

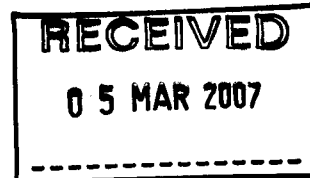


Office of Hon Parekura Horomia, M.P. for Ikaroa-Rawhiti
Minister of Māori Affairs
Associate Minister of State Services
Associate Minister of Education
Associate Minister of Fisheries
Associate Minister for Social Development and Employment

(yf) ?

2 - MAR 2007

Hon Tim Barnett
Member of Parliament
Parliament Buildings
WELLINGTON



Tēnā koe Tim

Minginui Officials Working Group

Thank you for your letter of 12 January 2007, in which you have requested a brief on the work to date of the Minginui Officials Working Group ("MOWG"), including its current projects and future plans.

I attach, for your information, a copy of the paper prepared by my officials noting that a Minginui Regional Agency Forum ("MRAF") has superceded the MOWG, which officials now intend to disestablish.

The attached paper highlights the success of the MOWG in bringing the issues arising in Minginui to the attention of the responsible agencies and local authorities. The MRAF is currently assessing the suitability of their programmes as they may apply to Minginui. As an example of the coordinated approach being taken by agencies, I note that the Ministry of Health and Housing New Zealand Corporation are discussing potential synergies between their programmes to address Minginui's drinking water network. I endorse this coordinated approach, and note that regionally-based departments will be engaging with the relevant iwi and community entities in Minginui in a coordinated manner.

Heoi anō, nā


Hon Parekura Horomia
Minister of Māori Affairs



9 February 2007

Minister of Māori Affairs

MINGINUI OFFICIALS WORKING GROUP AND WAY FORWARD

Purpose

1. This paper:
 - reviews progress made by the Minginui Officials Working Group ("MOWG");
 - notes that a Minginui Regional Agency Forum ("MRAF") has been formed by regionally-based departments, which supercedes the MOWG; and
 - notes the intention of officials to disestablish the MOWG.

Background

Minginui Forest Village and Ngāti Whare

2. Minginui Forest Village is situated in the Whirinaki valley, at the core of the Ngāti Whare takiwā, and the majority of the residents are affiliated to Ngāti Whare. The village was built by the New Zealand Forestry Service ("NZFS") on Crown land in the late 1940s, and was largely owned and run by the Crown until the disestablishment of the NZFS in 1987.
3. After discussions with Ngāti Whare and advice from a number of government departments, the Government took the unusual step of transferring the village (land, houses and infrastructure) to a trust established in 1989.
4. During the Waitangi Tribunal Urewera district inquiry hearings at Te Whaiti in September 2004, Ngāti Whare drew attention to significant asbestos contamination, wood treatment contamination, and possible sewage contamination. Ngāti Whare also claimed that the Crown failed to provide adequate resources to Ngāti Whare and to the Minginui Village Council ("MVC") to address the infrastructure problems and the social needs of the community when it returned control and ownership of Minginui, and knowingly divested itself of an economic liability.
5. The Crown's relationship with Minginui is the subject of historical Treaty of Waitangi settlement negotiations over whether the Crown's historical actions were in breach of its Treaty obligations to Ngāti Whare. However, Crown Law, Treasury and the Office of Treaty Settlements



considered that many current issues affecting Minginui sit well outside the brief of the historical Treaty settlement process because they relate to contemporary public health, infrastructure and economic development. Moreover they also affect Minginui residents who are not affiliated to Ngāti Whare. As a direct result, a number of mainstream agencies took action at the regional level to address specific public health issues.

Minginui Officials Working Group

6. The original proposal that Te Puni Kōkiri convene the MOWG arose from discussions between OTS, the Crown Law Office, the Treasury and Te Puni Kōkiri, as the issues arising in Minginui did not fall within the scope of historical Treaty settlements.
7. On 7 March 2005, you noted a proposal from officials that Te Puni Kōkiri convene a committee of officials from a number of central agencies to develop and coordinate a strategic government response to the socio-economic and public health issues affecting the residents of Minginui.
8. Since then, the MOWG has met five times to identify and consider the appropriateness of current and emerging policies and programmes that could be applied to these issues. The MOWG last met in early 2006.
9. On 22 November 2005, officials forwarded a copy of the report "Accessing Economic Development Opportunities in the Whirinaki" to you for your information and consideration. The report was prepared for Te Puni Kōkiri by consultants Martin, Jenkins and Associates ("the Martin, Jenkins and Associates report"). It was designed as a resource for both the Minginui community and agencies working with them, and it identified opportunities and impediments to economic development in Minginui flowing from the Department of Conservation's planned investments in the neighbouring Whirinaki Conservation Park. You agreed to forward copies of the report to relevant responsible Ministers.
10. Te Puni Kōkiri officials understand that an advisor to Te Rūnanga o Ngāti Whare Iwi Trust ("the Rūnanga") discussed Minginui with Member of Parliament Tim Barnett in December 2006. The Crown is currently negotiating the settlement of Ngāti Whare's historical Treaty of Waitangi claims with the Rūnanga.
11. On 16 January 2007, Member of Parliament Tim Barnett requested a briefing update from you on the MOWG's work to date, current projects and future plans.

MOWG progress

12. Officials last briefed you on 25 August 2006, outlining progress made by the MOWG. The brief noted that officials were seeking to establish a sound basis for further consideration of sustainable solutions for Minginui through the MOWG.
13. Since then, Te Puni Kōkiri and the Ministry for the Environment ("MfE") approached engineering consultancies to consider indicative costs for technical assessments of the reported contamination in the former Minginui sawmill site, and the village's public health infrastructure. The

comprehensive technical assessments previously suggested by the Ngāti Whare Trust are not currently being contemplated by the MOWG, due to the potential for departmental programmes to be able to accommodate Minginui's needs over time. Te Puni Kōkiri's regional office also developed a proposal for a baseline community profile. The community profile did not gain traction due to complicating factors arising from the Treaty settlement process.

14. On 7 February 2007, local representatives from Housing New Zealand Corporation ("HNZC"), OPUS, the Department of Conservation ("DOC"), Bay of Plenty District Health Board, the Ministry of Health ("MoH"), the Ministry of Social Development ("MSD"), Te Puni Kōkiri and the Whakatane District Council met to consider their programmes as they may apply to Minginui. Agencies and relevant local authorities have agreed to form a Minginui Regional Agency Forum ("MRAF") to initially address the contaminated water supply issue in Minginui, and coordinate other initiatives.
15. The attached annex outlines current departmental initiatives.

Progress in Treaty settlement negotiations

16. As noted at paragraph 10, the Crown is currently negotiating the settlement of Ngāti Whare's historical Treaty of Waitangi claims with the Rūnanga. The Office of Treaty Settlements ("OTS") has presented cultural and financial redress offers to the Rūnanga, and negotiations are now focussing on the development of a commercial offer.
17. The Crown Law Office has yet to undertake a full assessment of potential historical breaches of the Treaty of Waitangi, or whether any legal liability arose as a result of Crown activity prior to 21 September 1992. The Crown has not conceded any Treaty breach stemming from the transfer of Minginui to Ngāti Whare in 1989.
18. Te Puni Kōkiri officials have had preliminary discussions with OTS, Crown Law and the Treasury on ways of addressing the contemporary issues facing the Minginui community that also facilitates the successful conclusion of a comprehensive and durable historical Treaty settlement for Ngāti Whare and the Crown.

Comment

19. The terms of reference for the MOWG are to identify the issues arising in Minginui and the current policy and programme settings. The terms of reference do not envisage having a permanent officials group for Minginui. Officials consider that the MOWG has fulfilled its terms of reference, and departments are now co-ordinating their programmes as they apply to Minginui through the MRAF. Departments are now clear that for matters relating to the land and utilities in Minginui, that the Ngāti Whare Trust (and Minginui Village Council) are the first points of contact.
20. Officials consider the MOWG process has succeeded in highlighting the issues in Minginui to relevant responsible departments, who are now in a position to consider what level of priority they accord Minginui within current policy and programme settings. Further, the MOWG process is



unnecessarily top-down, and adds a further layer of bureaucracy which may hinder regionally-based initiatives. The community itself needs to lead its own strategic approach, and in its own time. This includes addressing overarching issues relating to governance and identifying community aspirations.

21. MOWG officials have therefore agreed to disestablish the MOWG, and any departmental engagement will be conducted by relevant responsible agencies in a coordinated manner. This is expected to be carried out predominantly at the regional level by the MRAF. Officials from MoH and HNZC have held preliminary discussions on the potential synergies between the Drinking Water Assistance Programme ("DWAP") and Rural Housing Programme. Officials are also consulting with the Minginui Village Council, Ngāti Whare Trust, and the Whakatane District Council on these programmes, which have the potential to address the entire drinking water network in Minginui from the bore to the tap. The regional office of Te Puni Kōkiri is supporting this initiative.
22. The earlier rationale for undertaking technical assessments and a baseline community profile was to support an evidenced-based approach in the event that a special one-off appropriation was to be considered through the MOWG. Officials have reviewed this approach because:
 - the DWAP administered by the MoH should be able to address the drinking water network;
 - the Contaminated Sites Remediation Fund ("CSFR") administered by MfE may be able to accommodate a site inspection of the former Minginui sawmill site in the 2006/07 financial year;
 - the environment is not currently conducive to a community profile being developed due to complicating factors arising through the historical Treaty settlement process (though Te Puni Kōkiri's regional office is prepared to work alongside the community if and when the community is ready to engage); and
 - the appropriate forum for consideration of a one-off Crown appropriation to address the outstanding issues related to the transfer of Minginui is the historical Treaty settlement negotiations framework.
23. Regionally-based departments have also been meeting to discuss their potential to involve Minginui in the long-term Crown investment in the Whirinaki Forest.

Consultation

24. MOWG member agencies have been consulted on this paper. Those agencies are MfE, the Department of Labour, MoH, HNZC, MSD, the Department of Internal Affairs ("DIA"), the Ministry of Economic Development (New Zealand Trade and Enterprise Rotorua) and OTS. The Rotorua Regional Conservancy of the Department of Conservation ("DOC") has also had an opportunity to comment on the paper.

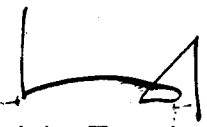


25. The way forward identified in this paper has been supported by MfE, MoH, HNZC, MSD, DIA, and DOC (Rotorua Regional Conservancy). OTS has indicated support but highlighted the following risks.
26. OTS is of the view that the disestablishment of the MOWG may impact negatively on negotiations with Ngāti Whare, and the Rūnanga will seek to bring any unresolved issues to the negotiation table. This will then require Ministers to consider whether they wish to pursue an ad hoc solution to any unresolved Minginui issues 'in parallel' to the settlement process.
27. OTS officials also consider that there is a risk, as with any settlement negotiations, that a settlement with Ngāti Whare will not be reached. If this were to happen it would potentially leave the matter unresolved in the minds of Ngāti Whare.
28. Notwithstanding these potential risks, and in view of the coordinated approach being taken by the MRAF, officials have agreed to disestablish the MOWG, and relevant responsible agencies will continue to engage with Minginui in a coordinated manner.

Recommendations

29. It is recommended that you:

- a. **note** that a Minginui Regional Agency Forum has been established to initially address the water supply issue in Minginui;
- b. **note** that regionally-based agencies are coordinating their programmes as they may apply to Minginui;
- c. **note** that the Minginui Officials Working Group has fulfilled its terms of reference, and has been superseded by the Minginui Regional Agency Forum; **Yes/No**
- d. **agree** to sign the attached letters forwarding copies of this brief to relevant responsible Ministers for their information; and **Yes/No**
- e. **note** that Te Puni Kōkiri officials are drafting letters for you to sign to Te Rūnanga o Ngāti Whare Iwi Trust and the Ngāti Whare Trust advising of the situation, and will forward these to you shortly.


Dr John Tamahori
for Chief Executive

<p>NOTED / SEEN / APPROVED Minister of Maori Affairs</p> <p><i>P. T. Hoare</i></p> <p>20 / 2 / 2007</p>
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Annex

Departmental initiatives as they apply to Minginui

Contamination in the former Minginui sawmill site

30. MfE has advised that the CSRF may be able to accommodate a site inspection at the former Minginui sawmill site in the 2006/07 financial year. Normally, regional councils can apply to the CSRF on behalf of the owners of contaminated sites. In this case, Minginui is not a high priority for Environment Bay of Plenty ("EBOP") in the context of other contaminated sites in the region, and the costs of cleaning up the site. Nevertheless, officials understand that EBOP has indicated support for the Ngāti Whare Trust / Minginui Village Council approaching MfE to discuss the potential of the CSRF accommodating a site inspection. Te Puni Kōkiri supports this approach.

Drinking water network

31. As the supplier of drinking water in Minginui, the Minginui Village Council is able to apply to the DWAP administered by the MoH. The DWAP consists of two components, a Technical Assistance Programme ("TAP"), which assesses the state and public health risk from the existing drinking water supply, and is fully funded by government. If the TAP demonstrates that capital assistance may benefit a community, the Capital Assistance Programme ("CAP") may be able to meet the replacement needs of locally-owned reticulated drinking water supplies. Subject to the TAP, the indication is that Minginui could meet the criteria for up to 90 to 95 percent subsidy for a new drinking water network.
32. A TAP assessor visited Minginui in early December 2006, and intends to visit again in early 2007. Te Puni Kōkiri officials understand that HNZN should be able to respond to any outstanding drinking water issues through the Rural Housing Programme. These initiatives are currently being addressed by MoH's TAP assessor and HNZN's Whakatane office, in consultation with the Minginui Village Council (and Ngāti Whare Trust). Te Puni Kōkiri's regional office continues to sit in on these meetings in view of our key stakeholder relationship with the Minginui community.

Sewerage

33. The other key outstanding concern identified through the MOWG process was the state of the sewerage system (septic tanks). As landowner, the Ngāti Whare Trust can work alongside residents to address any issues arising in relation to their septic tanks. Toi Te Ora Public Health has advised that the existing septic tank systems do not pose a public health risk.
34. MoH administers the Sanitary Works Subsidy Scheme ("SWSS") but has advised that 75% of the funding for the scheme has already been allocated and any remaining funds would not become available till late 2010. Under the terms of the SWSS, community sewerage schemes are required to be guaranteed by the relevant local authority that they



