

## HOKOTEHI NEWSLETTER

Kaitanga (Sept) 2018

### *Ta imi Moriori, tēnā kotou, hokomenetai me rongō*

Ka nui te mihi ki a kotou kā hūnau Moriori. Moe mai kā mate Moriori, moe mai takoto mai. Our deepest sympathies go out to all those who have lost loved ones in the last few months. We wish to especially acknowledge the passing of Peter Tuanui. Thoughts and condolences to his hūnau. May he rest in peace.

Our thoughts and best wishes go also to those who have welcomed in babies and the next generation.

### Moriori Calendar

September – the Moriori month of Keitanga.

The Moriori saying for this month is *'katahi au i tehi ei – now for the first time I am one'*.

It is also the time when the birds Kukuria and Wharourou (bronze wing cuckoo) lay their eggs.



### RECENT EVENTS .....



We would like to acknowledge and thank those members who have supported the marae and recent events through kaimoana, kai whenua, kitchen help, support for hokomaurahiri and event attendances. It has been great to have your support and iaroha. The kai that we produce for our maurahiri has certainly enhanced the mana of the marae and has been well received. Thank you!

### Mātāriki Dinner

A spectacular mid-winter dinner was held at the marae at the end of July. Loretta Lanauze as master chef turned out a sensational menu of local kai and luscious desserts. The marae was lit up with candles, sparkling lights, glow-in-the-dark jewellery and happy faces.



The Moriori commemoration of mid-winter starts with waiting for the reappearance of Puanga (Rigel) in the east, along with Orion's belt (Tautoru), Pleiades (Mātāriki) and the 2 stars between Rigel and Orion's belt (Shand "The Moriori People of the Chatham Islands: their history and traditions" p 205)

### School Visits

We continue to be blessed with regular marae attendance from Kaingaroa School. We love having the whole school enjoying the marae space (and making us delicious healthy lunches).



Kaingaroa School also spent time recently at Manukau learning about Tommy Solomon as well as the importance of giving back to the land by planting trees. Maui showed the school through the kawenata to help the school get started on their own conservation projects.



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## Treaty Negotiations

Thank you to all who took the time to attend one of the 13 member hui held around the country in August. We were heartened to receive your support and ongoing tautoko for the negotiations.

The ratification vote closed on 15 September. There was a significant majority of voter support expressed for the PSGE and process to continue the settlement negotiations. Just under 40% of members voted which is slightly more than for normal trustee elections. More than half of you voted on-line, so we will continue to have on-line voting as an option for future votes and propose to amend the HMT Deed to allow it for Trustee elections. The vote was for 3 resolutions:

### Resolution 1:

I, as a member of Moriori Imi, accept Moriori Imi Settlement Trust as the proposed Post Settlement Governance Entity to receive and manage the Treaty of Waitangi settlement redress on behalf of Moriori

**[90% voted YES]**

### Resolution 2:

I, as a member of Moriori Imi, accept Moriori Imi Settlement Trust receives a payment of \$3.6 million from the Crown on-account of the Treaty settlement

**(87.5% voted YES)**.

### Resolution 3:

I, as a member of Moriori Imi, accept Moriori Imi Settlement Trust will be mandated to negotiate the Deed of Settlement on behalf of Moriori Imi with the Crown instead of HMT **(86.7% voted YES)**.

The final tally of votes resulted in between 86.7 and 90% of the voters supporting the resolution, with the

**NO** vote at 7.5% (20 voters). We consider that this represents significant voter support for all three resolutions. A few forms were returned blank (between 2 and 4% of voters).

A report on the ratification process will be prepared by TPK and OTS. The process for considering whether we have achieved a mandate to ratify the process is contextual rather than strictly on numbers of votes (though high voter support is crucial). There is no Crown threshold for Ministers to accept the outcome of a ratification process for Treaty settlement purposes. Rather, the result is looked at in context. The Crown maintains discretion to accept an outcome or not. Joint Ministers – the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development – have delegation from Cabinet to consider ratification results.

A joint report by TPK and OTS to the joint Ministers is prepared containing recommendations about the adequacy of the ratification process and whether the results show a sufficient level of support from the claimant community for the final settlement package on offer and the Post Settlement Governance Entity. The reports from the independent observers who attended each hui all highlighted the positive nature of the hui and the way that information was clearly presented, and all questions answered.

If we are successful in getting our ratification process across the line we then move to Deed of Settlement stage in early 2019. This will require a further round of consultation hui. In the meantime your negotiation team continue to meet with Office of Treaty Settlement (OTS) staff to make progress on details of the settlement redress.

*Your Negotiations Team*

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## TAIA – High Court Proceedings

We reported in the last newsletter on the Taia proceedings in the High Court. A decision was released on 6 August in our favour. However, at the 11<sup>th</sup> hour we received news that the decision is being appealed by Ngāti Mutunga.

Below are extracts from the decision of Justice Collins from the High Court: -

### ***Waitangi Tribunal***

*[19] In 1988, Mr Solomon filed a claim in the Waitangi Tribunal in relation to the Chatham Islands on behalf of all Moriori. Ngāti Mutunga o Wharekauri unsuccessfully sought an injunction to try and stop the Waitangi Tribunal hearing the claim lodged by Mr Solomon. After hearing that claim, and a related claim*

initiated by Ngāti Mutunga o Wharekauri, the Waitangi Tribunal issued its report into Rēkohu in 2001.

[20] The Waitangi Tribunal found that the awards made in 1870 by the Native Land Court in relation to Rēkohu were “indefensible” and “insufficient” for the future survival and development of Moriori. The Waitangi Tribunal criticised the decision of the Native Land Court on the basis that it failed to take into account the continued ancestral occupation of Moriori. The Waitangi Tribunal found that, according to tikanga Māori, conquest was insufficient on its own to create and destroy customary title. Ancestral rights can survive conquest in latent form and may later fully revive or disappear with time. Equally, it was not the fact of conquest, but the post-conquest occupation, including the burying of ancestors, that created customary title. As the Waitangi Tribunal put it, “the chain of ancestral right had begun”. In fact, Moriori never relinquished customary title over the land, as they remained after the majority of Ngāti Tama and Ngāti Mutunga left. Equally, as Ngāti Mutunga did not intermarry with Moriori and did not bury their dead on the Chatham Islands until they had largely left, the Waitangi Tribunal concluded that they had “no [customary] right unless they could prove they were merely away [from Rēkohu] on business and intended to return”.

[21] The Waitangi Tribunal concluded the Native and Court:

... aggrandised conquest and misunderstood the primacy of ancestral rights. The Treaty envisaged that customary interests would be respected and protected, but the court’s rules and practices were such that the court was not an adequate tool for protecting customary interests.

When customary interests conflicted, as they did in this case, or where custom was repugnant to justice or contrary to equity and good conscious, the Treaty envisaged that a just solution would be sought where that was required. The native land laws required a resolution of such conflict. But the Court was not an adequate agency for the task. Its terms of reference were too narrow, its rules were too simplistic, and it elevated conquest to an unnecessary degree at the expense of ancestral right-holders.

It is worth noting at this juncture that, while the Hokotehi Moriori Trust relies on the findings of the Waitangi Tribunal, it advances subtly different reasoning as to why the Native Land Court decision was flawed. It says that the Native Land Court ignored the fact Moriori had peacefully occupied Rēkohu for centuries before Māori arrived in force in 1835. It also ignored that Moriori had deliberately offered no

resistance, meaning there had not been a war and they were never conquered. Under tikane Moriori, the Moriori people never lost their mana or customary authority over their lands because they never broke Nunuku’s law.

#### **The Moriori claim to mana whenua over Taia**

[56] The Hokotehi Moriori Trust firmly rejects the claims by Ngāti Mutunga o Wharekauri that it has mana whenua over the entire Chatham Islands let alone Taia. In his affidavit, Mr Solomon cites extensively from the findings of the Waitangi Tribunal and makes the following points:

(1) Ngāti Mutunga and Ngāti Tama did not conquer Moriori in 1835 as there was not a fair contest between two combating sides. The Māori who arrived in 1835 may have followed their customs when they killed and enslaved Moriori but they did not engage in a contest with Moriori, who were bound to follow Nunuku’s law.

(2) Ngāti Mutunga o Wharekauri did not assimilate Moriori into their society. Within one generation of arrival almost all of Ngāti Mutunga and all of Ngāti Tama had returned to Taranaki to assert their claims to ancestral lands in that region. By 1870, Ngāti Mutunga had been in the Chatham Islands for just one generation and had effectively left.

(3) According to Mr Solomon, “there is only one known instance of a marriage between a Māori man and a Moriori woman in the first decades following 1835”. Rather than assimilate with Moriori, those Māori who remained on Rēkohu treated Moriori as inferior “paraiwhara”.

(4) It takes time for conquest to become legitimate in accordance with tikanga Māori. It usually takes three generations of continuous occupation for there to be a genuine conquest and assertion of mana whenua.

(5) There is no evidence to support Ngāti Mutunga o Wharekauri’s claim to having identified taniwha at various places on Rēkohu. On the other hand, “Moriori have and retain ancestral deities over every square inch of Rēkohu [and the other islands in the archipelago]”.

(6) The Waitangi Tribunal found that “on Rēkohu, in 1840, Māori had none of the elements to achieve an ancestral right, by incorporation, by intermarriage, or by maintaining control and burying their dead on the land over some generations”.

(7) Māori did not establish themselves at Taia. There was no Māori settlement or evidence of any Māori, other than the Hough family, living at Taia. Moriori, on the other hand, have continuously occupied Taia.



(8) There is no evidence of any Māori urupā at Taia. Mr Lanauze, a trustee of the Hokotehi Moriori Trust who is of both Moriori and Ngāti Mutunga o Wharekauri descent, has explained in an affidavit that he has “walked over every square foot” of Taia and to his knowledge “there is no Ngāti Mutunga urupā on it”. He says, if there was, he “would certainly know about it”.

(9) As found by the Waitangi Tribunal, the Native Land Court’s decision to award almost all of the Chatham Islands to Ngāti Mutunga rangatira was seriously flawed. The Native Land Court’s decision, to the extent that it relied on the concept of mana whenua, can no longer be given credence.

[57] There are, however, some areas of agreement between those claiming mana whenua over Taia. For example, Mr Solomon unhesitatingly accepts that Ngāti Mutunga o Wharekauri is an iwi, just as Moriori are an imi. Mr Solomon also accepts that there are a number of Māori place names on Rēkohu. He points out, however, that many of the place names on Rēkohu retain their original Moriori names, such as Taia. Mr Solomon also points out that a number of locations throughout the Chatham Islands have European place names or names that are an amalgam of Moriori and Māori.

[58] I have set out in some detail the respective claims to mana whenua over Rēkohu, including Taia, in order to demonstrate how inappropriate it would be to issue a declaration that is predicated upon Ngāti Mutunga o Wharekauri having either direct or indirect mana whenua over Taia. The Hokotehi Moriori Trust strongly asserts the mana whenua of Moriori over Taia to the exclusion of all others.

[61] It is Ngāti Mutunga o Wharekauri that has applied for a declaration based upon it having mana whenua over Taia. It has not, however, satisfactorily laid the factual foundation for the Court to issue the declaration that it seeks. The application based upon s 21 of NZBORA cannot therefore be issued.

[86] While Ngāti Mutunga o Wharekauri has asserted mana whenua over Rēkohu in general, it has not satisfactorily demonstrated that it has mana whenua over Taia. Furthermore, it has not provided evidence of how the vesting of Taia with the Hokotehi Moriori Trust will deprive members of Ngāti Mutunga o Wharekauri of their right to enjoy their culture. There are two reasons for this conclusion:

(1) Ngāti Mutunga o Wharekauri does not take issue with Taia being an historic reserve. Even

if Taia is vested with the Hokotehi Moriori Trust, its status as a historic reserve under the Reserves Act will remain exactly the same as it currently is.

(2) Following vesting, the management of Taia will continue to be subject to the relevant provisions of the Reserves Act, which includes the right of public access to Taia. While this in itself may not be a complete answer to Ngāti Mutunga o Wharekauri’s claim that it will be denied the right to enjoy its culture, it is significant that it has not sought to challenge the creation of Taia as an historic reserve.

[87] Mr McClurg has raised the possibility of there being a Ngāti Mutunga o Wharekauri urupā on Taia. That is disputed by Mr Lanauze. If evidence does emerge of a Ngāti Mutunga o Wharekauri urupā on Taia, then I expect that Mr Solomon and members of the Hokotehi Moriori Trust will honour their promise to ensure that members of Ngāti Mutunga o Wharekauri can exercise their cultural rights and interests in relation to that urupā.

### **Summary**

[95] Ngāti Mutunga o Wharekauri has failed to satisfy the evidential requirements for issuing the declaration it has sought under s 21 of NZBORA. This is because it has not satisfactorily established its mana whenua over Taia or that any mana whenua it has will be extinguished if the Crown vests Taia in the Hokotehi Moriori Trust.

[98] Ngāti Mutunga o Wharekauri has also failed to satisfy the requirements for a declaration based on s 18 of NZBORA as the evidence does not establish any curtailment of the right of movement of members of Ngāti Mutunga o Wharekauri if Taia is vested with the Hokotehi Moriori Trust.

The Court decision is available on our website.

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## **Kopi Holdings Ltd Buys Commercial Property**

Some exciting news!

HMT (via its commercial arm, Kopi Holdings Limited), has recently completed the purchase of a commercial property in Park Road, Miramar, Wellington.

The property has four current tenants and is earning a 6% nett return. The purchase price was \$3.55m. The original intention was for Te Keke Tura Moriori Identity Trust to buy the property as a means of increasing returns from the cultural funds. Instead the TKT and

HMT trustees resolved that TKT would lend the money to KHL to buy the property. This way TKT would receive a better return on the invested funds (than it does from the bank) and KHL would receive a 6% return from the property rentals. It was also considered a better “fit” for KHL to be the purchaser of the property than TKT. The TKT funds have been earning interest at 3.25% from the banks but will be receiving 5.5% return from KHL so a better return by 2.25%. These funds will in turn continued to be used to fund cultural activities of HMT – so in effect this is an in-house transaction where TKT is lending to KHL and members and HMT will benefit from interest earned from the loan/investment. The loan from TKT is on demand so can be repaid at any time so the funds are not at risk. Careful and detailed due diligence was carried out before the purchase was undertaken.

The property is 5 minutes’ drive from the airport and 10 minutes from the city. It also has significant development potential. The property is in the prime location of central Miramar and has a restaurant, book store, clothes shop and chemist as tenants with two ATM machines on site. There is a shortage of good commercial property in Miramar finding tenants for the property has not been an issue. The current tenants are long term.

It was also considered prudent to diversify our investments base and to spread our commercial risk. Over the past 20 or so years, HMT has invested 100% in the Island economy so having investments offshore was considered a prudent move. Also, 90% of our members live off Island so having a strategic investment on the mainland is considered worthy from that perspective also.

Miramar is a suburb on the rise and is the home of ‘Wellywood’ where Peter Jackson and his ‘Weta Workshop’ team have made significant investments and employs some 1700 people in the film industry. There are also residential developments happening in the area which will also act to stimulate the local economy of Miramar.



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## UPCOMING EVENTS .....

### 2018 Notice of AGM - HOKOTEHI MORIORI TRUST

**Saturday 24 November**

Starting 1pm - light lunch before starting at 12 noon.

**Venue: Arowhenua Marae, Temuka**

The purpose of the AGM will be to:

1. Present audited financial statements of the Trust
2. Receive the Annual and Strategic Plans of the Trust;
3. Discuss and vote on any resolutions received in accordance with clause 15.3 of the Trust Deed. Any proposed resolutions must be received in writing by the Trust Secretary at the Trust Office, P.O. Box 188, Chatham Islands 8942, no later than **5pm on Friday 12 October 2018**.

### Agenda for AGM (1pm start)

1. Karakii
2. Apologies
3. Receive Minutes of 2017 AGM
4. Matters Arising
5. Presentation of Annual Reports and Plans
6. Presentation of Audited Accounts for 2017-18
7. Appointment of Auditors
8. General Business
9. Karakii Hokomutungā

The AGM will be followed by a presentation to update members on the Treaty settlement negotiations

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## Vision Mātauranga

We have been awarded Vision Mātauranga support to get the Crown Research Institute reps back to the island to work with local landowners on a variety of projects to build local innovation and resilience. Representatives from the Crown Research Institutes will be visiting the island and staying at Kōpinga 5 -9 Nov for a wānanga. Matters for discussion include alternative land use options, abattoir development, billion tree fund and innovative approaches for achieving island sustainability. The wānanga is open to all islanders.

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## Trustees in Training

The Trust Board recently agreed to start a trustee in training initiative in order to provide opportunities for our youth members to see how boards operate and get some experience in governance. The intent is to grow our future leaders. Trustees will notify members when Board meetings are scheduled and notify times for youth member attendance. The next Board meeting will be held on Rēkohu Oct 27-28.

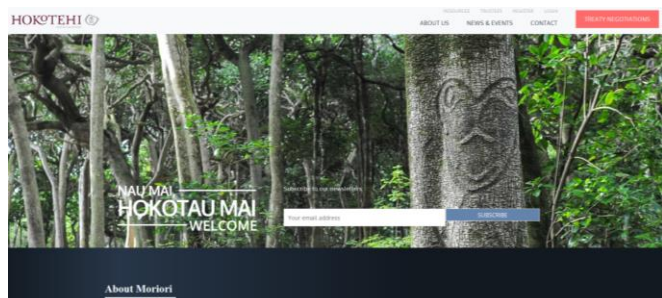


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## Social Media

Our new look website has launched! Jump on over to [www.moriori.co.nz](http://www.moriori.co.nz) and have a look. There is a new members only section – please ensure you sign up to access the resources.

Enormous thanks go out to John Solomon of Translucent Creative Agency for his hard work and bringing this vision and project to life!



Remember too that you can also connect to Hokotehi on Facebook and HMT Instagram is also on its way soon. Don't forget to subscribe to our Moriori YouTube channel to watch lots of videos of members.

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## Kupu Moriori

Moriori language (rē Moriori) has at least 9 words for dawn or day break:

Ahenata	dawn
Ohinata	dawn
Ohinawatea	daylight
Pupu o te rā	rising of the sun
Atapangopango	day break
Ataoheia	dawn
Ateata	day break
Maruapo	day break

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## Henga Lodge & Marakapia Lookout

Opening mid November!



If you, hūnau or friends are looking to visit Rēkohu, then Henga Lodge is the place to come. There will be a real focus on Moriori culture, Eco-adventures and enjoying fresh island kai.



Our friendly team can help create the right holiday experience for you. Contact us to find out about our special opening rates available to members.

Follow our journey towards opening day on Facebook – search 'Henga Lodge'.

Email [info@hengalodge.co.nz](mailto:info@hengalodge.co.nz) or call 03 3050196

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## Members Spotlight

Travis Wright



Travis Wright (Son of Wayne Wright and Grandson of Minnie Lanauze) has accepted a scholarship to the Lee



Academy in Lee, Maine, USA, to study and play basketball. Lee Academy is a Prep School, founded in 1845 and competes in the strong New England Preparatory School Athletic Council Conference, the same competition that Kiwi NBA Star, Steven Adams played in before attending the University of Pittsburgh.

Travis intends to play basketball at an American University when he graduates from Lee Academy in June 2019. Travis has already received interest from 39 American Universities including, Brown University, Iowa State, Oregon State, Belmont, Utah and Lipscomb, all Division One colleges.

Tino pai Travis! We wish you every success in the US!

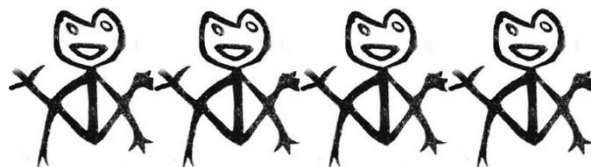
Congratulations Alysha! What an inspiration you are! Alysha has been supported in reaching her goals with a travel grant from Hokotehi.

### Earthworks Queenstown

If you are in the Queenstown Lakes area and are in need of earthworks contact our members Hamish and Teri Tisdal and they can help you out. [www.htcontractingqueenstown.com](http://www.htcontractingqueenstown.com)  
Email : [htcontractingqueenstown@gmail.com](mailto:htcontractingqueenstown@gmail.com)

### Registering Children

If you have not added your children's names to your own registration application, we won't be able to contact them on their 18<sup>th</sup> birthday. If you have children aged 18 and over who are not members (and who wish to be) please contact the office so we can register them. Email us on [office@kopinga.co.nz](mailto:office@kopinga.co.nz)



### Te Keke Tura Grants

Hokotehi has education grants available for tertiary study and also grants for small cultural projects such as weaving courses, language courses etc. Forms are available on the website or through the office.

Grants are available for children below the age of 18 but it must be for tertiary level study or equivalent course that meets the criteria of the Identity Trust (forms are on the Moriori website). [www.moriori.co.nz](http://www.moriori.co.nz)



**Alysha Powell**

After a year of consistent training and nutrition Alysha competed at the INBA South Pacific Natural Championship's on the 25th August. Alysha took home 1st in Sports Model class and 3rd in Bikini. She has now qualified for the Natural Universe in Brisbane (an international event) and the Natural Olympia in Las Vegas in November.

*Alysha says 'I'm raising the bar and have set myself the goal of earning my Pro card first. A Pro card (becoming a professional athlete) is something that the federation offers an amateur athlete at an international show if they place well and are worthy. I will continue to work hard towards this and do my best to make NZ and Chatham's proud in Aussie.*

*My health and fitness journey have been really quite life changing. I often hear 'I couldn't do anything like that I'm not motivated enough'. The reality is motivation is not always there. From experience the best advice I could give someone is to learn the art of goal setting. Choose something to work towards maybe its fitting into a favourite summer dress/suit. Start with small realistic and achievable goals, maybe its waking up 15 minutes earlier in the morning to go for a brisk walk or putting aside time to prepare meals to keep your diet and nutrition on track. Reaching these small goals gives us a sense of achievement and the desire to continue working towards the main goal. Before you know it, you've introduced good sustainable habits into your lifestyle. Hopefully my story inspires you to embrace a healthy lifestyle too'*

44°S 176°W

## HOKOMENETAI ME RONGO

### HOKOTEHI MORIORI TRUST

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