

LIBRARY

CROWN FORESTRY
RENTAL TRUST

Te Poari Tiaki Rihi Ngahere Karauna

REPORT OF THE TRUSTEES
TO THE HON RUTH RICHARDSON,
MINISTER OF FINANCE, CROWN APPOINTOR,
AND TO THE NEW ZEALAND MAORI COUNCIL
AND THE FEDERATION OF MAORI AUTHORITIES,
MAORI APPOINTOR ON THE ACTIVITIES AND ACCOUNTS
OF THE CROWN FORESTRY RENTAL TRUST
FOR THE PERIOD
30 APRIL 1990 to 31 MARCH 1992

UPDATED AUGUST 1992

CONTENTS

The Trust	2
The Trustees	3
The Secretariat	3
Report of Trustees	4
Report on Rental Proceeds	6
Report on Assistance Provided with Income Earned from Investment of Rental Proceeds	10

THE TRUST

The Crown Forestry Rental Trust was established under a Trust Deed signed on 30 April 1990 by the Ministers of Finance and State Owned Enterprises. The Deed explains the background to the establishment of the Trust as follows:

- A. The Crown wishes to dispose of certain Crown Forestry Assets, comprising, inter alia, tree crops, chattels and fixtures.
- B. A number of Maori have asserted claims to areas of land upon which Crown Forestry Assets are located. Certain applications to the Waitangi Tribunal under the Treaty of Waitangi Act 1975 (as amended by the Crown Forest Assets Act 1989) have been filed by certain of those claimants and it is anticipated that further applications will be made.
- C. The Crown and Maori representatives have by an agreement dated 20 July 1989 agreed that the Crown proceed with its disposal programme, subject, inter alia, to the establishment of a trust to:
 - (a) receive the Rental Proceeds from the Crown Forest Land upon which Crown Forestry Assets are located; and
 - (b) make the interest, earned from investment of those Rental Proceeds, available to assist Maori in the preparation, presentation and negotiation of claims before the Waitangi Tribunal which involve, or could involve, certain Crown Forest Land.
- D. Section 34 of the Crown Forest Assets Act 1989 provides for the establishment of a forestry rental Trust.

HALLENSTEIN HOUSE FLOOR 3 276-278 LAMBTON QUAY WELLINGTON
PO BOX 2219 WELLINGTON PHONE 0-4-472 8500 FAX 0-4-472 8504

THE TRUSTEES

	Appointed by
Sir Graham S Latimer Chairman, New Zealand Maori Council	Maori Appointor
Mr Richard G Collins Consultant to Rainey, Collins & Olphert Barristers and Solicitors	Crown Appointor
Mr Harry C Holden Chairman, Milcon Group of Companies	Crown Appointor
Ms Georgina A Jones Chief Executive Officer Medical & Dental Councils of New Zealand	Crown Appointor
Mr John M Mitchell Social Research Consultant	Maori Appointor
Mr Tama R Nikora Chairman, Federation of Maori Authorities	Maori Appointor

THE SECRETARIAT

Trust Secretary	Karen Waterreus
Office Manager	Letty Taingahue
Administration Clerk	Jacqui Howard
Trust Offices	Floor 3, Hallenstein House, 276-278 Lambton Quay, Wellington
Postal Address	PO Box 2219, Wellington
Telephone	(04) 472 8500
Fax	(04) 472 8504
Solicitors	Bell Gully Buddle Weir, PO Box 1291, Wellington
Accountants	Price Waterhouse, PO Box 766, Wellington
Bankers	ANZ Banking Group (New Zealand) Ltd, Wellington Branch
Auditors	KPMG Peat Marwick, PO Box 996, Wellington

REPORT OF TRUSTEES

THIS IS the first report that the Trustees have prepared for the Crown and Maori Appointors and as such it covers the period from the establishment of the Trust on 30 April 1990 to 31 March 1992.

The appointment of Trustees was completed on 6 September 1990 and the Trustees held their first meeting on 9 October 1990. At the first meeting of the Trustees, Sir Graham Latimer was elected Chair.

As at 31 March 1992 the Trust had held 18 meetings.

For many years Maori people have been trying to discuss their Treaty grievances with the Crown. It is exciting that we are living in a time when there is constructive dialogue between the Treaty partners and a shared commitment to the resolution of Treaty grievances.

The Trustees are of the view that the successful resolution of forestry claims has the potential to improve the possibility of resolution of other Treaty grievances. The Crown Forestry Rental Trust is an excellent example of the Treaty partners working together to mutual advantage. The Crown has been able to proceed with the disposal of its forestry assets and Maori have access to funding to assist in the preparation, presentation and negotiation of their claims relating to Crown Forestry land.

As a result of Trust funding 20 claimant groups are currently involved in researching the history of the land on which Crown Forest grows. In due course these groups will present their research reports and submissions to the Waitangi Tribunal. The Tribunal will then be able to make recommendations regarding whether or not Crown Forest Land should be returned to Maori ownership. This process will resolve claims relating to Crown Forest Land.

The Trust has a real contribution to make towards clearing up Treaty grievances so that people can get on with living together in New Zealand. The Trustees are conscious that the Trust's role is to assist claimants and to ensure that applicants for funding focus their research on Crown Forest Land and their claim before the Waitangi Tribunal. Assisting claimants to research their claims has the added advantage of providing an opportunity for Maori to rediscover their tribal identity.

The Trustees have taken a thorough and responsible approach to their role as Trustees. The definition of criteria for funding and the development of an application form took some months and were only approved following wide consultation with interested parties. The Trustees were particularly concerned that unrealistic expectations were not created nor inaccurate information provided.

Up to December 1991 the lack of applications received by the Trust had been a matter for concern. However, as will be noted in the material following, the Trust is now providing

assistance to groups involved in research claims for over 30 percent of the Licensed Crown Forest Land and 28 percent of the Unlicensed Crown Forest Lands. This is very good progress in our first 18 months of existence.

It is our observation, and in fact experience has shown, that claimants need access to quality legal advice in order to present their claim to the Waitangi Tribunal. The Trust does hold the view that assistance with claimants' legal costs should be met by civil legal aid as was intended in the Legal Services Act 1991. However, given that there has been a delay in establishing procedures for applications for such legal aid and the fact that the Waitangi Tribunal no longer has funds available for claimants' legal costs, the Trustees are considering requests for contributions towards claimants' legal costs as an interim measure.

The following report shows that only \$77,000 had been paid to claimants to assist with their claims at 31 March 1992. This does not reflect any tardiness on the part of the Trust but rather a cautious and responsible approach on the part of claimants themselves. The amount of \$77,000 paid was the amount which had been requested by claimants at 31 March 1992. However, at that date approximately \$2 million had been committed towards the 20 applications approved and these funds will be released to groups as they are required. The Trust will maintain a working relationship with all applicant groups with the aim of providing the best support with their claim preparation efforts. Activities and expenditure will be monitored and reviewed at regular intervals and further applications or amendments to applications considered as the need arises.

It may take at least another year before the Trust sees the full result of its activities. In the meantime, Trustees are confident that claimants will produce and file high quality research reports which will enable the Waitangi Tribunal to make determination on the ownership of land on which Crown Forest grows.

Finally, the Trustees acknowledge the quality of services the Trust has received from its secretariat and funds management advisers.

REPORT ON RENTAL PROCEEDS

Licensed Crown Forest Land

Crown Forest Licences which have been issued for 83 forests. The Trust receives rental proceeds from Licensed Crown Forest land totalling \$19,292,247 per annum. At 10 August rental proceeds totalling \$42,611,235 were held by the Trust.

LOCATION	LICENSED CROWN FORESTS
Northland	Aupouri, Otangaroa, Glenbervie, Waitangi, Pouto
Auckland	Woodhill, Tairua, Whangapoua, Maramarua, Riverhead, Waihou, Mangawhai, Athenree, Onewhero, Kauaeranga
Central North Island	Kaingaroa, Waimihia, Rotoehu, Whakarewarewa, Horohoro, Crater, Marotiri, Pirongia, Tawarau, Mangaokewa, Pureora South, Pureora North, Waituhi, Taurewa
East Coast	Wharerata, Patunamu, Ruatoria, Tokomaru, Mangatu
Hawkes Bay	Mohaka, Kaweka, Gwavas, Esk
Southern North Island	Ngaumu, Karioi, Santoft, Lismore Sand, Tangimoana, Te Wera, Erua, Lismore Hill, Waitarere, Manakau
Westland	Exotic
Nelson	Golden Downs East, Golden Downs West, Wairau, Rai, Hira, Waimea, Tutaki, Golden Bay, Motueka, Queen Charlotte
Canterbury	Balmoral, Eyrewell, Ashley, Okuku, Hanmer, Mt Thomas, Omihi, Oxford, Island Hills
Aorangi	No licences issued
Otago	Berwick, Otago Coast, Tapanui, Glen Ohu, Owaka
Southland	West Dome, Blackmount, Strathallan, Castledowns, Bare Hill, Taringatura, Rowallan, Langwood, Hokonui, Slopedown

Unlicensed Crown Forest Land

LOCATION	UNLICENSED CROWN FORESTS
Auckland	Waiuku
Central North Island	Lake Taupo CL, Rotoaira CL
Southern North Island	Kaipaitangata
Aorangi	Herbert, Geraldine, Waimate, Naseby
Otago	Silverpeaks

Rental Proceeds Received

The annual rental proceeds from licences received by the Trust are as follows:

CROWN FOREST	ANNUAL RENTAL PROCEEDS	LOCATION
Ashley	212,402	Canterbury
Athenree	41,555	Auckland
Aupouri	339,496	Northland
Balmoral	176,792	Canterbury
Bare Hill	3,860	Southland
Berwick	247,511	Otago
Blackmount	44,129	Southland
Castledowns	41,714	Southland
Crater	52,500	Central North Island
Erua	1,895	Southern North Island
Esk	185,959	Hawkes Bay
Exotic	437,689	Westland
Eyrewell	184,657	Canterbury
Glenbervie	333,327	Northland
Glen Dhu	68,611	Otago
Golden Bay	6,937	Nelson
Golden Downs West	613,550	Nelson
Golden Downs East	630,770	Nelson
Gwavas	204,634	Hawkes Bay
Hanmer	86,565	Canterbury
Hira	103,327	Nelson
Hokonui	71,399	Southland
Horohoro	38,500	Central North Island
Island Hills	2,184	Canterbury
Kaingaroa	6,982,150	Central North Island
Karioi	208,978	Southern North Island
Kauaeranga	8,214	Auckland
Kaweka	122,010	Hawkes Bay
Lismore Sand	46,761	Southern North Island
Lismore Hill	130,609	Southern North Island
Longwood	99,847	Southland
Manakau	9,921	Southern North Island
Mangaokewa	25,969	Central North Island
Mangatu	154,173	East Coast
Mangawhai	42,509	Auckland
Maramarua	293,881	Auckland
Marotiri	5,432	Central North Island
Mohaka	356,447	Hawkes Bay
Motueka	86,065	Nelson
Mt Thomas	33,932	Canterbury
Ngaumu	293,328	Southern North Island
Okuku	73,560	Canterbury
Omihi	36,642	Canterbury
Onewhero	32,567	Auckland
Otago Coast	249,459	Otago

Otangaroa	75,614	Northland
Oxford	5,679	Canterbury
Owaka	36,171	Otago
Patunamu	94,044	East Coast
Pirongia	8,463	Central North Island
Pouto	36,160	Northland
Pureora North	41,399	Central North Island
Pureora South	30,196	Central North Island
Queen Charlotte	28,783	Nelson
Rai	213,655	Nelson
Riverhead	243,532	Auckland
Rotoehu	689,493	Central North Island
Rowallan	43,166	Southland
Ruatoria	146,200	East Coast
Santoft	202,251	Southern North Island
Slopedown	97,881	Southland
Strathallan	5,804	Southland
Tairua	337,505	Auckland
Tangimoana	25,340	Southern North Island
Tapanui	207,812	Otago
Taringatura	23,466	Southland
Taurewa	28,546	Central North Island
Tawarau	48,343	Central North Island
Te Wera	65,612	Southern North Island
Tokomaru	114,473	East Coast
Tutaki	14,490	Nelson
Waihou	51,047	Auckland
Waimea	120,824	Nelson
Waimihia	910,490	Central North Island
Wairau	210,357	Nelson
Waitangi	55,735	Northland
Waitarere	81,307	Southern North Island
Waituhi	27,328	Central North Island
West Dome	21,469	Southland
Whakarewarewa	359,170	Central North Island
Whangapoua	232,858	Auckland
Wharerata	191,476	East Coast
Woodhill	740,691	Auckland

Report on Payments to Beneficiaries

At 31 March 1992 no payments had been made to beneficiaries as the Waitangi Tribunal had made no recommendations under Section 8HB of the Treaty of Waitangi Act 1975 concerning Licensed Land.

**REPORT
ON ASSISTANCE PROVIDED
WITH INCOME EARNED
FROM INVESTMENT OF RENTAL PROCEEDS**

Criteria for Persons Applying for Trust Funding

An early priority for the Trustees was to decide the criteria or guidelines which would enable claimants or potential claimants to apply for assistance from the Trust. The Trust Deed (Clause 10.1) required that the Trustees shall decide, "the criteria for those persons applying for distributions of income under Clause 9.2.2 to qualify as Claimants".

The Trustees consulted the Crown, the New Zealand Maori Council and the Federation of Maori Authorities as well as other relevant government agencies. On 21 March 1991 the Trustees adopted the criteria as set out below:

1. An application must be made by a Maori or group of Maori or any person acting on behalf of that Maori or group.
2. An application must relate to a claim against the Crown under the Treaty of Waitangi in respect of Crown Forest Land.
3. An application must relate to a claim which
 - i has been registered with the Waitangi Tribunal under the Treaty of Waitangi Act 1975 (as amended by the Crown Forest Assets Act 1989) and has received, or is awaiting, a "WAI" designation from the Tribunal; or
 - ii is proposed to be registered with the Waitangi Tribunal, and the particulars provided indicate a reasonable basis of claim.
4. An application for allocation of funds from the Trust must be for expenditure or activities which are proposed to be made or embarked on. No application will be considered for past expenditure or activities that have already taken place.
5. An application must be made on the application form prescribed from time to time by the Trustees. The form must be completed as fully as circumstances permit and all relevant available information requested by the form must be supplied when making an application.

A copy of the document setting out the criteria and the purpose of the Trust was prepared and made publicly available.

Application Form for Funding of the Preparation of Claims

At the same time as the above criteria were developed, the Trustees approved an official application form. The application together with the criteria were circulated to all claimants to the

Waitangi Tribunal who were identified as possibly having an interest in Crown Forest Land.

Maori Trustee Contribution to Assist Claimants Prepare Applications

In June 1991 the Trust appointed the Maori Trustee as a Agent of the Trust for the receipt and preliminary verification of claims. This was to enable claimants to obtain advice and assistance with their applications via Maori Trustee regional offices. District Offices of the Maori Trust were also involved in approaching potential applicants to the Trust.

Preparation of Database Records for Crown Forest Licence Areas

In December 1991 the Trust entered into a contract with the Department of Survey and Land Information (DOSLI). DOSLI were engaged to prepare database records for Crown Forest Licence areas in the North Island and in Marlborough and Nelson. These databases will be prepared to assist claimants in the preparation of their claims. The databases will contain summaries of historical events and copies of all documents required to support the summaries. This is information relating to the Crown's acquisition of forest lands from Maori, changes in the purposes for which the land was held by the Crown and disposals by the Crown.

The databases are to be completed by 30 April 1992. A number of databases have been completed and made available to claimant groups.

Applications for Assistance

Key Volumes

Number of applications for assistance received	36
Number of applications for assistance approved	28
Number of applications for assistance withdrawn, lapsed or awaiting further information from applicants	7
Number of applications for assistance declined	1
Percentage of Licensed Crown Forest Lands for which applications for assistance have been approved	46%
Number of research reports/projects into Crown Forest Lands completed	Nil

Groups for whom the Trust has approved assistance

APPLICANT	CROWN FOREST INVOLVED	WAITANGI TRIBUNAL CLAIM
Te Runanga o Muriwhenua	Aupouri	Wai 45
Ngati Pahauwera	Mohaka	Wai 119
Ngati Te Ata	Waiuku	Wai 31
Whanganui River Maori Trust Board	Erua, Karioi, Lismore Hill and Lismore Sand	Wai 48 and Wai 151
Tainui Maori Trust Board	Onewhero and Maramarua	Wai 29 and Wai 30
Te Runanga o Ngati Awa	Rotoehu	Wai 46
Te Runanga o Tuwharetoa ki Kawerau	Rotoehu	Wai 62
Maungaharuru-Tangitu Trust	Esk	Wai 201
Runanga ki Mua-upoko	Waitarere and Manakau (2 separate applications approved)	Wai 52
Ngati Wai Trust Board	Glenbervie (2 separate applications approved)	Wai 244
Otamatea Maori Trust Board	Pouto	Wai 271
Te Taou Hapu of Ngati Whatua	Woodhill	not yet filed
Tuhoe Waikaremoana Maori Trust Board	Kaingaroa	Wai 40
Te Manawa o Tongariro	Taurewa	Wai 37
Tauranga Moana Maori Trust Board	Athenree	Wai 215
Te Runanganui o Te Ika Whenua	Kaingaroa	Wai 212
Te Runanga o Ngati Pikiao	Rotoehu	Wai 275
Rotomahana Parekarangi 62NB and 602B Trusts	Whakarewarewa	Wai 204

CROWN FORESTRY RENTAL TRUST
TE POARI TIAKI RIHI NGAHERE KARAUNA

Te Runanga o Ngati Tahu	Kaingarua	Wai 288
Haparangi ki te Whenua	Horohoro	Wai 155
Taiwhenua o te Wairoa	Wharerata	Wai 301
Ngai Tamanuhiri, Rongowhakaata and Te Aitanga a Mahaaki	Mangatu and Wharerata	Wai 274 and Wai 283
Parekiri Tribal Trust Board	Patunamu	Wai 144
Te Runanga o Ngati Apa	Santoft	Wai 265
Lake Taupo Forest Trust	Kaingarua	Wai 269
Maniapoto Maori Trust Board	Pirongia, Tawarau, Mangaokewa	Wai 48
Hauraki Maori Trust Board	Whangapoua, Kauaeranga, Tairua, Waihou	Wai 100
Te Runanganui o Rangitane	Santoft, Tangimoana, Waitarere, Golden Downs East, Golden Downs West, Wairau, Motueka, Waimea and Rai	Wai 182, Wai 175 and Wai 44

All assistance will be provided to groups in line with approved Terms and Conditions of Funding.

Meetings of the Trust

The Trust will hold meetings every six weeks. Claimants are expected to file their applications a fortnight in advance of the meeting date.

The meeting dates for the remainder of 1992 are

8 September 1992 13 October 1992 17 November 1992