

# TE MANUTUKUTUKU

*Te Roopu Whakamana i te  
Tiriti o Waitangi  
Te Tari Ture*



*Waitangi Tribunal Division  
Department of Justice  
Newsletter*

Tuarima Hurae 1990

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## Poroporoaki ki a TURIRANGI TE KANI

Kua riro ra koe, e koro, Turi  
I katohia koe ia aituatanga  
Te tama a Tumatauenga  
Te taonga a Ngaiterangi, a Ngati Ranginui a  
Te Whanau-a-Apanui me Whakatohea  
Te pounamu a Te Roopu Whakamana i te Tiriti o  
Waitangi  
Te totaranui o to iwi Maori o Aotearoa  
Ahakoa kahore i oti katoa nga kaupapa i utaina ki  
runga ki a koe  
Waiho mai ra ko nga kaupapa i oti hei whakairo, hei  
whakamaumaharatanga kia koe  
E kore koe e wareware

Turirangi Te Kani will be greatly missed when  
hearings resume in September for the Te Roroa  
claim.

He will be missed by all of us:

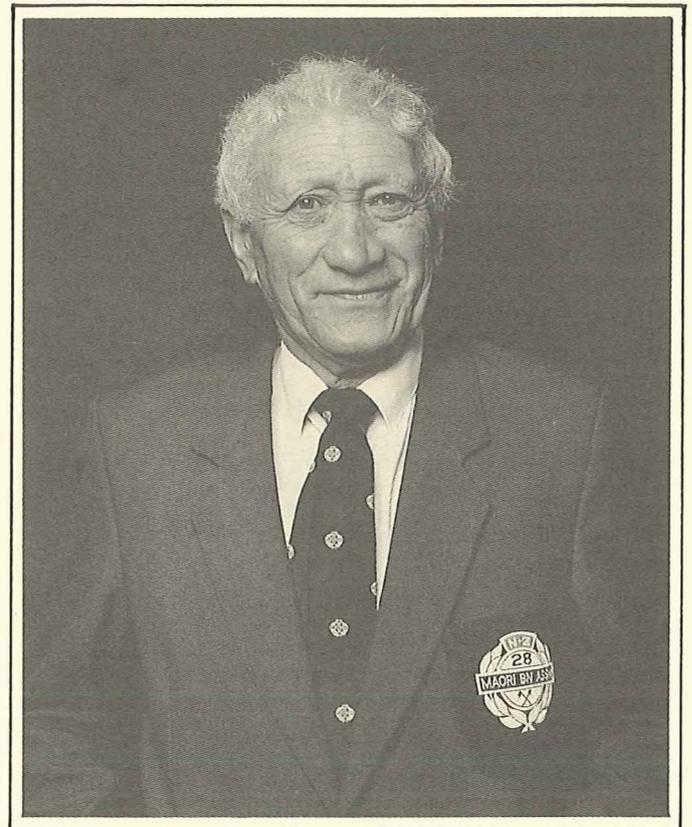
Tribunal, Tribunal staff, claimants and Crown.  
For those who had the honour of working with Turi,  
the gift of his knowledge and his warmth will  
remain.

He was invaluable not only for his tribal historical  
knowledge but also for his hands-on experience in  
the shaping of recent history with post World War  
Two land development schemes.

We will remember Turi  
for his gentleness, his excellent speeches,  
his waiata  
and his sense of humour.

He had an ability to put people at ease  
and befriended many.

He will also be remembered for his remarkable  
stamina, as was shown on many occasions by the  
long hours he put into Tribunal work despite the  
difficulties he often had with his health which had  
resulted from his participation as a member of the  
Maori Battalion in World War Two during which  
he was taken prisoner.



At times Turi would joke about being away so much  
from his home, saying that he would become a  
stranger there.

We hope that he was not away too much from his  
own people and thank them for letting us share in  
knowing Turi.

Haere ra e te Rangatira  
Hoatu kia ratou ma  
Kei te okiokinga mo tatou katoa.  
Okioki, moe mai ra i roto i  
nga ringaringa a to tatou Kaihanga  
Haere ra, haere ra, haere ra.

## CHATHAM ISLANDS CLAIMS

The Tribunal has received three claims concerning the Chatham Islands.

Wai 64 is a claim by Maui Solomon for himself and on behalf of the members of his family, whanau, hapu, and Moriri Iwi in respect of fisheries, land and other valued things in Rekohu (Chatham Islands).

Wai 65 is a claim by Rodger Robert Preece for himself and on behalf of Te Runanga o Wharekauri Rekohu, otherwise known as Nga Iwi o Wharekuri Rekohu or Nga Iwi o Chatham Islands, in respect of land, fishing rights, birding rights and sealing rights in and around Wharekauri Rekohu (Chatham Islands).

Wai 54 is a claim by Makere Rangiata Ralph Love and Ralph Heberley Ngatata Love for themselves and on behalf of the beneficiaries of the Taranaki Trust Board, the Wellington Tenths Trust, the Palmerston North Reserve Trust and the corporations and trusts of the Nga Iwi o Taranaki, in respect of fishing rights in and around the Chatham Islands.

The Tribunal directed Peter Trapski, a member of the Tribunal, to hold a conference to determine how the Tribunal should deal with these claims.

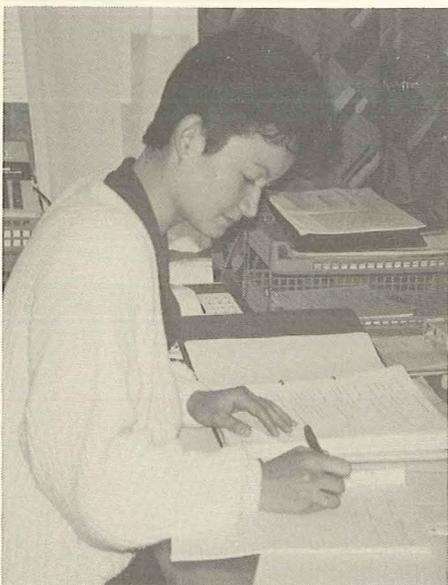
The conference was held on Friday 6 July 1990 at the offices of the Waitangi Tribunal. The substance of the claims was not discussed; only matters relating to research and procedure were dealt with.

All parties are now discussing research which will be undertaken.

## TELECOM CLAIM

An urgent claim was lodged by Sir Graham Latimer, Chairman New Zealand Maori Council, and Huirangi Waikerepuru, Tumuaki, Nga Kuiuwhakapumau i te Reo, on 8 June 1990, one week before the proposed sale of Telecom Corporation.

The contract of sale went ahead on 14 June 1990. The issue of urgency is being considered by the Tribunal and a series of judicial conferences to discuss preliminary matters were held in Wellington on 25 June, and 9 and 12 July 1990, attended by Crown, claimant and Telecom purchasers counsel. The meetings were chaired by Tribunal member Peter Trapski.



Lynette Fussell, Ngati Awa, Senior Committee Clerk for the Waitangi Tribunal. Lynette and two other committee clerks are responsible for the maintenance of the record of documents and for arranging hearings.

## HEARING DATES

Mid July - September 1990

*Note:* The dates of hearings are subject to change.

### WAI 32 NGATI TE RANGITEAORERE

Monday 16 July - Tuesday 17 July

Mataikotare Marae, Te Ngae Junction  
Crown evidence

### WAI 27 NGAI TAHU

Tuesday 24 July - Thursday 26 July

Databank House, 175 The Terrace, Wellington

Tuesday 28 August - Thursday 30 August

Databank House, 175 The Terrace, Wellington

Tuesday 18 September - Wednesday 19 September

Databank House, 175 The Terrace, Wellington

All three hearings will deal with the presentation of further sea fisheries submissions.

### WAI 45 MURIWHENUA LAND

Monday 6 August - Friday 10 August

Potahi Marae, Far North Road, Te Kao  
Opening hearing. Claimants' submissions

### WAI 38 TE ROROA

Monday 3 September - Friday 7 September

Venue to be arranged.

Crown evidence and possibly Historic Places Trust submissions.

## NGAI TAHU HEARINGS REOPENED

The Tribunal received an application from the New Zealand Fishing Industry Board and New Zealand Fishing Industry Association to have further evidence heard.

At a meeting on Thursday 28 June 1990 held at the Tribunal's office in Wellington, the decision was made to hear further evidence relating to sea fisheries (see hearing dates).

The Tribunal also announced on that day that the Ngai Tahu report would be produced in three sections: (1) the main land claims; (2) sea fisheries; and (3) the host of smaller claims that were introduced during the initial two years of Ngai Tahu hearings.

Chief Judge Durie has given several addresses this year. We list here a selection of his speeches which are available on request from this office:

National Conference of Major Religious Superiors of New Zealand. Wellington, March 1990

Hui Manawhenua. Rotorua, April 1990

Commonwealth Law Conference. "Treaties and the Common Law as Sources of Indigenous Rights". Auckland, April 1990

General Assembly of the Presbyterian Church. "The Treaty Challenge to the Church". Wellington, May 1990

Te Ara Tika - Symposium of the Anglican and Roman Catholic Churches. Wellington, May 1990

Victoria University of Wellington. Graduation Address (on receipt of Honorary Doctorate of Laws). May 1990

## RAILWAYS LANDS AND CLAIMS

### The New Zealand Railways Corporation Restructuring Bill

There are a number of claims before the Tribunal concerning lands now under the control of the New Zealand Railways Corporation.

The Government is about to restructure the Corporation and allow some of its lands to be sold into private hands. The Railways Corporation Restructuring Bill, now being considered by Parliament, contains protections for claimants similar to those for other State enterprise lands which may be sold into private hands. That is, the land can be subject to a memorial on the title that warns future owners that the land may be taken back by the Crown for return to Maori claimants if the Tribunal recommends it.

#### How claimants may be affected

If you have a claim before the Tribunal concerning Crown lands now under the control of the Railways Corporation and want to know if those lands are protected you will need to get answers to these questions:

- Is the land owned by the Crown now?
- Will it be vested in a 'Crown transferee company' under the legislation? (The Bill provides for the Government to move most of the present Railways Corporation assets into new companies called transferee companies. Where the shares in one of these companies are all owned by the Crown it is called a 'Crown transferee company'.)
- Is the land or any part of it subject to a deferred payment licence or a lease with the right to buy the freehold? (Land subject to these instruments will not be subject to the special provisions.)
- Is the land held by a railway operator? (These lands will also not be subject to the special provisions, presumably because the lands will still be used for railway purposes. A 'railway operator' is a transferee company or other body corporate declared to be a railway operator by the Governor-General.)

If the answer is 'yes' to the first two questions and 'no' to the second two, then the land under claim may be subject to the special provisions and the Tribunal may recommend its return if a claim is successful.

#### Land under the Public Works Act 1981

Different provisions may apply if the land is presently held under the Public Works Act 1981 by the Crown or the Corporation for railway purposes.

In this situation, where the Corporation proposes to sell the land to someone other than a 'railway operator' (ie, it will no longer be used for railways purposes), it must offer the land back to the person from whom it was originally acquired, or to the successor of that person.

Similar provisions will apply if a transferee company or a railway operator wants to sell the land presently under the Public Works Act 1981.

If, however, the land was Maori freehold land or general land owned by Maori before it came under the Public Works Act 1981, the Maori Land Court may be asked to arrange the offer back of the land under section 436 of the Maori Affairs Act 1953.

*Please note that this legislation is still a Bill to be considered by Parliament and there may be significant changes before it becomes law.*

## FORESTRY CLAIMS - RESEARCH FUNDS

The Crown has set up a research fund to enable claimants and Crown to quickly settle forestry claims before the Tribunal.

It is intended that this fund will enable parties to reach a negotiated settlement on the research produced, then put this before the Tribunal for approval and a recommendation for the return of the land to Maori or for it to remain with the Crown.

We will be receiving full details shortly, but the main features for now are:

- \$3 million is available from 1 July; this may increase to \$5 million after six months if the demand is high on the fund. These amounts will considerably assist the Tribunal's own research work and budget.
- The fund is set up under a trust deed. Six trustees will control the fund; three are selected by Maori and three by the Crown.
- The trustees have absolute discretion about who to give money to in any particular case. They will operate by simple majority decision.
- The trustees may only give the money to claimants before the Tribunal with claims concerning Crown forest lands.
- The Department of Survey and Land Information is in the process of mapping the specific land areas for which claimants may apply for funds.
- The Trustees will probably be co-operating closely with the Tribunal.

#### Exotic State-Owned Forests, South Island

**Nelson:** Golden Downs East, Golden Downs West, Wairau, Rai, Hira, Waimea, Motueka, Queen Charlotte, Tutaki, Golden Bay

**Canterbury:** Balmoral, Eyrewell, Ashley, Okuku, Hanmer, Mt Thomas, Omihi, Oxford, Island Hills

**Aorangi:** Herbert, Geraldine, Waimate, Naseby

**Otago:** Berwick, Otago Coast, Tapanui, Glen Dhu, Silverpeaks, Owaka

**Southland:** Longwood, Slopedown, Blackmount, Rowallen, Hokonui, West Dome, Castledowns, Taringatura, Bare Hill, Strathallan

#### Exotic State-Owned Forests, Northland

**Northland:** Aupouri, Glenbervie, Otangaro, Pouto, Waitangi

**Auckland:** Woodhill, Tairua, Whangapoua, Maramarua, Riverhead, Waihou, Mangawhai, Waiuku, Athenree, Onewhero, Kauaeranga

**Central North Island:** Kaingaroa, Waimihia, Rotoehu, Whakarewarewa, Pureora, Horohoro, Tawarau, Taurewa, Crater, Waituhi, Mangaokewa, Lake Taupo CL, Pirongia, Marotiri, Rotoaira CL

**East Coast:** Ruatoria, Mangatu, Tokomaru, Wharerata, Patunamu

**Hawke's Bay:** Mohaka, Kaweka, Gwavas, Esk

**Southern North Island:** Ngaumu, Karioi, Lismore Hill, Santoft, Te Wera, Waitarere, Lismore Sand, Tangimoana, Manakau, Kaipaitangata, Erua

## DIRECTOR'S COLUMN

Tena koutou. The tragic loss of one of our senior kaumatua, Turi Te Kani, came as a great shock to all the staff who knew and had worked with him. We mourn with you the loss of a true rangatira.

### Public relations

An important part of our responsibilities is the provision of public information. It has become quite clear to us that because there is a lot of misunderstanding about the Tribunal and its work, people naturally get very concerned when they hear that claims have been lodged which may directly or indirectly affect them. Working in an information vacuum and fuelled by media reports which often concentrate on the dramatic, local gossip and half-truths, tensions within local communities quickly rise. People, where they are talking, start talking past, rather than to, each other and conflict and unpleasantness inevitably follow.

The only effective way that Division staff have of dealing with this kind of situation is to provide the factual information that people need so that they can make up their own minds about the Tribunal's work. We can do this in two ways; through providing written material or through face to face contact.

For that reason, the Division has been pleased to participate in three public relations exercises led by Tribunal members Bishop Manuhuia Bennett and John Kneebone.

Two of the exercises were a prelude to the major claims which the Tribunal will deal with later this year; the Muri me te Raupatu or Confiscation claims in Taranaki and the Muriwhenua (Northland) land claims. These exercises involved talking with groups of people ranging from local body members and executive staff to small church groups.

Most of the matters covered were the same whether the group were local farmers or service club members. What were our thoughts on the Treaty? What was the future for the claims and the work of the Tribunal? How did we view race relations in this country? What would happen when hearings started? All the audiences were attentive and were not afraid to ask difficult questions.

The third exercise involved a visit to the Hauraki area to give claimant groups information about the Tribunal and the claims process.

### Let's talk to each other

One of the interesting results of the exercises was the often expressed wish that claimants should have talked with their local communities about their claims first. It was apparent that several matters could have been resolved, in fact can still be resolved, without going to the Tribunal at all.

Claimants should think seriously about talking with their neighbours about their grievances. Reasonable, calm discussion can achieve a lot and help to reopen links within the community that have been closed for too long. Perhaps the time has come for claimants to run their own public relations campaigns, getting their local community to understand the basis of their grievances – maybe even getting their support. After all, where a grievance is upheld, then it is the local community which has to live with the resolution of that grievance. Wouldn't it be much easier if all the community, Maori and Pakeha, could feel that they owned that resolution too?

### Goodwill

We were impressed to find that in rural New Zealand, the 'heartland', there is a tremendous amount of goodwill for the Tribunal and its work. People, Maori and Pakeha, genuinely want to know more, not just about the Tribunal but about their own country, its history, how the Treaty affects them and what their place will be in a rapidly changing society.

### Waitomo mediation

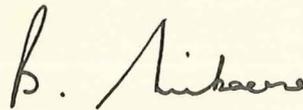
The Waitomo agreement, the details of which were announced on 17 June, is a pleasing result for the parties involved and we at the Division are especially pleased to have played our part in achieving that result. But while the bouquets are being handed out, I would like to pay a quiet tribute to the work of Tribunal Researcher Paul Harman whose initial investigation work provided the foundation for the resolution of the Waitomo claim.

### New staff

I want to welcome to the staff of the Division, Cathy Marr, Senior Research Officer. Cathy has a long association with the Tribunal and its work and we are pleased to have her on our team. She will be the Claims Manager for the Raupatu claims.

Also joining us as a Research Officer is Aroha Harris who belongs to Te Rarawa and Nga Puhī. Aroha, formerly with the Whangarei Maori Land Court, will also be involved in Raupatu work.

Kia ora koutou



Buddy Mikaere

Director

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