

# TE MANUTUKUTUKU

*Te Roopu Whakamana i te  
Tiriti o Waitangi  
Panui*



*Waitangi Tribunal Division  
Department of Justice  
Newsletter*

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Tekau ma wha Maehe 1992

## Orakei Settlement – At Last

One of the most contentious land claims headed towards its final resolution with the passing of the Orakei Act 1991 late last year.

The Act is very different from the 1978 legislation it replaces, reflecting the new environment for the settlement of Maori claims. The former legislation referred cautiously to an 'agreement' reached between the Crown and Maori, with regard to 'the public interest . . . the interests of the hapu and the special relationship of the hapu with the land'. However, the stated purpose of the new Act is to recognise rights 'secured to Ngati Whatua of Orakei . . . by the Treaty of Waitangi' and 'to implement with modifications certain recommendations made by the Waitangi Tribunal in November 1987 in the Report of the Waitangi Tribunal on the Orakei Claim (Wai 9)'.

Briefly, the Orakei Act 1991:

- ▲ vests an area of 'hapu land' in the Ngati Whatua o Orakei Maori Trust Board for the exclusive use of the hapu as an inalienable reservation
- ▲ sets aside an area of 'whenua rangatira' as a reservation to be jointly administered by the Auckland City Council and the Trust Board through a body called the Ngati Whatua o Orakei Reserves Board
- ▲ vests back in the Trust Board certain lands designated as roads and deals with other roading matters.

The Act, in keeping with claim settlement legislation, says that this is a 'full and final settlement' of any claims the hapu might have against the Crown over the Orakei block. This is balanced however by the power expressly given to the Trust Board to negotiate settlement of any 'outstanding claims relating to the customary rights and usages of the hapu'.

Minor glitches remain, however. It was reported in February that a 25-acre block which was to be returned to the hapu for kaumatua and papakainga housing development had been inadvertently left out of the settlement. The oversight is being sorted out directly with the Minister of Maori Affairs.

## Busy Year Ahead for Crown Forestry Rental Trust

The December 1991 issue of *Te Manutukutuku* reported a claim that had gone to hearing concerning the lack of distribution of Crown Forestry Rental Trust funds to claimants.

Since that November hearing, the Trust has employed Karen Waterreus as secretary. Miss Waterreus has set up a new office and funding assistance has been approved to 12 groups. They are:

- ▲ Te Runanga o Muriwhenua, for a claim relating to the Aupouri Forest
- ▲ Ngati Pahauwera, for the Mohaka Forest
- ▲ Ngati Te Ata, for the Waiuku Forest
- ▲ Whanganui River Maori Trust Board, for Erua, Karioi and Lismore Forests
- ▲ Tainui Maori Trust Board, for Onewhero and Maramarua Forests
- ▲ Te Runanga o Ngati Awa, for Rotoehu Forest
- ▲ Te Runanga o Tuwharetoa ki Kawerau, for Rotoehu Forest
- ▲ Maungaharuru-Tangitu Trust, for Esk Forest
- ▲ Runanga ki Mua-upoko (Inc), for Waitarere and Manakau Forests
- ▲ Ngati Wai Trust Board, for Glenbervie Forest
- ▲ Otamatea Maori Trust Board, for Poutu Forest
- ▲ Te Taou Hapu of Ngati Whatua, for Woodhill Forest.

Claimants are satisfied that the Trust is operating in accordance with its deed. Consequently, the second hearing scheduled for February 1992 has been adjourned indefinitely.

The trustees will meet every six weeks. Applications need to be received two weeks prior to meeting dates. Applications should be sent to:

Sir Graham Latimer, Taipuha  
or Karen Waterreus, Trust Secretary  
Crown Forestry Rental Trust, PO Box 2219, Wellington  
3rd floor, Hallensteins House, 276-278 Lambton Quay.  
Tel: 0-4-472 8500 Fax: 0-4-472 8504

## Proposed meeting schedule 1992

Wednesday 25 March	Tuesday 8 September
Tuesday 5 May	Tuesday 13 October
Tuesday 16 June	Tuesday 17 November
Tuesday 28 July	

## Waitangi Tribunal Receives Variety of Claims

A recent exercise was carried out by the Tribunal to list the different types of claims against the Crown that the Tribunal has received to date.

### Claims have been made that:

- ▲ pre-Treaty land transactions were not properly investigated and lands unjustly held were not returned
- ▲ pre-Native Land Court (NLC) acquisitions were unjust because:
  - the sellers had no rights or not all rights were respected
  - too much was taken
  - too little was paid
  - adequate reserves were not provided
  - areas that should have been reserved were not
  - the transactions were not fully understood
  - inadequate attention was given to hapu circumstances in assessing reserves
- ▲ pre-NLC gifts ought not to have been treated as absolute alienations
- ▲ certain allocations of Maori land for schools, hospitals or parks were unauthorised, or gave insufficient protection for the Maori interest; or that Maori had an interest in certain grants for those purposes but that interest was not recognised and provided for
- ▲ Maori land confiscations and the return of lands or the provision of compensation was inequitable
- ▲ the Native Land laws led to land loss and loss of tribal control, with severe results for Maori, especially:
  - individualisation without provision for the tribal interest
  - vesting in 10 or fewer owners without adequate recognition of a resulting trust
  - enabling partitions, and sales of individual interests without considering consequences for the group
  - meeting of owners procedures
- ▲ reserves were not provided for or kept as inalienable where need be
- ▲ Maori lands were wrongly leased on perpetual or other long-term leases
- ▲ Maori lands were wrongly acquired or taken for townships
- ▲ lands were wrongly acquired on account of unpaid rates or survey costs, or were wrongly taken for roads, reserves or public works purposes
- ▲ Maori did not receive a fair share of the farm development assistance, and land development policies were contrary to their interests
- ▲ government policies have given insufficient weight to Maori interests (thus, the claims concerning broadcasting, language, sewage discharges etc)
- ▲ the Maori interest in certain natural resources has not been properly recognised, especially:
  - fisheries, wildlife and plants
  - minerals discovered or undiscovered at 1840
  - lakes, rivers and harbours.

## New Claims Registered

### WAI 262

*Claimants:* Haana Murray of Te Rarawa, Dell Wihongi of Ngati Kuri and others

*Concerning:* Indigenous flora and fauna

*Region:* Aotearoa

*Received:* 9 October 1991

### WAI 263

*Claimants:* Marei Apatu of Ngati Hinemanu

*Concerning:* Te Koau block, Waitutaki

*Region:* Hawkes Bay

*Received:* 31 October 1991

### WAI 265

*Claimants:* George Matthews and Ngati Apa

*Concerning:* Ngati Apa lands

*Region:* Wanganui/Horowhenua

*Received:* 11 December 1991

### WAI 266

*Claimants:* Sonny Potaua Tawhiao and descendants of Romainohorangi, Ngaiterangi

*Concerning:* Matakana Island

*Region:* Tauranga

*Received:* 3 December 1991

### WAI 267

*Claimants:* Rupene Morehu, Teratiu Waaka and others

*Concerning:* Palmerston North Hospital land known as Koha Ora annexe

*Region:* Otaki

*Received:* 18 October 1991

### WAI 268

*Claimants:* Hamuera Taiporutu Mitchell for Ngati Whakau

*Concerning:* Whakarewarewa geothermal valley

*Region:* Rotorua

*Received:* 12 December 1991

### WAI 269

*Claimants:* Sir Hepi Te Heuheu, trustees of Lake Taupo Forest Trust and their beneficiaries

*Concerning:* Kaingaroa State Forest

*Region:* Murupara

*Received:* 9 January 1992

### WAI 270

*Claimants:* James Broughton, Numia August and others for Ngati Kahungunu

*Concerning:* Kairakau Block

*Region:* Waipukurau

*Received:* 29 January 1992

### WAI 271

*Claimants:* Mr Ross Wright and Te Uri o Hau of Ngati Whatua

*Concerning:* Te Uri o Hau and the Patu Peninsula

*Region:* Dargaville, Northland

*Received:* 3 February 1992

### WAI 273

*Claimants:* Paul Irven White and several members of Ngai Tupoto Hapu

*Concerning:* Tapuwae 1B and 4 Incorporation

*Region:* Hokianga

*Received:* 19 February 1992

## Prime Minister Speaks on Claims Settlement at Waitangi

Following is an extract from the address given by the Rt Hon Jim Bolger, Prime Minister, at Waitangi National Marae on Waitangi Day, 1992.

I take pleasure in observing that in the past 12 months there has been a quickening in the pace at which Treaty claims are being settled.

Much of this has been the fruit of new thinking; a new approach to old problems. No longer will we be spending huge sums of money on the legal processes needed to establish facts which were never seriously in dispute.

Negotiations are not only proving swifter and less expensive, but they also have the flexibility to address the real issues.

There is no finer example of this new mood of cooperation than the agreement reached between Tainui and the Crown for the return of the former military camp at Hopuhopu.

What we are witnessing there is not just the rightful return of land to the tribe, but something more.

In the years ahead the Hopuhopu educational facilities will be used to train young people in the area, Maori and Pakeha alike, in the skills they will need to take their place in the New Zealand workforce.

We welcome the Hopuhopu settlement and hope that it and others like it will become models for the type of cooperative approach which can advance the mutual aspirations of both Treaty partners.

I do not need to remind you of the importance of such cooperation.

You who have known so much frustration down the years, will be mindful of the difficulties we face where Treaty claims are made, or may be made, over the assets of state-owned enterprises.

It is important that the process is always constructive, never destructive.

The delay in reaching an agreement over the transfer of assets of the Broadcasting Corporation of New Zealand saddens us, while the arrangement made with Railways Corporation pleases us, for it shows how we might advance more swiftly in the future.

### TE RORO A REPORT

The Waitangi Tribunal is completing its report on the Te Roroa inquiry this month, and is scheduled to present that report to the Minister of Maori Affairs on 3 April 1992 at Waikaraka marae, Kaihu.

The report can be ordered from:

Brooker & Friend Ltd, PO Box 43, Wellington.  
Tel (04) 385 6683 Fax (04) 385 7726  
Price: \$40 (incl GST)

## Taranaki Raupatu Hearing and Marae Visits

In February this year, the Waitangi Tribunal returned to Taranaki to hear two further claims.

Following the hearing, the Rt Reverend Bishop Manuhua Bennett, Tribunal member, accompanied by Crown and claimant counsel, Tribunal staff and Tribunal commissioned researcher, Dr Hazel Riseborough, visited various iwi involved in the Taranaki land claims.

At the Chairperson's request, Tribunal staff raised the possibility with iwi of speeding up the hearing process, emphasising that any new procedure would need to be acceptable to claimants.

Each iwi heard status reports regarding their various ancillary claims and Hazel Riseborough discussed the report she was commissioned to write by the Tribunal - *Background Papers for the Taranaki Raupatu Claim*. Throughout, Bishop Manuhua Bennett acted as whakaruruhau.

Marae were visited from Takirau in the south to Ruapekapeka in the north.

### STAFF FAREWELLS

*Cathy Marr* is taking a year's maternity leave from her position as senior research officer. Cathy's final task was the completion of a background report on the Tuwharetoa te Atua Reretahi ki Kawerau raupatu claim.



*Tony Tumoana* of Te Atiawa has left us to complete his arts degree at Victoria University. Tony has been an administrator for the Waitangi Tribunal since the early days of 1987.



*Jane Luiten* leaves the Tribunal, after nearly two years of research work, to travel to Europe. Jane will be remembered for her assistance with the Ngai Tahu report and her waiata.



Cathy, Tony and Jane take with them the best wishes of members and staff of the Tribunal.

**CLAIMS TO THE WAITANGI TRIBUNAL**  
**Resource kit for schools**  
**No. 2, 1992**

## **Motunui-Waitara**

This full-colour, durable, well-presented resource comes in a class set of 30. It includes maps, colour photographs, teacher's notes, questions and stimulating activities which have been trialled in the classroom.

*The material concerning the Motunui-Waitara claim has been organised to emphasise the importance of cultural perceptions, the importance of respect and support for values stemming from different cultures and to encourage students to think about the issues involved with the management of New Zealand's natural resources. (Teachers' explanatory notes)*

The resource was written with the senior geography syllabus in mind but could also be used in legal studies, history, Maori studies, social studies and science. The reading age averages fifth form level.

*Please send the Motunui-Waitara Resource.*

Number of kits required:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

*I enclose a cheque for \$35 (incl. GST) made out to the Waitangi Tribunal*

*An account should be sent to:*

▲ *the above address:*

▲ *this address:* \_\_\_\_\_

*Other school resources available:*

**The Waitangi Tribunal Claims, Resource No. 1, Kaituna. A resource prepared for third form level. Also \$35 (incl. GST).**

*Post all orders to:*

Waitangi Tribunal School Resources,  
Waitangi Tribunal, PO Box 5022, Wellington

## **Practice Notes – Waitangi Tribunal**

The Chairperson of the Waitangi Tribunal has written a series of practice notes on the procedures of the Waitangi Tribunal.

*Practice Notes – Waitangi Tribunal* will assist claimants and their counsel in their understanding of the methods and rules that guide the Tribunal's process. They will also be useful for others who desire a fuller understanding of the work of the Tribunal.

The practice notes will be available at the end of March. They are produced in a form that allows subscribers to file additions and alterations that are sent to them in the future.

Price: \$20 for one year's subscription  
(April 1992–April 1993)

*Please supply me with*  
**Practice Notes – Waitangi Tribunal**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

*I enclose a cheque for \$20*

*Please send an invoice with the Practice Notes*

*Send your order to:* Information Manager  
Waitangi Tribunal  
PO Box 5022  
WELLINGTON

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 Manager,  
Waitangi Tribunal, PO Box 5022,  
Wellington/Te Whanganui-a-Tara

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