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To	Waikato Maniapoto MLC, Hamilton	mlcwaikato@justice.govt.nz
From	Hiiona Marae Chair, Tohu Maatini	chair@hiionamarae.co.nz
Cc	Hiiona Marae Trustees	trustees@hiionamarae.co.nz
Block	Waiwhakaata 3E 4C Lot 2A (Hiiona Marae)	
LINZ Reference	SA9A/710	
Date	24 March 2024	
Subject	Compliance with Māori Appellate Court Order [MB 166-192]	
Attachment	Independent Review Report	

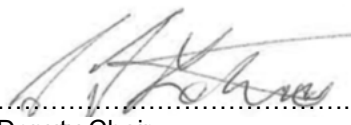
FOR NOTING:

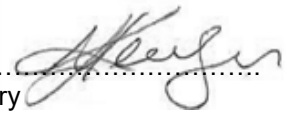
Background

1. In April 2020, the Māori Appellate Court ordered the current trustees to furnish a report to the Māori Land Court as to progress regarding the recovery of \$37,803.34 due and owed to the marae from the former trustees and marae beneficiary, Tania Martin.
2. In March 2023, the trustees met with Jefferies Law Ltd of Hamilton to discuss the matter and subsequently engaged their services to advise the process for complying with the Court Order, conduct a review of the relevant documentation, and furnish a report of their findings.
3. As advised, the review included analyses of:
 - Māori Land Court and Māori Appellate Court decisions (legal research);
 - Marae grant applications and redacted Settlement Agreement;
 - Marae annual Financial Statements FY20-FY23 and FY24 bank statements;
 - Historical documents and background information of related events; and
 - Marae development planning documentation FY20-FY24.
4. In November 2023, the trustees called a special meeting of the beneficiaries set down for 10 December 2023.
5. In December 2023, the special meeting of the beneficiaries unanimously approved the report and the recommendation that:
 - a. A one-off token payment of \$37,803.34 be made to Mrs Martin in recognition of all the unpaid services she has provided and continues to provide for the beneficiaries of the marae;
 - b. The trustees accept the offer from Mrs Martin to return the \$37,803.34 to the marae as payment of the \$37,803.34 ordered by the Māori Land Court in 2017; and
 - c. The trustees advise the Māori Land Court that the marae has received a payment of \$37,803.34 from Mrs Martin made on behalf of herself and the former trustees.

Please do not hesitate to contact our Secretary should the Court require further clarification or any additional information.


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Secretary
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HIIONA MARAE TRUST
INDEPENDENT REVIEW REPORT

Reference	2020 Māori Appellate Court Judgment [MB 166-192] – Order HEREBY DIRECTS that the current trustees of Hiiona Marae are to report to the Māori Land Court... as to progress regarding recovery of the outstanding funds due and owing to the trust from the former trustees and Mrs Martin.														
Report	Prepared by Jefferies Law Ltd 33 Harwood Street, Hamilton Central, Hamilton 3204 +64 7 858 3628 admin@jefferieslaw.co.nz														
Adopted	26 November 2023 by the Trustees in general meeting. <table><tr><td>Chair</td><td>Tohu Maatini</td></tr><tr><td>Deputy Chair</td><td>Chris Katipa</td></tr><tr><td>Secretary/Treasurer</td><td>Ari Keegan</td></tr><tr><td>Asst. Chair</td><td>Kiel Katipa</td></tr><tr><td>Asst. Deputy Chair</td><td>Boyd Katipa (Jnr)</td></tr><tr><td>Asst. Secretary</td><td>Jaydon-Lee Walker</td></tr><tr><td>Asst. Treasurer</td><td>Te Puāwai Martin</td></tr></table>	Chair	Tohu Maatini	Deputy Chair	Chris Katipa	Secretary/Treasurer	Ari Keegan	Asst. Chair	Kiel Katipa	Asst. Deputy Chair	Boyd Katipa (Jnr)	Asst. Secretary	Jaydon-Lee Walker	Asst. Treasurer	Te Puāwai Martin
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Asst. Secretary	Jaydon-Lee Walker														
Asst. Treasurer	Te Puāwai Martin														
Approved	10 December 2023 by the Beneficiaries in general meeting.														
Appendices	Hiiona Marae Special Meeting & Planning Documentation <table><tr><td>A.</td><td>Resolution/Decision</td></tr><tr><td>B.</td><td>Notice & Agenda (Marae Website & FB Advertisements)</td></tr><tr><td>C.</td><td>Attendance Register</td></tr><tr><td>D.</td><td>Verification of Bank Transfers</td></tr><tr><td>E.</td><td>Hiiona Marae Development Plan FY26-FY30</td></tr></table>	A.	Resolution/Decision	B.	Notice & Agenda (Marae Website & FB Advertisements)	C.	Attendance Register	D.	Verification of Bank Transfers	E.	Hiiona Marae Development Plan FY26-FY30				
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Marae Development Funds

1. Hiiona Marae is one of 68 marae represented in Te Whakakitenga O Waikato Inc. ("Te Whakakitenga"), which is the governing authority of Waikato Tainui.
2. In 2007, Te Arataura, the governing board of Te Whakakitenga ("Te Arataura") approved distribution of a \$50,000 one-off grant to assist each marae with their development plans, which included any capital works projects.
3. The then, marae trustees were Rene Katipa, Rodney Whanga (snr), Boyd Katipa (snr), Ngaitu Kara, Albert Whanga, Claude Walker, Dave Tata, Edward Whanga (snr), Issac Katipa, Joe Elliot and Sharina Tawhi ("Former Trustees").
4. The Former Trustees used the grant to commission Hamilton-based architect, Richard Mauriohooho, to draw up plans for a new wharekai.
5. The wharekai project included a new commercial kitchen, structural renovations to the existing dining facility, and new ablutions.
6. The Former trustees engaged Mrs Tania Martin ("Mrs Martin") in 2008 to undertake a feasibility study prior to work on the wharekai project being carried out ("Feasibility Study"). At the time Mrs Martin represented the marae as an elected member of Te Whakakitenga.
7. Mrs Martin was also tasked with preparing the relevant funding applications including:
 - a. Completing a marae facilities grant ("MFG") application to Waikato Tainui for \$400,000 being one-third of the total estimated cost of the project;
 - b. Completing a marae heritage grant ("MHG") application to NZ Lotteries Commission for \$800,000 to fund the remaining balance of the project;
 - c. Completing marae access and urupa research.
8. Mrs Martin received a total of \$37,803.34 from the Trust between 14 August 2008 and 6 August 2010.
9. In 2008, Te Arataura approved the MFG in the sum of \$400,000.00 which enabled Mrs Martin to prepare the MHG application to NZ Lotteries Commission for \$800,000.00, to fund the remaining balance of the project.
10. In 2009, a dispute arose between Mrs Martin and Te Arataura which led to the prior approval for the MFG funding being withdrawn. This, in turn, led to the \$800,000.00 MHG funding application being put on hold pending Hiiona Marae either re-securing the MFG funding or obtaining alternative funding.

Maori Land Court

11. The Former Trustees were replaced as trustees by Tamati Tata, Annette Tata, Alvy Tata-Hohepa, Nathan Whanga, Rodney Whanga and Lisa Kiri ("New Trustees").
12. On 23 August 2013 the New Trustees applied to the Maori Land Court ("Court") seeking to enforce the obligations of the Former Trustees regarding the payments made to Mrs Martin for the Feasibility Study.
13. The application was eventually heard in Hamilton on 1-2 May 2017 and 10-11 October 2017 with the Court's decision issued on 19 October 2018. In its decision the Court granted an order requiring the Former Trustees and Mrs Martin to pay to the Waiwhakaata 3E4C Lot 2A Maori Reservation, also known as Hiiona Marae, the sum of \$37,803.34.
14. In making its decision the Court noted:
 - a. The Former Trustees did engage Mrs Martin to carry out the Feasibility Study but failed to enter into any form of written agreement to record what was agreed;
 - b. The Feasibility Study was not produced to the Court to evidence the alleged work done by Mrs Martin;
 - c. As Hiiona Marae had not received the MFG funding or MHG funding, the payment of \$14,000 to Mrs Martin to complete those applications was "clearly not money well spent";
 - d. No evidence was provided regarding the consultation carried out and whether this was necessary in any event;
 - e. No evidence was filed to support Mrs Martin having completed research on access to the Marae and Urupa;
 - f. The Court did not accept the letter dated 5 October 2017 from Waikato-Tainui Te Kauhanganui Incorporated as evidence the Feasibility Study was carried out; and
 - g. The Former Trustees breached their obligations as trustees when engaging Mrs Martin to carry out the Feasibility Study by not recording in writing the terms on which Mrs Martin was engaged.
15. In May 2019, Mrs Martin pursued this matter in the Maori Appellate Court, but her appeal was dismissed in 2020.

Dispute with Waikato Tainui

16. In March 2017, Mrs Martin invoked the dispute resolution process under the Rules governing Te Whakakitenga, to resolve her long-standing grievance.
17. In October 2017, Mrs Martin entered into a settlement agreement with Waikato Tainui ("Settlement Agreement") which recorded:
 - a. A confidential settlement of Mrs Martin's personal grievance concerning her role as the former Chair of Te Whakakitenga;
 - b. The Chair of Te Arataura to provide a formal letter of apology to Mrs Martin, her whanau, and to Hiiona Marae for the years of hurt and humiliation that they were forced to endure; and
 - c. A commitment by Waikato-Tainui to make available to Hiiona Marae the amount of approximately \$450,000.00 by 18 April 2018 for the purposes of rebuilding the marae.
18. A letter of apology dated 5 October 2017 was sent to Mrs Martin by the then chair of Te Arataura, Rukumoana Schaffhausen.
19. In 2021, Hiiona Marae finally received \$450,000.00 from the Waikato Raupatu Lands Trust.
20. Following receipt of the funds payable under the Settlement Agreement, Mrs Martin was able to submit the MHG application (now referred to as Oranga Marae Grant) to NZ Lotteries Commission. The application was approved and Hiiona Marae received grant funding of \$823,485.00 from the NZ Lotteries Commission in 2022.

Recovery of Marae Funds

21. The Former Trustees and Mrs Martin are yet to comply with the Court Order that they pay \$37,803.34 to Hiiona Marae.
22. The current trustees of Hiiona Marae are Boyd Katipa (Junior), Chris Katipa, Kiel Katipa, Ariana Keegan, Te Puawai Martin, Tohu Martin and Jaydon-Lee Walker ("Current Trustees").
23. On 20 April 2020, the Maori Appellate Court directed the Current Trustees to report to the Maori Land Court within six months as to progress regarding recovery of \$37,803.34 due and owing to the marae from the Former Trustees and Mrs Martin.
24. The Current Trustees have undertaken a lengthy review of all the

circumstances regarding the Maori Land Court decision that the Former Trustees and Mrs Martin pay Hiiona Marae \$37,803.34 including taking into account all funding received to date by Hiiona Marae for its marae redevelopment project.

25. The Current Trustees believe it is appropriate for Hiiona Marae to acknowledge the following:

- a. Mrs Martin's efforts over the years to pursue recovery for Hiiona Marae of the \$50,000.00 one-off grant received in September 2007, and the original approved \$400,000.00 on account MFG funding, against a backdrop of political controversy at the tribal level and at the marae level.
- b. The \$450,000.00 paid under the Settlement Agreement is noted as a settlement payment in the Marae's financial accounts for the period 1 April 2020 to 31 March 2021.
- c. Receipt of the \$450,000.00 from Waikato Tainui enabled Hiiona Marae to apply for and receive the Oranga Marae Grant of \$823,485.00 from the NZ Lotteries Commission.
- d. Mrs Martin completed all funding and resource applications made on behalf of Hiiona Marae.
- e. Since 2020, Hiiona Marae has received total contestable grant funding of **\$ 3,705,986.95** as follows:

Y/E 2021 – Total \$1,377,693.95

• MBIE, Provincial Development	PGF Grant, Wharenuui	500,000.00
• Trust Waikato	Donation, Wharekai	100,000.00
• Waikato Tainui	TFS Grant	100,000.00
• Waikato Tainui	Capital Grant, Wharekai	217,693.95
• Waikato Tainui	TORO Grant	10,000.00
• Waikato Tainui & Martin	Settlement Funds	450,000.00

Y/E 2022 – Total \$1,143,485.00

• NZ Lotteries Commission	OM Grant, Wharekai	823,485.00
• Trust Waikato	Donation, Whareiti	100,000.00
• Waikato Tainui	MFG, Wharekai	220,000.00

Y/E 2023 – Total \$1,184,808.00

• Ministry for Culture & Heritage	MMMO Taonga Grant	48,200.00
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• NZ Lotteries Commission	OM Grant, Whareiti	896,608.00
• Waikato Tainui	MFG, Whareiti	230,000.00
• Waikato Tainui	Te Pito Mata Grant	10,000.00

26. The Current Trustees note:

- a. Funding Connection, which is professional funding consultant, advertises a charge out of \$95.00 per hour plus GST for assisting organisations to apply for grant funding.
- b. There is also anecdotal evidence of some funding consultants charging \$140.00 per hour plus GST.
- c. If an hourly rate of \$120.00 per hour was applied to the \$37,803.34 amount this would equate to approximately 315 hours or just under 20 hours per year since 2007.

27. While acknowledging the findings of the Maori Land Court in 2017, the Current Trustees firmly believe it is appropriate to also take into account:

- a. That Hiiona Marae did ultimately receive the MFG funding and MHG funding as originally contemplated due to the efforts of Mrs Martin; and
- b. That Hiiona Marae also received the sought after recovery of the \$50,000.00 one-off grant that the marae received in September 2007, over and above the \$400,000.00 MFG funding originally approved by Te Arataura as a result of the efforts of Mrs Martin; and
- c. That Hiiona Marae has benefited significantly from the years of unpaid work by Mrs Martin that assisted with securing over \$3m in grant funding for the redevelopment of their marae facilities; and
- d. The good work completed by the Former Trustees that has benefited marae beneficiaries over several decades.

28. The Current Trustees propose to take the following steps:

- a. To recommend that a one-off token payment of \$37,803.34 be made to Mrs Martin to acknowledge all of the unpaid services she has provided and continues to provide for the beneficiaries of Hiiona Marae; and
- b. To call a special meeting of the beneficiaries of Hiiona Marae to seek their support for the above recommendation of the Current Trustees; and
- c. Subject to the special meeting of beneficiaries approving the said trustee recommendation, the Current Trustees also agree to accept

the offer from Mrs Martin that the \$37,803.34 be returned to Hiiona Marae as payment of the \$37,803.34 ordered by the Maori Land Court in 2017.

29. The Current Trustees propose to then advise the Maori Land Court that Hiiona Marae has received a payment of \$37,803.34 from Mrs Martin made on behalf of herself and the Former Trustees.

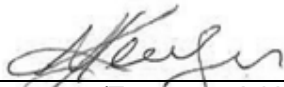
Dated this 26th day of November **2023**



Chair, Tohu Maatini



Deputy Chair, Chris Katipa




Secretary/Treasurer, Ari Keegan



Asst. Chair, Kiel Katipa



Asst. Deputy Chair, Boyd Katipa



Asst. Secretary, Jaydon-Lee Walker



Asst. Treasurer, Te Puawai Martin