
FAQ SHEET: NGĀI TŪMAPŪHIA-Ā-RANGI REMEDIES PROCEEDINGS

1. What is “resumption”?

Resumption is the action, on the part of the Crown, of reassuming possession of lands and rights accompanied with that land, which have previously been granted to another.

2. How did the Waitangi Tribunal get the power to make a resumption order?

In the 1980s, the New Zealand Forestry Corporation (a State-owned enterprise) intended to dispose of forests growing on Crown land. The New Zealand Māori Council and the Federation of Māori Authorities Incorporated took a case to the Court of Appeal seeking to safeguard the interests of Māori with claims to the lands on which the forests were situated. As a result of their success in that case, the Māori representatives and the Crown entered into an agreement on 20 July 1989 which provided certain protections to Māori claimants in exchange for the Crown being able to sell the trees but not the Crown land on which the forests were located. The Crown was free, however, to grant licences to forestry companies to replant and harvest forests on that land. These protections were enacted in sections 8HA to 8HI of the Treaty of Waitangi Act 1975.

3. What does the Waitangi Tribunal consider when determining an application for resumption?

Section 8HB of the Treaty of Waitangi Act 1975 provides the Waitangi Tribunal with the jurisdiction to make binding recommendations in respect of Crown Forest Licensed Land. In short, the Tribunal needs to assess whether the application satisfies the following statutory prerequisites:

1. The claim must be well-founded (this means the Waitangi Tribunal has made findings in favour of the claimants in its report);
2. The claim must relate to the Crown Forest Licensed Land;
3. The remedy to compensate for or remove the prejudice ought to include the return of land; and
4. The group making the application must be identifiable as the appropriate group to receive the land and compensation package.

The Waitangi Tribunal, in deciding whether to make a binding recommendation, is not permitted to consider the following matters:

- any changes that have taken place in (a) the condition of the land and any improvements to it or (b) its ownership or possession or any other

interests in it that have occurred after or by virtue of the granting of any Crown forestry license in respect of the land;

- whether the combined value of the land and the Schedule 1 compensation is more than is necessary to compensate the applicant; and
- the context and content and application of the Crown's Treaty settlement policies.

4. What happens if an application for resumption is successful?

If the Tribunal makes a binding recommendation in favour of the applicants, its recommendations are interim recommendations for 90 days, during which period the claimants and the Crown may enter into negotiations to settle the claim. If a settlement is reached within the 90 days, the Waitangi Tribunal is required to cancel or modify its interim recommendation so as to reflect that settlement. If no settlement is reached during the 90 days, the interim recommendation takes effect as a final recommendation that is binding on the Crown.

The result of a successful application for binding recommendations relating to Crown forest land is that the applicant will receive:

- the land or a portion of it;
- the accumulated rentals associated with the returned land (or, if only a portion of the land is returned, the accumulated rentals associated with that portion);
- 5 per cent of the compensation calculated under the method chosen by the applicant as set out in Schedule 1 of the Crown Forest Assets Act 1989; and
- any further compensation the Tribunal considers appropriate between 5 and 100 per cent of the schedule 1 compensation.

5. What happens if an application for resumption is unsuccessful?

The claim will remain as part of the Treaty settlement negotiations with the Crown.

6. Have any applications for resumption been successful?

Yes, the Waitangi Tribunal in the *Turangi Township Remedies Report 1998* made binding recommendations for the return of land and the payment of compensation by the Crown in favour of Ngati Turangitukua.

7. Why has only one resumption application been successful?

There are various reasons for this, including that applications have not been made for the following reasons:

- In order to apply for resumption, a claimant/claimant group needs findings from the Waitangi Tribunal in their favour. Not all districts have

been reported on by the Waitangi Tribunal (Ngāpuhi for example still does not have a report);

- The claim needs to relate to Crown Forest Licensed Land or land to which section 27B of the State-Owned Enterprises Act 1986 applies, which many don't; and
- An application for resumption cannot be made if the claim has been settled by the Crown.

In terms of applications that have been declined by the Waitangi Tribunal, these have been criticized and quashed by higher courts with the Waitangi Tribunal being directed to rehear the applications. These have included the Mangatu Remedies Proceedings and the Muriwhenua Remedies Proceedings.

8. Are there any other applications for resumption currently before the Waitangi Tribunal?

Yes. The applications currently before the Waitangi Tribunal include the following:

- Wai 85 – Application by Wairarapa Moana ki Pouakani Incorporation;
- Wai 45 - Various Applications in the Muriwhenua Remedies Proceedings; and
- Wai 814 – Various Applications in the Mangatu Remedies Proceedings.

9. Why are the Mangatu Remedies Proceedings taking so long?

The delay has been caused as the higher courts have quashed the Waitangi Tribunal's previous decisions and has directed that it rehears the applications on two occasions. The Waitangi Tribunal is currently rehearing the application and the Crown has agreed to halt settlement negotiations until the applications have been determined.

10. What is the difference between Treaty settlement negotiations with the Crown and making an application for resumption to the Waitangi Tribunal?

Resumption proceedings: As is set out at question (3), any claimant/claimant group who can satisfy the statutory prerequisites can submit an application to the Waitangi Tribunal under the statutory regime, namely the Treaty of Waitangi Act 1975 and the Crown Forest Assets Act 1989. The Waitangi Tribunal will consider the application in light of the statutory provisions and will make a determination. If a decision is made in favour of the claimant/claimant group, the Crown will have 90 days to negotiate a settlement with that group. If no agreement is reached within that 90 days, the Waitangi Tribunal's decision becomes binding on the Crown.

Settlement negotiations: This is where the Crown negotiates directly with a mandated entity to settle the historical interests of a "large natural grouping". The Crown's policy state that it strongly prefers to negotiate claims with large natural groupings rather than individual whānau and hapū. This process is

Crown driven and is governed by the Crowns own settlement policy as opposed to legislation.

11. Who made Ngāi Tūmapūhia’s resumption application?

The application was made by Ryshell Griggs and Mark Chamberlain who are the named claimants of the Wai 429 Ngāi Tūmapūhia-ā-Rangi claim.

12. Why was the application made by the Wai 429 named claimants and not Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi (“the Rūnanga”)?

The Wai 429 claim was submitted by the named claimant(s) in accordance with section 6 of the Treaty of Waitangi Act 1975. Only the named claimants have the legal standing to make an application for resumption to the Waitangi Tribunal under the Wai 429 claim.

13. Why was the application made?

It was decided by the hapū at the Ngāi Tūmapūhia-ā-Rangi Special General Meeting held in Masterton on 13 May 2018 that the application for resumption be made. This decision was published on the Rūnanga’s website following the meeting.

14. Why is the application urgent?

The application is urgent because when the Wairarapa Moana ki Pouakani Incorporation filed its application for resumption (Wai 85), the Crown declined to halt settlement negotiations with the Ngati Kahungunu ki Wairarapa ki Tararua Settlement Trust while the Waitangi Tribunal considered that application. The Crown has indicated that it will be in a position to introduce settlement legislation from 1 March 2019. Once it does, the Waitangi Tribunal will lose its jurisdiction to hear and determine the application. Accordingly, an application for an urgent hearing was submitted to the Waitangi Tribunal which addressed all of Waitangi Tribunal’s urgency criteria. The Waitangi Tribunal has agreed to hear the application urgently in December 2018 with a view to release a decision prior to 1 March 2019.

15. What and who are the Project Rōpū?

The Project Rōpū is a committee which was established by the Rūnanga at the Special General Meeting on 13 May 2018. The members appointed at that meeting were Mark Chamberlain (Rūnanga Trustee & Chair for the project) Barbara Cameron, Connie Oneroa and Sue Taylor (all registered Rūnanga members) and Brian Emery co-opted for his expertise to support the kaupapa. The Project Rōpū has been established by the Rūnanga for the purpose of submitting and progressing the application for resumption and it has the support of the Wai 429 named claimants to do so. Notice of the establishment of the Project Rōpū was also published on the Rūnanga’s website following the meeting.

16. What is the relationship between the Project Rōpū and the Rūnanga?

As stated above, the Project Rōpū is a committee that has been established by the Rūnanga. The operation of the Project Rōpū is governed by Terms of Reference with the Rūnanga (“Terms of Reference”).

17. What accountability measures are in place for the Project Rōpū?

This is governed by the Terms of Reference. The Project Rōpū is required to work closely with the Wai 429 named claimants. The Chair of the Project Rōpū is to report regularly to the Chairman of the Rūnanga on the progress of the application. The Chair of the Project Rōpū and the Chairman of the Rūnanga are to table updates for Rūnanga trustees at each Rūnanga meeting. The Project Rōpū and the Chairman of the Rūnanga are to provide updates on the progression of the application at hapū hui.

18. How has the Project Rōpū and the Rūnanga kept the hapū informed?

In accordance with the Terms of Reference, the Project Rōpū has undertaken the following:

- Called a meeting of the hapū to hear about and discuss the statutory framework and application documents prior to submission at a meeting at the Copthorne on 21 July 2018;
- Attended the hui-a-hapū to present on and answer any questions in relation to the statutory framework and application documents prior to submission on 22 July 2018;
- Called a wananga of the hapū to discuss hapū korero on Ngāumu, procedural updates and the further evidence that has been filed in support of the application;
- Provided updating pānui to hapū members both on social media and distributed by the Rūnanga via email.

All meetings have been publicly advertised in newspapers, on social media and in pānui distributed by the Rūnanga via email.

19. What does Ngāi Tūmapūhia-ā-Rangi’s application say?

The application seeks the return of Ngāumu Forest Licensed Lands that remain in Crown ownership. The application says that the Waitangi Tribunal’s statutory requirements are met because:

1. The Wai 429 claim is well-founded because findings in favour of Ngāi Tūmapūhia-ā-Rangi were made by the Waitangi Tribunal in the Wai 863 Wairarapa ki Tararua Report in 2010;
2. The Wai 429 directly relates to Ngāumu Crown Forest Licensed Lands sought as not only do those lands fall within the tribal rohe of Ngāi Tūmapūhia-ā-Rangi but were subject to the claim;
3. Given the extent of the loss that has been suffered by Ngāi Tūmapūhia-ā-Rangi as a result of the Crown’s breaches, the return of this land to the

hapū is necessary in order to compensate for or remove that prejudice;
and

4. Ngāi Tūmapūhia-ā-Rangi is identifiable as the appropriate group to receive the land and compensation package and that group has a representative legal entity, namely Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi.

20. Who will receive the land and compensation package if the application is successful?

It is proposed that if the application is successful, Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi will receive the land and compensation package as the mandated entity of the hapū.

21. What parties have supported or opposed the application?

The Crown: The Crown opposes the application.

The Ngati Kahungunu ki Wairarapa ki Tararua Settlement Trust: The Ngati Kahungunu ki Wairarapa ki Tararua Settlement Trust opposes the application.

The Rangitāne Tū Mai Rā Trust: The Rāngitane Tū Mai Rā Trust sought to participate in the proceedings, however the Waitangi Tribunal has decided not to allow the Rangitane Tu Mai Ra Trust to participate in the proceedings as they are precluded under section 17 of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017,

22. Are the evidence and other documents that are filed confidential?

Like in any legal proceedings, documents related to the application are legally privileged before they are filed. This is in order to ensure that the case is not compromised. However, once documents are filed and registered by the Waitangi Tribunal, they are placed on the public record. The exception is where confidentiality orders are sought by a party over aspects of documents (an example of this is where a party seeks that whakapapa evidence be granted confidentiality). If a confidentiality order is granted by the Waitangi Tribunal, parts of documents that are subject to the order will not be placed on the public record.

Should you wish to request copies of any of the documents that have been filed, please contact Mark Chamberlain, Chair or the Project Rōpū on markc@xtra.co.nz or alternatively, they can be sought directly from the Waitangi Tribunal.

23. What has happened in the proceedings so far?

30 July 2018 - The application for resumption, application for an urgent hearing and briefs of evidence in support of the applications by Mark Chamberlain and Takirangi Smith were submitted to the Waitangi Tribunal.

24 August 2018 - The Waitangi Tribunal granted an urgent hearing of the Wai 429 application for resumption. The Tribunal confirmed that the

application would be heard in the same timeframe as the Wai 85 Wairarapa Moana ki Pouakani Incorporation application.

7 September 2018 - The Crown amended its Notice of Opposition and conceded that the Wai 429 claim is well-founded.

10 September 2018 - Judicial Conference held by the Waitangi Tribunal via audio visual link to discuss interlocutory matters.

13 September 2018 - The Waitangi Tribunal released the interlocutory timetable for the proceedings.

8 October 2018 - Further tangata whenua and expert evidence was filed in support of the application. Please see attached as 'A' a summary of the evidence.

17 October 2018 - The Waitangi Tribunal released its Statement of Issues.

24. What is happening next in the proceedings?

12 November 2018 - The Crown and the Ngati Kahungunu ki Wairarapa ki Tararua Settlement Trust will file their evidence in reply to our evidence.

19 November 2018 - The Waitangi Tribunal will release the final hearing timetable.

26 November 2018 - We will file further evidence in reply to the evidence filed by the Crown and the Ngati Kahungunu ki Wairarapa ki Tararua Settlement Trust

4 December 2018 - A Judicial Teleconference will be held to discuss pre-hearing matters.

10-14 December 2018 - The hearing will be held in Wellington.

25. Who engaged the lawyers?

The lawyers are Dixon & Co Lawyers who are based in Auckland. Kelly Dixon, Principal, was previously at Tamatekapua Law who represented Ngāi Tūmapūhia-ā-Rangi under the Wai 429 claim in the Waitangi Tribunal Wairarapa ki Tararua district inquiry with Prue Kapua.

The lawyers were engaged by the Wai 429 named claimants as it was the named claimants who had the legal standing to submit the application under the Wai 429 claim.

26. Who is paying for the lawyers and the expert witnesses?

Funding for legal fees and expert witnesses has been sought from Legal Aid Services at the Ministry of Justice. An application has also been made to the Crown Forest Rental Trust ("CFRT funding") and will be determined by the

trustees on 25 October 2018. CFRT funding will also assist with funding for expert witnesses but unlike legal aid will assist with claimant preparation, travel, and attendance at the hearing.

27. How can members of the hapū continue to be involved in the process?

Regular updates are distributed by the Rūnanga to those on the Rūnanga's distribution list to ensure that the hapū is kept informed. Hapū members can also attend hui where resumption will be a topic of discussion. Those hui include the informative hui held in Masterton on 21 July 2018, the hui-a-hapū held on 26 July 2018 and the wananga held on 24 October 2018 as well as other Rūnanga and hapū hui. Notice of these hui are advertised publicly in the newspaper, and on Facebook and through the Rūnanga's distribution list.

Any questions or comments that any hapū members have can be sent to the Rūnanga at ngaitumapuhiaarangi@xtra.co.nz or to the Project Rōpū Chair at markc@xtra.co.nz.

MEMORANDUM FOR CLIENTS

Date: 8 October 2018

Client: Wai 429 – Ngāi Tūmapūhia-ā-Rangi

Re: **Summary of Tangata Whenua and Technical Evidence filed 8 October 2018**

BACKGROUND

On 13 May 2018 at a Special General meeting of Ngāi Tūmapūhia-ā-Rangi, it was resolved by the hapū that an application would be made to the Waitangi Tribunal on behalf of the hapū for the return of Ngāumu Crown Forest Licensed Lands. A Project Roopū was established by Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi at that hui and the Project Roopū was tasked with submitting and progressing the application. Presentations on the application were delivered at a meeting called by the Project Roopū at the Copthorne, Masterton on 21 July 2018 and at the hui-a-hapū at the YMCA, Masterton on 22 July 2018.

On 30 July 2018, an application for resumption of Ngāumu Crown Forest Licensed Lands and an application for an urgent hearing of that application were submitted to the Waitangi Tribunal. Evidence in support of the applications were provided by Mark Chamberlain and Dr Takirangi Smith.

On 24 August 2018, the Tribunal granted an urgent hearing of the Wai 429 application for resumption. On 13 September 2018, the Waitangi Tribunal directed that any further evidence for the Wai 429 Ngāi Tūmapūhia-ā-Rangi claimants was due to be filed by midday, 8 October 2018.

This document provides a summary of the evidence that has been filed in support of the application. The nature of the evidence is targeted toward the jurisdictional questions to be answered by the Waitangi Tribunal in determining the application. Those questions include:

- a. Does Ngāi Tūmapūhia-ā-Rangi have well-founded claims?
- b. Do those claims relate to the Ngāumu Crown Forest Licensed Lands?
- c. Is the return of the whole or part of the Ngāumu Crown Forest Licensed Lands necessary to remove or compensate for the prejudice suffered by Ngāi Tūmapūhia-ā-Rangi that stems from the Crown's breaches?

- a. If so, on what terms and conditions should the Tribunal make its recommendation?
- b. If so, to whom should the land be returned?
- d. If a recommendation is made by the Tribunal in favour of Ngāi Tūmapūhia-ā-Rangī, what compensation is payable by the Crown?
- e. If a recommendation is made in favour of Ngāi Tūmapūhia-ā-Rangī, what other recommendations should the Tribunal include?

The Crown has conceded (a), that Ngāi Tūmapūhia-ā-Rangī have well-founded claims, in its amended Notice of Opposition dated 7 September 2018. We also consider that it cannot be disputed that the Wai 429 claim relates to the Ngāumu Crown Forest Licensed Lands, as those traditional blocks are explicitly subject to the claim.

The further evidence that has been filed includes evidence from both tangata whenua witnesses and expert witnesses. The evidence relates particularly to questions (c) and (d).

Question (c) requires an assessment to be undertaken of the prejudice that has been suffered by Ngāi Tūmapūhia-ā-Rangī stemming from the Crown's breaches. This includes economic, financial, cultural and spiritual prejudice.

With regard to question (d), in the case that Ngāi Tūmapūhia-ā-Rangī are successful, Ngāi Tūmapūhia-ā-Rangī would be entitled to the return of the land, the accumulated rentals since the license was sold and statutory compensation under the Crown Forest Assets Act 1989. Compensation is payable to Ngāi Tūmapūhia-ā-Rangī because the land would be returned subject to the license between the Crown and JNL for a termination period of 35 years.

The Crown and interested parties are due to file their evidence on 12 November 2018. We will then have a final opportunity to respond to that evidence on 26 November 2018. The evidence filed on the record for these proceedings will be heard and tested from 10-14 December 2018 in Wellington.

TANGATA WHENUA EVIDENCE

Brief of Evidence of Dr Takirangi Smith

Dr Smith is of Ngāi Tūmapūhia-ā-Rangī descent through his mother Te Paea Rongomaia Matthews. Dr Smith is the original named claimant of the Wai 429 Ngāi Tūmapūhia-ā-Rangī claim and was a technical witness commissioned by the

Crown Forestry Rental Trust to provide evidence in the Wai 863 Wairarapa ki Tararua district inquiry.

Dr Smith's evidence is of a technical nature and covers Ngāi Tūmapūhia-ā-Rangi's mana tangata, mana whenua and rangatiratanga in their rohe. He sets out what has happened to their whenua and people since the land was purchased by the Crown through the McLean purchases and how the purchases were at such odds with their concept of tuku whenua. He addresses the intergenerational trauma and loss that has impacted Ngāi Tūmapūhia-ā-Rangi and gives evidence as to why this resumption process is a means and a way of rebalancing and restoring their people and whenua for the wrongs that have been carried out by the Crown – through the tikanga of utu.

Brief of Evidence of Wirihana (Sam) Morris

Mr Morris is of Ngāi Tūmapūhia-ā-Rangi descent through his father Hemi Maremare Eria Taipiha Morris (Jim Morris). Mr Morris was a founding trustee on Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi in 2006 and presented evidence on behalf of the Wai 429 claim in the Wai 863 Wairarapa ki Tararua district inquiry. He has lived at his kainga at Ōkautete since he was born.

Mr Morris discusses how succession to Ngāi Tūmapūhia-ā-Rangi lands by his father presented an opportunity for his whānau that many other hapū members have not had due to the lack of hapū landholdings as a result of the Crown breaches. Mr Morris sets out how his father's hard work and advocacy for the retention of their lands has allowed him to remain at home, and accordingly he has not experienced the same level of disconnect and lack of identity that he has seen other members of Ngāi Tūmapūhia-ā-Rangi experience. Mr Morris's personal experience is demonstrative of the necessity for the return of the whenua at Ngāumu for the restoration of losses suffered by Ngāi Tūmapūhia-ā-Rangi.

Brief of Evidence of Susan Taylor

Ms Taylor is of Ngāi Tūmapūhia-ā-Rangi descent through her father Matiaha (Matthew) Hiwaru Kahu Paku and is a member of the Project Roopū, the group co-opted by Te Rūnanga o Ngāi Tūmapūhia-ā-Rangi to submit and progress the application.

The focus of Ms Taylor's evidence is on the additional impact on Ngāi Tūmapūhia-ā-Rangi mana, rangaratiratanga and identity should the whenua at Ngāumu not be returned. This extends beyond the economic loss and loss of opportunity to develop and build an economic base as a hapū. She shares this through the korero of her uncle, Hikairo Kahu (George) Paku, who turns 90 years old in November 2018. George's korero is that *"my maunga is Te Maipi, my awa is Kaihoata so how can my identity be given away and if it is, who am I now"*.

Brief of Evidence of Sophie Munro

Ms Munro is of Ngāi Tūmapūhia-ā-Rangi descent through her mother Kathryn Sophia Jenkins (nee Beetham). Ms Munro provides a rangatahi perspective on the cultural and spiritual prejudice suffered by the hapū by providing a personal account and addresses the importance of the return of the land for the restoration of the hapū.

EXPERT EVIDENCE

Brief of Evidence of James Mellsop

Mr Mellsop is the Managing Director of NERA Economic Consulting, a global economic consulting firm. NERA Economic Consulting specialises in applying economic, finance, and quantitative principles to complex business and legal challenges.

The purpose of Mr Mellsop’s evidence is to calculate the economic loss to Ngāi Tūmapūhia-ā-Rangi, as at today, caused by the Crown breaches. This is relevant to the Tribunal’s assessment of prejudice in determining whether the return of the land is necessary to compensate for or remove the prejudice under section 8HB of the Treaty of Waitangi Act 1975.

Mr Mellsop calculates Ngāi Tūmapūhia-ā-Rangi’s economic loss by comparing the economic position of Ngāi Tūmapūhia-ā-Rangi under the “factual” scenario (i.e., what actually happened, being the Treaty breach and its consequences) with their economic position under a “counterfactual” scenario (i.e., what would have happened if the Treaty breach did not occur). By “economic position”, this means the net cash flows under each scenario, converted into “today’s money”. Any excess in the economic position under the counterfactual relative to the factual would be the economic loss to Ngāi Tūmapūhia-ā-Rangi.

Mr Mellsop concludes that the range of economic loss figures for Ngāi Tūmapūhia-ā-Rangi are:

- From \$4b-\$15b, across all of the Ngāi Tūmapūhia-ā-Rangi land; and
- From \$313m-\$1b, across only the Ngāi Tūmapūhia-ā-Rangi land on CFL land.

It is the evidence of Mr Mellsop that even the lower range of economic loss suffered by Ngāi Tūmapūhia-ā-Rangi is in excess of the total compensation available for Ngāi Tūmapūhia-ā-Rangi under the statutory regime, as has been calculated by Dr Meade. This is discussed further below.

Brief of Evidence of Dr Richard Meade

Dr Meade is the Principal Economist of Cognitus Advisory Services Limited, an economic consulting and research firm based in Auckland. Dr Meade's experience includes advising and acting for Ngāi Tahu since 1992 on commercial and strategic matters in the Treaty settlement context, including on forestry-related matters. He has also acted for other Māori organisations with interests in forestry-related matters, e.g. CNI Iwi Collective, Kurahaupō ki Te Waipounamu, Ngāti Apa ki Rangitikei, and Nga Kaihautu o Te Arawa. Dr Meade is an expert witness for Te Aitanga a Māhaki/Mangatū Incorporation in the Wai 814 Mangatu remedies proceedings and for Wairarapa Moana ki Pouakani Inc in the Wai 85 remedies proceedings.

Should Ngāi Tūmapūhia-ā-Rangi be successful, the whole or part of the land would be returned, they would be paid the accumulated rentals from the license and statutory compensation would be payable by the Crown as the land is being returned subject to a license for a termination period of 35 years. There is a mandatory payment of 5% of the available compensation, and the Tribunal has the discretion to award any or all of the further 95% to the successful party.

The purpose of Dr Meade's evidence is to identify what compensation is available to Ngāi Tūmapūhia-ā-Rangi by using the statutory formula under Schedule 1 of the Crown Forest Assets Act 1989. Dr Meade has canvassed each way in which the statutory regime could be interpreted by the Tribunal and has concluded that whichever interpretation the Tribunal adopts, it has strong grounds to award the maximum available compensation to Ngāi Tūmapūhia-ā-Rangi.

Not all relevant information was available to Dr Meade at the time of providing this evidence and accordingly it will require updating when this has been received from the Crown. However, Dr Meade has indicatively concluded that the total compensation available to Ngāi Tūmapūhia-ā-Rangi is as follows:

<i>Head of Compensation</i>	<i>Estimated Value (\$m)</i>
Encumbered land value - indicative	15.6
Accumulated licence fees	11.5
5% of the Specified Amount (per clauses 3(c) and 5)	9.1 to 9.2
Sub-total - Minimum available compensation	\$36.2m to \$36.3m
95% of the Specified Amount (per clauses 3(c) and 5)	172.3 to 174.2
Maximum available total compensation	\$208.5m to \$210.5m