

*Matariki te tipua
Matariki te tawhito
Tau mai te wairua
Mai ngā ira Atua
Ki te ira tangata
Tihei mauriora!*

*Matariki the sacred
Matariki the old
Welcome the spirit
Welcome the life force
From the essence of Atua
To us of the human kind
Let there be life!*

While the natural world regenerates and another seasonal round begins, Matariki implores us to pause and reflect on the previous year, and on the year ahead.

Matariki is the Māori name for the cluster of stars also known as the Pleiades. It rises in mid-winter around late May or early June. For many Māori, it heralds the start of a new year.

As the Matariki constellation rises in our eastern skies, we witness a special annual moment in the Māori calendar. It is a time for reflection and preparation for the year ahead.

According to some iwi, if the stars in the cluster are clear and bright the year ahead will be warm and productive. If they appear hazy and shimmering, an unproductive year may lay ahead.

Matariki heralds the start of the cold season. The pātaka (food storehouses) will be full; there will be no gathering, fishing, eeling or planting as it will be too cold.

Matariki is the time to stay indoors and undertake wānanga (learning retreats), discussing and pondering important matters.

As the winter starts to fade toward the end of August, it will be time to start preparing the land for planting as the cycle of food gathering begins again. Matariki has many meanings. Some of which are “the face of the gods” (Mata Ariki) and/or “Mata Ririki” (the Little Eyes).

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*Kia whakamoemititia te Atua i
ngā wāhi katoa, i ngā wā katoa*

*E tangi atu ana ki te hunga kua
poto ki te pō, e moe rā koutou*

*Te Rangi e tārewa nei, te Papa
e takoto nei, tēnā kōrua*

*E mihi ana ki ngā mana kei runga
i ngā whenua e hora nei*

*Anei mātou ko ngā kaitarai i tēnei
waka kawē kōrero ture, e mihi ana
ki a koutou katoa e pānui nei i ēnei
kōrero. Tēnā rā koutou katoa*

*Tātou katoa e whiwhi tahi nei ngā
hua pai me ngā maramatanga o te
wā o Matariki, tēnā tātou katoa*

*Tēnei ka tuku i tēnei waka kia
rere, kia rere ki uta, kia rere ki
tai, he mea kake mā te katoa.*

Te Ao Māori – Trends and insights

The formal Treaty of Waitangi settlement process, launched in 1975 and now in its difficult, final stages, has transformed the relationship between Māori and the Crown.

The process might have proceeded more smoothly, and produced even better outcomes, had the Government set the rules differently, in particular, had it:

- been less prescriptive in its insistence on negotiating with “large natural groupings”, and
- thought through more fully the implications of its early policy preference, later reversed, that Post Settlement Governance Entities (PSGEs) and mandated iwi organisations (MIOs) should be charities.

The first requirement continues to frustrate settlement negotiations and has always been viewed as undermining the interests of smaller claimant groups. The second continues to create problems for the early PSGE and MIO structures which are limited by their wholly charitable status as to the nature and type of disbursements they can make to their members.

The unwritten and ever changing beast that is Crown policy, together with the Crown balancing “legitimate interests” in the Treaty negotiation process, continue to undermine Māori achieving tino rangatiratanga and mana motuhake. Even when the purpose of a Treaty negotiation is to settle historical breaches by the Crown – the Crown still holds all the cards.

But these continuing difficulties aside, the fact is that the settlements have utterly transformed New Zealand and the change drivers they have set in motion will strengthen over time.

Major trends we expect to continue and accelerate are:

- the growth and diversification of the Māori economy (currently estimated as worth \$50b)
- increasing adoption of tikanga in the commercial context
- increased clout for Māori in the political sphere, and
- post the landmark Wakatū decision, a progression in indigenous rights law in New Zealand.

Te Ōhanga Māori/The Māori economy

Nā tō rourou, nā taku rourou, ka ora ai te iwi – With your food basket and my food basket the people will thrive

Broad trends we identify are:

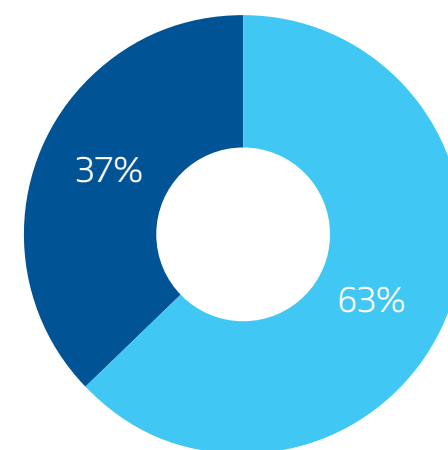
- continued growth in the Māori economy driven by further Treaty settlements and increased merger and acquisition (M&A) activity
- increased participation in export markets
- increased collaboration among Māori-owned entities, and
- increased social investment and disbursement among iwi-members.

Continued growth in the Māori economy

The size of the Māori economy has been estimated at \$50b, with 30% held by Māori collectives (including PSGEs, Māori land trusts and Māori incorporations).

Assets are still largely concentrated in the primary industries, although there is increased diversification into other areas, such as geothermal, digital, services, education, tourism and – more recently – housing.

The make-up of \$15b Māori collective assets



■ Post-settlement Governance Entities
■ Māori land trusts and incorporations

PROPORTION OF NEW ZEALAND ASSET CLASSES OWNED BY MĀORI



Mergers & acquisitions

Ngāi Tahu and Waikato-Tainui, both of which settled with the Crown in the 1990s and have now been 20 years in post-settlement business, are leading the charge by focusing on diversified asset portfolios and M&A activity.

Recent examples include:

- Ngāi Tahu Holdings investing in the recent Movac capital raising and acquiring 50% of mānuka honey producers Watson & Son
- Tainui Group Holdings selling 50% of Te Awa (The Base) to Kiwi Property for \$192.5m, with proceeds used to reduce debt and ultimately re-invest in a balanced range of investment classes, and
- Ngāi Tahu Holdings and Tainui Group Holdings together acquiring the Go Bus business for \$170m.

As more and more Treaty settlements mature, we expect to see more iwi groups participating actively in the domestic M&A market. This investment is likely to focus on assets that are strategic at the rohe level and for Aotearoa, reflecting an investment horizon which is intergenerational.

While the Crown has made good progress in recent years negotiating and settling Treaty claims, there are still around 40 iwi that have not settled, including Ngāpuhi, which is the largest iwi by population in New Zealand and is set to receive a sizeable redress package.

As these negotiations are concluded, they will inject more capital into the Māori economy.

Selected iwi settlement amounts 2014-2016

Name	Year of deed of settlement	Financial and commercial redress amount
Ngāti Tūwharetoa	2016	\$25m
Ngāti Tamaoho	2016	\$10.3m
Ahuriri Hapū	2016	\$19.5m
Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua	2016	\$32.5m
Rangitāne o Manawatū	2015	\$13.5m
Ngāi Tai ki Tāmaki	2015	\$12.7m
Ngāti Kahungunu ki Heretaunga Tamatea	2015	\$100m
Taranaki iwi	2015	\$70m
Whanganui River	2014	\$80m
Te Ātiawa (Taranaki)	2014	\$87m
Ngāruahine	2014	\$67.5m
Raukawa	2014	\$50m

Increased participation in export markets

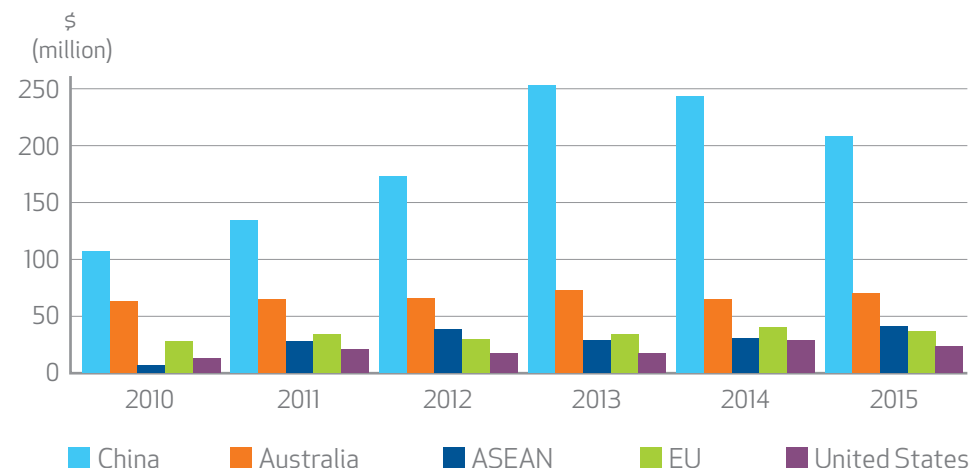
Māori-owned businesses are unique in that they are driven not only by financial outcomes but by principles of kaitiakitanga (responsibility), manaakitanga (supporting people) and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).

We expect participation in export markets to continue to grow exponentially in the short-to-medium term, particularly in Asia, in the finance and business sectors and in the dairy, forestry, seafood and red meat markets.

This growth will be driven by increased assistance from New Zealand Trade and Enterprise, Te Puni Kōkiri and the Ministry of Business, Innovation and Employment together with greater business to business collaboration within the Māori economy.

A number of Māori-led trade delegations have visited Asian countries in recent years, where a resonance with iwi social, environmental and cultural values creates a point of difference, which leads to business opportunities.

Top export destinations for Māori authorities' trade value 2010-2015



Note: China includes SARs of Hong Kong and Macau, EU includes United Kingdom

MĀORI EXPORTS



Increased social investment and distribution

PSGEs are tasked with balancing their commercial interests – which include the long-term management and administration of assets and the activities of subsidiaries – with the needs of their people, through their community arm.

This might include charitable purposes, tikanga, reo, kawa and kōrero and community facilities.

As established PSGEs have grown their asset bases, they are becoming increasingly focused on how they can provide social and affordable housing in a heated market, how they can make the best use of underutilised and/or landlocked Māori land, whether or not to make cash distributions, and – if so – how to structure them.

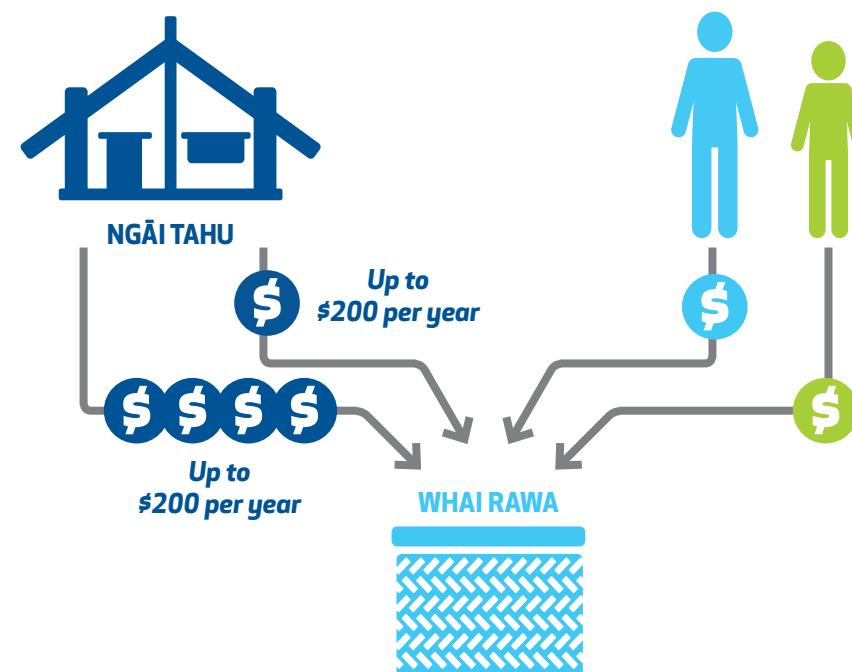
Iwi savings schemes

Ngāi Tahu has recently celebrated the tenth anniversary of its iwi savings scheme, Whai Rawa. Under the scheme, Ngāi Tahu (to a maximum of \$200 per year):

- contributes \$1 for every \$1 saved by adult members, and
- \$4 for every \$1 saved by members under 16.

In addition, annual distributions are paid to all members with, until 30 June 2018, all costs and expenses (other than Investment Manager fees) met by Ngāi Tahu. Members are entitled to use their funds for tertiary education, home ownership and age 55+ retirement withdrawals.

WHAI RAWA IWI SAVINGS SCHEME



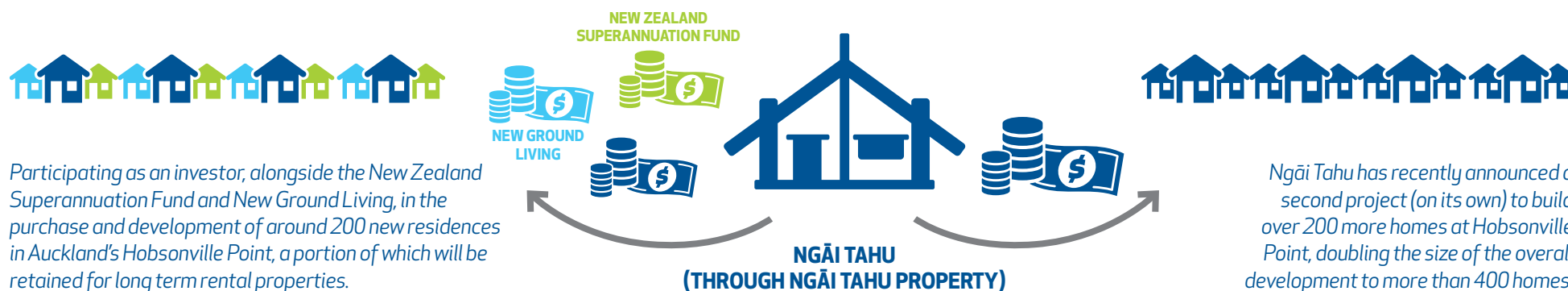
Housing

Ngāti Whātua Ōrākei is developing Kāinga Tuatahi – a communal housing scheme to build up to 75 houses for whānau members. The development is being carried out by the commercial arm of Ngāti Whātua Ōrākei and includes a programme of underwriting mortgages to help whānau get into their own property.

Ngāti Whātua o Kaipara, through its commercial property arm, is developing the Village precinct at

Hobsonville Point, which has been renamed Te Uru (the west wind).

Ngāi Tahu has completed its Addington housing project under which three earthquake-affected houses in Sumner were transported to Addington and renovated to house Ngāi Tahu whānau struggling with the effects of the Christchurch earthquakes.



Increased collaboration within the Māori economy

Collaboration among iwi, Māori landowners and Māori-owned businesses has been driven by a desire to spread risk, create critical mass and share knowledge. We expect this trend to continue.

Recent examples include:

- Miraka, the Māori-owned dairy processing export business, and
- Port Nicholson Fisheries, a Māori-owned lobster processing business, which has collaborated with Moana to increase scale and national coverage.

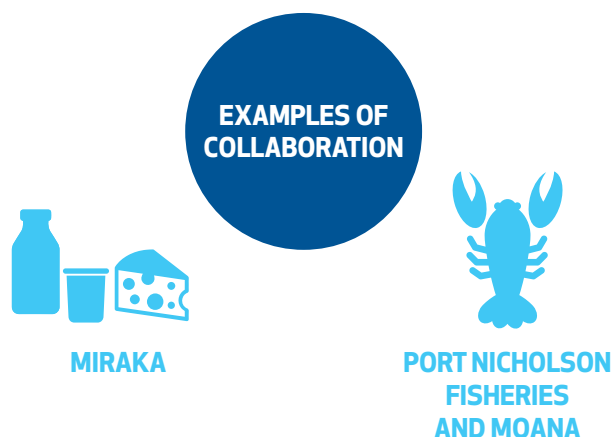
Iwi are also helping Māori landowners in their rohe unlock value from underutilised Māori land – collaborating on ventures such as kiwifruit and mānuka honey, with iwi providing capital to get the ventures underway.

The proposed Māori investment fund, spearheaded by the New Zealand Superannuation Fund, is looking to pool iwi assets and create a united Māori investment vehicle. Ideas discussed at the first hui of iwi leaders included setting an intergenerational fund investment horizon better suited to Māori investment and kaitiakitanga objectives.

If it materialises, the Māori investment fund could be a private equity co-investor with NZ Super and give the investment entities of Māori collectives access to previously out-of-scope deals, both in the domestic market and internationally.

The flow on from this will be an increase in M&A activity and in capital to promote the productivity of Māori-owned assets.

“Mā whero mā pango
ka oti ai te mahi – With
red and black the work
will be complete”



The limitations of the wholly-charitable PSGE

E kore e ora i te aroha anake – One cannot sustain oneself on compassion and empathy alone

Iwi that settled early in the settlements process are now effectively shackled by the Crown's original preference that PSGEs and MIOs be wholly charitable.

To its credit, the Crown has revised and reversed this decision, now allowing PSGE structures to comprise a charitable and a non-charitable element.

Iwi and hapū which have been able to structure themselves this way have the flexibility to consider universal cash distribution policies and participation in housing, employment and economic development initiatives for the benefit of their members.

But the options available to the wholly-charitable PSGE are much more limited. In particular, spending on members must:

- clearly advance a charitable purpose, and
- provide a public benefit that directly or indirectly, tangibly or intangibly outweighs any private benefits.

These requirements create a straightjacket in which provision of a universal cash distribution or programmes associated with housing, employment and economic development – all of which promote self-determination – can put at risk a PSGE's charitable status.

As PSGE and Māori corporate wealth continues to grow, and taking into account the assumption of continued economic and social pressure on Māori families, we expect that more PSGEs will be looking for new ways in which they can assist their universal membership base with what would otherwise be considered non-charitable distributions.

For iwi stuck with full charitable status, that is going to require innovative solutions – whether through advocacy for policy relief or through the development of funds outside the charitable structure.

Housing

The limitations attached to wholly-charitable status in the case of housing programmes require that they are for charitable purposes only, including the relief of poverty – largely limited to social housing programmes.

In contrast, PSGEs that have been allowed to deploy a mixed charitable/non-charitable structure can use a non-charitable entity to provide programmes directed at assisted/affordable home ownership, provision of interest-free or reduced interest home loans or subsidised rentals.

Legislative changes in 2015 introduced a new income tax exemption for community housing providers (CHPs), giving some flexibility to iwi that wish to establish a qualifying CHP.

However, this doesn't go far enough for wholly charitable structures wanting to fund a broader range of housing activities – and this is a problem we ask the Government to consider remedying as there is significant iwi interest in providing both affordable and social housing.

Tikanga

He iwi kore tikanga, he iwi kore mana – A people without etiquette are a people without authority

Tikanga-based dispute resolution and arbitration clauses are becoming commonplace in the post-settlement era. We expect this trend to gain traction. For those unacquainted with concepts of tikanga Māori and wanting to engage with Māori business, it is time to become more familiar.

Tikanga Māori can be accessed in contractual arrangements through alternative dispute resolution procedures, such as arbitration, and bespoke models like Waikato-Tainui's Hohou Te Rongo (which uses aspects of negotiation, mediation and arbitration).

Other less formal bodies, such as Whakapapa Committees or Kaumatua Councils, can also be appointed to deal with specific disputes.

In arbitration, an arbitrator or an arbitral tribunal is empowered to determine the dispute in accordance with "non-national" law. This allows them to choose tikanga Māori to govern the resolution of all or part of any disputes arising from their agreement.

As demand for this option rises, of which we are confident, more arbitrators will need to become familiar with the concepts of tikanga Māori, and more arbitral tribunals will need to draw on expert tikanga advice in the resolving disputes.

We also predict a rise in the prominence of tikanga dispute resolution providers (whether individual arbitrators or a bespoke service).

Unlike the common law, there is no one body of tikanga that decision-makers can turn to, as this will depend on the specific historical and cultural context of the Māori party to the contract.

Often arbitration proceedings are faster and more cost effective than litigation. They can also be more supportive of the contracting relationship and are held in private forum – a feature that can be important to Māori organisations, which often find themselves subject to "trial by media".

The parties can choose to contract out of the right to appeal an arbitration award, but this intention will need to be absolutely clear in the documentation and – even then – the court will retain residual powers to order interim measures, and to set aside arbitral awards on limited grounds.

“Arbitrators and commercial businesses will need to become familiar with the concepts of tikanga Māori and more arbitral tribunals will need to draw on expert tikanga advice.”

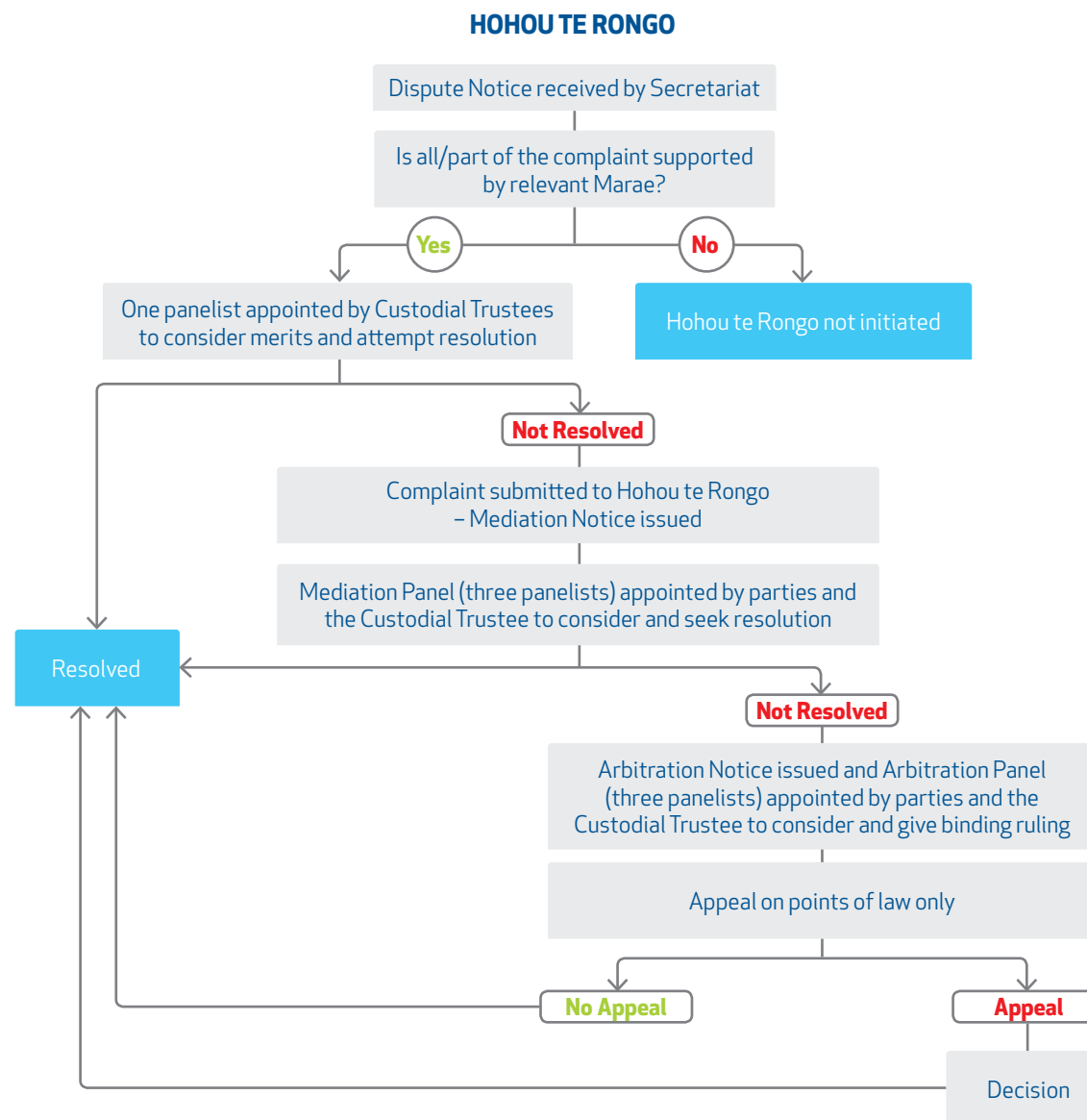
Managing disputes

Chapman Tripp assisted Waikato-Tainui to develop their bespoke internal dispute resolution process, Hohou Te Rongo – an exemplary combination of tikanga Māori and mainstream alternative dispute resolution procedures.

Hohou Te Rongo is rooted in the tikanga of Waikato-Tainui. It requires the member raising the dispute to gain the support of their marae and retain it throughout the procedure. Decision-makers throughout the process also strive to find a consensus between the parties, as a preference over majority rule.

Also, notably, the reasonable costs of the dispute, including legal advice, are typically borne by Te Whakakitenga o Waikato (the PSGE).

These design features demonstrate collective responsibility, where the marae and iwi claim ownership of internal disputes between members, rather than leaving it to individuals to fight it out in a public courtroom.



Incorporating tikanga

We say legal advice at the inception of the contract drafting is crucial to avoid the possibility of an agreement ending up in court before a judge not well-versed in Te Ao Māori.

Where the right of appeal to the courts has been retained, appeals may be made on questions of law, although this may mean stepping away from a entirely tikanga-based process as the status of tikanga in the common law is still developing.

Arbitration awards are usually binding and the strong message from the courts has been that tikanga-based disputes ought to be resolved in accordance with tikanga. In part, this is because they raise complex factual matters of tikanga Māori that are generally outside the scope of the courts.

However, in a recent case about the Whakarewarewa geothermal and forest lands (*Ngāti Hurungaterangi & Ors v Ngāti Wahiao*), the High Court found that a dispute as to mana whenua could be scrutinised by the Court and that the Court could substitute its own view of the evidence heard by the arbitrators.

This decision creates a grey area as to the legal status of tikanga-based outcomes, an issue that the Court of Appeal will clarify later this year.

CASE STUDY

Leef v Bidois: rangatira ki te rangatira process endorsed by courts

Pirakau and Ngāti Taka disputed the issue of mana whenua over certain lands offered as redress in the final stages of negotiating with the Crown a settlement of the historical claims of Ngāti Ranginui. The hapū agreed that two arbitrators would decide the matter after hearing from the parties in a 'rangatira ki te rangatira' setting.

The arbitrators ruled that Pirakau held mana whenua. This affected the division of redress provided in the settlement of Ngāti Ranginui claims. Ngāti Taka applied to set aside the award and was successful in the High Court, which ruled that the determination was not an arbitration and could be considered by the courts.

The Court of Appeal overturned the High Court's decision, finding that a dispute about mana whenua is an issue that ought to be subject to a binding arbitration award. The Court was persuaded by the fact that the process followed and reflected the mutual wishes of the parties, their values and respected tikanga Māori.

TAKE AWAY FOR IWI

Legal advisers are critical at the inception of a written agreement to advise whether it is likely to be challenged in court or whether both parties are obliged to accept the ultimate outcome.

The Crown and Māori – an evolving relationship

Tītiro whakamuri kia mōhio ai koe te huarahi kei mua i a koe – You know not your future until you know your past

The Treaty of Waitangi settlements process has been a watershed experience which has forever changed this country. We expect this evolution to continue and mature.

It has allowed historic grievances to be heard and long overdue apologies to be made, and has provided the foundation capital for the emergence of the iwi corporates and the burgeoning Māori economy.

Just as important as this, it has educated successive governments and the New Zealand public on the Treaty, the history of colonisation and Māori culture – and all at a time when MMP has given Māori much more political clout.

Big strides have been taken, but there is still a long distance to go down the path toward a truly bi-cultural society in Aotearoa.

The status of Te Tiriti o Waitangi

The Treaty has no independent legal status as a directly enforceable legal instrument, but is recognised as New Zealand's founding document and is legally effective in the New Zealand Courts, at least to the extent it is referred to in other Acts of Parliament, and as a part of New Zealand's common law.

Currently, there are 62 Acts that refer to the Treaty. These include the State Owned Enterprises (SOE) Act 1986, the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA).

Claims under the Treaty are heard by the Waitangi Tribunal. Generally, the Tribunal can only make recommendations that the Government may or may not accept. The exceptions are Crown forest land and certain lands previously owned by SOEs, over which the Tribunal may make binding recommendations.

The Treaty has always been the subject of debate. Factors include:

- inconsistencies between the English language and Māori versions
- uncertainty around precisely what is meant by three key Māori concepts – kāwanatanga (governorship), rangatiratanga (chieftainship) and taonga (treasures)
- natural difficulties applying an agreement dating back to 1840 to the modern world – e.g. application to the radio spectrum
- determining the place of tikanga in the common law of Aotearoa
- competing claims among different iwi, and
- an evolving jurisprudence regarding how elements of the Treaty should be interpreted.

An anchor to the settlements process

The Crown has always maintained a strong preference to negotiate with “large natural groupings” (LNGs) rather than with individual hapū or whānau within a tribe. Crown policy documents define an LNG as “a Māori group with clear kinship links and a sizeable membership and claim area”.

It justifies this approach as benefiting both sides of the negotiation by making the process easier to manage, helping to deal with overlapping interests, reducing costs and providing scope for a wider range of redress. But, ultimately, the underlying rationale for the policy is expedience – assisting the Crown to reach its goal of full and final settlement of historical Treaty grievances.

Many Māori consider that hapū – not iwi – were, and arguably still are, the primary vehicles of Māori political organisation. They believe the Crown’s stance is inconsistent with tikanga, undermines the interests of hapū and could itself be a contemporary breach of the Principles of the Treaty.

Iwi claims to Whanganui River accepted

More reflective of the progress that has been achieved over the last several years is the passage of Te Awa Tupua (Whanganui River Claims Settlement) Act this year. This drew international coverage because it created a world first, giving the river the legal status of a person.

Specifically, it is recognised in law as an indivisible and living whole from the mountains to the sea, incorporating its tributaries and all its physical and metaphysical elements. The Crown has given up its previously-asserted ownership of the river bed and will co-manage the river in partnership with the iwi.

Speaking at the first reading of the Bill, Treaty Negotiations Minister Christopher Finlayson acknowledged that the “constant position” of Whanganui iwi for well over 150 years was that they never willingly relinquished possession or control of the river.

Recent wins for Māori

The Māori Party won significant concessions on the Resource Legislation Amendment Bill before it passed in April because National wanted its votes to get the necessary majority (rather than seeking support from Act and Peter Dunne).

It was able to use this leverage to promote iwi engagement in Resource Management Act decision-making processes and to force an 11th-hour back-down by National on a provision which would have allowed central government to override decisions at the local level to be GM-free.

These gains were won recently; they are by no means the only wins Māori have made in the political arena, or the most important.

That honour goes to the extension of Treaty claims back to 1840 by the Labour Government in 1985 and to Tariana Turia’s success in getting Whānua Ora written into the Māori Party’s coalition agreement with National in 2011.

“The Act drew international coverage because it created a world first, giving the river the legal status of a person.”

Mistakes are still made

Probably the most conspicuous recent example was the Government's decision in 2015 to rush a proposed marine sanctuary in the Kermadec Ocean so that then Prime Minister John Key could announce it at a UN Conference in New York.

Key later said he thought the idea would be "pretty much universally supported", which may explain the failure to consult Māori first, despite the fact that the intention was to extinguish, without compensation, commercial fishing rights conferred on Māori in the Kermadec through the Treaty of Waitangi Fisheries Settlement Act 1992.

Māori anger at the Government's mismanagement led to a threat by the Māori Party to abandon its coalition arrangement with National, litigation by iwi interests in the High Court and the Waitangi Tribunal, and the establishment Bill being suspended at the second reading stage while the Government negotiates a solution which is acceptable to Māori.

Potential solutions include a co-management deal which would not remove quota rights but would impose a "no take" period to be reviewed after 25 years.

The dispute is not over the proposed marine park, which has broad support among both Māori and Pakeha, but over the Government's failure to respect Māori rights under the Treaty of Waitangi.

Parallels have been drawn between the National Government's Kermadec fumble and the Clark Labour Government's even more disastrous handling of the foreshore and seabed issue, the legacy of which still rumbles on as it caused a rupture in Labour's traditionally close relationship with Māori and triggered the formation of the Māori Party.

From here

While there might be considerable goodwill between government and Māori, the Crown's approach to Treaty claims is currently before both the Courts and Waitangi Tribunal. This signals that there is still some way to go.

“E tata runga, e roa raro – Be prepared for the long journey”

Wakatū – a game changer?

Kua takoto te mānuka – The challenge has been laid

The Supreme Court decision in Wakatū found that the Crown may owe enforceable duties of good faith to Māori arising from land transactions stretching back to the early colonial period. This has the potential to create a second source of redress for Māori other than the Treaty of Waitangi.

In February, the Supreme Court found unanimously that the Crown owed fiduciary duties to the Māori landowners of the well-known “Nelson tenths” land. The New Zealand Company purchased the land from Te Atiawa, Ngāti Rarua, Ngāti Tama, and Ngāti Koata in 1839. The Crown approved the purchase as “equitable” in 1845, and awarded the hapū a one-tenth share of the land and culturally-significant sites. Only a small portion of the land was ever reserved to the hapū, and this grievance was the basis of the lengthy court proceedings.

The Supreme Court accepted that the Crown held the disputed land under a private law trust or trust-like obligation under which it owed fiduciary duties to the hapū that owned the land and the hapū were entitled to normal contract law remedies.

A ground-breaking decision

This decision could comprehensively redefine the legal relationship between the Crown and Māori and to create a different lens through which historical breaches of Te Tiriti o Waitangi are viewed.

Until Wakatū, Treaty redress could only be allocated following a lengthy negotiation phase with the Crown and was limited by a range of policy and fiscal factors, including the “fiscal envelope” set by the Crown in the 1990s.

Wakatū also signifies a progression in indigenous rights law in New Zealand. The Supreme Court acknowledged the importance of the United Nations Declaration on the Rights of Indigenous Peoples in deciding that claims could be made 170 years after the alleged breaches took place.

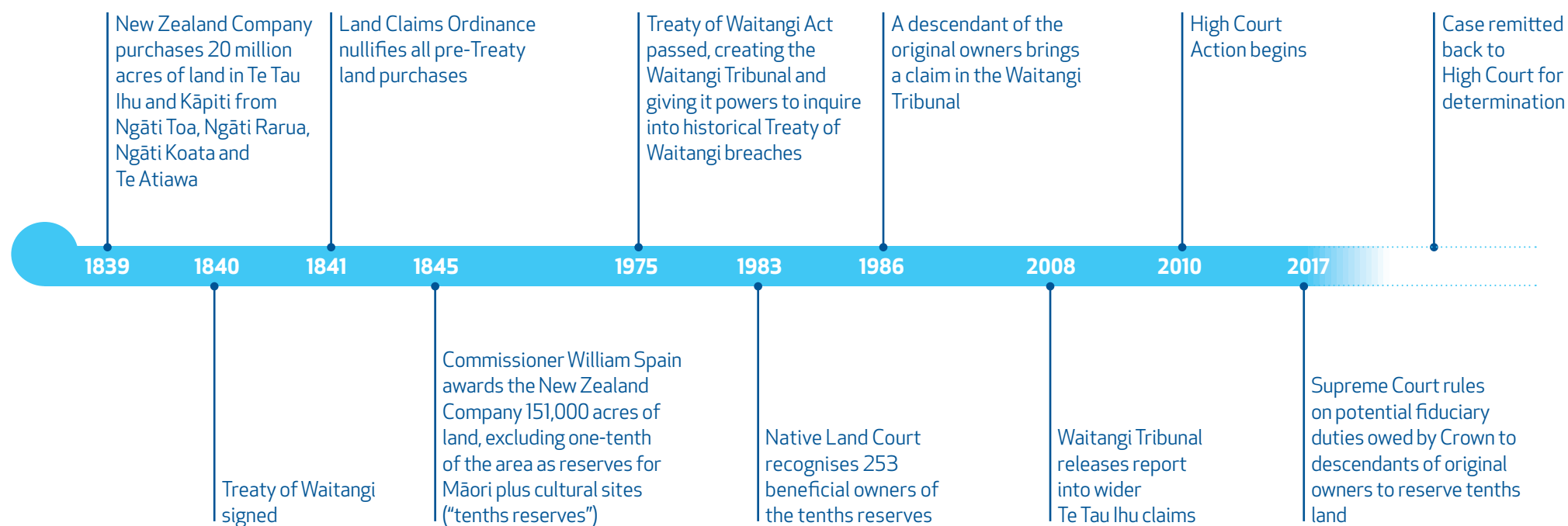
The Court also found that an individual rangatira (as opposed to an iwi trust or similar body) may bring a claim on behalf of an iwi, paving a path for the increased recognition of tikanga Māori and the collective rights of indigenous peoples in the law of Aotearoa.

Although it remains to be seen just how far the Wakatū judgment will be taken, there is now potential to have the courts assess historical Treaty breaches and provide meaningful relief to iwi and hapū.

We anticipate many iwi groups (both settled and those yet to settle with the Crown) will be reassessing their settlement and redress packages and considering a challenge to the Crown’s historical conduct in the courts.

“Until Wakatū, Treaty redress could only be allocated following a lengthy negotiation phase with the Crown and was limited by a range of policy and fiscal factors.”

THE TENTHS RESERVES: A TIMELINE



Chapman Tripp's Te Waka Ture team

E anga whakamua ana te waka – Forging a new path

Te Waka Ture, Chapman Tripp's Māori Legal Group, specialises in providing commercial legal advice to iwi, hapū, Māori landowners, Māori businesses, and those looking to work with them, focusing specifically on:

- post-Treaty settlement transactions
- joint ventures, and
- collective iwi arrangements.

As a substantial business, Chapman Tripp also takes responsibility to give back into the wider community. Te Waka Ture regularly undertakes pro bono work in order to assist iwi groups, Māori land trusts, and other Māori organisations with promoting and achieving their objectives. We also teach iwi governance courses, at undergraduate and Master's level, at the University of Auckland's Law School (where Nick Wells, Chapman Tripp's Hoa Rangapū Whakarae (Chief Executive Partner) is an Adjunct Professor).

"Te Waka Ture is an innovative approach by a large New Zealand law firm to meet the growing needs of iwi organisations. They are professional and offer sound legal advice. A lasting partnership with Chapman Tripp will help us to achieve our tribal aspirations of growing a prosperous, vibrant and culturally strong iwi."

Parekawhia McLean, in her role at the time as Chief Executive of Te Whakakitenga o Waikato

By drawing on our expertise and experience, our core team of iwi-focused lawyers can assist iwi and Māori organisations to maximise their commercial assets, helping them to achieve not only their commercial objectives, but providing a means to achieve their social and cultural objectives as well.

Te Waka Ture's recent highlights

We have advised:

- ICP, a consortium of 12 iwi, on the establishment of limited partnership joint ventures for the aggregation of fishing ACE. The ICP are recognised as a significant commercial player in the New Zealand fishing industry
- Ngāti Whātua Ōrākei in relation to the development and implementation of its post-settlement structure, which we believe will be the benchmark for post-settlement structures going forward. We are also advising Ngāti Whātua Ōrākei Trust on its participation in the Tāmaki Collective Treaty settlement
- Te Runanganui o Ngāti Porou on its obligations as landowner of forestry blocks which are subject to Crown forestry licences and were returned to Ngāti Porou as part of its Treaty settlement. We have also provided similar advice to Ngāti Whātua o Kaipara in relation to forest land acquired as part of its recent Treaty settlement

- Te Whakakitenga o Waikato on a range of governance issues including its governance review process and the rewrite of its rules
- Māori Television in domain name arbitration before the World Intellectual Property Organisation
- the Ministry of Māori Development (Te Puni Kōkiri) on legislation intended to further Māori business interests
- Te Tii (Waitangi) B3 Trust on terminating the existing ground lease (including settled negotiations) and entering into a new lease with Progressive Enterprises, including structuring the leases to protect the freehold land and appearing in the Māori Land Court
- Ngāti Porou Whānui Forests on a carbon-leasing transaction that involved 34 land blocks, most of which were Māori freehold land and subject to the provisions of Te Ture Whenua Māori Act 1993, requiring an appearance in the Māori Land Court, and
- Parahirahi C1 Trust on its transition away from Māori Reservation status and in relation to its negotiations to lease the Crown-owned part of the Te Waiariki Ngawha Springs complex including Māori Land Court appearances. We also advised the Trust on its resource consent issues in relation to the Ngawha Springs, appearing in the relevant Court hearings.

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Chapman Tripp is New Zealand's leading full-service commercial law firm, with offices in Auckland, Wellington and Christchurch. Our lawyers are recognised leaders in corporate and commercial, mergers and acquisitions, capital markets, banking and finance, restructuring and insolvency, litigation and dispute resolution, employment, government and public law, intellectual property, telecommunications, real estate and construction, energy and natural resources, and tax law.

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Every effort has been made to ensure accuracy in this publication. However, the items are necessarily generalised and readers are urged to seek specific advice on particular matters and not rely solely on this text.

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