



Panui No. 12

MANGATU SHAREHOLDERS UPDATE

Ko Maungahaumi te maunga

Ko Mangatu te awa

Ka tere ki te wai o Paoa

Ka Kopututea te putanga ki te Moananui a Kiwa

Tihei mauriora

Nga Rangatira, Nga Kaitiaki o nga whenua o Mangatu. Tena koutou katoa.

The High Court Decision

The High Court released its decision on Friday 22 May 2015 some six months after the hearing was completed on 5 November 2014.

We are very pleased to report that we were successful in overturning the Waitangi Tribunal's (the Tribunal) decision of 18 December 2013 that dismissed our claim for return of the 1961 land. The Tribunal had concluded that it would be "overly generous" to return the 1961 land and statutory compensation to us, particularly when compared to the general value of iwi Treaty settlements (since the Crown Forest Assets Act compensation is potentially worth far more than what the Crown is prepared to offer iwi).

The High Court ruled that the Crown's Treaty settlement policy is irrelevant and therefore the Tribunal's decision not to return the land on that basis was unlawful. The Court also ruled that it was unlawful to defer Te Aitanga a Mahaki's claim to the Mangatu Crown forest. The Tribunal has been ordered to do its job and make a binding decision on the 1961 land and a decision on how much associated compensation should be awarded.

This decision is very significant for a range of reasons;

- It vindicates the Committee of Management's decision to lodge a Waitangi Tribunal claim in 1992 and to then pursue an urgent claim in 2008. This has been such a long uncertain journey that has galvanised the support of a majority of our owners over the 23 years since this started and the Committee is very grateful for their support.
- Mangatu is a step closer to getting back some of the 1961 lands. Up to this point, and given the Crown and Tribunal's attitude to us, the Committee were unsure of the outcome but were compelled on behalf of the 1961 owners to pursue the claim. The Committee going forward is now looking to progress this matter to completion with more confidence as to a positive outcome.



- The decision supports the investment of a substantial financial commitment Mangatu has made to date and the committed and unfailing support of the majority of our owners to progress this “take” over this period of uncertainty and challenge.
- The most important impact of this decision has been for our kaumatua and kuia, representing those who fought against and put up with the indignity of losing our whenua in 1961 and who supported us at the Turanga hearings in Gisborne at Te Poho o Rawiri marae during the June 2012 Tribunal hearings.

Some of their reactions to the decision include:

- *“Very, very pleased. Should not have gone in the first place.”*
- *“My mother was still alive then and she did not agree.”*
- *“We remember George Brown advocating for a 50:50 arrangement, where we provided the land and the Crown provided the money. The Crown would not agree.”*
- *“The older ones before tried their hardest. Hopefully we can bring it to a head.”*
- *“Really, really proud of the outcome.”*

We also remember the words of our Chair, Sir Henare Ngata at the time the 1961 lands were taken from us when he said;

“I believe there is in the records sufficient evidence of ‘pressure’ to warrant the Incorporation putting a case to the Waitangi Tribunal for recovery of the land acquired by the Crown for forestry.”

How prophetic his words were to be, although it has taken a long time for the very Waitangi Tribunal to recognise this fact. We are also grateful to Sir Henry as this was one of the last acts he did before he passed away.

- The decision also benefits Mahaki, since they can continue to pursue their claim to the Mangatu Crown forest land and associated statutory compensation, which has the potential to considerably enhance the Treaty settlement outcome. Our relationship with Mahaki has been important to the Committee in getting to this stage. Our desire has been and continues to be for both parties to benefit from their respective uniquely different perspectives to improved settlement outcomes. We will continue to maintain our open lines of communication and support with Mahaki to hopefully achieve a principled “win/win” position for both parties.
- The Committee are only just appreciating the beneficial effects of this decision on other claimants. We received an email which indicated *“we have been waiting 6 months so far for the Tribunal to determine whether we get an urgent hearing”* ...seems very familiar. The email concluded, *“Thank you for blazing the trail for us. We could not do it with our resources.”* Again seems very familiar. Other claimants have sought permission to access earlier decisions, which we have granted as assisting them could assist us now and in the future.



The Way Ahead

We are waiting for the Tribunal to issue directions to progress our claim along with the other claimants to hopefully hear submissions on binding recommendations to whom the 1961 lands should be returned to. Once that decision has been made, the Tribunal need to decide on how much of the associated compensation should follow.

We continue to wait patiently for progress from the Tribunal.

Shareholders who would like a copy of the decision can call into the office and pick one up or the Mangatu website will also have a copy of the decision posted for easy access.

mangatu.co.nz

Te Whakamutunga

Ahakoā i roto nga piki me nga heke kei te pai te haere o nga mahi a Mangatu. He maha nga ngaru o te moana kei mua ia tatou, no reira, kia kaha tatou ki te hapai, ki te hoe i tenei o nga waka a te iwi kia u ai tatou ki uta, ara, kia whai oranga mo te iwi whai paanga ki tenei o nga whenua, a Mangatu.

Tenei te mihi atu ki era o nga whanaunga kua mene atu ki te po. Ko ratou te hunga kua huri atu ki tua o Te Arai, moe mai, moe mai.

He mihi ano tenei ki nga kaimahi me etahi atu ropu e awahi ana, e tautoko ana i nga mahi a Mangatu, e whai ake ana i nga kaupapa whakahaere kia noho pumau a Mangatu.

He mihi kau tenei kia koutou, te urupa o ratou e iri nei i runga i nga pakiwaitara o tenei to tatou whare tipuna. Kia tau iho nga manaakitanga o Te Runga Rawa ki runga kia koutou me a koutou whanau.

Na tenei ta koutou mokai

Alan Haronga
Chairman

On Behalf of the Mangatu Blocks Incorporation Committee of Management
9 June 2015