OBITUARY FOR WILLIAM MACDONALD TAYLOR

The Sacred House of Ngapuhi to which William MacDonald Taylor Belonged

William Macdonald Taylor QSM
Waitangi Tribunal Member
until his death
on 29 September 1993

Puhanga Tohora
look to Whakatere,
Whakatere look to Te Ramaroa
Te Ramaroa look to Whiria
Whiria look to Panguru,
to Papata,
To the Tree Standing Adorned
Standing in the west.
Panguru look to Maungataniwha,
Maungataniwha look to Tokerau,
Tokerau look to Rakaumangamanga
Rakaumangamanga look to Manaia
Manaia look to Maunganui
Maunganui look to Tutamoe
Tutamoe look to Puhanga Tohora

Haere e te Matua Haere
Depart beyond the vision of the living
Depart from your many marae
Be lost to your Maori people.
Farewell the house of knowledge of our ancestors
The sheltering totara of Tane's wide forest.
You have been taken up on the wings of the cool breeze
Now that your spirit has ascended into the heavens.
Go on, past Whitirea and Rehua to the care
of God Almighty,
Return to the union of souls in the Kingdom of the Lord.
Sleep, sleep, oh sleep.
Waitangi Tribunal Reports on Maori Development Corporation Claim

The Waitangi Tribunal granted urgency to the hearing of claims against the Crown's proposed sale of its 13 million Maori Development Corporation (MDC) shares.

The Tribunal reports that the claimants' common concern is that the proposed sale of the Crown's MDC shares, without provision for the continued predominance of shareholders representing pan-Maori interests, will very likely destroy the company's character as a Treaty mechanism whose services are available to all Maori people.

On whether the Crown should sell its shares in the MDC at this point in time, the tribunal says:

First we must consider that the MDC was created as a Treaty settlement mechanism for the benefit of all Maori and that the Crown's involvement as the principal shareholder was a vital means of achieving the company's Treaty based objectives. From the inception of the MDC, the Maori Trustee was to be a significant shareholder and, as both the Crown and the Maori Trustee are pan-Maori institutions in the sense that they represent the interests of all New Zealand Maori, their denomination of the company ensured its pan-Maori character.

Since it is clear, in our view, that the MDC has not met those goals and, indeed, has turned away from them, we consider that the Crown would be in breach of the Treaty obligations which it sought to honour on the formation of the company if it were to sell its shares before taking all possible steps to ensure that the company resumes its original Treaty based objectives.

In light of our view that the MDC is a Treaty settlement mechanism, we also consider that the proposed sale of the Crown's shares would be inconsistent with the Treaty principle earlier identified, whereby the Crown must act fairly and impartially towards all Maori. This conclusion rests upon our view that the likely outcome of a sale at this time would advantage a few iwi and disadvantage the majority, thereby creating a new prejudice.

Dr Ngapare Kaibina Hopa of Tainui and Ngati Tuwharetoa has been a member of the Waitangi Tribunal since 1989. She was involved with the inquiries into the Te Roroa claim and the Mohaka River claim.

Dr Hopa is Senior Research Fellow for the Centre for Maori Studies and Research at Waikato University. Tribunal members and staff will miss Pare and extend their best wishes to her and her whanau.

The Tribunal has recommended that the Crown transfer 5 million shares, which the Tribunal considers are held by the Crown on behalf of all Maori, to the Poutama Trust 'being the most appropriate pan-Maori institution presently in existence to hold those shares on behalf of all Maori'. There should be provision for further transfer from the trust to a pan-Maori recipient 'identified or formed as a result of consultation between Maori and the Crown'.

The Tribunal also recommends that before the Crown sells its remaining 8 million MDC shares 'that a sale process be devised which will ensure the continued control of MDC by pan-Maori interests' and that the Articles of Association for the MDC be amended to 'limit the maximum beneficial ownership of individual iwi to 10% of the issued shares'.

The Maori Development Corporation Report is available from Brooker & Friend Ltd P O Box 43, DX 8043, Wellington. Tel: 0-4-385 6683 Fax: 0-4-385 7300 Price: $33.75 incl GST
Four New Members Appointed to the Waitangi Tribunal

The Minister of Maori Affairs has announced the appointment of four new members to the Waitangi Tribunal.

Mrs Keita Whakato Walker of Ngati Porou, living in Ruatahuna. Mrs Whakato is a farmer and community worker, a member of Radio Ngati Porou Charitable Trust Board, Ruatoki Charitable Trust Inc. the Ngati Porou Social and Economic Development Task Force. She was an interim member of the National Te Kohanga Reo Task Force.

Mr Makarini Temara, of Tuhoe, living in Rotorua. Mr Temara is the chairman of the Tuhoe Trust Board, former President of the Ataarangi Language Society Inc. and formerly held a senior position in the Presbyterian Church.

Ms Pamela Ringwood of Auckland. Ms Ringwood is a senior law lecturer at the University of Auckland. She is a Family Court councillor and a member of the Ethics Committee of the New Zealand Institute of Mediators. She has sat on numerous committees, was a member of the Aratuna branch of the Maori Women’s Welfare League and a founding member of the North Shore branch.

Mr Brian Corban of Auckland. Mr Corban is a managing partner of Corban, Revell & Company Solicitors. He is the chairman of Television New Zealand and the deputy chairman of the Broadcasting Corporation of New Zealand. He is director of Ngatarawa Wines Ltd, Ports of Auckland Ltd, chairman of Waikato Energy Ltd and a trustee of numerous community bodies.

The appointments run for three years and replace Sir Monita Delamer, who died in April this year, Dr Ngapare Hopa, Mr William Wilson and Mrs Emarina Manuel. Although retired, Mrs Manuel will continue as part of the Taranaki Tribunal and Mr Wilson as part of the Whanganui-a-Orotu (Napier Inner Harbour) Tribunal.

CHRISTMAS SHUTDOWN PERIOD

The office of the Waitangi Tribunal will close for Christmas 12.00 pm Wednesday 22 December 1993 and will open again at 8.30 am on Wednesday 5 January 1994.

Muriwhenua Research Available

The Tribunal has divided its inquiry into the Muriwhenua claims between matters arising before and after 1865, and is now completing its examination of the first period. Most Maori interests in Muriwhenua lands are said to have been extinguished by the Crown before 1865. This resulted from pre-Treaty land transactions and early Crown purchases. The claimants’ first argument is that the land transactions are to be seen as Maori saw them in terms of their own laws. They were wrongly understood by westerners as sales. In addition, many pre-Treaty transactions covered large areas, but the Crown allowed parts only to pass to the settlers, keeping the surplus for itself; and it is argued the surplus land should have returned to Maori. The third main argument challenges the Crown purchases from 1841 to 1865. The first Crown purchase in New Zealand is believed to have taken place in Muriwhenua.

In reply the Crown contends that Maori in fact understood the transactions as absolute alienations by the time they were called upon to affirm them before the Land Commissioners appointed in 1841, and that where lands were conveyed and the Crown awarded part only to the settlers, the Crown was entitled to the surplus.

Claimants examining pre-Treaty transactions in other districts are advised of the following research works now filed in the Muriwhenua claim:

Tribunal Commissioned Research Reports

- Rigby, Barry/Koning, John Historical Evidence Relating to the Muriwhenua Land Claim – an overview of early Muriwhenua history, the pre-Treaty transactions, the Claims Commission, Crown purchases and Maori reserves. (Doc A1)
- Rigby, Barry Mangonui Area and the Taemaro Claim – a further review of the pre-Treaty transactions at Mangonui and subsequent Crown inquiries for the disposal of the lands. (Doc A21)
- Rigby, Barry Muriwhenua North Report – on the major pre-Treaty transactions in the far northern Peninsula. (Doc B15)
- Rigby, Barry Oruru Report – on overlapping pre-Treaty transactions and subsequent Crown purchases. (Doc C1)
- Salmon, Anne Likely Maori Understanding of Tuku and Hoko – argues that Maori probably understood pre-Treaty transactions in three selected areas as reciprocal exchanges of rights. (Doc D17)
- Salmon, Anne Treaty Meanings – Maori understandings in the light of the words used in documents and the surrounding context with particular reference to the Treaty and land deeds. (Doc F19)
- Head, Lindsay Maori Understanding of Land Transactions Mangonui/Muritoki Area 1861-1865 an alternative argument that Maori did understand absolute alienations. (Doc F21)
- Head, Lindsay An Analysis of Linguistic Issues Raised by Dr Mutu and Dr Metge – further argument that based upon the deed language and contemporary context, Maori understood the transactions as permanent alienations. (Doc G5)
Claimant Research Reports

- Alemann, Maurice Muriwhenua Land Claim Pre-Treaty Transactions – a descriptive list of pre-Treaty transactions in Muriwhenua. (Doc F11)
- Mutu, Margaret Tuku Whenua or Land Sale? – Maori expectations in the light of custom. (Doc F12)
- Metge, Joan Cross-cultural Communications and Land Transfer, Western Muriwhenua 1832-1840 on the different cultural understandings of Maori and Pakeha with particular regard to the land transactions. (Doc F13)
- Wyatt, Philippa The Sale of Land in Muriwhenua: A Historical Report on pre-1840 Land Transactions – that the transactions were not sales according to the Maori perspective. (Doc F17)
- Nepia, Michael Muriwhenua Surplus Lands Commissions of Inquiry in the Twentieth Century – an examination of investigations of surplus land leading to the Myer's Commission 1946-48. (Doc G1)

Crown Research Reports

- Walzl, Tony Pre-Treaty Muriwhenua. (Doc D4)
- Loveridge, Donald The New Zealand Land Claims Act of 1840 – on the origin of the Court of Claims and the appointment of Commissioners to inquire into pre-Treaty land transactions. (Doc I2)
- Sinclair, Fergus Issues Arising from Pre-Treaty Land Transactions – that by the time the land commissioners were called upon to inquire into the pre-Treaty land transactions, Maori understood the transactions as absolute alienations. (Doc I3)
- Armstrong, David The Land Claims Commission, Practice and Procedure 1840-1856 – practice and procedure of the Court. Again it is suggested Maori understood the transactions as absolute alienations. (Doc I4)
- Armstrong, David The Taylor Purchase” – an examination of the northern-most pre-Treaty transaction and its aftermath. (Doc I5)
- Armstrong, David The Most Healing Measure: Crown Actions in Respect of Oruru/Mangonui, 1840-1843 examines the Crown's mediation efforts in an area of Maori conflict. (Doc J3)

Those seeking copies of reports should write to the Director of the Tribunal for an estimate of the costs.

NEW RESEARCH PROGRAMME

The Waitangi Tribunal has begun a new research programme called Te Rangahaua Whanui. The practice note for the programme is printed here.

Practice Note

This practice note follows extensive Tribunal inquiries into a number of claims in addition to those formally reported on.

It is now clear that the complaints concerning specified lands in many small claims, relate to Crown policy that affected numerous other lands as well, and that the Crown actions complained of in certain tribal claims, likewise affected all or several tribes, (although not necessarily to the same degree).

It further appears the claims as a whole require an historical review of relevant Crown policy and action in which both single issue and major claims can be properly contextualised.

The several, successive and seriatim hearing of claims has not facilitated the efficient despatch of long outstanding grievances and is duplicating the research of common issues. Findings in one case may also affect others still to be heard who may hold competing views and for that and other reasons, the current process may unfairly advantage those cases first dealt with in the long claimant queue.

To alleviate these problems and to further assist the prioritising, grouping, marshalling and hearing of claims, a national review of claims is now proposed.

Pursuant to second schedule clause 5A of the Treaty of Waitangi Act 1975 therefore, the Tribunal is commissioning research to advance the inquiry into the claims as a whole, and to provide a national overview of the claims grouped by districts within a broad historical context. For convenience, research commissions in this area are grouped under the name of Rangahau Whanui.

In the interim, claims in hearing, claims ready to proceed, or urgent claims, will continue to be heard as before.

Rangahau Whanui research commissions will issue in standard form to provide an even methodology and approach. A Tribunal mentor unit will review the comprehensiveness of the commission terms, the design of the overall programme, monitor progress and prioritise additional tasks. It will comprise Tribunal members with historical, Maori cultural and legal skills. To avoid research duplication, to maintain liaison with interested groups and to ensure open process:

(a) claimants and Crown will be advised of the research work proposed;
(b) commissioned researchers will liaise with claimant groups, Crown agencies and others involved in treaty research; and
(c) Crown Law Office, Treaty of Waitangi Policy Unit, Crown Forestry Rental Trust and a representative of a national Maori body with iwi and hapu affiliations will be invited to join the mentor unit meetings.

It is hoped that claimants and other agencies will be able to undertake a part of the proposed work.

Basic data will be sought on comparative iwi resource losses, the impact of loss and alleged causes within an
historical context and to identify in advance where possible, the wide ranging additional issues and further interest groups that invariably emerge at particular claim hearings.

As required by the Act, the resultant reports, which will represent no more than the opinions of its authors, will be accessible to parties; and the authors will be available for cross-examination if required. The reports are expected to be broad surveys however. More in-depth claimant studies will be needed before specific cases can proceed to hearing; but it is expected the reports will isolate issues and enable claimant, Crown and other parties to advise on the areas they seek to oppose, support or augment.

Claimants are requested to inform the Director of work proposed or in progress in their districts.

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New Claims Registered

WAI 371
Claimants: Hori Hemara Niha of Ngapuhi and Ngatihine hapu for descendants of Hoterene Hoterene
Concerning: the Te Horo block
Region: near Whangarei
Received: 10 May 1993

WAI 372
Claimants: John Delamere and others for the many iwi of Aotearoa and all the school children of Aotearoa
Concerning: Proper priority of Maori cultural activities in schools
Received: 4 August 1993

WAI 373
Claimants: Toko Renata Te Taniwha and the Hauraki Maori Trust Board for the Hauraki tribes
Concerning: The Tainui Raupatu claim and Maramarua State Forest
Region: Bombay South
Received: 20 August 1993

WAI 374
Claimants: Toko Renata Te Taniwha and the Hauraki Maori Trust Board for the Hauraki tribes
Concerning: Auckland Central Railways lands
Received: 20 August 1993

WAI 375
Claimants: Anaru Kira for the Whakararara Maori Committee
Concerning: Whakararara Mountain
Region: Northland
Received: 8 July 1993

WAI 376
Claimants: Roger and Robert Chase, descendants of Ihakara Kahauo of Ngati Tuwharetoa
Concerning: Paenoa Te Ako lands
Region: Taupo
Received: 5 August 1993

WAI 377
Claimants: D Churton and others of Ngati Tama
Concerning: Lands at Kaiwharawhara and the Hutt Valley
Region: Wellington
Received: 6 August 1993

WAI 378
Claimants: Henry Tiopira Mathews for the former Maori owners of Owhaoko C3B land
Concerning: Owhaoko C3B block
Region: Wairoa ki Wairarapa
Received: 19 July 1993

WAI 379
Claimants: Makere Rangiatea Ralph Love and others for descendants of owners of land in Marlborough Sounds and Picton
Concerning: Marlborough Sounds and Picton
Received: 24 August 1993

WAI 380
Claimants: Sandra Te Hakamatua Lee for the hapu of Tuhuru
Concerning: Te Runanga o Ngai Tahu Bill
Region: Te Tai Pooutini, West Coast, South Island
Received: 13 September 1993

WAI 381
Claimants: Areta Koopu and others for the Maori Women's Welfare League and all Maori women
Concerning: The systematic deprivation of Maori women of their spiritual, cultural, social and economic well being
Received: 27 July 1993

WAI 382
Claimants: Wero Karena for trustees of Owhaoko C7 (Ngati Hinemanu, Ngati Te Upokoiri)
Concerning: Kaweka Forest Park and Ngaruroro River
Region: Hawkes Bay
Received: 19 July 1993

WAI 383
Claimants: Colin Maungapohatu Bidois for iwi of Tauranga Moana
Concerning: Te Puna/Katikati Purchase
Region: Tauranga
Received: 17 August 1993

WAI 384
Claimants: Andrew Te Amo and others for Ngati Whakaue
Concerning: Ohinemutu Village
Region: Rotorua
Received: 3 September 1993

WAI 385
Claimants: Neville Lomax and others for Ngati Hauiti
Concerning: Land in the township of Potaka (now Utiku)
Region: Taihape
Received: 23 August 1993

WAI 386
Claimants: Te Kotahitanga Tait for the Tuhoe Waikaremoana Maori Trust Board
Concerning: Matahina F block
Region: Bay of Plenty
Received: 30 August 1993

WAI 387
Claimants: W Kuiti and others
Concerning: Removal of childcare subsidies for beneficiaries with children at Kohanga Reo
Received: 3 September 1993

continued
Claimants: Ruby Hinemoa Grey and others for the Ngati Whatua o Orakei Maori Trust Board
Concerning: Tamaki Makaurau claims
Region: Auckland
Received: 20 August 1993

WAI 389
Claimants: Hori J Deane and others and the Ngati Raukawa Trust Board
Concerning: Te Rohe Potae land and resources
Region: Central North Island
Received: 18 May 1993

WAI 390
Claimants: Hone Meihana Taumaunu for Te Runanga o Paikea
Concerning: Lands within Te Runanga o Paikea rohe
Region: Gisborne
Received: 22 September 1993

WAI 391
Claimants: Charles Taua for the Ngati Tura and Ngati te Ngakau Claims Committee
Concerning: Rotorua Railways lands
Received: 6 September 1993

WAI 392
Claimants: Turikotahi Rawiri for Te Runanga o Ngati Paoa and Ngati Paoa
Concerning: Auckland Railways lands
Region: Newmarket, Auckland
Received: 2 September 1993

WAI 393
Claimants: Mereana Hakopa and others of Te Uri-o-Hau
Concerning: Lands in Auckland
Received: 2 September 1993

WAI 394
Claimants: Dinah Steele for Ngati Whanaanga iwi
Concerning: Central Auckland Railways lands claim
Received: 2 September 1993

WAI 395
Claimants: M R R Love of Te Atiawa for all iwi who elect to join the claim
Concerning: The Electoral Act 1956 & 1993
Received: 28 September 1993

CORRECTION: Te Manutukutuku 23 Aug/Sept 1993
Wai 362: Ngati Ruahine was spelt wrongly. We apologise for the error.
THE WAITANGI TRIBUNAL CLAIMS

ORAKEI
School Resource Set Four

Only a few kilometres from the centre of Auckland city there is a piece of land called the Orakei Block which has a special significance for both Maori and non-Maori alike. Situated between Hobson Bay and Mission Bay, it includes the suburb of Orakei, Okahu Bay, Orakei Domain, the Savage Memorial and Bastion Point.

The history of this land tells us much about how the city of Auckland was created, Ngati Whatua of Orakei, the Maori hapu which once owned the land, paid an immense price when it was lost to them. The story of the land at Orakei helps us to understand what tribal land ownership means to the Maori people.

This superbly presented, colour, poster sized resource has been planned for use with the fourth form social studies syllabus, in particular modules 4.1 (The Treaty of Waitangi) and 4.2 (The search for security, justice and human rights). It can also be used for use in senior school history, geography, legal and cultural studies.

Main Themes

- Tribal identity and authority/Tino rangatiratanga (cf 'Maori identity')
- Tribal ownership of land/European title to land
- Urban development: Gains and losses
- Retention/loss of things of value
- Forms of protest
  - Concepts of Justice/Injustice
  - Right/Wrong
  - Lawful/Unlawful action
- Resolution of grievances

The resource was produced with the help of a group of teachers and was trialed in the classroom with great success. Each kit contains 30 copies of the resource, plus teacher's notes and student's exercises.

Other Resource Kits Available

Set one Kaituna environmental pollution claim, Rotorua
Set two Motunui-Waitara environmental pollution claim, Taranaki
Set three Te Roroa historical land loss claim, Northland

Order Form

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Please send me

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Chairperson Addresses Women Judges

The Radio Frequencies and Broadcasting claims led to substantial provisions for Maori after Tribunal and High Court proceedings. The fishing reports and High Court action resulted in a national settlement of all fishing claims, sometimes described as the world's largest fishing settlement for indigenous people. The Rangiateaorere and Orakei claims, and the Waitomo claim mediation, gave rise to land and cash transfers. The Railways claim saw the establishment of the Crown-Maori Congress Joint Working Party to transfer certain railway properties to tribes on account of their claims where research established a prima facie case. Several properties passed over.

It seems fair to say however that while the inquiry into current claims has led to substantial changes in law, policy and public administration, with the exception of the fishing settlement the transfer of assets on account of historical losses has been small. These assets are seen by the tribes as necessary to get them back into business, and the sooner the better in their view, but this year Government disbanded the Crown-Congress Joint Working Party with its provision for settlements 'on account'. Government appears committed to settlements that are 'final' (though not necessarily 'full'). This is no doubt with good reason, but the utility of 'on account' payments or 'final' settlements needs further debate.

Copies of the address are available on request from the Tribunal's office.

WAITANGI TRIBUNAL
OCCASIONAL PUBLICATION
3/1993

TE ARA TIROHANGA:
A GUIDE FOR RESEARCHERS INTO MAORI CLAIMS
Revised Edition
This directory is designed to assist researchers to find information held in government agencies, National Archives, National and Turnbull Libraries.

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Please advise the Waitangi Tribunal Division of any changes of address.