He Poroporoaki ki a TA MONITA DELAMERE KBE

Te tangata i whanau i te wabine, he toru nei ona ra, a ki tonu i te raruraru, rere ana ia ano he atairangi kahore hoki te tumautanga, i waenganui o te ora kei te mate matau, me rapu ora matau i a wai ki te kahore i a koe, E Ihowa.
A ka rongo abau i tetahi reo i te rangi mea mai ana. Tuhituhia ka hari te hunga mate, e mate ana i roto i te Ariki kia oki oki ratau i a ratau mahi. No reira, Tumatawenga, takoto mai, takoto mai me ratau katoa i hinga atu i te pae o te viri, haere, haere ki a ratau e takoto mai na i te whenua Iwi ke.

Kaore e mutu te tangi mo koutou.
No reira, kei te hoa, kei te rangatira kei te pou o te habi, tenei matau o hoa o te Ropu Whakamana i te Tiriti o Waitangi te poroporoaki ano. Tenei matau me te iwi whanui kei te tangi tonu. Kapiti hono, tatai hono, koutou te hunga mate ki a koutou – Kapiti hono tatai hono, tatau te hunga ora ki a tatau.

Moe mai e te Pononga a te Atua e mooho ana boki tatau, e hara i te mou mou o manuwiringa i roto i te Ariki.

Some of his many achievements:

- Maori Battalion, World War II
- Maori All Black, 1946-49
- Kawerau Borough Councillor
- Early instigator of the credit union movement
- Delegate to Waiairiki District Maori Council
- Appointed Justice of the Peace 1961
- Knighthood 1990
- Secretary, Whakatohea Maori Trust Board
- Waitangi Tribunal member since 1986

Heard the following claims:

Orakei; Mangonui Sewerage; Muriwhenua Fishing; Ngai Tahu Land and Sea Fisheries; Ngati Rangiteaorere; Te Roroa; Muriwhenua Land (still under inquiry)
The Waitangi Tribunal has reported on an urgent claim by several hapu of the Ngapuhi iwi concerning their ownership and right to control the Ngawha geothermal resource. The Ngawha geothermal resource, for the purposes of this claim, means the Ngawha geothermal field in its entirety, both surface springs and subsurface fluids and other materials. Located six kilometres east of Kaikohe, the field covers between 25 and 50 square kilometres of land most of which is now in Crown or private ownership. The claimants own one acre in the five acre block on which the Ngawha springs are situated.

The claim was filed in response to a joint venture application under the Resource Management Act 1991 by the Bay of Islands Electric Power Board and the Taitokerau Maori Trust Board to use the Ngawha geothermal resource for electricity generation.

The two main components of the grievance are the acquisition by the Crown of the land and hot springs on the four acre block at Ngawha, and the provisions of the Geothermal Act 1953 and the Resource Management Act 1991 and their claimed inconsistency with the rights of claimants under the Treaty of Waitangi.

The Extent of the Claimants' Rangatiratanga

According to the tribunal, a fundamental issue for the claimants was their claimed rangatiratanga over the entire Ngawha geothermal resource, both surface and subsurface. The tribunal is of the opinion, however, that since 1894, by which time much of the land which contains the resource had been sold, the claimants, owners of only one set of hot springs, did not subsequently retain rangatiratanga over the whole resource.

But, says the tribunal, the claimants have retained ownership and rangatiratanga over the Ngawha hot springs on the one acre currently vested in the Trustees of Parahirahi C1 Maori reservation. They are also entitled to the return of the four acres vested in the Crown as a recreation reserve, which is an integral part of the Ngawha springs.

The tribunal considers that since ownership of the surface of the resource has been fragmented there is no basis for allocating the right of ownership or rangatiratanga over the whole of the sub-surface geothermal fluid to the owner of only one set of hot springs.

Return of Claimants' Land

The tribunal recommended to the Crown that the four acre recreational reserve land be returned to the claimants on the basis that it was acquired in breach of article 2 of the Treaty of Waitangi which guarantees to Maori their tino rangatiratanga over their taonga. It has not been established that the Maori owners willingly and knowingly alienated the land and hot springs located on the block. After full inquiry there is no doubt in the tribunal’s mind that the Ngawha springs have always been a highly valued taonga of the Ngapuhi people.

Current Legislation and Treaty Rights

The Treaty of Waitangi guarantees to Maori the Crown protection of their taonga. The Geothermal Energy Act 1953 enabled the Crown, through the Ministry of Works, to drill a series of bores in the Ngawha geothermal field. The right to do this is protected by the Resource Management Act 1991. If the joint venture application is approved it proposes to use the bores close to the Ngawha springs. Under the Resource Management Act the Crown has delegated extensive powers to local and regional authorities with no requirement to consider the claimants’ taonga. Under this Act the Far North District and Northland Regional Councils, can grant a development consent to the joint venture having no consideration for the claimants’ taonga.

Changes to the Resource Management Act Required

The report recommends to the Crown “that an appropriate amendment be made to the Resource Management Act 1991 providing that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall act in a manner that is consistent with the principles of the Treaty of Waitangi.”
New Claims Registered

WAI 343
Claimants: W Peters for Ngatiwai Trust  
Concerning: Oretao A block  
Region: North Auckland  
Received: 25 February 1993

WAI 344
Claimants: Dinah Steele, Carol Munro and Mabel Campion for Mateawa hapu of Ngati Whanaunga  
Concerning: Waiheke development block  
Region: Auckland  
Received: 15 April 1993

WAI 345
Claimants: M Rawiri for Ngati Tipa and T Rawiri for Ngati Tipa Whanaunga  
Concerning: The Fairburn purchase  
Region: Auckland  
Received: 5 February 1993

WAI 346
Claimants: W Rawiri and D Steele on behalf of Ngati Whanaunga  
Concerning: The Fairburn purchase  
Region: Auckland  
Received: 4 February 1993

WAI 347
Claimants: Tutekawa Wyllie for Ngati Tamanuhiri  
Concerning: Applications for coastal permits by Turanganui a Kiwa  
Region: Gisborne (near Cape Runaway)  
Received: 30 March 1993

WAI 348
Claimants: Robert John McLachlan for Purakaunui Block Inc  
Concerning: Purakaunui Maori Reserve  
Region: Dunedin  
Received: 17 February 1993

WAI 349
Claimants: Tewi Wiremu Mataia Nicholls for descendants of the Hauraki Tribal rohe  
Concerning: Hauraki tribal rohe  
Region: Hauraki  
Received: 22 March 1993

WAI 350
Claimants: 1.1 Whataragi Winia and Te Aho o Te Rangi Ratema Te Awe Kotuku for owners of Okawa Bay resort and others  
1.2 Hohepa Waiti for Te Runanganui o te Ika Whenua  
1.3 H P Kingi for Te Arawa Kaumatua Council and others  
Concerning: Sale of Crown share in the Maori Development Corporation  
Region: Rotorua and Aotearoa  
Received: 1.1 19 May 1993  
1.2 27 June 1993

WAI 351
Claimants: Janette Honey Waitai and Ruby Whaea o Mere Baty for Te Runanga o Turanganui a Kiwa  
Concerning: Transfer of Te Puni Kokiri mortgage portfolio  
Region: Aotearoa  
Received: 27 May 1993

WAI 352
Claimants: Titau Rakete and others  
Concerning: Kaikohe West Primary School site  
Region: Northland  
Received: 17 March 1993

Tribunal Chairperson & Member  
Speak at Australian Conference

Following the release of the Australian Mabo decision giving aboriginal title to the Torres Strait Islanders, the Constitutional Centenary Foundation and the Council for Aboriginal Reconciliation held a conference in Canberra, 4–5 June 1993, on The position of indigenous people in national constitutions.

Chief Judge Durie and Professor Keith Sorrenson addressed the conference. Judge Durie spoke of the need for political, economic and administrative reform to accompany the legal headway made in the Mabo decision. Professor Sorrenson gave a history of the status of the Treaty of Waitangi, offering tentative ‘lessons’ for Australia from the New Zealand experience. Copies of these papers are available on request from the tribunal’s office.

NEW WAITANGI TRIBUNAL REPORTS  
available

Te Ika Whenua – Energy Assets Report 1993  
(Wai 212)
This 79 page report is a full discussion of the issues raised in the six page report concerning the Aniwhenua and Whaeo dams, covered in the April Te Manutukutuku. The claim was afforded urgency by the tribunal because of the pending implementation of the Energy Companies Act 1992 and the effect of that Act on Te Ika Whenua’s substantive claim to ownership of the Rangitaiki and Whaeo rivers.  
$20.00

Ngawha Geothermal Resource Report  
(Wai 304)
See page two story.  
$45.00

Preliminary Report on Te Arawa  
Representative Geothermal Resource Claims  
(Wai 153)
Because the tribunal’s findings and recommendations on the Ngawha geothermal claim could impact on the Te Arawa claims and other geothermal resource claims, the tribunal has inquired into the claims and issued this preliminary report. Urgency was afforded this report because the Bay of Plenty Regional Council’s proposed regional plan for the Rotorua geothermal field would be announced early in July.  
$22.50

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Claimant Satisfaction Questionnaire

At the end of last year, as part of an audit requirement, the Waitangi Tribunal staff issued a questionnaire to all claimants designed to measure the current level of their satisfaction with the service they receive from the division. 35 of the 280 questionnaires were completed and returned to the tribunal; a well above average return for a mail questionnaire.

The questions and the answers:

Q. When you first made contact with this office, how satisfied were you with the service you received?
A. Very — 34% Quite — 50%
Not very — 5% Not at all — 8%
No answer — 3%

Q. In general, how acceptable is the length of time it takes to receive a reply to a request?
A. Very — 25% Quite — 55%
Not very — 5% Not at all — 13%
No answer — 3%

Q. When you make a request, how adequate is the information given?
A. Very — 36% Quite — 41%
Not very — 15% Not at all — 8%
No answer — 5%

Q. How acceptable is the attitude of the staff at the Waitangi Tribunal?
A. Very — 69% Quite — 26%
Not very — 0% Not at all — 5%
No answer — 5%

Q. How satisfied are you with the way that hearings, conferences and meetings are run? (Not applicable to all claimants)
A. Very — 14% Quite — 7%
Not very — 0% Not at all — 0%
No answer — 79%

Q. How satisfied are you with the procedures for notification of a hearing, conference or meeting? (Not applicable to all claimants)
A. Very — 13% Quite — 9%
Not very — 2% Not at all — 2%
No answer — 74%

Q. How adequately are you kept informed of the development in the progress of the claim(s) you are involved in?
A. Very — 21% Quite — 29%
Not very — 24% Not at all — 13%
No answer — 13%

STAFF NEWS

Two researchers leave

Joy Hippolite of Ngati Koata and Ngati Toa is leaving the staff to take up the position of conservation officer at Te Papa Atawhai, The Department of Conservation. Joy has been with the tribunal since 1988 and has worked on the Hawkes Bay claims.

Aroha Harris of Te Rarawa and Ngapuhi began working for the tribunal in 1990. She has worked mainly on the Taranaki confiscation claims. Aroha will be going to Te Tari Hauora, The Department of Health to work as an advisor in research and analytical services.

Both Joy and Aroha will be greatly missed for their valuable contribution to the work of the tribunal and their input into the running of the division. They leave with the very best wishes of the tribunal members and staff.

Staff member admitted to the bar

Marama Henare of Ngati Maniapoto, Ngati Porou and Ngapuhi became a fully fledged lawyer when she was admitted to the bar in Hamilton in April this year. Marama is currently the acting legal advisor for the Waitangi Tribunal. Congratulations from members and staff.

New researcher appointed

Penny Ehrhardt was the successful applicant for the position of research officer. Penny was a contract worker for the tribunal last year and completed a report on the history of Te Whanganui a Tara. She has BA (first class honours) from Victoria University of Wellington and has partially completed a law degree. We welcome Penny to the team.