



# NGĀ KAITIĀKI RĒTI NGAHERE KARAUNA

## CROWN FORESTRY RENTAL TRUST



# Clients' Bulletin

Tuaiwa Hui Tanguru 1996

Number 9 February 1996

## Tax Matters

### *Tax and Employment Status of Claim Workers*

The bulletin has been reporting the ongoing discussions between the Trust and the Inland Revenue Department.

The Department does not accept the current situation where claim committees do not withhold its contract workers' tax. The Trust is therefore revising the recommended contracts for engaging claim workers. These new fixed-term contracts will generally provide for claim workers to be employees of claim committees rather than independent contractors. This will simplify administration and in

particular the relationship between the claim committees and the various offices of the Inland Revenue Department. There will still be occasions when the Trust contracts for particular services.

In conjunction with the new terms and conditions for funding the Trust will be recommending the adoption of new claim worker contracts.

Please contact your regional manager if you have any questions concerning the new fixed-term claim worker contracts.

### **7 March 1996 Provisional Tax Payments**

Claim committees are reminded that any tax withheld by

agreement from contract payments made to claim workers engaged as independent contractors should be paid to the relevant office of the Inland Revenue Department on the next provisional tax payment date of 7 March 1996.

### **PAYE Tax Payments**

All PAYE tax withheld from payments to claim workers engaged as employees should be paid to the relevant office on the Inland Revenue Department by the due date, which is normally the 20th of the month following the end of the month in which the PAYE tax was withheld.



## TRUST FUNDS

### CFRT Income And Expenditure

Financial Year (\$m)	Income (\$m)	Assistance to Claimants
1994/95	7.3	7.1
1995/96	9	over \$9m
1996/97	9.5	-

The number of groups supported by the Trust is growing at a faster rate than the Trust's income. The Trust had 46 clients in the last financial year (1994/95) and has about 60 client groups this financial year (1995/6). This is a 30% increase in the

number of client groups while the Trust's income only increased 23% this year from last year.

It is a reality that client groups are competing for funds from a finite source. This reinforces the need for groups to submit thorough

and detailed claim and research plans in order to receive funding. Each client group has the support of a Crown Forestry Rental Trust staff team whose members will assist clients with their planning and funding submissions. The three staff teams are each responsible for clients within a particular geographical region. The role of the teams is to work closely with the groups and clients should contact the manager responsible for their region if they have any queries or problems.



# Maungaharuru Tangitu

## *A Client's View of CFRT*

### *The early days*

"When we filled out our application for assistance from the Trust in 1992 we had some difficulty," said Bevan Taylor, chairperson the Maungaharuru Tangitu claims committee. The Maungaharuru Tangitu claim concerns confiscated land which includes the Esk forest in Hawke's Bay.

"The Crown Forestry Rental Trust didn't have workable criteria for groups to set up an administration system so we limped along for a while. They said we had to make records of all our movements and travel expenses and invoice them for reimbursement. It was ridiculous.

"We continued to report every six weeks and for the next 12 months we were telling them how our administration ought to be set up, but they weren't listening. Meanwhile we continued to work on our claim research.

"Then the Trust got consultants in who had a programme they wanted us to put in place but it was too rigid and we told them. We said that you can't tell the people what to do when you don't know what they're doing. We kept putting in our plan to the Trust.

"In April 1993 a member of the Trust staff visited us and we told her what we wanted to do. This was the beginning of further negotiations with the Trust. Then we had our own hapu hiccup. Another group wanted to do their own research on the Esk forest and because of uncertainty about the Trust's criteria for who should get funding, we were further delayed. Finally the Trust came back to us and said, 'you are the one,' and we were given the funding." Bevan says that since then the Trust and its staff have continued to support them.

"Back in 1992/93 it was all new to them too—the administrative arm of the Trust," he said.

"They learned a lot from people like us; at the outset there was some concern on both sides. But we worked through it, we were consistent and honest and we produced value for money."

### *... and now ...*

"We work within the criteria and when any questions arise we negotiate with them. When our research indicated that we needed to do further research we proved to them that there was a need for it," said Bevan.

### *Experienced researchers*

Bevan believes that one of the keys to success is to choose your researchers carefully. Richard Boast a legal historian from Victoria University of Wellington had been employed on the Te Whanganui-a-Orotu Napier Inner Harbour claim. They chose him to work on the Maungaharuru Tangitu claim because he was familiar with the area and because they knew his work was of a high standard.

Bevan says that your traditional evidence and your Pakeha evidence have to hang together.

"We can't just look for evidence that supports our case, we have to look at the evidence from the other side too, to cover all of the ground," he said.

Noreen Taylor is the administrator for the Maungaharuru Tangitu claims committee. She has been working for the committee since it was established.

"Having top researchers, people familiar with the process, has made it easy. At the same time we

are trying to bring on board our young people with skills, we are looking ahead to a time when more of our people will be working for us," she said.

### *Good communication*

Bevan says that communication on all fronts is an important part of good claim management.

"The Crown Forestry Rental Trust have to have confidence in your administration body ... and you have to keep them informed.

"I have to do a lot of travelling to keep our kaumatua informed. A lot of them are sick and can't come to meetings. They need to have input into what is happening with the claim, so do all the hapu involved. Keeping kaumatua and the various hapu informed minimises conflict within the claimant group. This takes a lot of time and we have explained this to the Trust."

### *Settling claims with Crown — the priority*

"Leave the differences amongst hapu until after the claim is settled," says Bevan. He believes claimants should first concentrate on getting the land back. Internal problems only delay the process and they can be sorted out later.

"The Crown is causing enough delays by not resourcing the Waitangi Tribunal to hear the claims. We are hopeful of being heard this year, we'll be ready in April. We want a Tribunal hearing rather than going directly to negotiate with the Crown because we want the general public to read about the claim. It might give them a better understanding."

*The Trust invites other client groups to talk about the management of their claims in the bulletin. Please contact Tessa Castree Ph: (04) 389 4778, Fax: (04) 389 4768*

## Interdepartmental Review of The Treaty Research and Hearing Process

The government officials committee responsible for conducting a review of the Treaty research and hearing process held a workshop for the departments and agencies involved. After the workshop, the Crown Forestry Rental Trust convened a meeting with historians from the Trust, the Office of Treaty Settlements, the Waitangi Tribunal and the Crown Law Office. The aim of this inter-agency effort is to promote an improved and consistent standard of Treaty research which will advance more claims than there are at present to a state of readiness for hearing or negotiation.

The officials committee is currently completing its review and preparing a report for government. The committee stresses that any recommendations it makes



## 1995 Amendment To The Crown Forests Act

The Crown Forest Assets Act 1989 stipulates that licensees must pay "an annual fee for the use of the licensed land based on market rates for that land in its *unimproved state ...*" (Italics added.)

The 1995 amendment to the Act arose out of licensees concern that the definition of unimproved land in the Crown forestry licences did not express

the intention of the Act. Licensees believed that the licence's definition of unimproved land included too many improvements which meant a higher market rate and a higher licence fee.

The licensees took a case to the High Court where the Court agreed that there was inconsistency between the Act's and the licences' definition of unimproved land. However, the Court ruled that the licence expressed the intention of the Act correctly. It ruled that the Act be amended to clearly define the classes of work done on the land which would be included in the valuation of the licensed land upon which the annual license fee is based.

will not interfere with the independent relationship the Trust has with any of the Crown agencies involved in the process. The committee's kaupapa is to promote cooperation amongst agencies for

the production of quality evidence without compromising or prejudicing the claimants' position.



A number of the papers presented at the Wellington history conference, *He Korero Tawhito: History Here and Now: He Korero Hou*, 8-11 February 1996, may be of interest to Trust clients. The main themes of the conference were:

- \* the variety of purposes for historical research is being undertaken and the differing forms in which history is being presented, and
- \* how we are constructing ourselves through the making

of histories, the making of group identities and the existence of competing identities.

We list the papers that the Trust will try to obtain for its library. Please contact Deborah Young, the librarian, if you wish to receive copies.

### **Belgrave, Michael.**

Constructing and reconstructing the Kemp Purchase of 1848: the impact of litigation on historical narratives.

### **Clayworth, Peter.**

Maori, Maruiwi and Moriori: histories and identities.

### **Coates, Ken.**

It's only academic: historians and their audiences.

### **Cowie, Dean.**

All the good he could? Aspects of Governor Fitzroy's policy and administration in colonial New Zealand 1843-45

### **Fingleton, Jim (Canberra).**

Recognition of the corporate identity of Aboriginal groups under Australian law.

### **Gilling, Brian.**

Valuing the land.

### **Hall, Catherine (Essex).**

Postcolonial historians and postcolonial histories: rethinking relations of empire.

### **Head, Lyndsay.**

Maori constructions of the state 1840-60.

### **Henare, Manuka.**

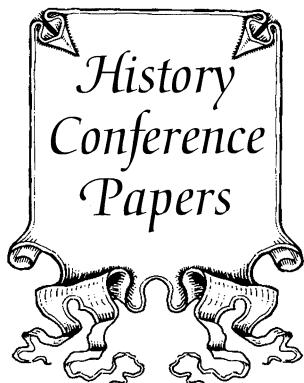
The historian as social and cultural interpreter.

### **Hilliard, Chris.**

James Cowan and the poetics and politics of New Zealand History.

### **Hoxie, Frederick (Chicago).**

Parading through history: the making of the Crow Nation in America.



Continued

**Hyatt, Jack (Western Ontario).**

Attitudes towards history in public institutions: university imperialism vs public colonialism.

**Johnson, Ralph.**

Ruapekepeka 1846—1966: an historical re-view.

**Keenan, Danny.**

Proportional representations: Maori people in New Zealand historiography.

**O'Malley, Vincent.**

Begging with a bludgeon: the East Coast confiscations.

**Phillips, Jock.**

Our history our selves: the historian and national identity.

**Riddell, Kate.**

The sexual politics of the colonial frontier.

**Royal, Te Ahukaramu Charles.**

Maori people as the first representations of Maori history.

**Smith, Ailsa.**

Ko Minarapa he tangata ke.

**Star, Paul.**

Environment and colonisation in New Zealand 1850—1900.

**Tau, R Te Maire.**

The role of Maori historians.

**Walkowitz, Daniel.**

The identity of the historian in varieties of history: constructing ourselves through varieties of history.

**Williams, Bridget and Mason, Andrew.**

Publishing history: myths, money and identity.

## Trust Staff Performance Standards



All staff have been informed of the following performance standards:

- letters must be responded to within 10 working days of receipt
- telephone calls must be returned within one working day.

The Trust aims to give clients the best possible service. Both the growing number of clients and the structural changes that are occurring place pressure on staff and it is important that the standard of service provided is defined and monitored.

The Trust requests clients to report any dissatisfaction with the service they receive to their regional manager. All complaints will be logged and investigated.

### Information Manual

The information manual will be updated twice a year. Please let the Trust know if there is any information you would like to see included or if any of the current information is confusing.

### ANNUAL AUDIT

Under the new terms and conditions of funding claim committees are required to present an annual audit for the year ending 31 March. The Trust will pay for the cost of the audit and will be writing to all committees in March describing the requirements of the audit.

### Apology

In the December 1995 issue of the Clients' Bulletin the chairperson's name was mis-printed. The printers, GP Print, apologise for the error which occurred during typesetting.