Office of Hon Christopher Finlayson

1.7 NOV 2015

Tim Selwyn fyi-request-3264-8c15055d@requests.fyi.org.nz

Tēnā koe

Your request under the Official Information Act 1982

I refer to your email of 20 October 2015 requesting information under the Official Information Act 1982 (**the Act**) regarding a meeting between myself and lwi of the Eastern Bay of Plenty and myself in Opotiki on 4 October 2015:

- "The names and positions of all those present at the meeting; and
- 2. Correspondence from and to the Minister and his staff in relation to the above meeting; and
- 3. Documents made or held by the Minister and his staff in relation to the above meeting including any minutes taken, advice given to the Minister, and emails prior to or subsequent to the above meeting."

I have considered your request and enclose the following documents listed at Appendix One in response to your request. Please note that parts of certain documents have been withheld under the Act pursuant to sections:

- a. 9(2)(a) to protect the privacy of natural persons;
- 9(2)(b)(ii) to protect information that would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information;
- c. 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions between officials; and
- d. 9(2)(j) to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations.

Please note the parts of the documents not relevant to your request have also been redacted.

I trust that this letter, and the attached documents, answers your request for information.

Under section 28(3) of the Act you may, if you wish, contact the Ombudsman seeking investigation and a review of the decision to withhold certain information.

Nāku noa, nā

Hon Christopher Finlayson

Minister for Treaty of Waitangi Negotiations

Appendix 1: table of documents for release

#	Date	Document type	Withholding reasons
1	16-Sep-15	Email correspondence from OTS to Ken Mair	s9(2)(a), 9(2)(j)
2	23-Sep-15	Email correspondence between OTS and MfTOWN's office and attachment notes on Ngāitai	s9(2)(a), 9(2)(g)(i)
2a		OTS memo on Ngāitai	s9(2)(b)(ii) and s9(2)(j)
3	25-Sep-15	Email chain between OTS staff	S9(2)(a)
4	1-Oct-15	Email chain between OTS and MfTOWN's office and attached Aide Memoire x2	s9(2)(a)
4a		 Aide Memoire – Whakatōhea, (Ngāitai (ki Tōrere) and Te Whānau ā Apanui meeting 4 October 2015 (signed by MfTOWN) 	S9(2)(a), s9(2)(b)(ii). S9(2)(g)(i) and s9(2)(j)
5	20-Oct-15	Email: notes from Visit 4/10 with Whakatōhea, Ngaitai (ki Torere) and Te Whānau ā Apanui	s9(2)(a)





Te Tari Whakatau Take e pa ana ki te Tiriti o Waitang

www.ots.govt.nz

From: Owen, Emily

Sent: Wednesday, 16 September 2015 3:58 p.m.

To: ken.mair@xtra.co.nz

Cc:

Subject: Minister to meet with Whakatohea and Te Whanau A Apanui

Withheld under section 9(2)(a) of the Official Information Act 1982.

Kia ora Ken

Hope your well.

Further to my phone message the Ministers office has now confirmed that the Minister is available to meet with representatives of Ngattai ki Torere, Te Whanau a Apanui and Whakatohea in Opotiki between 11.15am & 11.45am on Sunday 4 October. Another team in the office will touch base with Ngaitai, however, we would appreciate it if you could touch base with Te Whanau a Apanui and Whakatohea to check their availability and willingness in the first instance, and let them know we will be in touch to discuss logistics.

Looking forward to our next catch up.

Nga mihi,

Emily

Withheld under section 9(2)(j) of the Official Information Act 1982.



Emily Owen

Settlement Development Manager (Acting)

DDI: +64 **4 496 3362** | Ext 50362 |

www.justice.govt.nz



Not relevant to request



Te Tari Whakatau Take e pa ana ki te Tiriti 🔊 🥡 tangi

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From:

Sent: Wednesday, 23 September 2015 5:13 p.m.

To: Owen, Emily; **Cc:** Chrisp, Tipene

Subject: RE: Meet with Ngaitai ki Torere To Whanau a Apanui and Whakatohea

Kia ora korua,

Please see attached some notes on Ngãitai for your brief to MFTOWN.

Ngā mihi

Withheld under section 9(2)(a) of the Official Information Act 1982.

From: Chrisp, Tipene

Sent: Wednesday 23 September 2015 12:10 p.m.

To:

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

please see below. by 'we', I meant 'you'! :-) Thank you.

Tipene

Withheld under section 9(2)(a) of the Official Information Act 1982.

From: Chrisp, Tipene

Sent: Wednesday, 23 September 2015 12:09 p.m.

To: Owen, Emily Cc: Johnston, Doris;

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Hey Em,

we will do some notes for Ngai Tai.

Tipene

Withheld under section 9(2)(a) of the Official Information Act 1982.

Withheld under section

9(2)(a) of the Official

Information Act 1982.

From:

Sent: Wednesday, 23 September 2015 12:05 p.m.

To: Owen, Emily

Cc: Johnston, Doris;

Chrisp, Tipene

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Kia ora Emily,

Thanks for your email, that's good news.

Re venue – yes please! Also, can OTS provide a briefing prepping the Minister for the meeting by 4pm next Wednesday 30 September 2015? Cheers!

Ngā mihi,

From: Owen, Emily [mailto:Emily.Owen@justice.govt.nz]

Sent: Wednesday, 23 September 2015 12:02 p.m.

To:

Cc: Johnston, Doris;

Chrisp, Tipene

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Aparun and Whakatohea

Withheld under section

S(X)(a) of the Official

Prormation Act 1982.

Kia ora.

Ken has confirmed that Te Whanau A Aparunana Ngai Tai are keen to meet with the Minister on the 4th,

ust in terms of logistics I'm assuming we should organise a venue?

Nga mihi,

Emily

Withheld under section 9(2)(g)(i) of the Official Information Act 1982.

From

Sent: Tyesday, 22 September 2015 10:37 a.m.

To: Owen, Emily

Cc: Johnston, Doris;

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Kia ora ano,

Awesome, thanks Emily!

Ngã mihi,

Withheld under section 9(2)(a) of the Official Information Act 1982.

From: Owen, Emily [mailto:Emily.Owen@justice.govt.nz]

Sent: Tuesday, 22 September 2015 9:52 a.m.

To:

Cc: Johnston, Doris;

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Withheld under section 9(2)(a) of the Official Information Act 1982

∀ithheld under section (2)(a) of the Official Information Act 1982.

Hi

Just touched base with Ken, the groups were considering last night, Ken is going to follow up and get back to me asap.

I'll let you know as soon as I hear.

Emily

From:

Sent: Monday, 21 September 2015 5:01 p.m.

To: Owen, Emily **Cc:** Johnston, Doris;

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Kia ora Emily,

Any update/word on whether Ngaitai ki Torere, Te Whanau a Apanui and Whakatobea car meet with the Minister in

1

Opotiki between 11.15am & 11.45am on Sunday 4 October?

Ngā mihi,

From: . __.

Sent: Thursday, 17 September 2015 9(54 a)n.

To: 'Owen, Emily'

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Ananu and Whakatohea

Thanks Emily.

Ngā mibi

Withheld under section 9(2)(a) of the Official Information Act 1982.

Withheld under section

9(2)(a) of the Official

Information Act 1982.

From: Owen, Emily [mailto:Emily.Owen@justice.govt.nz]

Sent: Thursday, 17 September 2015 9:49 a.m.

10:

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Not relevant to request

Also Ken is going to touch base with the groups and get back in touch early next week, I'll let you know as soon as I hear back

From: I

Sent: Thursday, 17 September 2015 9:33 a.m.

To: Owen, Emily; Johnston, Doris

Cc: Kelly, Kevin; Chrisp, Tipene

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Morena korua,

Withheld under section 9(2)(a) of the Official Information Act 1982.

The Minister has asked that Doris attend the meetings with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea if at all possible, thanks.

Withheld under section 9(2)(a) of the Official Information Act 1982.

From:

Sent: Wednesday, 16 September 2015 4:21 p.m.

To: 'Owen, Emily'; Johnston, Doris

Cc: Kelly, Kevin; Kaipara, risp, Tipene

Subject: RE: Meet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Kia ora Emily,

I'd usually say it's up to OTS to advise whether the Minister will need officials and cultural support but the Minister is actually in Opotiki that day to speak at the 150th commemoration of the siege of Te Tarata at Õhui, Terere Pā Rd so I have asked the SPS here if the Minister will require cultural support for that event in which case it may be helpful for OTS to arrange that for him.

I will get back to you on this asap (probably tomorrow morning).

Ngā mihi,

the dunder section

(a) of the Official normation Act 1982.

From: Owen, Emily [mailto:Emily.Owen@justice.gov Sent: Wednesday, 16 September 2015 3:30 p.m)

To: a; Johnston, Doris

Cc: Kelly, Kevin; Chrisp Tipene

Subject: RE: Meet with Ngaitai ki Forere, Te Whanau a Apandi and Whakatohea

Sure thing. Will the Minister need a OTS official to be present?

From:

Sent: Wednesday, 16 September 2015 3:48 p.m.

To: Johnston, Doris; Owen Emily

Cc: Kelly, Kevin

Subject: Weet with Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea

Withheld under section 9(2)(a) of the Official Information Act 1982

Kia ora korua,

Further to the Minister's statement at officials meeting this morning, the Minister could meet with representatives of Ngaitai ki Torere, Te Whanau a Apanui and Whakatohea in Opotiki between **11.15am & 11.45am on Sunday 4 October**.

Please confirm this time suits the appropriate representatives of those groups when able.

Ngā mihi,

Private Secretary (Treaty of Waitangi Negotiations) to Hon Christopher Finlayson QC Parliament Buildings | Wellington | New Zealand |

Withheld under section 9(2)(a) of the Official Information Act 1982.

Ngāitai

Background

- Ngāitai (ki Tōrere) is a small iwi located in the eastern Bay of Plenty (see attached area of interest map). In 2014 the Crown assessed Ngāitai's population as 2,203 for quantum purposes.
- 2. The table below provides further background information.

Ngāitai mandated negotiation body	Ngāitai lwi Authority. The Crown recognised its	
	deed of mandate in 2014	
Ngāitai PSGE	None	
Ngāitai key personnel	Garry Watson (Chair); Raelyn Rika (Secretary);	
	Ripeka Mihaere (Treasurer)	
Chief Crown Negotiator	John Harbord	
Overlapping claimant groups	Te Whānau ā Apanyi (east); Whakatohea (west),	
9	Tühoe, Ngāti Rorou and Te Aitanga a Mānaki	
· ·	(south)	

Status of Negotiations

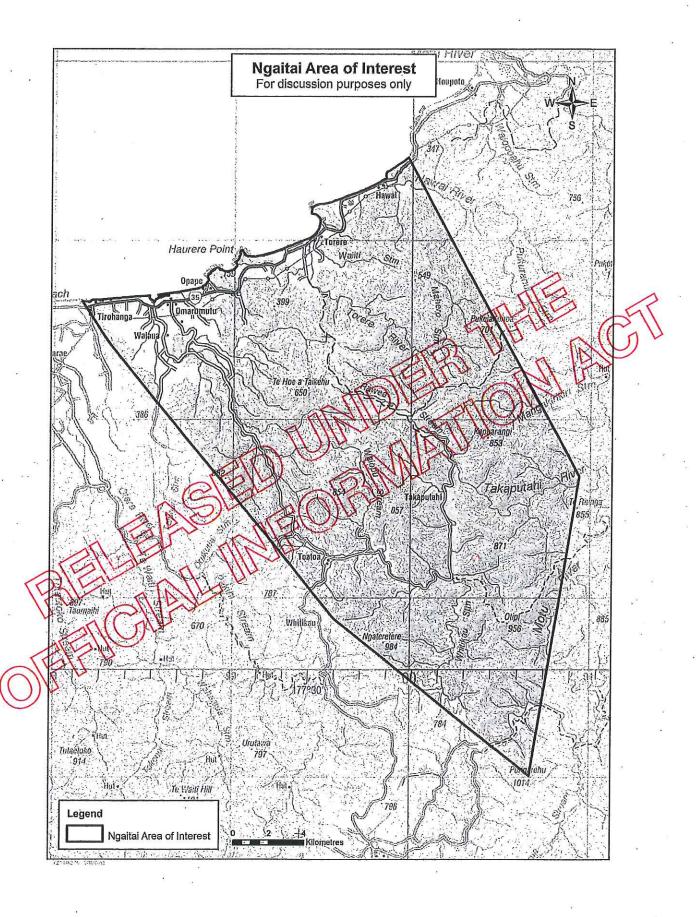
- 3. The Crown recognised Ngartai's deed of mandate in June 2014. Subsequently, we met with Ngartai on 18 November 2014 to provide an everyiew of the Treaty settlements process generally. There has been no substantial progress in negotiations since that time.
 - Withheld under section 9(2)(j) of the Official Information Act 1982.

Withheld under section 9/2/6)(ii) of the Official Information Act 1982.

6. Ngāitai has not indicated any settlement aspirations to date.

Withheld under section 9(2)(j) of the Official Information Act 1982.

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Te Tari Whakatau Take e pa ana ki te uriti o wananyi

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under section

(a) of the Official

information Act 1982.

From:

Sent: Friday, 25 September 2015 1:50 p.m.

To:

Subject: RE: Briefing for Minister's meeting 4 Oct 2015

Kia ora * '

Please see attached my comments and suggested changes. I focused mostly on Ngāitai but I did suggest a few changes elsewhere in the paper.

Ngā mih

From:

Sent: Friday, 25 September 2015 12:32 p.m.

To:

Subject: Briefing for Minister's meeting 4 Oct 2015

Kia ora

Withheld under section 9(2)(a) of the Official Information Act 1982.

Attached draft briefing for your review and track changes comment back to me by 2pm Monday 28 September.

Wednesday 30 September briefing goes to our Minister.

Apologies to short turnaround time for your edits.

Ngā mihi -



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Withheld under section 9(2)(a) of the Official Information Act 1982.

From:

Sent: Thursday, 1 October 2015 9:19 a.m.

To: Johnston, Doris; Owen, Emily

Cc: correspondence, official; Kelly, Kevin;

Subject: RE: Report 2015/16 - 221 Whakatōhea, Ngāitai (ki Tōrere) and Te Whanau a Apanut 4 October 2015

meeting

Kia ora korua,

Please find attached a pdf copy of the report titled '221 - Whakatökea, Ngaitai (ki Törere meeting 4 October 2015' as considered by the Minister.

Ngā mihi,

From: | _

Sent: Wednesday 30 September 2015 12:40 p.

221 Whakatonea, Ngāitai (ki Tōrere) and Te Whānau ā Apanui 4 October 2015 Subject

meeting

Kia ora /

Thanks very much for this.

Withheld under section 9(2)(a) of the Official Information Act 1982

From:

Sent: Wednesday, 30 September 2015 12:31 p.m.

Subject: Report 2015/16 - 221 Whakatōhea, Ngātai (ki Tōrere) and Te Whānau ā Apanui 4 October 2015 meeting

Kia ora

Attached PDF and word version of Report 2015/16 - 221.

The briefing provides the Minister with background information for his meeting with Whakatōhea, Ngātai (ki Tōrere)

and Te Whānau ā Apanui iwi representatives on Sunday 4 October 2015.

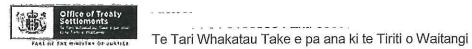
Withheld under section 9(2)(a) of the Official The briefing is for his noting. 1

Information Act 1982.

Briefing in today's OTS 3.30 bag.

Nāku noa, nā

Withheld under section 9(2)(a) of the Official Information Act 1982.



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Aide Memoire

To Hon Christopher Finlayson

Minister for Treaty of Waitangi Negotiations

File no.

CLA-DV-087-04-02

From

Doris Johnston

027 431 2358

Deputy Director, Policy and Special Projects

Report no.

2015/2016-221

Date

30 September 2015

Title

Whakatöhea, Ngāitai (ki Törere) and Te Whānau ā Apanui meeting 4 October 2015

Purpose

This briefing provides you with background information for your meeting with Whakatobea,
 Ngāitai (ki Torere) and Te Whānau ā Apanui iwi representatives on Sunday 4 October 2015.

Meeting details

2. You are meeting with Whakatonea, Ngaital (ki Torere) and Te Whanau a Apanui representatives at the Whakatonea Maori Trust Board Office in Opotiki (11.15 am – 11.45 am). The meeting is scheduled for 30 minutes. Representatives attending are:

lwi	05	Representatives	
Whakato	lea C	Graeme Riesterer, Chairperson Tū Ake Whakatōhea	
7/ 17	The same	Robert Edwards, Chairperson Whakatōhea Māori Trust Board	
	1	Iwi kaumatua	
Mgaitai (ki Torere)		Gary Watson, Chairperson Ngāitai Iwi Authority	
	107	lwi kaumātua	
Te Whāna	u a Apanui	Matetu Herewini, Chairperson Te Rünanga o Te Whānau	
		Rikirangi Gage, Negotiator	
1 D		lwi kaumătua	

3. The purpose of the meeting is to encourage Whakatōhea, Ngāitai (ki Tōrere) and Te Whānau ā Apanui to move their respective Treaty settlements forward. We understand that in addition to this focus you are interested in exploring ideas for a regional approach to Treaty settlement _negotiations (see Appendix 1 iwi map of region)

4.

Mr Mair will attend the meeting. Doris Johnston, Deputy Director Policy and Special Projects, at the Office of Treaty Settlements (OTS) will attend the meeting.

Withheld under section 9(2)(j) of the Official Information Act 1982.

Withheld under section 9(2)(g)(i) of the Official Information Act 1982.

- 5. Background information on each iwi group is provided below as follows:
 - Whakatōhea (paragraphs 6-18) led by TPK;
 - Ngāti (ki Tōrere) (paragraphs 19-25) led by OTS; and
 - Te Whānau ā Apanui (paragraphs 26-39) led by OTS

Whakatōhea

- 6. There are five groups seeking to represent part or the whole of Whakatōhea in a Treaty settlement with the Crown:
 - Whakatōhea Māori Trust Board;
 - Tü Ake Whakatöhea Collective;
 - Whakatōhea Raupatu Working Party;
 - Te Üpokorehe Treaty Claims Trust; and
 - Te Whānau a Mokomoko.

7. Of these groups, officials are working with the Tu Ake Whakatonea Collective (Tu Ake Collective) and Whakatonea Raupatu Working Party (the Working Party) supported by the Whakatonea Māori Trust Board (the Trust Board) to form a single entity to negotiate a Whakatonea Treaty settlement with the Crown.

8.

VVithheld under section 9(2)(j) of the Official Information Act 1982.

In 2013 officials provided comment to Tū Ake Collective on their October 2013 draft mandate strategy. Officials similarly provided comment to the Working Party on their draft mandate strategy submitted in March 2013.

In December 2013, officials provided both groups with a draft mandate strategy combining the commonalities of their mandate strategies as a working document to assist these groups to work together.

Withheld under section 9(2)(j) of the Official Information Act 1982.

11. Since 2013 officials have continued to encourage the Tū Ake Collective and the Working Party to work together and promote with the other Whakatōhea groups the development of a single mandate strategy and the establishment of a single Whakatōhea entity to represent Whakatōhea in Treaty settlement negotiations with the Crown.

Ken Mair discussions

12. To help move mandate activity forward in May 2015 Ken Mair was appointed to the role of Crown Facilitator for Whakatōhea.

Withheld under section 9(2)(j) of the Official Information Act 1982.

13.

14. Mr Mair has met with the Tū Ake Collective, the Working Party and Te Ūpokorehe to promote a collective approach and the establishment of a single Whakatōhea mandated entity. Mr Mair has also got groups to consider the Tū Ake Collective's draft mandate strategy.

15.

Withheld under section 9(2)(j) of the Official Information Act 1982

16.

17.

Next Steps

18.

Withheld under section 9(2)(j) of the Official Information Act 1982.

Ngāitai (ki Törere)

19 Ngaitai (ki Tōrere) is a small iwi located in the eastern Bay of Plenty. In 2014 the Crown assessed Ngaitai's population as 2,203 for quantum purposes.

In June 2014 the Crown recognised the mandate of the Ngāitai Iwi Authority (the Authority) to represent Ngāitai in Treaty settlement negotiations with the Crown. Officials met with the Authority on 18 November 2014 to provide an overview of the Treaty settlements process. Since this meeting there has been no substantial progress in their Treaty settlement negotiations.

Withheld under section 9(2)(j) of the Official Information Act 1982.

22.

Withheld under section 9(2)(b)(ii) of the Official Information Act 1982.

Withheld under section 9(2)(j) of the Official Information Act 1982.

Issues for consideration

23.

24.

25. The Authority has not indicated any settlement aspirations to date.

Te Whānau ā Apaņui

- 26. In 2010 the Crown recognised a conditional mandate for Te Runanga of Te Whanau (Te Runanga) to negotiate a Te Whanau a Apanui Treaty settlement subject to the following conditions;
 - completion of a mutually agreed mandate strategy;
 - implementation of agreed mandate strategy
 - completion of a robust and transparent mandate process that leads to a deed of mandate for joint Ministers recognition; and
 - completion of Terms of Negotiation.

27

Withheld under section 9(2)(j) of the Official Information Act 1982.

29.

30.

Withheld under section 9(2)(j) of the Official Information Act 1982.

31.

Withheld under section 9(2)(j) of the Official Information Act 1982.

32.

Issues for consideration

33,

34. They seek a holistic approach to a Treaty settlement, MACA and "contemporary claims" discussions for the cultural, social and economic health and development of Te Whanau a Apanui.

35.

Withheld under section (2)(1) of the Official Information Act 1982.

JU.

Ken Mair discussions

- 38. To help progress discussions with Te Whānau ā Apanui Ken Mair was appointed to the role of Crown Facilitator for Te Whānau ā Apanui in May 2015. Mr Mair has initiated individual discussions with Te Whānau ā Apanui negotiators and Te Rūnanga members to gain an understanding of the leadership of these groups, their relationships and their perspectives on Treaty settlements.
- 39. To bolster Te Whānau ā Apanui Treaty settlement negotiations impetus Mr Mair has begun discussions with the Te Whānau ā Apanui negotiators and Te Rūnanga regarding their Treaty settlement aspirations. Mr Mair considers this might be a useful way to stimulate more formal and robust conversations with Te Whānau ā Apanui to further deed of mandate progress.

Consultation

Te Puni Kōkiri has been consulted in the preparation of this report.

Recommendations

- 41. It is recommended that you:
 - a) note you are scheduled to meet with Whakatōhea, Ngāitai (ki Tōrere) and Te Whānau ā Apanui iwi representatives on Sunday 4 October 2015 between 11.15 am-11.45 am at the Whakatōhea Māori Trust Board Office in Opotiki.

Nāku noa, nā

Doris Johnston

Deputy Director, Policy and Special Projects

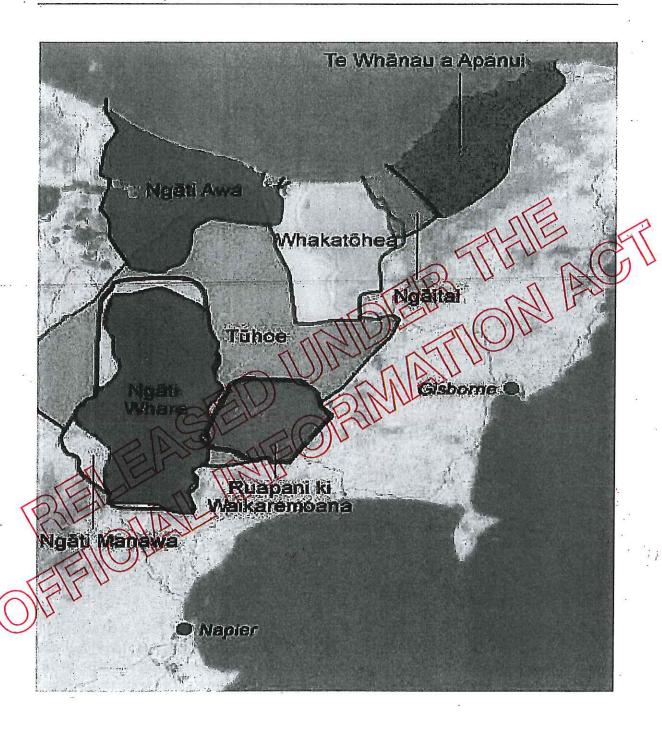
Office of Treaty Settlements

NOTED / APPROVED / NOT APPROVED

Hon Christopher Finlayson

Minister for Treaty of Waitangi Negotiations

6







Te Tari Whakatau Take e pa ana ki te Tiriti o Waltangi

From: Johnston, Doris

Sent: Tuesday, 20 October 2015 5:57 p.m.

To: Owen, Emily;

Subject: Notes from Visit 4/10 with Whaketonea, Ngaitai(ki Torere and to Whanau a Apanui

Kia ora, here is a short note rethe meeting I attended in Opotiki on Sunday 4 October at the Whakatoeha Maori Trust Board Offices in Opotiki

Attendees:

Crown: Minister Finlayson (MFTOWN) and Minister Flavell (MFMD)

Ken Mair, Crown Facilitator and Doris Johnston, OTS

lwi: 12 attendess representing the three iwi including: Graeme Riesterer, Robert Edwards, Tangi (? query that this name is right) (from Ngaitai), Rikirangi Gage, matetu Herewini.

Iwi comments and Ministers response:

Te Whanau a Apanui:

The iwi continues to move forward but have not yet finalised a mandate, but feel that hapu have given a mandate, the iwi would like to progress their MACA determination at the same time as their historic Treaty Settlement negotiations. They had a question about the what the Crown's view was on negotiations with hapu within Te Whanau a Apanui.

MFTOWN responded: that while MACA and Settlements are two different processes he was happy to look at whether Whanua a Apanui could progress both together, but he was clear that at this stage he was not promising that could be achieved. He clarified that he wanted to negotiate with LNG's not individual hapu

Ngaitai ki Torere:

The chair said that the kaumatua direction was that the negotiator included issues with their neighbours however the Board was a new Board

They had some common

Whakatohea

Withheld under section 9(2)(a) of the Official Information Act 1982.

Withheld under section 9(2)(j) of the Official Information Act 1982.

Told the MInister that they had sent a mandate strategy to Wellington and they would like it agreed by the end of November. They would be interested in bringing MACA into their negotiations. They are willing to discuss regional issues with their neighbours but consider that their mandate is their's alone and that the raupatu isseues are also their's alone.

The Minister said he would look at the MACA issue but offered no guarantee that a joint settlement and MACA process would be possible.

Minister Flavell discussed regioanl development.

Withheld under section 9(2)(j) of the Official Information Act 1982.



PART OF THE MINISTRY OF JUSTICE

Doris Johnston

Nakū noa, nā

Deputy Director Policy and Special Projects
Office of Treaty Settlements
DDI: +64 04 466 2108 | Ext: 45208 | Mob 027

Te Tari Whakatau Take e pā ana ki te Tiriti o Waitang

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