

Whakapapa Te Runanga o Ngai Tumapuhiarangi o Wairarapa

The Treaty of Waitangi Act 1975 established the Waitangi Tribunal and gave the Treaty of Waitangi recognition in New Zealand law for the first time. The Tribunal was empowered to investigate possible breaches of the Treaty by the New Zealand government or any state-controlled body, occurring after 1975.

Crown Treaty settlement policy applies only to historical claims arising from actions or on behalf of the Crown or by or under legislation on or before September 1992

The Waitangi Tribunal is a standing commission of inquiry. It makes recommendations on claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach the promises made in the Treaty of Waitangi.

1987 Landmark court case

A landmark Court of Appeal case (*Maori Council v Attorney-General*) established that the Crown must pay heed to previous Māori ownership when disposing of surplus Crown assets such as land. This followed the break-up of old land-holding departments and the establishment of new state-owned enterprises under the 1986 State-Owned Enterprises Act. This act declared that the Crown could do nothing 'that is inconsistent with the principles of the Treaty of Waitangi'. The court set out a number of principles it saw encapsulated in or derived from the Treaty.

WAI Claims For Ngai Tumapuhiarangi

- On 20 April 1994, the original claim was submitted by Takirirangi Smith for and on behalf of himself and all members of Ngai Tumapuhiarangi hapu . This claim was registered as WAI 429
- On 1 September 2000 another claim was submitted by Ryshell Griggs for and on behalf of herself and members of Ngai Tumapuhiarangi hapu. This claim was registered as WAI886

At the end of November 2002 at the final Judicial Hearing for the year, Judge Wainwright asked members of WAI 429 and WAI 886 to meet with her after the hearing.

She said the Tribunal Hearing could not have two claimant groups presenting arguments and claims for the same outcome. She would seek funding for mediation from Government (either CFRT or the Tribunal)

Parties enter into Mediation

On 7-8 February 2003, parties representing WAI 429 and 886 went to mediation concerning issues arising from both claims. Mediation was hosted at the Wairarapa Working Mans Club

Judge Wainwright appointed Judge Wickcliffe and Mr John Clark a senior Public Servant to mediate

What eventuated

Agreement by all parties to form three key groups

- Te Ropu Whenua – to progress the WAI 429 claim under a single named claimant
- Te Ropu Kaimahi – to form a single body that will manage the business of the hapu and
- To form Te Ropu Matua

Te Ropu Matua would eventually be renamed as Te Runanga o Ngai Tumapuhiaraangi. Patsy Bolstad gave the name.

Two other actions would be agreed to:

- Tamatekapua Law would be our legal team
- The lawyer acting on behalf of the original WAI 886 would be released

At the time Te Ropu Matua was being formed a Trust Deed was being developed – helped by the lawyers. Once shaped up, it was put back to the people.

Questions asked:

- why are Marae not included?
- What about the Maori Marae Committee?

Once this work was completed the Trust Deed was registered with the Companies Office

There are some key issues in this whakapapa:

The Claim is on behalf of the hapu

Te Runanga is the overarching authority – the ruruhau, the runanga

Forming a Trust

To form a Trust, a Trust Deed is prepared and signed. The Trust Deed specifies who the Settlor, Trustees and Discretionary Beneficiaries are. The Trust Deed also provides the Trustees with a full range of administrative powers. This allows the Trustees to undertake virtually any action an individual could do.

SETTLOR

The Settlor only has three roles, the first being to establish the parameters of the Trust, the second to appoint the Trustees and the third to select the assets that they wish to be held by this Trust. The term 'Settlor' should not be referred to in the body of the Trust Deed, particularly where the 'Settlor' has the ability to 'hire and fire' Trustees |and also 'add or remove Discretionary Beneficiaries. These powers should be held by the 'Appointor/Protector' or the 'Trustees'.

MAY WISH TO MENTION THIS ROLE: APPOINTOR/PROTECTOR

There may be an Appointor/Protector – an individual(s) who has the ability to ‘hire and fire’ the Trustees. This is an unusual position because hiring and firing may be subject to legal action such as constructive dismissal, unjustified dismissal. We don’t have this position

TRUSTEES

The role of the Trustees is to control the Trust and ensure it remains compliant, to make the decisions and to record these decisions, to meet annually and effectively hold the assets that are now owned by the Trust on behalf of the Beneficiaries of this Trust, and to invest these assets in a prudent manner.

Trustees hold positions for 3 years.

BENEFICIARIES

The Beneficiaries or Discretionary Beneficiaries are those people you intend to benefit from the Trust. These people should be specifically named.