Waitangi Tribunal reports became available free of charge from Monday 12 August, via the reports database on the Tribunal's world wide web homepage. This development, which allows immediate access to claimants and researchers, comes in response to increasing demand for access to the Tribunal's reports, both from within New Zealand and from overseas, and has been made possible by substantial sponsorship.

In just the first week since the database became freely available, there were over a thousand searches. Approximately 20 percent of the users in the first week were from overseas, with strong interest coming from Canada in particular. It is expected that the free to access reports database will generate increased international exposure and further facilitate contact with international bodies involved in the land grievance resolution process.

The Taranaki Report: Kaupapa Tuatahi, the Tribunal's latest report, will be on the database, which contains 27 reports, by the end of August. Electronic Text, who manage the homepage, are currently working to place earlier reports on the database, so that all the reports published by the Tribunal will soon be available.

The only cost to the user will be their Internet server provider's standard charge for downloading information, which will be minimal.

Bound copies of all Waitangi Tribunal reports remain available from GP Publications and Bennetts bookshops, immediately upon release to the public. There will be a delay of about a week before becoming available for access on the database. The free access will be trialled for one year; if there is enough interest and support from the public it is likely that access will remain free.

Electronic Text, who service the Waitangi Tribunal Reports Database, have installed a browse facility, which means that users can read through the report from beginning to end on the screen, as well as being able to use key words to search through the report.

Electronic Text have also expressed their interest in making available electronically other sources of information of use to researchers working in the area of Treaty claims.

The Waitangi Tribunal Reports Database can be found at: http://www.knowledge-basket.co.nz/waitangi/welcome.html.

For information regarding Waitangi Tribunal reports contact: Jackie Hutchings, Customer Services, GP Publications, phone 04-496 5690, free-fax 0800 804 454.

For information regarding the Waitangi Tribunal Reports Database, contact Dave Keet, Electronic Text, phone 09-846 6454, email: dave@kete.co.nz.
From the new Director

_E nga iwi o te motu, tēnā tātau katoa_

In the United States they talk of a president’s first 100 days as being the most significant time of office. Although it is not yet 100 days since 24 June when I started as Director of the Tribunal – that point will arrive some time after the Members’ conference in late September – my first 100 days will certainly be eventful, and I am sure very productive for both the Tribunal members and the staff generally.

By the time of the Members’ conference we will have completed the drafting of four key documents as part of the Tribunal’s overall corporate strategy. These are: the Tribunal’s key strategies for the next ten years; the business plan for the next year; the structure for the Tribunal staff; and the briefing for the incoming government. This is quite an ambitious agenda especially given the multitude of interests there are in the Tribunal’s business. Indeed my first 100 days will be eventful without any of this, with the completion of many of the reports which make up the Rangahau Whānui programme, along with the writing of the Muriwhenua, Te Whānau o Waipareira, Whanganui River and Ngāti Awa reports.

I will take the opportunity to comment on some of the directions I see the Tribunal going as we move towards the first MMP election. These are no more than my thoughts at this point and many would need input from the various stakeholders for them to become firm courses of action.

My first desire is to build on the efficiency and effectiveness advances that have been instituted in recent times. This involves getting the management of the organisation fine-tuned and understood by the interested parties. A bevy of consultants have examined and reported on the organisation over the last few years, without significant improvement actually occurring to the organisation as a result. Planning, examination of the strengths and weaknesses of the organisation, along with the various opportunities and threats will all contribute to firming our direction.

It is time to examine what the Tribunal’s changing role may be and what expertise it might need to deal with those changes. There has been a desire expressed by Government that the focus of the Tribunal remain on historical claims, and there is no doubt that these will dominate the agenda for some time to come. It would be naive though to ignore the very real situation, that present generations are focusing more on contemporary grievances. The settlement process for historical claims tends to generate grievance, as is being witnessed in the vexed debate over the use of conservation land as part of settlements. The diversity of claims is increasing with matters such as the Kaimanawa horses, Indigenous Flora and Fauna and the Māori Women’s claim, to name but a few. Modern day grievance is very real for Māori people and will remain even if there is some constitutional recognition of tino rangatiratanga or mana motuhake.

Having worked in the Treaty area for some time now, I am very much an advocate of making haste slowly. I remain sceptical of ’quick-fix’ solutions, while at the same time acknowledging the frustration that keeps generating them. Nobody likes a queue or to be asked to wait. I acknowledge the truth of the statement that justice delayed is justice denied in many cases. I have seen many of the quick solutions end up taking inordinately more time, including much wasted time. That is not to say that we cannot improve the speed with which claims are dealt with. The next few years will see improved processes such as the grouping of similar claims for hearing and the preparation of comprehensive ‘casebooks’ for claims.

This increase in efficiency will not suit all and will require groups who are often opposing each other to at least work co-operatively, to a timetable established by the Tribunal. It will mean some will have to wait, although this could well strengthen their claim by making it more comprehensive. The casebook approach will help the efficiency of hearing a case, which in turn will aid the process of reporting, as well as shortening the time to make recommendations. That will be of benefit to all claimants, such as forest claimants seeking an order from the Tribunal.

Although the Treaty of Waitangi Act does not specifically require it, and at first it may seem a compromise of the independence of the Tribunal, I think it is important that in their work the Tribunal staff should be assisting claimants’ preparation towards negotiation of a settlement with the Crown. This work should assist both the Crown and the claimant parties.

It is an exciting time to come to the Tribunal, as we are about to start reaping the benefits of the Tribunal’s past and present work, be it in its organisation, research or simply in matters learned over the years. This year will see a feast of reports and next year there is a full calendar of hearings. Close co-operation among all agencies in this business will yield excellent results for all the parties, including the public, who will be much better informed than ever before. I have no doubt some of you are exhausted just reading this, but read quickly as there is lots more to come.

_Nō reira heoi anō, noho ora koutou_

Morris Te Whiti Love
Director
The national overview for Rangahaua Whānui is currently being written and compiled by Professor Alan Ward, previously with the University of Newcastle, now a contract historian with the Waitangi Tribunal, and a small team of research associates.

The first part of the overview will begin with a discussion of Treaty principles and Treaty jurisprudence as developed by the Waitangi Tribunal and the courts. Key features of Crown policies affecting Māori land and society will then be summarised and assessed in Treaty terms.

This will not be an easy matter, according to Professor Ward, as in many cases it is necessary to assess what might reasonably be expected of the Crown as a Treaty partner acting in good faith, with the duty of active protection of Māori rights, while also having the responsibility for national governance. The task is easier where, as is often the case, Crown officials have publicly and solemnly undertaken to discharge certain duties towards Māori, and have manifestly and without obvious public necessity, failed to do so.

Among the key areas for discussion will be the old land claims and 'surplus land'; Crown purchases to 1865; purchases under Governor Fitzroy's waiver of Crown pre-emption; purchases under the Native Land Acts 1865 to 1900; alienations under the Māori Land Boards 1903-5; land takings for public works; raupatu and compensation courts; land taken for survey costs; rating of Māori land; 'native committees'; trust administrations; Goldfield Administration; inland waterways and foreshore; native townships and the use of flora and fauna.

The second part of the report will summarise the impact of land alienation upon the 15 research districts (which are each the subject of their own reports). Researchers were asked to consider all likely causes of grievance and not limit themselves to claims as currently expressed.

The object of these studies is partly to avoid duplication of research and also to provide some useful platforms that claimant researchers can base their work on relating to specific lands. Rangahaua Whānui has always been intended to complement claims work, not to be a substitute for it, but it is hoped that the discussion of matters of general application throughout New Zealand will assist the advancement of all claims towards Tribunal hearing or negotiation.

According to Professor Ward, the national overview is also intended to assist discussion on strategies of claims resolution and restoration of tribes to their rightful positions in terms of the Treaty:

So far no such comprehensive discussion has taken place — certainly not one that seriously involves Māori. All that presently exists are the Crown Proposals of 1994, including the 'fiscal envelope', which was recently affirmed by Minister of Treaty Negotiations Doug Graham as still the policy in place. We do, fortunately, also have the settlements in relation to Waikato raupatu and commercial fisheries, and progress is reportedly being made in respect of Ngāi Tahu's negotiations. But there has been no national scoping of the range and incidence of Treaty breaches and their prejudicial effects upon Māori had been appraised. That is putting the cart before the horse. But a national scoping of the kinds of injury to be remedied can be arrived at through the Rangahaua Whānui programme and the claims research together. Then the nation can better assess the task to be accomplished and debate the methods by which it can be accomplished.

Research reports as part of the Rangahaua Whānui project continue to be completed. Among the national theme studies is a cluster of reports on twentieth century Māori land administration, about which research and publication to date has been limited, in comparison with the amount of work done on nineteenth century land issues. The Twentieth Century Land Administration Project was designed for the Tribunal by Professor Alan Ward in collaboration with Dr Don Loveridge, who supervised the project, and the historians of the Crown Forestry Rental Trust, which provided the funding.

The following reports in the Rangahaua Whānui series are now available:

District 1: Auckland
R Daamen, P Hamer, and B Rigby ($20)

District 7: The Volcanic Plateau
B J Bargh ($17)

District 9:
The Whanganui District,
S Cross and B Bargh ($15)

District 11a: Wairarapa
P Goldsmith ($15)

District 11b: Hawke's Bay
D Cowie ($20)

District 12:
The Wellington District
Dr R Anderson and K Pickens ($20)

District 13:
The Northern South Island (part 1)
Dr G A Phillipson ($17)

(Prices subject to change as reports are reprinted.)

All reports available from the Editor, Waitangi Tribunal, phone 499 3666 ext 885.
New casebook method for hearing claims

The Waitangi Tribunal has established a procedure called the casebook method to improve the hearing process. It requires all research to be submitted before hearings begin; that research is then compiled into a casebook. The aim of the casebook method is to reduce the hearing time for claims. This draft practice note on the casebook method has been widely circulated amongst claimants and is replicated here for your information. Claimants or other interested parties may file submissions on the practice note to: The Registrar, Waitangi Tribunal, PO Box 5022, Wellington.

This practice note establishes a procedure, called the casebook method, for presenting claims to the Tribunal. The casebook method aims to avoid the situation which has sometimes occurred where the Tribunal has commenced its inquiry into claims which have only been partly ready for hearing as they have required further research. This delays the hearing process until the further research has been completed. Such delays, which at times have been substantial, increase the costs of hearings for all parties involved. The casebook method is therefore aimed at improving the efficiency of the claims process by ensuring that all claims are adequately researched before the commencement of hearings.

Further, to comply with the rules of natural justice, but also for reasons of efficiency and economy, the Tribunal groups for concurrent inquiry all claims which affect, or relate to, the assets of a particular area. For example, with historical claims involving tribal resources this generally means hearing all the claims to those resources together.

Thus, in order to ensure an effective, efficient, and fair hearing process, the Tribunal does not normally commence hearing a claim or a group of claims unless:
(a) all the principal issues raised by the claim/s have been identified (so far as it is possible to do so prior to hearing); (b) sufficient and adequate research covering all principal issues identified has been filed with the Tribunal; and (c) the research has been compiled into a casebook.

What is a casebook?

A casebook contains all the research reports which are to be presented to the Tribunal during the course of an inquiry into a claim or a group of claims. Generally, the casebook is made up of a number of volumes. The casebook compiled for the first hearing contains all research reports which the claimant/s intend to rely on throughout the Tribunal's inquiry into the claim/s. It also contains all other research reports and documents which the Tribunal considers relevant to the claim/s (for example, the relevant Rangahau Whānau district report or a summary of published works such as traditional histories and statements of claim). It need not contain written briefs of kaumatua evidence, nor counsel's overview, although these may be included if filed in advance.

Where the Crown has submitted research reports in advance, these may also be included in the casebook compiled for the first hearing, together with any specific information which the Tribunal has asked the Crown to produce for inclusion in the casebook at that stage (for example, a list of memorialised or land-banked properties). However, it is acknowledged that the Crown must respond to claimant evidence where it considers that it is appropriate and necessary to do so and for that reason it is not always possible for the Crown to have completed its reports before hearings commence. Therefore, at some stage during the course of the inquiry, the presiding officer shall set a date by which all Crown research reports, and any other reports not yet included in the casebook, should be filed with the Tribunal for inclusion in a subsequent volume (or volumes) of the casebook.

Bulky document banks are not incorporated into the casebook itself, although they are distributed to parties when the Tribunal distributes the reports to which they relate. Specific items in a document bank (such as maps) may be reproduced in the casebook. Confidential material is not included in the casebook.

At hearings, expert witnesses are to summarise their research reports, which are included in the casebook. If cross-examination is not required, the witness may be excused attending. The Tribunal considers many matters of history are best addressed by the submission of an alternative opinion.

Compilation of the casebook

A Tribunal member will determine when sufficient and adequate research has been completed and filed with the Tribunal so that a casebook for the claim/s can be compiled and the claim/s can proceed to a hearing. While responsibility for the preparation of a casebook would normally rest with counsel, this is not always practicable where several claims are involved, where some claimants are not represented by lawyers or where the Tribunal itself has commissioned research. Unless counsel object, the Tribunal staff will prepare the casebook in consultation with affected counsel.

The casebook does not replace the record of inquiry.

Conferences

This general practice may be amended by direction of the Tribunal to suit the particular circumstances of a case or where the casebook method works a particular hardship. Conferences will be called to settle the process in any particular case.

At some stage prior to the first hearing, the presiding officer (or oth-
SIR DESMOND SULLIVAN
Former Waitangi Tribunal member Sir Desmond Sullivan passed away on Friday 6 September 1996. Sir Desmond served on the Tribunal from 1986 and sat on the Ngāi Tahu Tribunal which reported on the Ngāi Tahu land, fisheries and ancillary claims. He was born in Waimate in 1920 and educated in Timaru and at Canterbury University where he graduated with an LLB in 1949. Sir Desmond served with the First Battalion of the Canterbury Register in 1940, and with the New Zealand Army from 1940 to 1945. He practised law in Westport from 1949 to 1959 and then in Palmerston North, where he was a founder member of the Marriage Guidance Council for seven years before being made a stipendiary magistrate in Wellington in 1966. Sir Desmond became the first Chief District Court Judge, serving from 1979 to his retirement in 1985.

Mrs Emarina Manuel, MBE

Retired Waitangi Tribunal member Mrs Emarina Manuel MBE passed away on 15 August 1996. Mrs Manuel was Ngāti Kahungunu and Ngāti Awa, her tīpuna signing the Treaty of Waitangi, and served on the Tribunal for six years. She served two terms, as a part-time member from 1986 to 1989, and as a full time member from 1989 to 1993, sitting on the Ngāi Tahu, Pouakani and Taranaki tribunals. Mrs Manuel was born in Wairoa, where she spent most of her life, growing up on a dairy farm. She began her working life as a primary school teacher and from 1956 to 1980 served as a welfare officer with the Department of Māori Affairs. She held office in a number of local land incorporations, was a district representative for the New Zealand Māori Council and served on the executive committee of the Māori Women’s Welfare League. She was also the Māori representative on the New Zealand Historic Places Trust Board. Active on local marae committees and a past chairperson of the Waioa-Waikaremoana Māori Trust Board, she was awarded the MBE for her community work. Mrs Manuel also served the Tribunal as a registered Māori interpreter.

He Poroporoaki ki a Emarina Manuel

Hoere koe e kui,
Hoere te rārangi whakaruruhou,
Te ūkaipō, kua tīkana koe ki ngā pūruru o te rangatira.
Mā mātua ngā urupā kua mahoe koe hei poroporoaki,
Ko mātua hei naho i rara i te ato a te pohutukawa,
Tangi hōtohoto ai, mau ai i ngā pare kawakawa
mō kua hoere ki te meonga roa.

E te hoo,
I kawea e koe ngā whirihirunga
i rito i Te Roopū Whakamāno i te Tirīti o Waitangi,
Te kaitotokā i te iwi Māori,
Te kaitokowenga i ngā tīkanga Māori,
Ngā tīkanga whenua, me ngā tīkanga katoa o te aoe.
Te kaitohtohoto i te reange o piki mai aua,
I kawea e koe ēnei koupapa atahau katoa,
i oti i a koe,
Hei moumuhararanga hoki ki a koe.
Nā raira, hei te purapura tewhititi,
Hoki atu ki te Tāhēkērā, ki tō hoo ki a Rāpoto,
Ki ngā tuhi māreikura o te mate,
Hoere atu rā e kui e, hoere atu rā, hoere atu rā.
Land records workshop for researchers

Land Information New Zealand (LINZ), created on July 1 as a result of restructuring the Department of Survey and Land Information (DoSLL), will continue to run four-day training workshops on accessing and utilising land records in New Zealand. The workshops were previously held in Gisborne and Wellington by DoSLL.

The workshops are for claimant researchers, researchers from within Treaty organisations, and anyone with an interest in learning more about how to access and utilise land titles in New Zealand. The courses comprise a mixture of handouts, visual displays and practical experience, and there is a maximum of nine participants per course.

The aim of the workshops is to demystify land titles, enabling researchers to understand important land records information. On the first day of the workshop the topics covered are: survey tenure, legal descriptions and survey records, including types of appellations; maps and plans; and the Survey Data Index. The second day is designed to provide an understanding of the records held at the Land Titles Office, which includes the history of the Land Title System, the Deeds Register System and the Torrens System; the General Land Register; certificates of title; historical title searching; land transfer documents; the origins of title to land and its history in New Zealand; the deeds system and the Land Transfer System. The third day of the course focuses on how to access the records held by the Māori Land Court, including the history, constitution, rules and functions of the Māori Land Court; various types of title orders; the English system of land law; Te Ture Whenua Māori 1993; Māori freehold land; and, the Land Transfer System.

At the end of each lesson a practical exercise involving a ‘live’ search reinforces what has been taught that day. The last day of the workshop in Wellington has in the past included a visit to the Historical Records, formerly maintained by DoSLL at Heaphy House (now at Charles Ferguson House). The final afternoon also involves more substantial title searching, which tests the research skills acquired over the previous four days.

The workshop runs for four days from 9am to 4pm with lunch, and morning and afternoon tea provided. For further inquiries, please contact either:

Dr Ian Shearer, Waitangi Tribunal
PO Box 5022, Wellington
ph: 04-499 3666, fax: 04-499 3676
or
Ralph Winmill, Chief Surveyor, LINZ
Mayfair House, 44-52 The Terrace
PO Box 5014, Wellington
ph: 04-472 5808, fax: 04-472 2277

New Staff Members

Lauren Zamolis joins the editorial team as an editorial assistant. Lauren comes to the Tribunal after two years at the Nelson Mail and working for three community papers covering the top of the South Island. She completed a Bachelor of Arts in Politics and History and an honours degree in Politics at Canterbury University. Lauren is of Greek, Irish and Scottish ancestry.

Huia Peachey has been appointed as a records officer for the Tribunal. She is from Ngāti Porou and grew up in Porirua. She will be working part-time while she completes her final year of a BCA/BA in Economics at Victoria University. Huia taught English in Venezuela while travelling around North and South America, and she hopes to return to the United States next year to study international development.

Suzanne Cross has returned to the Waitangi Tribunal as a contract researcher. Suzanne is affiliated to Ngā Pūhi and Ngāti Whakaue and was brought up in Waitara, Taranaki. She gained a BA and MA in History from the University of Auckland. She tutored undergraduate classes in New Zealand history while writing her thesis ‘Muru me te Raupatu: Confiscation, Compensation and Military Settlement in North Taranaki, 1863-1881’. In 1993-94 Suzanne worked for the Tribal Council, co-authoring the Whanganui District Rangahau Whānui working paper. She also did research for The Taranaki Report: Kaupapa Tuatahi and is now working on the Rangahaua Whānui National Overview Report due to be released at the end of the year.

Matthew Melvin has joined the Waitangi Tribunal as a contract researcher. Matthew is from Tauranga and traces his family back to Germany, Italy, Wales, England, Scotland and Ngāti Pariri of Muaupoko in the Horowhenua. He has a Masters degree with honours in History from Auckland University. Matthew has been assisting Professor Sorenson with The Taranaki Report: Kaupapa Tuatahi. He is currently writing a history for a block in the Kaipara region and is also working on the Validation Court for Rangahaua Whānui with researcher Aroha Waetford.
Tribunal plays prominent role at international conference

Professor Keith Sorrenson attended the World Conference on Remedies to Racial and Ethnic Economic Inequalities in Minneapolis as the Waitangi Tribunal's representative. Held in May, the conference was hosted by the Roy Wilkins Center for Human Relations and Social Justice, and the Humphrey Institute of Public Affairs at the University of Minnesota, Minneapolis.

The Chief Judge of the Tribunal, Eddie Durie, had been invited to send a Tribunal Member to speak at the conference. Professor Sorrenson was on two panels: 'The Role of Private Initiatives to Eliminate Discrimination' and 'Understanding Race, Racism and Remedies in the Context of Indigenous Peoples of the Pacific'. He explained the role of the Waitangi Tribunal in making recommendations for reparations and for restoring the level of Māori social and economic participation. The conference was 'exhilarating... and very well organised,' Professor Sorrenson said.

The conference had been initiated in response to growing concern in the USA about a backlash against affirmative action programmes. Many of the conference delegates from the USA spoke about the economic disadvantages that African-Americans face. Other speakers were from Kenya, Britain, South Australia and Alaska.

Professor Sorrenson considered participation in the conference particularly useful for increasing the Waitangi Tribunal's contacts and international exposure. It was also evident that there is increasing interest from other countries in the Tribunal's contribution to addressing racial and ethnic inequality.

Three new tribunal members

The Waitangi Tribunal welcomes three new members, who will bring a range of expertise to the Tribunal.

Mrs Areta Koopu lives in Rotorua and is Ngāti Kahu of Taitokerau and Ngāti Kanohi and Aitanga-a-Hauiti of Ngāti Porou. Mrs Koopu has had extensive involvement with the Māori Women's Welfare League, and is the current National Vice-President. Mrs Koopu has had a long community involvement in education and has attended a number of international indigenous people's conferences.

Richard Ronald Kearney is a district court judge from Mt Maunganui, who served ten years as chairman of the Indecent Publications Tribunal from 1985-95, and who has had extensive judicial experience.

Dame Augusta Wallace is a retired stipendiary magistrate and district court judge, serving from 1975-93. She was also a Papatoetoe city councillor, 1970-73, and Chairman of the Abortion Supervisory Committee, 1977-79.

Staff member performs in Greece

Waitangi Tribunal staff member Niwa Short has recently returned from a four week tour performing overseas with the Maraeroa Cultural Club. The touring party represented Aotearoa at the invitation of the CIOFF, a world-wide cultural organisation based mainly in Europe.

In July this year, Maraeroa club attended festivals in the towns of Kavala, Iannina and Katerini in the northern region of Greece. Other countries represented were Argentina, Spain, Brazil, Puerto Rico, Romania, Russia, Yugoslavia and Egypt.

Maraeroa Cultural Club has represented Aotearoa at previous festivals, touring Germany and Holland in 1991 and Belgium and Italy in 1994.

Niwa’s flair for Māori performing arts was inherited at a very early age from her late Aunt Kohine Ponika. Several of her aunt’s compositions have been performed on these tours.

Niwa said Greece was ‘dazzling’ as the contestants came to share their culture, language, songs, dance and friendship.

A major highlight was the close camaraderie that developed amongst the groups, particularly between the performers from Argentina and New Zealand.
**DX NUMBER CHANGE**

The Waitangi Tribunal’s DX number changed about two months ago. The new number is DXSP22525. Please do not send any more mail to the old box number (DXSP-20085), as this is causing delays with mail being received.

**0800 NUMBER FOR CLAIMANTS**

The Tribunal now has an 0800 number expressly for use by claimants, to enable them to discuss matters with staff. This number is available to claimants only, who can obtain it from Tribunal staff; it is not intended for general use by the public.

**WAITANGI TRIBUNAL HEARING AND CONFERENCE PROGRAMME FOR SEPTEMBER, 1996**

(These dates may change)

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<td>Wellington Tenth Hearing</td>
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<td>16 September, Wellington</td>
<td>Muriwhenua Lands Report Writing Meeting</td>
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<td>17 September, Wellington</td>
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<td>23 September, Napier</td>
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**NEW CLAIMS REGISTERED**

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<td>Paulise Desma Mitchell on behalf of descendants of Te Rata Te Ahi, Ngamoko Rata and Tuteru Rata</td>
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<td>Tahuara blocks and creation of Lake Taupo foreshore reserves (grouped with Wai 302, 352, 549, 565)</td>
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<td>Tuhuiao Kahukiwa and another</td>
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<tr>
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<td>Te Rina Sullivan and another</td>
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<td>601</td>
<td>Winifred Kupa and others</td>
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<td>Tātaraakina No 6 Block, Napier (consolidated with Wai 201)</td>
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<td>Ngapeke and other blocks, Tauranga (consolidated with Wai 215)</td>
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