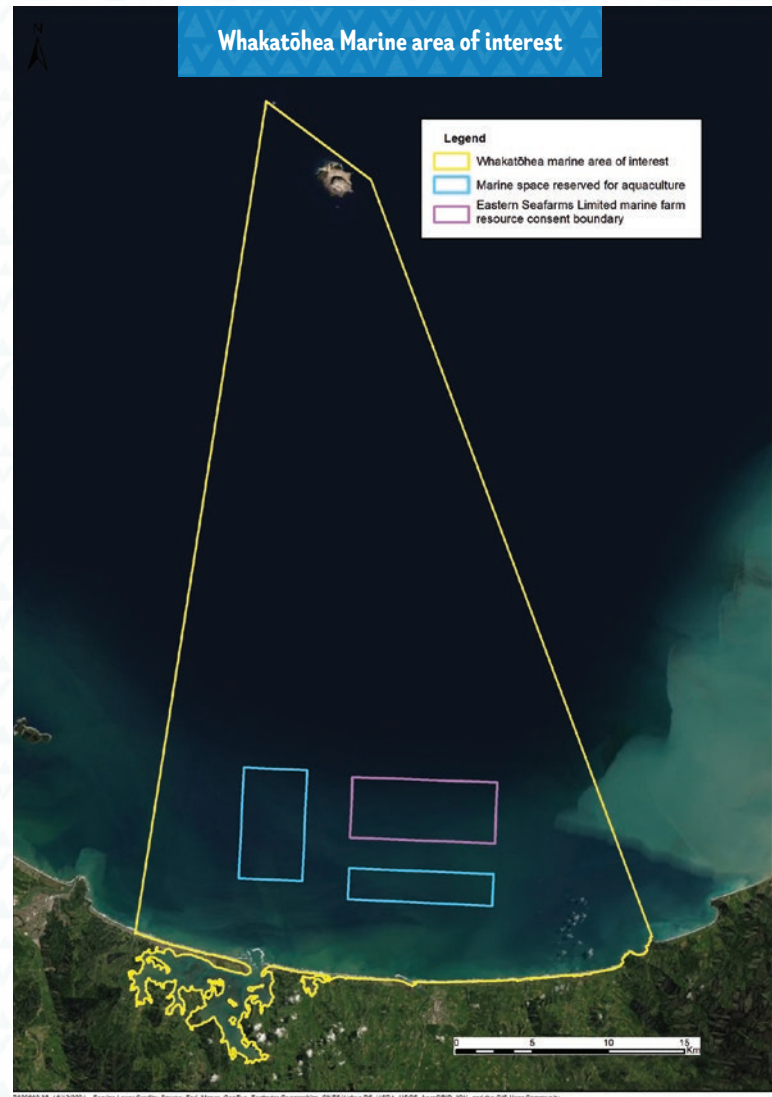
Mana Moana

The Mana Moana redress focusses on how we can grow and support Whakatōhea whānau and hapū to enhance kaitiakitanga across the rohe moana.

Redress in the mana moana space includes;

- ▲ 5,000ha marine space is being reserved exclusively for Whakatōhea for aquaculture development. We have 20 years to get the resource consents in place, with the first consent over 957 ha approved in mid 2021.
- ▲ Marine and harbour development fund (\$2m) will support Whakatōhea to complete the resource consent processes and establish a presence within the Harbour precinct.

Whakatōhea led the vision for aquaculture and the harbour development but our stake in these projects has been limited by our lack of resources.



“I believe the mussel farm, mussel factory and the harbour development will provide jobs and opportunities for our tangata whenua. These developments will see Ōpōtiki thrive again. This will also afford us the opportunity to make Whakatōhea a global leader in aquaculture innovation.” – Robert Edwards



DEED OF SETTLEMENT

Financial and Commercial Redress

The Financial and Commercial Redress provided to Whakatōhea as part of **the Settlement package is worth \$100m** plus interest of \$5.18 million.

Some of the Settlement funds have been allocated to specific purposes relating to **Mana Tangata, Mana Whenua and Mana Moana strategies as discussed below;**

- ▲ **Reserve Lands Development fund**
(\$5m)
- ▲ **Cultural Revitalisation fund**
(\$5m)
- ▲ **Te Reo Revitalisation fund**
(\$1m)
- ▲ **Education Endowment fund**
(\$2m)
- ▲ **Marine and Harbour development fund**
(\$2m)

The remaining \$85m plus the interest to date will be the responsibility of Te Tāwharau o Te Whakatōhea, to manage and invest.

Settlement Properties

We have the option to buy Crown properties. In some instances, we are just purchasing the land and leasing it back to the agency, in other cases we are purchasing them outright.

Commercial Properties

– the following properties will be purchased on Settlement

Corner St John Street/Elliott Street Ōpōtiki

115 Church Street, Ōpōtiki

153 Duke Street, Ōpōtiki

116A Goring Street/Elliott Street, Ōpōtiki

Flats 1, 2, 3 and 4, 72 Richard Street, Ōpōtiki

65 Buchanan Street, Ōpōtiki

86 Ford Street, Ōpōtiki

8 Wairata Road, Wairata

16 Sedgewick Road, Ōpōtiki

27 Windsor Street, Ōpōtiki

29 Windsor Street, Ōpōtiki

Hukutaia Conservation Area

Part Old Town of Ōhiwa Conservation Area site A

Part Old Town of Ōhiwa Conservation Area site B

Pakihi Stream Conservation Area

Part Tukainoke Scenic Reserve

Part Waioeka Gorge Roadside Reserve

Part Waiotaha Conservation Area

Deferred Properties

– the following properties are available for Whakatōhea to purchase up to 2 years after Settlement

10 Elliott Street, Ōpōtiki (land only)

18 Potts Avenue, Ōpōtiki (land only)

43 Brabant Street, Ōpōtiki

16 Stewart Street, Ōpōtiki

30 Waioeka Road (SH2), Ōpōtiki (PF 740)


Ōpōtiki College (land only)

Ōpōtiki District Court (land only)

Ōpōtiki Police Station (land only)

Ōpōtiki School (land only)

Woodlands School (land only)



“My aspirations go back to intergenerational healing. And if business exists, and we can profitably solve the problems of our people and our taiao then I’d like us to see a holistic health or Te Ao Māori lens to economic growth and also see us proactively consider the protection of our resources as we are a very resource rich Iwi.” – Marcelle Pto

Te Tāwharau o Te Whakatōhea

Post-Settlement Governance Entity



When Settlement has been ratified by Whakatōhea, the PSGE, Te Tāwharau o Te Whakatōhea will manage the Settlement assets.

The Settlement assets are those included in the Deed of Settlement. The Whakatōhea Māori Trust Board (WMTB) has also agreed that on a successful vote for settlement it will dissolve and transfer the WMTB financials, the WMTB assets and liabilities over to the new PSGE as well. The WMTB 2021 Annual Report is available to view on the WPCT website, WMTB office, Te Puni Kokiri, Te Arawhiti at all information hui and on request.

After the Settlement has been ratified, the Deed of Settlement will be signed and Te Tāwharau o Te Whakatōhea will be established.

Parliament will pass legislation that gives effect to the settlement and transfers the redress to Te Tāwharau o Te Whakatōhea.

While Parliament is considering the legislation, elections will be held for the elected Trustees to Te Tāwharau o Te Whakatōhea.

PSGE STRUCTURE

(6) HAPŪ
x 2 SEATS = 12

(4) IWI WIDE = 4
with one of these seats
for Rangatahi (18–35)



PSGE VALUES

MATAWHĀNUI / VISION

Matawhānui is about having the vision to steer our people in the right direction. It's about strong leadership and having the integrity and wisdom to make a difference for our people.

KOTAHITANGA / UNITY

Kotahitanga is about Unity and Kinship. We are all Whakatōhea. The strength of an iwi is through the unity of its membership.

KAITIAKITANGA / GUARDIANSHIP

Kaitiakitanga is about guardianship. We have a duty to care and protect te taiao (our environment) so that te taiao can nurture and provide for our whānau.

RANGATIRATANGA / SELF DETERMINATION

Rangatiratanga is about mana, standing up and taking responsibility. It's about making our own way and determining our own future as one Whakatōhea.

PSGE TERM

3 year term - no more than 3 consecutive terms

Te Tāwharau o Te Whakatōhea

Post-Settlement Governance Entity (continued)

Structure of the proposed Post Settlement Governance Entity (PSGE)

The proposed name of the Post Settlement Governance Entity is Te Tāwharau o Te Whakatōhea. Te Tāwharau o Te Whakatōhea will be the Trust which is eligible to receive the Treaty settlement funds and assets including the lands vested on settlement date.

This structure has been reviewed by the Crown to ensure it meets necessary criteria around transparency, accountability, and representation.

Te Tāwharau o Te Whakatōhea will provide the overarching governance and strategic direction for Whakatōhea Iwi members.



Objectives and purpose

The purpose Te Tāwharau o Te Whakatōhea (the Trust) is to receive and to provide governance over the management and administration of the Trust's assets for the benefit of Whakatōhea Iwi members.

The assets of the Trust will consist of both the Settlement assets as well as the assets and liabilities of the Whakatōhea Māori Trust Board.

More specifically, the Te Tāwharau o Te Whakatōhea will:

- ▲ Receive, hold and manage settlement property for the benefit of its members
- ▲ Support the maintenance and establishment of places of cultural or spiritual significance to the Iwi
- ▲ Promote the educational, spiritual, economic, social and cultural advancement and well-being of the Iwi and its members
- ▲ Undertake commercial activities to support its objects and purposes; and
 - any other purpose that is considered from time to time to be beneficial to the Iwi and its members
- ▲ Provide the flexibility for both commercial functions as well as distribution to members

How is Te Tāwharau o Te Whakatōhea formed

Te Tāwharau o Te Whakatōhea will be formed by a Trust Deed that will explain the responsibilities, rights, powers and governance structure. The Trust Deed can be viewed online at whakatōheapre-settlement-claim-trust.org.nz, with hard copies available at:

- ▲ Regional offices Te Puni Kokiri
- ▲ Whakatōhea Māori Trust Board
- ▲ All ratification hui

A diagram showing the proposed structure for the new entity called Te Tāwharau o Te Whakatōhea can be found on page 37 of this booklet.

Te Tāwharau o Te Whakatōhea

Post-Settlement Governance Entity (continued)



Establishment Trustees

The Establishment Trustees role commences following a successful vote and confirmation from the Crown.

The Establishment Trustees are not eligible to run in the election for the Initial Trustees for Te Tāwharau o Te Whakatōhea.

The Establishment Trustees responsibilities are limited to:

- ▲ signing the Deed of Settlement, and
- ▲ to facilitate the elections for the initial Trustees to Te Tāwharau o Te Whakatōhea within 6 months of signing the Deed of Settlement.

The Establishment Trustees for Te Tāwharau o Te Whakatōhea will be:

- | | |
|------------------|--------------------|
| ▲ Robert Edwards | ▲ Bruce Pukepuke |
| ▲ Vaughan Payne | ▲ Tahu Taia |
| ▲ Anau Apanui | ▲ Erin Moore |
| ▲ Kate Hudson | ▲ Graeme Riesterer |

Profiles

Kate Hudson

Better known as Keita, she was born in the Waiotaha Valley where she has resided for most of her life. Keita has served her marae of Maromahue, Roimata and Kaumātua, tirelessly for over 37 years. Within that time Keita also represented her hapū Te Upokorehe and marae on the Whakatōhea Māori Executive, for two terms as one of the 2 Te Upokorehe reps on the Whakatōhea Māori Trust Board. Keita was also the selected rep for Maromahue Marae to the Whakatōhea Pre-Settlement Claims Trust.

Graeme Riesterer

Graeme has been involved in Marae and Iwi politics for over 30 years serving as the current Chair of Waiaua Marae Committee as well as a current sitting Trustee for the Whakatōhea Māori Trust Board. As a retired farmer Graeme has also lent his skills as a Trustee to 3 dairy farms within the Whakatōhea rohe.

Robert Tuahuru Edwards

Robert has been involved in hapū and Iwi development since returning home to Ōpōtiki. Robert is one of Ngāti Rua's representatives on the Whakatōhea Māori Trust Board where he serves as the Chair and the Board's rep on the Whakatōhea Pre Settlement Claims Trust.

Bruce Pukepuke

Bruce currently serves as the Kutarere marae representative on the Whakatōhea Pre Settlement Claims Trust and is an active member of Whakatōhea Taumata Kaumatua and the Komiti Whiriwhiri Hitori advisory group. Bruce has also served on the Whakatōhea Māori Trust Board as one of the two representatives for Te Upokorehe.

Erin Linley Rangihakarewa Moore

Erin has been directly involved in the Whakatōhea Settlement since 2003 when she was elected as one of the Ngāti Patu reps to the Whakatōhea Working Party. Erin currently serves as the Waiaua marae representative on the Whakatōhea Pre Settlement Claims Trust.

Tahu Alfred Taia

Tahu served as the Secretary to the Whakatōhea Māori Trust Board as well as serving as an appointed member to the Whakatōhea Raupatu Committee for the initial settlement negotiations with the Crown 1993 – 1998. Tahu is the Terere Marae representative on the Whakatōhea Pre Settlement Claims Trust.

Te Tāwharau o Te Whakatōhea

Post-Settlement Governance Entity (continued)

Profiles (continued)

Vaughan Raymond John Payne

Vaughan has had a long involvement in the Whakatōhea claim, including as a member of Te Tāwharau o Whakatōhea in 1996 and more recently as a member of the raupatu working party that prepared Te Ara Tono – a report recommending how we could settle our claims which was adopted by Whakatōhea hapū in 2007.

Anau Edna Apanui

Anau has been involved with different Whakatōhea Iwi Raupatu roopu since 2006. She has been on the Whakatōhea Pre Settlement Claims Trust as the Ngati Ira hapū representative for almost 4 years. Anau believes in our Whakatōhea whānau, hapū and iwi having a prosperous future just as our tipuna desired prior to colonisation. Over the past 15 years Anau has joined other Whakatōhea leaders in various hapū and iwi kaupapa, and like many other Whakatōhea leaders, she is dedicated to her hapū and Iwi.

Electing Trustees to Te Tāwharau o Te Whakatōhea

The process to elect the Initial Trustees to Te Tāwharau o Te Whakatōhea will commence after the signing of the Deed of Settlement.

To be elected as a Trustee you must be registered in the Whakatōhea Register, be over the age of 18 and be eligible in accordance with the Trust Deed.

Anyone who is 18 years of age and of Whakatōhea descent is eligible to vote.

Elections will be held every three (3) years which is the term of office with the maximum of any one person serving on the Trust being 3 consecutive terms.

The Trustees shall, within five (5) years of the Settlement Date, initiate a review of the terms and operation of this Trust Deed and, in particular, shall review the arrangements relating to the election of Trustees and all other aspects of the representation of Whakatōhea by the Trust.

Responsibilities, transparency and accountability to iwi members

The Trustees must represent the interests of all members of Whakatōhea irrespective of whānau affiliations / hapū affiliations.

The Trustees will be responsible for:

- ▲ Receiving the settlement assets along with the assets and liabilities of the Whakatōhea Māori Trust Board
- ▲ Producing, within 12 months of their appointment to the Trust an Annual Plan and Five-Year Plan
- ▲ The control and supervision of the business and affairs of Te Tāwharau o Te Whakatōhea including the development of strategic vision and direction

The Trustees are required to hold an Annual General Meeting (AGM) for Iwi members, and are required to:

- ▲ Report on the operations of Te Tāwharau o Te Whakatōhea (and any subsidiaries) for the year on report

Te Tāwharau o Te Whakatōhea

Post-Settlement Governance Entity (continued)



- ▲ Present the Annual Report, audited Consolidated Financial Statements and performance against the Annual Plan
- ▲ The Consolidated Financial Statements shall include as a separate item details of any remuneration or fees paid to any Trustee or any Trustee's firm (including without limitation any such payment to any Trustee as a director or trustee of a Subsidiary) and details of any premiums paid in respect of Trustees' indemnity insurance (or any indemnity payments made by an insurer)
- ▲ Present the new Annual Plan going forward
- ▲ Present Strategic Vision and Direction

The Trustees continue to have all the powers of a natural person and may exercise those powers in accordance with the terms of this Trust and shall be capable of holding real and personal property, of suing and being sued, and shall have all of the rights, powers and privileges of a natural person with the intention that they shall, in their capacity as Trustees, have the fullest powers necessary to do all such things that they consider necessary in their sole discretion to perform or otherwise carry out the Trust's Purpose.

Right of members

All Iwi members have the rights to:

- ▲ Receive reports and information from Te Tāwharau o Te Whakatōhea
- ▲ Attend annual and special general meetings

All Adult Registered Members of Whakatōhea have the rights to:

- ▲ Elect the Trustees in accordance with the rules for elections noted in the Trust Deed
- ▲ Call for a special general meeting of the Trustees in accordance with the Trust Deed
- ▲ To participate in the review of the Trust Deed to be held within 5 years of receiving settlement
- ▲ Be nominated for election and hold office as a trustee subject to the eligibility requirements
- ▲ Vote on ordinary and special resolutions of members; and
- ▲ Receive any notice relating to a major transaction
- ▲ Members of Te Whakatōhea will be able to inquire into the administrative matters of Te Tāwharau o Te Whakatōhea through the High Court. The Māori Land Court will not be able to inquire into trust administration matters of Te Tāwharau o Te Whakatōhea (notably under sections 237-245).

A special resolution of members will be required to approve:

- ▲ a Major Transaction in accordance with clause 2.5 of Trust Deed or
- ▲ to amend this Deed in accordance with clause 26 of Trust Deed or
- ▲ a resettlement in accordance with clause 27 of Trust Deed; or
- ▲ to terminate the Trust in accordance with clause 28 of Trust Deed

Leveraging Marine Developments in Ōpōtiki

Ōpōtiki is going through an exciting growth phase and outside of Settlement, there are some promising initiatives happening.

The development of the harbour, and establishment of a new wharf and marine precinct, will enable large scale commercial aquaculture to build on the success of the mussel factory.

The Provincial Growth Fund has provided \$19.4 million towards the construction of the mussel processing factory that was officially opened in July 2021.

The Infrastructure Fund has provided \$79.4m investment to go towards the development of the Ōpōtiki harbour.

The most significant benefit to the community will be the opportunities around job creation. Jobs for the development of the harbour, jobs in the mussel factory, jobs for the ongoing marine and aquaculture expansion, and jobs for other services and opportunities around the town.

Settlement will provide opportunities for our whānau now and for generations to come.



TE WHAKATŌHEA HEREKORE
WHAKATŌHEA KNOWS NO BOUNDS

**“The onus is now on Māori,
both committed and ‘born again’,
to stand up and be politically counted.”**

– P.89. Ngā pepa a Ranginui Walker. 1996



How will voting work?

Voting Period

Voting packs, are available from Saturday 15 October 2022.



Voting opens on 15 October 2022 and closes on 18 November 2022

Who can vote?

- ▲ Anyone who is 18 years of age and of Whakatōhea descent is eligible to vote
- ▲ If you are registered on the Whakatōhea Māori Trust Board tribal database and your contact details are current, you will automatically receive a voting pack in the mail and/or email
- ▲ The voting pack will contain this booklet, a ballot paper (voting form) and a return prepaid envelope
- ▲ If whānau haven't received a voting pack in the mail they can contact the Independent Returning Officer (IRO) **Elections Services on 08000 922 822** and they will send them a voting pack
- ▲ If you are not on the Whakatōhea Māori Trust Board tribal database, the IRO will also send you a whakapapa form to confirm you are of Whakatōhea descent
- ▲ If you turn 18 during the voting period you are eligible to vote, through the special vote form (details on page 45)
- ▲ Replacement voting packs will be available if you misplace or damage your original pack by ringing **Election Services on 0800 922 822**

Ways to vote



Online vote

The vote paper will have a unique ID login and password (encrypted), as well as instructions on how to vote online.



Postal vote

Fill out the ballot paper, place in the supplied return prepaid envelope and post. (It does not need a stamp)

Postal vote envelopes stamped up to 18 November will be received up to 5 pm, 23 November 2022.



Ballot Box vote

If you do not have your voting papers at the ratification hui and you want to vote the IRO can give you a replacement or a special vote form to place in the ballot box at the hui.

For questions about voting:

Election Services are the Independent Returning Officer (IRO) and will be responsible for running the voting process. If you have any enquiries about please contact the IRO on the details below.

Independent Returning Officer
Election Services: NZ 0800 922 822
AU 1800 951 355

Email: info@electionservices.co.nz

Special Votes



Special vote Form

Special voting is available to anyone who is eligible to vote:

- ▲ and are not registered on the Whakatōhea Māori Trust Board Tribal Database

OR

- ▲ if you pick up a voting form and vote at one of the ratification hui

If you are not registered to the Whakatōhea Māori Trust Board tribal database you will receive along with your vote paper a Whakapapa form

Special votes can be cast in the exact same way as a normal vote – by return post, online or secure ballot box at hui.



Whakapapa Form

You will receive a whakapapa form if you are not registered on the Whakatōhea Māori Trust Board tribal database.

- ▲ The whakapapa form will need to be filled out and returned before your vote will be counted
- ▲ The whakapapa will be confirmed using the same policy and process for validation to the Whakatōhea Māori Trust Board tribal database
- ▲ The whakapapa form is not a registration to the Whakatōhea Māori Trust Board tribal database and will only be used for the purpose of this vote
- ▲ If you want to be included on the Te Tāwharau o Te Whakatōhea tribal database you can indicate this by ticking the question box on your Whakapapa Form

Replacement voting packs

Replacement voting packs will be available if you misplace or damage your original pack by ringing:

Election Services on NZ: 0800 922 822

AU: 1800 951 355

or info@electionservices.co.nz.



What happens after the vote is closed

Once voting has closed Election Services as the Independent Returning Officer will be responsible for counting all the valid votes and collating the results.

Whakapapa forms will be forwarded to the Whakatōhea Māori Trust Board to verify the whakapapa and to notify Election Services if your vote can be counted.

On confirmation of the final count the returning officer will provide a report that will include the results collated by hapū.

The Ratification Information Hui

Whakatōhea Ratification Information Hui will be held across Aotearoa and we encourage you to attend one of them.

The Whakatōhea ratification and hui will be advertised in national print media, via the WPCT website, WPCT Facebook and Instagram pages, Te Puni Kokiri, Te Arawhiti and the Whakatōhea Māori Trust Board.

The purpose of the hui is to inform whānau on the ratification process and Settlement redress. You will be able to cast your vote at the hui noted in the Key Date Schedule on the next page.

WPCT will also respond to requests for additional information sessions. Contact gina.smith@whakatohea.co.nz for more information.

All ratification information, such as the Deed of Settlement, Trust Deed and the 2021 WMTB Annual Report, will be available on the WPCT website, WMTB office, Te Puni Kokiri, Te Arawhiti and at all information hui.

The Hui will be a great chance for you to come along and find out more about the Deed of Settlement and why we need your vote.

If you can't make these hui, you can still cast a postal or electronic vote.



Key Dates:

DATE 2022	VENUE / ONLINE	TIME
Friday 14th October	Facebook livestream https://www.facebook.com/IAMWhakatohea	8.00 pm
Saturday 15th October	Ōpōtiki De Luxe Theatre 127a Church Street OPOTIKI	10.00 am
Saturday 15th October	Waiaua Marae 203 Old Motu Road, Toatoa OPOTIKI	2.00 pm
Sunday 16th October	Kutarere Marae 435 State Highway 2 KUTARERE	10.00 am
Sunday 16th October	Terere Marae Te Rere Pa Road, Ōtara OPOTIKI	2.00 pm
Monday 17th October	Club Mount Maunganui (Cruise Deck – Upstairs) 45 Kawaka Street, Mount Maunganui TAURANGA	6.00 pm
Tuesday 18th October	Taharangi Marae 26 Tarewa Road ROTORUA	6.00 pm
Wednesday 19th October	War Memorial Hall – Reception Lounge Short Street WHAKATĀNE	6.00 pm
Thursday 20th October	Vertical Horizonz 17 Brent Greig Lane, Te Rapa HAMILTON	6.00 pm
Tuesday 25th October	Emerald Hotel 13 Gladstone Road GISBORNE	6.00 pm
Wednesday 26th October	Napier War Memorial Centre 48 Marine Parade NAPIER	6.00 pm
Thursday 27th October	Brentwood Hotel – Tawa Room 16 Kemp Street, Kilbirnie WELLINGTON	6.00 pm
Friday 28th October	Facebook livestream https://www.facebook.com/IAMWhakatohea	9.00 pm
Saturday 5th November	Glen Eden Primary School Hall 3 Glenview Road, Glen Eden AUCKLAND WEST	10.00 am
Saturday 5th November	Vertical Horizonz 10 Keith Hay Drive, Wiri, Manukau City Centre AUCKLAND SOUTH	2.00 pm



WHAKATŌHEA
PRE SETTLEMENT CLAIMS TRUST



NGAI TAMAHUAU



NGĀTI IRAPUAIA



NGĀTI RUATAKENA



NGĀTI PATUMOANA



NGĀTI NGĀHERE



TE UOKOREHE – KUTARERE



TE UOKOREHE – MAROMAHUE



TE UOKOREHE – ROIMATA

Whakatōhea Pre Settlement Claims Trust

Phone: 0508 Whakatōhea or 0508 942 528

Email: gina.smith@whakatōhea.co.nz

www.whakatoheapresettlement.org.nz

Independent Returning Officer

ELECTION SERVICES **FREephone 0800 922 822**