

HAKIHEA

*Tui tui tuia ki te ora. Hui hui huia ki te marama.
Gather together for our collective wellbeing.*

Congratulations

Congratulations to our clients, Ngāi Tai ki Tāmaki, who signed their Deed of Settlement with the Crown on 7 November 2015 in a formal ceremony at Umupuia Marae.



We are privileged to have been a part of your journey thus far and acknowledge your efforts over many years to reach this milestone.

Ka mau te wehi!

Farewell

We farewell two of our Solicitors, Hemaima Rauputu and Heather Jamieson this month. Hemaima will be spending more time with her three young tamariki and Heather is returning to her hometown, Gisborne. We thank both Hemaima and Heather for their contributions to the firm and wish them the best.

Whanganui Land Report

On 22 October 2015, the Waitangi Tribunal released *He Whiritaunoka: The Whanganui Land Report* ("the Report").

The Report included the Tribunal's findings on 83 historical claims made by hapū and iwi of the Whanganui rohe. The three-volume Report was presented to Whanganui Iwi at Pūtiki Marae.

In finding that the claims were largely well-founded, the Tribunal concluded that, since 1840, the Crown had caused substantial harm to Whanganui Māori through a multitude of policies, laws, decisions, acts and omissions. The Tribunal also found that Whanganui Māori had suffered, not only from their lack of input into the politics of the area, but from the lack of control over their own affairs.

The Presiding Officer, Judge Carrie Wainwright, noted that the Crown had deliberately deceived iwi in a number of land purchases in the region, significantly in the Whanganui Block purchase. The Tribunal found that the Crown fell short of both the overriding Treaty principles and British law at that point in time.

Another key finding related to the unjust Crown acquisition of the Whanganui National Park and its subsequent exclusion of Whanganui Māori from the management and control of that land.

Judge Wainwright said Whanganui Māori continue to live in a state of social and cultural deprivation, and census statistics illustrated this. Whanganui Māori had little control over measures that affected them, especially from local government, and too little input into the management of Whanganui National Park.

The Tribunal very strongly recommended that the spelling of the township/district should be "Whanganui not Wanganui", noting that 'Wanganui' is quite simply wrong.

Among other things, the Tribunal urged the Government to:

- give Whanganui Māori greater involvement in local government and more control over matters that affect them;
- enter into a settlement that would support the aspirations of the hapū and iwi of Whanganui for economic and cultural revitalisation; and
- work with claimants and local authorities to solve the numerous longstanding problems detailed in the Report.

The Report, and the Tribunal findings and recommendations within, may now assist Whanganui Iwi in settlement negotiations with the Crown. We congratulate our clients, Te Poho o Matapihi, the Pēhi Whānau and Tamakana, on reaching this significant milestone.

Waitangi Tribunal Update

Te Paparahi o Te Raki

Hearing Week 16 of the Stage Two Inquiry was hosted by Te Waimate Taiamai ki Kaikohe Taiwhenua. Hearing Week 17 is set down for 15 – 19 February 2016 and will be hosted by the Whangarei Taiwhenua. Judge Coxhead recently issued directions addressing the long-term hearing planning and requests for further hearing time.

Porirua ki Manawatū

The Tribunal are currently hearing the claims of Muaūpoko who were accorded priority within the hearing timetable due to the desire of Muaūpoko to proceed quickly to settlement. The casebook research programme for the balance of the Inquiry is continuing.

Taihape: Rangitikei ki Rangipō

The casebook has now closed save for a couple of report writers having been granted an extension to complete research by 29 February 2016. Ngā Kōrero Tuku Iho hearings are scheduled to begin in February 2016 with substantive hearings scheduled to begin in September 2016.

Military Veterans' Kaupapa Inquiry

This Inquiry is currently in the oral hearing phase, wherein the second oral hearing week was held in October 2015 at Omaha Marae in Napier. The Tribunal is currently working with claimants and counsel on the nature of the Statement of Issues and how research will proceed. The third oral hearing week is scheduled to take place in March 2016 at Otiria Marae, Moerewa.

Update on Te Ture Whenua Reforms

We are aware that as a result of the numerous submissions made regarding the exposure to Te Ture Whenua Maori Bill ("the Bill"), a number of important changes have been made to create a further revised draft of the Bill. We are advised that there will be no further public consultation on this revised Bill but people will get an opportunity to make submissions through the Parliamentary/select committee process as is normal.

Earlier this month, the Crown released a summary of main points of change following consultation on the Bill.

Our team has been involved and engaged in relation to the reforms. We have previously produced a comprehensive summary of the proposed changes to the Bill following this release.

It is our general assessment that several of these changes are positive and have taken into account a number of the concerns raised by the submitters. We understand further changes and revised drafting of the Bill is continuing. We will continue to update clients on any further changes that are made to the Bill.

Resource Management Reforms

On 26 November 2015, the Government introduced a substantive Bill to reform the Resource Management Act 1991. There are 40 changes overall.

These changes will support business growth and housing development, whilst also ensuring more effective environmental management. These amendments will shortly be consulted on by Local Government and the Environment Select Committee and they interrelate with existing Treaty Settlements. It is vital to note that these amendments are not intended to undermine existing Treaty Settlement arrangements, these will continue. Any new arrangements will however need to correspond with existing procedures as well as the proposed reforms.

If you have any comments or concerns please consider making a submission to the Select Committee.

Our offices close for the Christmas holiday break at 5pm on Wednesday 23 December 2015. We will reopen at 8.30am on Wednesday 13 January 2016.

Ngā mihi o te wā Kirihimete me te Tau Hou.



UPDATE: The information contained in this update is intended as a guide only. Professional advice should be sought before applying any of the information to particular circumstances. While every care has been taken in the preparation of this update, McCaw Lewis does not accept liability for any errors it may contain