

# TE MANUTUKUTUKU

*Te Roopu Whakamana i te  
Tiriti o Waitangi  
Panui*



*Waitangi Tribunal Division  
Department of Justice  
Newsletter*

Tekau ma rua Oketopa 1991

ISSN 0114-717X  
Number 12 October 1991

## WAITANGI TRIBUNAL POU

The Waitangi Tribunal Division commissioned two Maori artists to produce pou and other carvings for the foyer of the new office at Seabridge House, which was officially opened on 16 August 1991.

The first pou, standing to the right as you leave the lift and enter the foyer, represents Hamiora Paikoraha of Te Roroa who signed the Treaty at Hokianga on 12 February 1840. This pou is by Manos Nathan whose father, Ned Nathan, was a member of the Tribunal from 1984 until his death in 1987.

The second pou represents the Te Ati Awa ancestor Te Kapapi o Te Rangi who, after his return from a journey to Tai Tokerau, took the name Te Wharepouri. Wharepouri signed the Treaty at Wellington on 29 April 1840. This pou is by Ted Nia.

Each of these ancestors has been chosen because of their association with the Treaty as signatories, and because they come from opposite ends of Te Ika a Maui, encompassing the whole island.

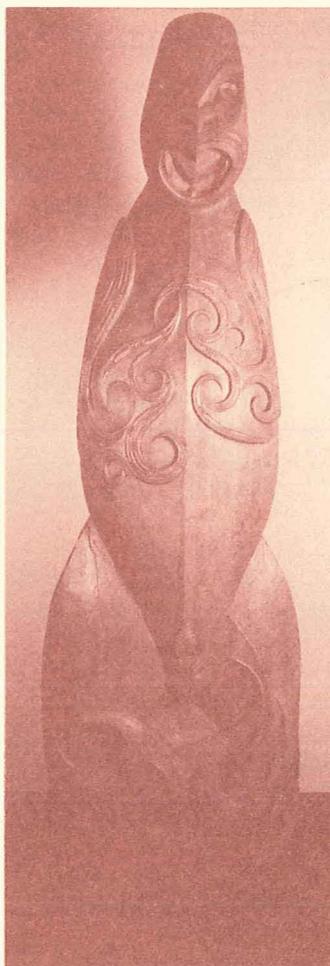
The carvings are in the tiki or waka koiwi form. It was the artists' intention to pay homage to that carving tradition, as well as to show the continuing development of that particular style.

The waka koiwi style was also selected by the artists because it captures the spirituality of pre-Pakeha whakairo.

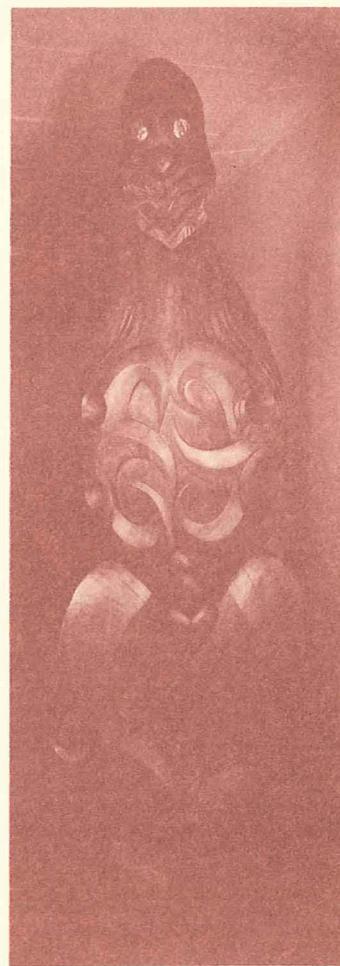
The artists wanted the pou to have 'presence' so that people visiting the offices would become immediately aware that they had come to a place where serious matters are dealt with.

Both carvings are of solid kauri branch wood, salvaged from the 'head' of a kauri tree. The bulk of the work was carried out at Matatina marae at Waipoua, with the whakairo work being completed in Wellington.

The other foyer carvings are done in native timbers – taraire, kauri, tawa, kamahi, rimu, matai, totara, kahikatea and miro. The carvings incorporate fish forms such as tuna and a stylised fish spine. The moon shapes are intended to represent nga ara po – the different phases of the moon when used for fishing.



*Hamiora Paikoraha  
carved by Manos Nathan*



*Te Kapapi o Te Rangi  
carved by Ted Nia*

## NGAI TAHU SEA FISHERIES CLAIM

The sea fisheries section of the Tribunal report on the Ngai Tahu claim is a step closer to completion.

Final submissions for the Ngai Tahu Fisheries claim were heard at Databank House in the first week of September 1991. The Tribunal also heard answers to a number of questions that it had put to the parties concerning the definition of fishing rights (past, present and future) under the Treaty of Waitangi, and details of legislation, acts or omissions of the Crown that have adversely affected Ngai Tahu fishing activities.

The Tribunal completed hearings on the Ngai Tahu claim in 1989. However, submissions were reopened when, in the first half of 1990, the New Zealand Fishing Industry Association and the New Zealand Fishing Industry Board applied to have further evidence entered into the Tribunal's investigation. This was evidence that had already been supplied to the High Court.

The Tribunal allowed the evidence to be introduced over a six-month period, along with further evidence from the claimants and the Crown, leading to another hearing in June 1991.

During that time the Tribunal also asked for submissions on the Maori Fisheries Act 1989 concerning its implications for the Ngai Tahu claim, because the Act had come into effect after submissions for the main body of the claim had been heard.

The parties responded, including the Maori Fisheries Commission which presented submissions on its role in transferring 10 percent quota under the Quota Management System (QMS) to iwi.

The Tribunal also asked for overviews of the new evidence from Professor Alan Ward, professor of history at the University of Newcastle, and Dr George Habib, fisheries consultant from Auckland. Both reviewers had already presented evidence before the Tribunal for the original claim.

The task of reporting the original claim is so large that the Tribunal has been forced to divide the report into three different sections. The first section, released in February 1991, dealt with the main land claims. This second report will deal with sea fisheries claims. A third section will deal with the host of smaller claims that were introduced during the initial two years of Ngai Tahu hearings.

The Tribunal is now anxious to complete the fisheries section of the report to present to the Minister of Maori Affairs sometime in the new year.

## NEW CLAIMS REGISTERED

### WAI 225

**Claimants:** TP Phares for Te Whanau-a-Te-Ehutu  
**Concerning:** Te Puia-i-Whakaari (White Island), Puketahinu No 1, fisheries, wildlife, wahi tapu and roading  
**Region:** Bay of Plenty  
**Received:** 15 July 1991 and 23 July 1991

### WAI 226

**Claimants:** GT Asher for the Tuwharetoa Maori Trust Board and Rotoaira Forest Trust  
**Concerning:** Tuwharetoa geothermal areas  
**Region:** Taupo  
**Received:** 27 June 1991

### WAI 227

**Claimants:** P Rakau and hapu of Ngaiterangi  
**Concerning:** Whakamarama and other blocks, and taonga  
**Region:** Tauranga  
**Received:** 19 August 1991

### WAI 228

**Claimants:** CT Kuka McGlynn for Ngaiterangi and Ngati Ranginui iwi of Tauranga Moana  
**Concerning:** Matakana Island  
**Region:** Tauranga  
**Received:** 19 August 1991

### WAI 229

**Claimants:** R Kemp for Te Uri Hau, sub-tribe of Ngati Whatua  
**Concerning:** Otamatea land forests, and scenic reserves  
**Region:** Otamatea, Northland  
**Received:** 8 August 1991

### WAI 230

**Claimants:** D Samuels for Ngati Kura and other hapu  
**Concerning:** Matauri Bay and Putataua Bay  
**Region:** Whangaroa  
**Received:** 7 August 1991

### WAI 231

**Claimants:** H Tanirau for the descendants of Hare Takerei and Miriata Te Taiawatea  
**Concerning:** Kiore Whakakau land  
**Region:** Rotorua  
**Received:** 20 August 1991

### WAI 232

**Claimants:** Winston Wikuki Waititi for Te Whanau-a-kauaetangohia sub-tribe of Te Whanau-a-Apanui  
**Concerning:** Whanau-a-kauaetangohia fisheries in the Whangaparaoa  
**Region:** Opotiki  
**Received:** 12 September 1991

### WAI 233

**Claimants:** Anaru Rangiheuea for Rotomahana Parekarangi 6N2B and 602B Trusts  
**Concerning:** Tarawera lands  
**Region:** Rotorua



## CLAIMS TO THE WAITANGI TRIBUNAL

W H O l i v e r

\$19.95

Available from

Daphne Brasell Associates Press  
PO Box 12-214, Thorndon, Wellington.  
Tel: 04-471-0601 Fax: 04-471-0489

An ideal introduction to the work of the Tribunal, its reports and recommendations. This thematic study covers claims relating to land, water, fishing and cultural rights, access to the nation's resources and participation in decision-making.



## TRIBUNAL CELEBRATES BIRTHDAY AND BOOK LAUNCH

The Waitangi Tribunal celebrated its 16th birthday on 15 October, with the launch of the book *Claims to the Waitangi Tribunal*.

About 200 people attended the party which was held at the Tribunal's new office in Seabridge House.

The book was launched by the Minister of Justice, the Hon Doug Graham. In his speech, the Minister said, 'Resolving once and for all the claims to the Tribunal was a top priority. The Crown has been exploring innovative and bold ways of resolving Treaty grievances in line with this Government's desire to resolve all major Treaty issues by the end of the century.'

The book's commissioned author Professor W H Oliver has written a summary of the Tribunal's reports to date. Appendices at the end of the book include a checklist of reported claims and a summary of the government's implementation of recommendations.

In his foreword to *Claims*, Director Buddy Mikaere explains that 'many New Zealanders still have unanswered questions [about the Treaty and the Tribunal]. The purpose of *Claims to the Waitangi Tribunal* is to provide information and answers.'

*Claims to the Waitangi Tribunal* is co-published by the Department of Justice and Daphne Brasell Associates Press.



The Hon Doug Graham, Minister of Justice, speaking at the launch



Author Bill Oliver with co-publisher Daphne Brasell

## CHAIRPERSON SPEAKS IN AUSTRALIA

Chief Judge Durie, chairperson of the Waitangi Tribunal, gave an address as part of the Unaipon Lectures, at the University of South Australia, Adelaide, early in October 1991.

His speech, titled *Waitangi - justice and reconciliation*, covers

- the Treaty of Waitangi - its place in history
- the contemporary importance of the Treaty
- the Treaty in the determination of claims and rights
- legal and political roles in effecting resolutions.

Copies of the speech are available from the Waitangi Tribunal Office.

## NGAI TAHU LEGAL PERSONALITY REPORT

The Waitangi Tribunal's Ngai Tahu Report, released in February this year referred to the need for Ngai Tahu to have legal status in its negotiations with the Crown.

In September, the Tribunal presented a report to the Minister of Maori Affairs recommending, at the claimants' request, that legislation be introduced to constitute a Ngai Tahu iwi authority to act as the tribe's legal personality. The iwi authority would then represent the tribe in negotiations with the Crown, in the courts, and for all other purposes.

The proposed iwi authority resolves the issue of Ngai Tahu not having a legal body to represent the whole tribe.

Determination of the tribal structure is not a function of the Tribunal or the Crown. The report emphasises that this is the business of Ngai Tahu.

Ngai Tahu is an amalgamation of three lines of descent: a group of tribes known collectively as Waitaha, the earliest group to occupy Te Waka o Aoraki (South Island), then Ngati Mamoe from the Heretaunga region, and Ngai Tahu from the East Coast of the North Island.

Ngai Tahu, lacking an organisation that could represent the tribe as a whole, held a series of hui which resulted in the formation of Te Runanganui o Tahu. The Ngai Tahu Maori Trust Board, which originally brought the claim to the Tribunal, is the trustee manager of the Runanganui and is accountable to it.

However, although the Runanganui is the repository of the tribe's collective tino rangatiratanga and owner of its assets and properties, it cannot be the legal representative of the tribe. Hence the proposal to form a Ngai Tahu iwi authority.

The Tribunal is satisfied that all of Ngai Tahu were given the chance to represent their views at the hearings and that the claimants consulted widely with the iwi before producing the iwi authority proposal.

Copies of *The Ngai Tahu Claim: Supplementary Report on Ngai Tahu Legal Personality* are available from:

Waitangi Tribunal  
PO Box 5022  
Wellington

and

Customer Services  
Brooker & Friend Ltd  
PO Box 43  
Wellington

## XMAS AT THE TRIBUNAL

The Waitangi Tribunal offices will close on 20 December 1991 and re-open on 6 January 1992.

## CROWN APOLOGISES FOR PARIHAKA

Iwi o Taranaki received an apology from the Crown over the sacking of Parihaka at the Taranaki raupatu hearing held in mid-October.

In his statement read by the Crown counsel, the Minister of Justice, the Hon Doug Graham, said: 'The Crown does not require any one of you to come before this Tribunal and suffer the distress of retelling those events. Should any wish to do so, we will listen with respect.'

He also said that because there is little factual dispute over a number of issues raised at the hearings, it seems sensible, if the claimants agree, to enter into discussion with Crown counsel with a view to resolving those issues by direct negotiation.

Earlier Taranaki hearings have all been held at Owae marae, Waitara. For this hearing, the Tribunal travelled throughout Taranaki hearing evidence from Taranaki iwi at Parihaka, and evidence from Nga Rauru, Ngati Ruanui, Nga Ruahine, Ngati Maru, Ngati Mutunga and Ngati Tama at their respective marae.

## WAI 116 - TAEMARO

The Taemaro claim, which concerns land in Northland, is an example of a claim being heard under the mediation provisions of the Treaty of Waitangi Act 1975.

Under these mediation provisions, the Tribunal can appoint one of its members, the director, or some other person to help the parties settle the claim. Should the mediation fail, then the claimant has recourse to a full tribunal hearing at a later date.

On 23-24 September 1991, Tribunal members Peter Trapski (the mediator appointed to the Taemaro claim) and Bishop Manuhia Bennett attended the latest of four Taemaro meetings at Waimarama near Mangonui.

The Taemaro claim is complex, involving lands the Crown claims to have purchased before the Treaty of Waitangi was signed, and a number of different Crown purchases between the 1840s and 1860s.

As with all mediations, success depends on ensuring that parties have the freedom to explore the issues without prejudice. For this reason, mediation proceedings are private and confidential.

### WAITANGI TRIBUNAL CURRENT PROGRAMME

*Note: These dates are subject to change.  
Updated as at 17/10/91.*

*Meetings and mediations are not open to the public.*

*We do not take responsibility for the accuracy of this programme when it is printed elsewhere.*

Date	Claim No/Name	Event	Place
<b>1991</b>			
4 Nov	153 Geothermal	Conference	Wellington
3-4 Dec	145 Wgtn Tenths	Hearing	Wellington
<b>1992</b>			
17-21 Feb	45 Muriwhenua	Hearing	Auckland
24-28 Feb	143 Taranaki	Hearing	Taranaki
25-29 May	143 Taranaki	Hearing	Taranaki

Due to popular demand, the Waitangi Tribunal's  
**ORAKEI REPORT 1987**

will be back in print at the end of November.

Copies can be bought for \$40.00 inc GST from:

Waitangi Tribunal  
2nd floor,  
Seabridge House  
110 Featherston Street  
Wellington

Brooker & Friend Ltd  
WELLINGTON  
21-23 College Street  
PO Box 43  
Tel: (04) 384 6683  
Fax: (04) 385 7300

Brooker & Friend Ltd  
AUCKLAND  
4th floor, Lister Building  
9 Victoria Street East  
Tel: (09) 776 950  
Fax: (09) 778 086

Brooker & Friend Ltd  
CHRISTCHURCH  
1st floor  
178 Manchester Street  
Tel: (03) 664 787  
Fax: (03) 664 696

If you want to receive your own copy of *Te Manutukutuku*, please fill in this form.  
Your name will be added to the mailing list.

Name \_\_\_\_\_ Address \_\_\_\_\_

Return this form to the Information Officer,  
Waitangi Tribunal, PO Box 5022,  
Wellington/Te Whanganui-a-Tara

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