



Yamatji Marlpa
ABORIGINAL CORPORATION

country
culture
people
future

National Native Title
Conference 2014
Treaty v Native Title: some
comparisons
Huia Woods-Smith



Focus Question

Are there some characteristics of Maori systems that could be mapped over to Aboriginal Corporations that may result in similar or better outcomes as those achieved in Aotearoa/New Zealand?

Treaty of Waitangi in Aotearoa 1840





Native Title in Australia 1993



some similarities



Some similarities

Aotearoa

- Relationship with land
- Colonised by British – Irish, English, Scottish
- Rule of law imposed
- Historical injustices
- Loss of land = loss of culture
- Current statistics indicate lesser citizenship
- Partnership

Australia

- Relationship with land
- Colonised by British – Irish, English, Scottish
- Rule of law imposed
- Historical injustices
- Loss of land = loss of culture
- Current statistic indicate lesser citizenship
- Reconciliation

Some differences...

New Zealand

- Treaty of Waitangi 1840
- Recognition of Maori freehold title
- Parliamentary representation since 1867
- Physical geography of the country is small
- **Negotiate only with State/Crown**
- **No compensation for mining**





Some differences...

Australia

- Native Title Act 1993
- No provisions for Aboriginal representation in parliament
- Physical geography of the country is huge
- **Negotiate with any proponent of future acts AND negotiate with State**
- Compensation for mining – any future act damages country





Same Questions: similar challenges

- How to protect traditional cultural, land and language while participating fully in society?
- How to leverage settlements/negotiations to achieve highest positive outcomes for family, clan, peoples?
- How to participate fully in society and retain cultural knowledge/values?

Snapshot

- **How is indigenous land ownership recognised?**
- **Iwi now represent a sizable economic force in New Zealand. Representatives from Tainui, Ngaati Apa, Te Arawa, Ngai Tahu and Tauranga Moana.**
- **Tainui and Ngai Tahu are two** examples of “high end” settlements between traditional owners and the state involving large tracts of land in Aotearoa.
- Many other examples, smaller groups, smaller lands, smaller packages, smaller businesses – **same issues**



Tainui

- Approx 52,000 members
- Some 47,000 acres of land
- In 1995 received **\$170 million** under Deed of Settlement
- 1999 near **bankruptcy**
- March 2013 managed **\$738 million** total assets
- Waikato-Tainui has political institutions based on the importance and centrality of Marae in connecting whaanau to hapuu and hapuu to Iwi.





Tainui Values

- There are three critical elements to Whakatupuranga (Strategic Plan) 2050:
 - A pride and commitment to uphold tribal identity & integrity
 - A diligence to succeed in education and beyond; and
 - A determination for socio-economic independence
- Waikato-Tainui are determined to rebuild the fortunes of this tribe so that they are in a position to exercise their traditional role of kaitiaki for all those who live within their rohe.
- Tribal Population: approx 52,000

WAIKATO
TAINUI



Papakainga

Ko Taatou

Whakamahi

Manaakitanga

He Paanui

Arotakenga

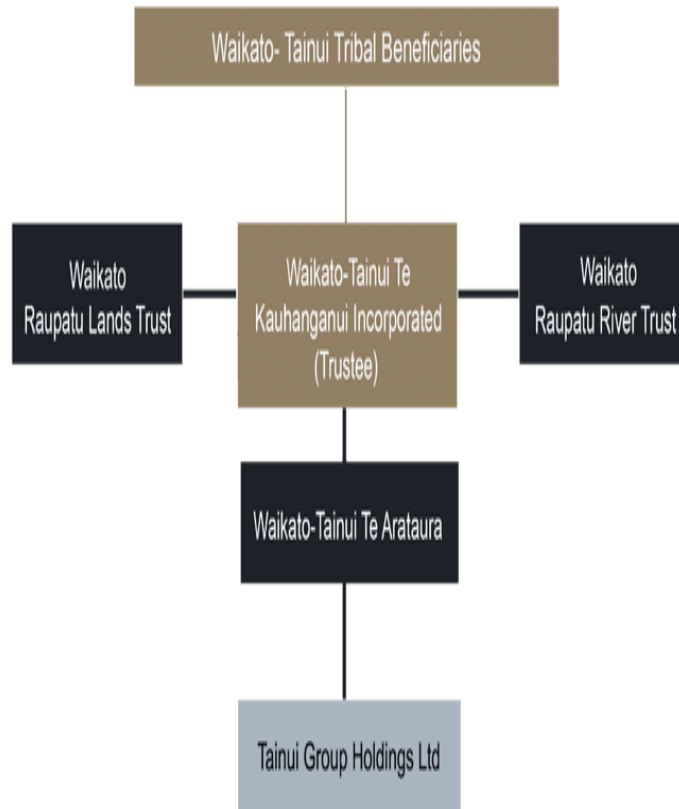
Marae

Reehita

Whakanao Māi
Hononga



Tainui Governance



- Each of 65 marae (family groupings) elects 3 reps to “Te Kauhanganui Incorporated” (Trustee) – tribal parliament (204).
- Tainui Parliament elects 10 to Te Arataura (Executive Board) plus the king’s rep (11)
- Tainui Parliament elects chair, deputy and secretary
- Each of 65 marae have 1 vote
- All terms except king’s rep are for 3 years
- Executive Board elects shareholder reps to the Board of Tainui Group Holdings (commercial arm)
- TGH pays a dividend to Tainui Parliament



Ngai Tahu



Te Rūnanga o NGĀI TAHU

Home

Ngāi Tahu – the Iwi

Te Rūnanga o Ngāi Tahu

I AM Ngāi Tahu

Our Stories

Events



Rūnanga



Whanau



Leadership



Culture



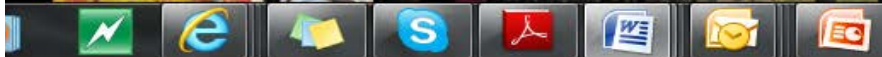
I AM Ngāi Tahu



Relationships



ships/



Ngai Tahu Settlement

- Approx 39,180 members
- Claim area 80% South Island (151,215 m²)
- Economic loss to Ngai Tahu was valued at \$20 billion.
- In 1996 signed heads of agreement, legislation passed in 1998, for cash settlement of \$170 million
- Right of refusal for any Crown asset within the tribal area
- Settlement accepted as a “seed fund” to re-vitalise Ngai Tahu economically
- The Apology (710 words)
- Aoraki – return of ancestral mountain – co-management
- Cultural redress provisions were aimed at restoring tribal participation in resource management on tribal lands and waters

Ngāi Tahu Values

- **Whanaungatanga**
 - *(family)*

We will respect, foster and maintain important relationships within the organisation, within the iwi and within the community.
- **Manaakitanga**
 - *(looking after our people)*

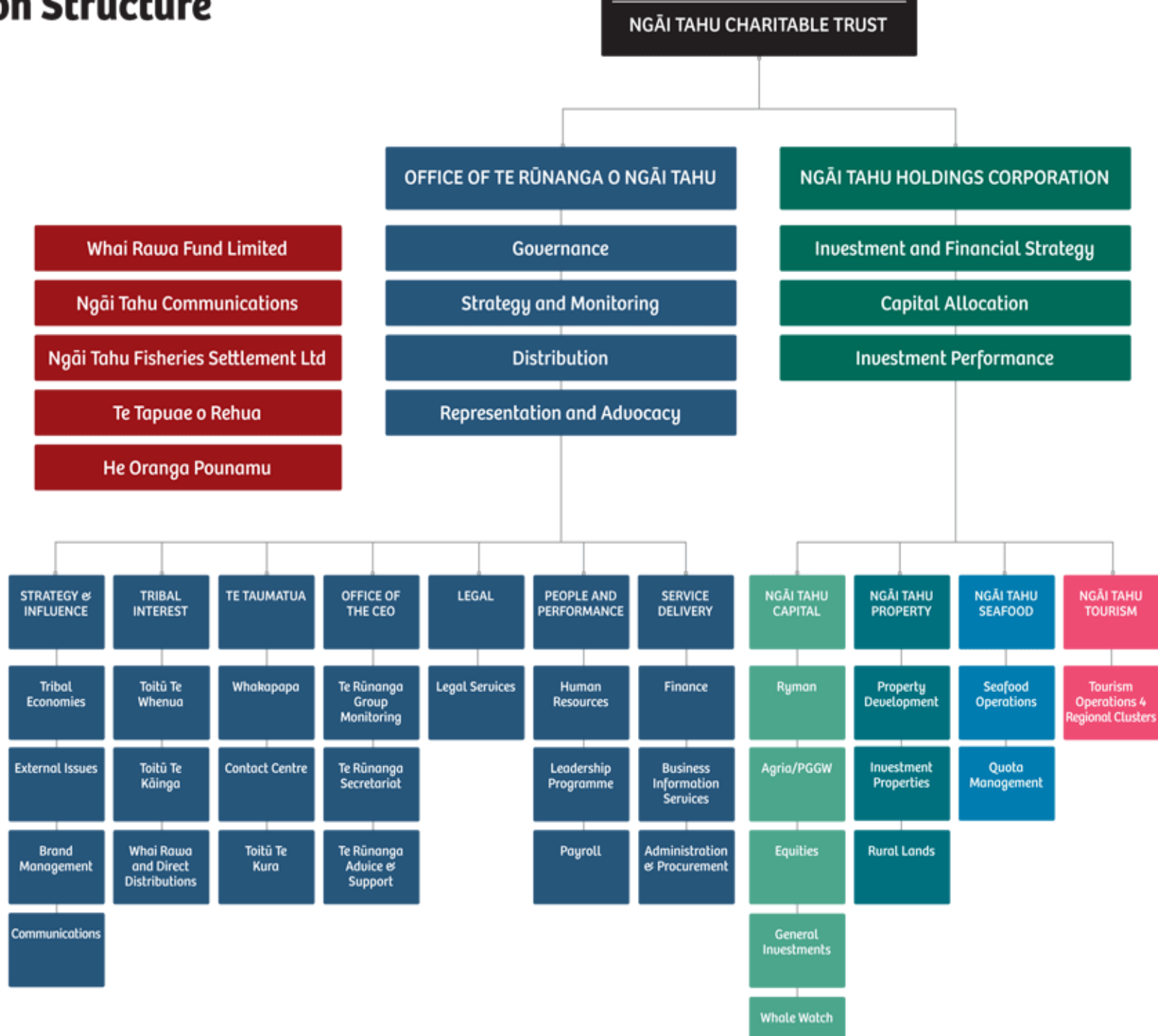
We will pay respect to each other, to iwi members and to all others in accordance with our tikanga (customs).
- **Tohungatanga**
 - *(expertise)*

We will pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.
- **Kaitiakitanga**
 - *(stewardship)*

We will work actively to protect the people, environment, knowledge, culture, language and resources important to Ngāi Tahu for future generations.
- **Tikanga**
 - *(appropriate action)*

We will strive to ensure that the tikanga of Ngāi Tahu is actioned and acknowledged in all of our outcomes.
- **Rangatiratanga**
 - *(leadership)*

We will strive to maintain a high degree of personal integrity and ethical behaviour in all actions and decisions we undertake.



Outcomes

- Asset base increased from \$10mill in 1996 to over \$658mill in 2012.
- \$254mill invested in tribal development, through matched savings funds, education scholarships and grants
- Assets of tribe must be managed separately from the bodies that spend and distribute income earned by the assets.
- Rights and social functions are managed by Te Runanga and commercial activities are managed by Ngai Tahu Holdings Corporation
- They apply a tribal development strategy aligned to a distribution strategy.



Some characteristics

- Strong governance based on traditional tribal systems of representation
- Executive office functions are separate to commercial arm
- Commercial investment strategies are long term
- Distribution policies limited by annual total amounts
- Targeted objectives identified in tribal strategic plans ie see education strategies for Tainui and Ngai Tahu

Some comparisons

- Ngai Tahu
 - 39,200 members approx
 - \$170 mill (cash and land)
- Tainui
 - 52,000 members approx
 - \$170 mill (total value in cash and land)=
\$3,269.23 per person
 - 47,000 acres of land
- Australian groups???
- What benefits?
 - ? Members
 - ? Cash payment/s
 - ? per person
- **What outcomes?**



What outcomes?

- Commercial businesses
- Corporate governance
- Partnerships with local govt, dept of conservation, co-management of natural resources
- Maintenance of language and culture
- Independent wealth
- Indigenous business / industry growth
- Advising the advisers
- Partnerships with industry/government bodies
- Superannuation/education funds for members

Principles and tools

- Planning
- Representation
- Unity
- Partnerships
- Collaboration
- Promote language and culture
- Create Independent wealth
- Legal framework
- Asset base
- Co-management of environmental estate
- Protection of sacred sites
- Use of technology
- Communication strategy



Yamatji Marlpa
ABORIGINAL CORPORATION

Questions?





- **Mō tātou, ā, mō kā uri ā muri ake nei**
 - **“for us and our children after us”**
- Mehemea ka moemoeaa ahau ko ahau anake.
Mehemea ka moemoeaa e taatou ka taea e taatou.
- "If I dream I dream alone. If we dream together then we shall achieve..."
--Te Puea Herangi



Yamatji Marlpa
ABORIGINAL CORPORATION

country
culture
people
future

Huia Woods-Smith
hwoods@ymac.org.au