

TE MANUTUKUTUKU

*Te Roopu Whakamana i te
Tiriti o Waitangi
Panui*



*Waitangi Tribunal Division
Department of Justice
Newsletter*

Rua tekau ma whitu
Poutu te rangi 1994

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TRIBUNAL MEMBERS HONOURED

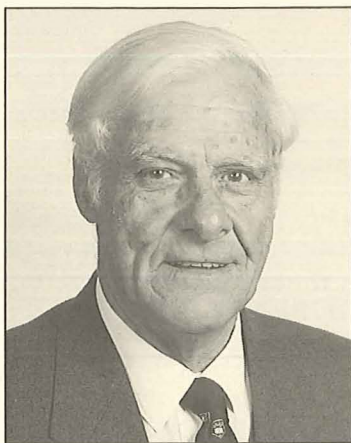
Chief Judge Edward Taihakurei Junior Durie (Ngati Raukawa, Kauwhata, Rangitane) The chairperson of the Waitangi Tribunal, Chief Judge Edward Durie, was awarded



the degree of Honorary Doctor by the University of Waikato on 25 February 1994. It was said of Chief Judge Durie at the ceremony on campus, 'he has expounded and nurtured a significant Treaty jurisprudence through important reports of the Tribunal, especially during the last 10 years. These reports have been marked by their comprehensive nature, their historical sweep and their positive and original analysis'. Chief Judge Durie was also recognised for his enduring

contribution to the development of a bicultural partnership for the governance of New Zealand and his national and international reputation as a humanitarian and creative contributor to the evolution of peaceful relationships between indigenous and settler peoples.

Sir John Ingram CBE who was appointed to the Waitangi Tribunal in 1992, was awarded a Knights Bachelor in the 1994 New Year Honours list. Sir John's understanding of the inter-relationships that exist between business, social and educational arenas is reflected in the variety of positions he has held. He



was the managing director of New Zealand Steel from 1969 to 1986, a director of Feltrax International from 1977 to 1989 and president of the Institution of Professional Engineers in 1976 and 1977. He has been a director of the National Bank since 1983 and was a member of the Auckland Area Health Board from 1990 to 1991. Sir John has been chairman of Youth Skills NZ Inc since 1988 and a member of the Council of Auckland University since 1979.

Georgina Te Heuheu, QSO (Ngati Tuuharetoa, Te Arawa, Tuho) The honour of Companion of the Queen's Service Order for Public Services was conferred on Mrs Georgina Te Heuheu in



the Queen's Birthday Honours list in June 1993. Mrs Te Heuheu has been a valued member of the Waitangi Tribunal since 1986.

Both through her work on the tribunal and in a number of other appointments, Mrs Te Heuheu has focused on the application of law to the economic and social development of nga iwi Maori at both a national and tribal level: as a director of the Maori Development Corporation since 1987 she has contributed to the development

of large scale commercial initiatives involving Maori investment; as a member of the Courts Consultative Committee and as an advisor to the Law Commission she presents a Maori perspective for the functioning of the Courts and reform of the law; as a director of the Midland Regional Health Authority she demonstrates her commitment to advancing the health status of all New Zealanders, and particularly the health status of Maori. Mrs Te Heuheu has been a member of the Council for the University of Waikato since 1991 and in 1992 was appointed a director of Te Papa Tongarewa, the Museum of New Zealand.

Staff and other tribunal members offer their congratulations to Chief Judge Durie, Sir John Ingram and Georgina Te Heuheu.

WAITANGI TRIBUNAL CURRENT PROGRAMME

NB These dates are subject to change

Date	Name	Place
Mar/Ap	Wai 212 Ikawhenua	Rotorua
April 5-9	Wai 84/367 Turangi Lands	Turangi
April 11-15	Wai 55/201 Te Whanganui a Orotu	Napier
April 18-22	Wai 167 Whanganui River	Whanganui
April	Wai 145 Wellington 10ths	Wellington
May 2-6	Wai 55/201 Te Whanganui a Orotu	Napier
May 2-6	Wai 84/367 Turangi Lands	Turangi
May 9-13	Wai 64 Chatham Islands	Chathams
May 16-17	Wai 45 Muriwhenua Lands	?
May	Wai 64 Chatham Islands	Wellington

NEW CLAIMS REGISTERED

WAI 388

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 for the Ngati Raukawa Trust Board
Concerning: Te Rohe Potae land and resources
Region: Maniapoto
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: C Taua for Ngati Tura and Ngati Te Ngakau claims committee
Concerning: Rotorua Railway Lands
Received: 6 September 1993

WAI 392

Claimants: Turikotahi Rawiri for Te Runanga o Ngati Paoa
Concerning: Railway lands in central Auckland
Region: Newmarket, Auckland
Received: 2 September 1993

WAI 393

Claimants: Mereana Hakopa for Te Uri-o-Hau
Concerning: Lands in Auckland
Received: 2 September 1993

WAI 394

Claimants: Dinah Steele for Ngati Whanaunga and the Marutuahu Confederacy
Concerning: The central Auckland railway lands claim
Received: 2 September 1993

WAI 395

Claimants: Makere Rangiatea Ralph Love
Concerning: The Electoral Reform Act 1993
Region: Aotearoa
Received: 28 September 1993

WAI 396

Claimants: Waatara Black for Ngati Te Ata
Concerning: Te Ture Whenua Maori Act 1993, Section 79(4)
Region: Aotearoa
Received: 1 November 1993

WAI 397

Claimants: Rawiri Eparaima Kamau and others for Ngati Kahungunu
Concerning: Gwavas Forest Park
Region: Hawkes Bay
Received: 22 November 1993

WAI 398

Claimants: Win McKenzie and others for Ngati Ruingarangi, Ngati Rauhoto-o-Tia and Ngati Te Urunga
Concerning: Tauhara Middle Block
Region: Taupo
Received: 27 April 1993

WAI 399

Claimants: Poutama Te Rata and Te Hika Daniel Rata
Concerning: Te Rongoroa A7 and the operations of the Maori Land Court
Region: Waikato-Maniapoto
Received: 27 September 1993

WAI 400

Claimants: Hoani Hohepa for Ngati Hinepare and Ngati Mahu
Concerning: Ahuriri block
Region: Napier
Received: 3 November 1993

WAI 401

Claimants: Kenneth Renata Broughton of Ngati Te Upokoiri and Ngati Hinemanu
Concerning: Renata Kawepo Estate
Region: Hawkes Bay
Received: 12 October 1993
NB: This claim has been added to Wai 201, Wairoa ki Wairarapa claims.

WAI 402

Claimants: Mare Kupa and whanau, Ngati Te Upokoiri
Concerning: Pt Ngaruroro River Bed
Region: Napier/Hastings
Received: 21 September 1993
NB: This claim has been added to Wai 201, Wairoa ki Wairarapa claims.

WAI 403

Claimants: Andrew Kendell and whanau, Te Rarawa
Concerning: Mitimiti property
Region: North Hokianga
Received: 26 November 1993

WAI 404

Claimants: Mana Manuera Cracknell and others for Rongomaiwahine
Concerning: Rongomaiwahine lands including Nuhaka no 1 block and Wharerata State Forest
Region: Wairoa
Received: 8 November 1994

WAI 405

Claimants: John Hanita Paki for the Titiraupenga Trust and the Raukawa Kaumatua Kaunihera
Concerning: Titiraupenga and Pureora Mountains and forestry lands
Region: North West Taupo
Received: 21 October 1993

WAI 406

This number has been allocated to the consolidated South Auckland-Hauraki claims. It includes Wai 30, 31, 72, 96, 100, 110, 121, 148, 174, 177, 186, 187, 236, 253, 261, 276, 279, 280, 285, 289, 330, 331, 340, 326, 344, 345, 346, 349, 355, 357, 364, 369, 373, 374, 388, 392, 393, 394, 418, 423

WAI 407

Claimants: Turoa Kiniwe Royal for Ngati Kikopiri-ki-Muhunua and Robert Cooper for the whanau of Hema Te Ao
Concerning: Lands at Parekawau, Ohau
Region: Horowhenua
Received: 12 October 1993

WAI 408

Claimants: Turoa Kiniwe Royal and Ngawini Kuiti for Ngati Kikopiri-ki-Muhunua and Ngati Huia
Concerning: Waiwiri lake sysyem and Papa-i-tonga land
Region: Horowhenua
Received: 27 October 1993

WAI 409

Claimants: Mrs Kapairo Kepa Te Awe Taane
Concerning: Access to Pouto 2E7B2 block
Region: Northland
Received: 4 March 1993

WAI 410

Claimants: Hamuera Taiporutu Mitchell
Concerning: Te Koura-ma-Whitiwhiti no.1 and Te Wharau-a-Tahora Whakarua lands
Region: Rotorua
Received: 11 October 1993

continued

WAI 411

Claimants: William Shuki Savage and Gavin Motai Park for the former owners of Tarawera 1 and their descendents; the shareholders and debenture stockholders of Maori Investments Ltd

Concerning: Tarawera Forest

Region: Rotorua, Bay of Plenty

Received: 14 June 1993

WAI 412

Claimants: Hirini Moko Mead for members of Te Runanga o Ngati Awa Maori Trust Board

Concerning: Electoral Act 1956, Electoral Act 1993

Region: Aotearoa

Received: 15 December 1993

WAI 413

Claimants: Hare Wakakaraka Puke and others

Concerning: Maori Electoral Option

Region: Aotearoa

Received: 19 January 1994

NB: See article opposite for more details

WAI 414

Claimants: Haki Wihongi for Te Whanau o Waipareira Trust Board beneficiaries and the people of West Auckland

Concerning: The Community Funding Agency and the Children, Young Persons and their Families Act 1989

Region: West Auckland

Received: 11 January 1994

WAI 416

Claimants: Harry Tanirau

Concerning: Rangatira no.7 block

Region: Taupo

Received: 17 November 1993

WAI 417

Claimants: Benjian Solomon for Moriori

Concerning: Moriori and Rekohu (Chatham Islands)

Region: Rekohu

Received: 14 December 1993

WAI 418

Claimants: Rikiriki Rakena and others

Concerning: Waikawau Purchase

Region: Hauraki

Received: 13 Decemeber 1993

WAI 419

Claimants: Tamawhero Kiriona for Ngati Ruanui and Pakakohe

Concerning: Ngati Ruanui and Pakakohe lands

Region: Taranaki

Received: 10 February 1994

WAI 420

Claimants: George Ngatiamu Matthews and Te Hiko a Paapamua

Concerning: Mataikona A2 block

Region: Wairarapa

Received: 25 November 1993

WAI 422

Claimants: Arthur Waititi and others for the hapu of Kauatangohia and Pararaki

Concerning: Waikura block

Region: Cape Runaway

Received: 24 February 1994

WAI 423

Claimants: Te Warena Taua and Emily Karaka for Ngai Tai ki Tamaki Trust and members of Ngai Tai ki Tamaki iwi

Concerning: Ngai Tai ki Tamaki rohe

Region: Auckland

Received: 21 December 1993

MAORI ELECTORAL OPTION REPORT

Below is a reprint of part of the report:

Introduction

This claim arises out of the proposal for the introduction of the Mixed Member Proportional Representation System (MMP) resulting from the referendum held under the Electoral Referendum Act 1993. As a consequence the Maori Option Notice 1993 was made by the Minister of Justice on 17 December 1993 It declared that the two month period required under section 76(1) of the Electoral Act 1993, in which Maori may elect whether to register on the Maori roll or the General roll, would begin on 15 February 1994 and close on 14 April 1994.

National Hui at Turangawaewae

Following the publication of the Maori Option Notice on 22 December 1993 a national hui was called to be held at Turangawaewae to discuss the issues and process that surround the option. The publication of the Notice so close to the Christmas-New Year holiday period made it impossible for Maori to meet at Turangawaewae before 14 January 1994. Although the notice was necessarily short, between 250 and 300 people attended throughout the day. The attendance of the presidents of the National Maori Congress, the New Zealand Maori Council and the Maori Women's Welfare League who addressed the hui signified the importance of the gathering. The claim now before the tribunal is a direct outcome of the hui.

The Claim

The claim is brought by Hare Wakakaraka Puke on behalf of himself and those Iwi and other Maori authorities who attended the hui which was chaired by Mr Puke. It is strongly supported by the National Maori Congress, the New Zealand Maori Council and the Maori Women's Welfare League. The statement of claim was filed with the tribunal on 19 January 1994. In essence, the claim is that the Crown has an obligation under the Treaty of Waitangi to protect the right of Maori to be represented in Parliament and that there are special needs in promoting Maori enrolment and education on the option. The claimants say that the funding so far provided by the Government to assist with these matters is inadequate and insufficient to properly inform Maori of their democratic entitlement and responsibilities. They also claim that the policies for promoting these activities should be formulated and funded independently of state agencies and directed through Maori organisations.

An Urgent Hearing

On 19 January 1994 the claimants sought an urgent hearing of their claim on the grounds that the two month Maori option began on 14 February. If the claim proved to be well-founded it would need to be heard and determined before that date to ensure that any additional funding was effective.

The tribunal considered an urgent hearing warranted and convened a hearing at the Maori Land Court, Rotorua, on Thursday 27 January 1994 to hear the claimants' evidence, which was completed on Friday 28 January. The Crown's submissions were heard on Wednesday 2 February.

The tribunal, in its report, found that the present level of funding was substantially less than would be reasonably required to meet the Crown's Treaty obligations to protect Maori citizenship rights. The Crown was also found to be in breach of Treaty principles which require it to actively protect Maori rights to political representation under the Electoral Act 1993.

The report estimates that around 50,000 eligible Maori voters are not currently enrolled and both mass media and traditional Maori kanohi ki te kanohi (face to face) methods of communication are required to promote enrolment and to inform and educate Maori on their option.

continued

The tribunal recommended that the Crown consult with the three pan-Maori organisations on the amount of increased funding necessary and on the content and implementation of programmes necessary to promote enrolment and inform Maori.

The tribunal presented its report to the Ministers of Maori Affairs and Justice on 10 February 1994. The Crown conveyed its decision to the tribunal on 1 March 1994, stating that cabinet had declined the tribunal's recommendations. The decision was made after consideration of the extent and nature of the Crown's involvement in voter education activities as part of the electoral reform process. Te Puni Kokiri's current kano ki te kano communication campaign for the Maori electoral option was also a reason why cabinet declined the recommendations.

The Maori Electoral Option Report

is available from Brookers,

P O Box 43, Wellington. Ph: 3856683 Fax: 3857300

Price: \$22.50 (gst and postage incl.)

WAITANGI TRIBUNAL HEARINGS

December 1993 to March 1994

Te Whanganui a Orotu, Napier Inner Harbour (Wai 55)
5 December 1993

Te Maunga Railway Lands, Tauranga/Mt Maunganui
(Wai 315) 13-14 December 1993

Newmarket Railway Lands, Auckland (Application to
remove state enterprise memorials) 20 December 1993

Maori Electoral Option (Wai 413) 19 Jan and 14 Feb 1994

Te Whanganui a Orotu (Wai 55/201) 31 January 1994

Taranaki (Wai 143) 21 February 1994

Whanganui River (Wai 167) 14-18 March 1994

Muriwhenua Land (Wai 45) 21-25 March 1994

*Information on these hearings can be requested from
the tribunal's office*

New Research Staff Appointed



Paul Hamer (left) of Wellington graduated from Victoria University with an MA History (distinction) in 1992. He worked as a policy analyst for the Treaty of Waitangi Policy Unit, Department of Justice, before taking up his position at the Waitangi Tribunal in November 1993. **Dr Grant Phillipson** of Invercargill received his doctorate in history from the University of Otago in 1992. He was a research fellow at the McMillan Brown Centre for Pacific Studies at Canterbury University and then worked as a researcher for the Crown Congress Joint Working Party in Wellington. In 1993 he was a contract researcher for the Waitangi Tribunal and was appointed to the permanent staff in January 1994.

Tribunal Members Attend Australian Conference

Several members of the tribunal, including Maori Land Court Deputy Chief Judge Ashley McHugh, spoke recently at a conference in Sydney. The conference entitled *Native Title and the Trans Tasman Experience*, compared the Australian situation in the wake of the Australian High Court 'Mabo' decision with the New Zealand experience in dealing with indigenous issues.

Judge McHugh gave the conference a broad overview of grievance resolution in New Zealand while tribunal members Sir John Ingram and John Kneebone outlined their experiences in the mining and farming sectors. Tribunal director, Buddy Mikaere, co-chaired the conference.

Other New Zealand speakers included Treaty of Waitangi Fisheries Commission chair Tipene O'Reagan, lawyers Joe Williams, Nick Davidson and Roger Drummond, and the deputy chair of the Federation of Maori Authorities, Paul Morgan.

From the New Zealand perspective, the two day conference showed that while Australia has made enormous strides with the passing of the Native Title legislation last year, the philosophy, processes and infra-structure for giving effect to the legislation are yet to be settled. Aboriginal representatives at the conference expressed guarded satisfaction for recent developments but their sense of frustration also made it clear that this was just the start of a long and arduous journey.

The difference of approach between the two countries was best illustrated by the sector interests, particularly in the mining industry. Apparently the industry, aided to an extent by their legal advisors, seem intent on preserving the pre-Mabo status quo. While there were some encouraging indications that there is a political willingness to adopt the New Zealand and Waitangi Tribunal approach of having parties talk through claims and grievances, this has yet to win a wider acceptance in Australia.

Copies of the addresses by Judge McHugh, Sir John Ingram and John Kneebone are available on request from the tribunal's office.

MAORI CLAIMS: HOW TO RESEARCH AND WRITE A REPORT

Jane Tucker

... a necessity for all researchers ...

Designed for claimants, students and other researchers, this publication provides a clear, simple and practical guide from the planning stages of a research project through to presentation of the finished product. It also discusses the major sources of information that the researcher is likely to need. The author is an experienced researcher and archivist who taught research skills to claimants at a pilot course held in Wellington in 1991.

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Please send me _____ copies of *Maori Claims: How to Research and Write a Report* @ \$15.00 per copy.

I enclose a cheque for _____ made out to the Waitangi Tribunal or Please send an account to this address (if different from above): _____

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Waitangi Tribunal, PO Box 5022, Wellington.