

TE MANUTUKUTUKU

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Here-turi-kōkā/Mahuru 1997

Number 42

August/September 1997

Third Casebook Completed

The Tauranga Moana Casebook has recently been completed. It is the third in a series of casebooks that will significantly streamline the hearing process for claims. Forty separate reports covering various claims in the Tauranga/ Western Bay of Plenty inquiry have been combined to form the 6000-page Casebook, which represents more than three years' historical research work by Tribunal staff, claimants and commissioned researchers.

Arranged in five parts, Part One of the Tauranga Moana Casebook covers statements of claim, raupatu, and related issues. Part Two deals with urbanisation, industrialisation, and the taking of land for public works. Part Three covers the islands in the Tauranga Harbour, while Part Four contains reports on water issues, environment, and resource depletion. Finally, Part Five deals with wāhi tapu and other sites of significance.

Other casebooks have been completed for the Mohaka ki Ahuriri inquiry and the Kaipara inquiry. They are the result of a Tribunal plan, developed in 1996, that aims to reduce the hearing time for claims by requiring most historical research to be submitted before hearings begin and compiling it into a casebook. A senior Tribunal historian then assesses that the bulk of the claimants' research has been completed.

As the Tauranga Moana Casebook

contains the preliminary research reports which are to be presented to the Tribunal during the course of the Tauranga/ Western Bay of Plenty inquiry, the Casebook will greatly improve the efficiency of these hearings. The Tauranga/ Western Bay of Plenty hearings are due to start at the end of this year.

- The Tribunal distributed all reports to Tauranga claimants as reports were finished. Claimants should advise the Tribunal if they have not yet received research reports. The Tauranga Moana Casebook has been sent to counsel and Tribunal members to help with the preparation of legal submissions. It will also be used during the hearings.



Tauranga: view from Monmouth Redoubt toward Manao (Mount Maunganui). Mission House centre and military settlement on right. c.1880.

Photo: Tauranga District Museum

- The Tauranga Moana Casebook is available to parties with an interest for the purposes of hearing a claim, from Expo Digital Media, tel:04-472-9269 for \$509.65 (incl. GST), or \$56.65 (incl. GST) per part.

CONTENTS

From the Director:
The 1997-98 Business
Strategy

2

He Poroporoaki:
Hōnoré Matiu Rata

3

Eighth Wellington Tenth's
Hearing
Te Manutukutuku on the
Internet

4

Kaipara Hearings Begin

5

Kia Matatau Kia Mana Ia

6

New Staff Members
Registrar and Chief Historian
Appointed

7

New Claims Registered
Hearing Schedule

8

From the Director

The 1997-98 Business Strategy

A copy of the 1997-98 Business Strategy is included with this copy of *Te Manutukutuku*. On looking in the Strategy at the research programme for the Tribunal, you may not see where your claim is included. There could be two reasons for this.

The first is that your claim may be included in an inquiry district and you are not aware of that. Not all the hearing districts have been defined and many have quite

general descriptions. The second is that your claim is not included in the research programme for the next three years.

The Tribunal's research programme is based on what it knows of the current state of research. The Tribunal may not know that your district has completed extensive research. It is also possible that you have researched your claim, but the other claimants in your district have not yet done their research.

If you are in a district that is coming into hearing in the next three years, and you want to know about it, you will need to write to the Registrar here at the Tribunal. For those districts scheduled for 1999/2000 we have comparatively little information at this stage. Any information you can provide on the state of research will help to progress matters. Districts can move forward in the hearing queue by having claimant groups well prepared to go into hearing, and research completed for all claims in the district.

If you hold on to research until the last possible minute, it is very difficult for the Tribunal to get inquiries underway, particularly if yours is a major claim in an inquiry. Those whose district is coming up for hearing need to complete their research and be fully ready to be heard. Those who are not even in the queue need to seek ways to get their claims researched. For the Tribunal's processes to work, we need to work together.

How do I move my claim into a state of readiness?

Research needs to be completed to the Tribunal standard. If you want to know what that means, come into the office and look at some of the evidence filed! Since the Tribunal hears claims in a district, you need to find what your hearing district may be. The *National Over-*

view Report of the Rangahaua Whānui project may be a start. Note that most of the hearing districts have still to be determined, but they will usually be smaller than the Rangahaua Whānui districts.

How do I get research done?

Research commissioned by the Tribunal is focused on the districts coming into hearing. The Tribunal is a minor research funder, with an annual budget of less than \$0.5 million for this work. The major source of Tribunal claim research funding is the Crown Forestry Rental Trust. To advance your claim research in areas that have not been indicated in the plan you may also need to look for alternative sources of funding. For some this may include Rūnanga, Trust Boards, and Iwi Authorities, if they are part of the claim.

What about areas not scheduled in the Strategy?

The Tribunal has its own research staff who do some research and also facilitate the claims into and through the hearings. The research staff try to identify any progress on all of the claims on at least an annual basis. Some research work will go on in all districts each year.

Why doesn't the Tribunal spend more on research?

There is always a trade-off between the hearing of claims, research and report writing. The Tribunal is unique in that it is the only body that can hear and report on claims. On that basis alone there is a preference to spend on the hearing and reporting of claims. Of course, without research, hearings cannot proceed. At present we are reaching a workable balance.

Will this procedure change?

It is anticipated that there will be a continued need for full and complete research to be available prior to a set of claims being heard. The Rangahaua Whānui project has helped both claimants and the Tribunal to have research that is focused and that covers all the issues. It should help reduce the duplication of research. It will not replace the need for detailed research in most areas. It seems the shortest method is to spend a lot of time in preparation. This reduces time spent in and especially between Tribunal hearings. It also shortens the report writing process.

Morris Te Whiti Love
Director



Morris Love

He poroporoaki

Hōnore Matiu Rata

He poroporoaki ki a Hōnore Matiu Rata nā te Rōpū Whakamana i te Tiriti o Waitangi. Kua pau ngā kupu nunui i ngā rangatira o te motu me te ao, te uwahi ki runga i a koe, heoi tā mātau Te Rōpū Whakamana i te Tiriti he umere, he tangi mōu, mo te tangata kaha ki te whakatinana i te Rōpū Whakamana i te Tiriti.

Kua tae koe ki te huihuinga o te mano o te tini o ō tātau mātua tūpuna.

Haere Matiu, haere, haere atu te Kauri tūturu o te ngahere o Waipoua me te Waonui-a-Tāne. Haere ki te okiokinga tūturu mo tāua mo te tangata pai mārīre.



Matiu Rata



Matiu Rata with the late Sir Monita Delamere and Chief Judge Durie

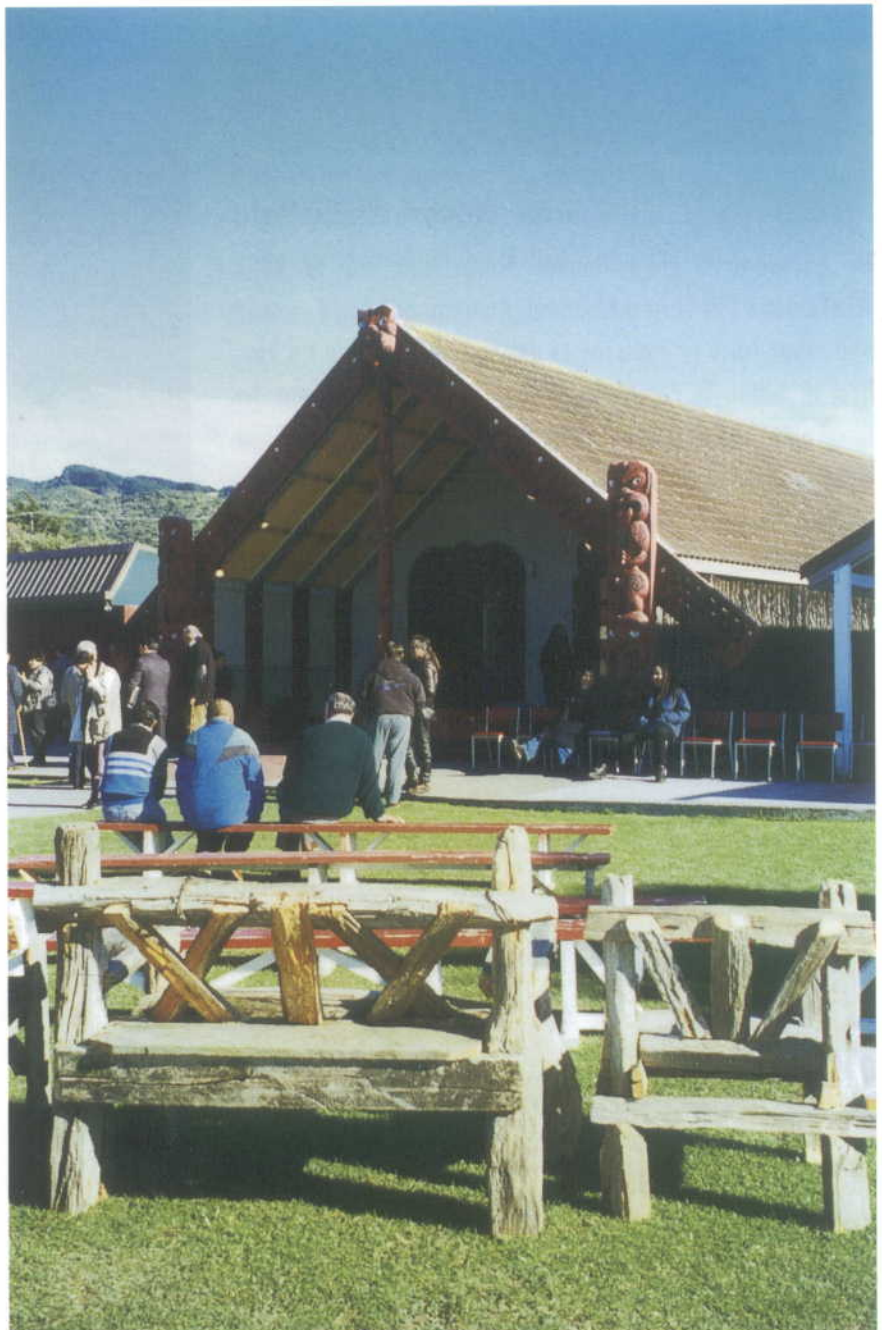
Eighth Wellington Tents Hearing

The Wellington Tents claim (Wai 145) had its eighth hearing from 7-11 July to hear evidence and submissions from overlapping claimants.

The Wai 145 claim was registered in December 1987 with the Waitangi Tribunal as a claim by the Wellington Tents Trust to the reserves promised to them by the New Zealand Company when they were negotiating the Port Nicholson Sale in 1839. The Tribunal members hearing the claim are Professor Gordon Orr (Presiding Officer), Professor Keith Sorrenson, and Bishop Manuhuia Bennett.

The recent hearing started at Takapuwahia Marae in Porirua (pictured above), but during the first day was shifted to Hongoeka Marae in Plimmerton for the first three days. During this time, the Tribunal heard evidence and submissions from Ngāti Toa Rangatira and Ngāti Rangatahi claimants. On the final two days, the Tribunal sat at Te Herenga Waka Marae at Victoria University to hear evidence and submissions from Ngāti Tama and Rangitāne claimants.

During the week claimants and



Takapuwahia Marae, Porirua, where the Wellington Tents Hearings began

historians discussed inter-tribal relations in the greater Wellington region, including the exploits of various rangatira, such as Te Rauparaha, Taringakuri and Kapara-

tehou. Wai 145 hearings began in 1991. A further hearing is scheduled for later in the year.

Te Manutukutuku on the Internet

The Waitangi Tribunal's free, bi-monthly publication *Te Manutukutuku* is now available on the Tribunal's homepage. *Te Manutukutuku* contains information

about recent hearings, the claims process, Tribunal publications, new claims registered, the hearing

schedule and new staff appointments. Visit the Waitangi Tribunal's homepage at:

<http://www.knowledge-basket.co.nz/waitangi/welcome.html>

Kaipara Hearings Begin

The Waitangi Tribunal recently began hearings in the Kaipara Inquiry (Wai 674) from 11-22 August. In accordance with the Tribunal's casebook method for researching and hearing claims, a Kaipara hearing district was set out, inside which all claims will be heard (refer to map).

In order to facilitate the progress of the Kaipara inquiry, the Tribunal has adopted a three-stage approach. Stage One includes Te Uri o Hau claims (Wai 229, 259, 271, 294, 409, 658) in the northern Kaipara from Pouto across to the Mangawhai State Forest. Stage Two encompasses claims to the southern area and those dealing with the harbour. Stage Three will cover overlapping claims to the Mangawhai Forest as well as areas to the immediate north of Stage One up to (but excluding) the Tangihua ranges.

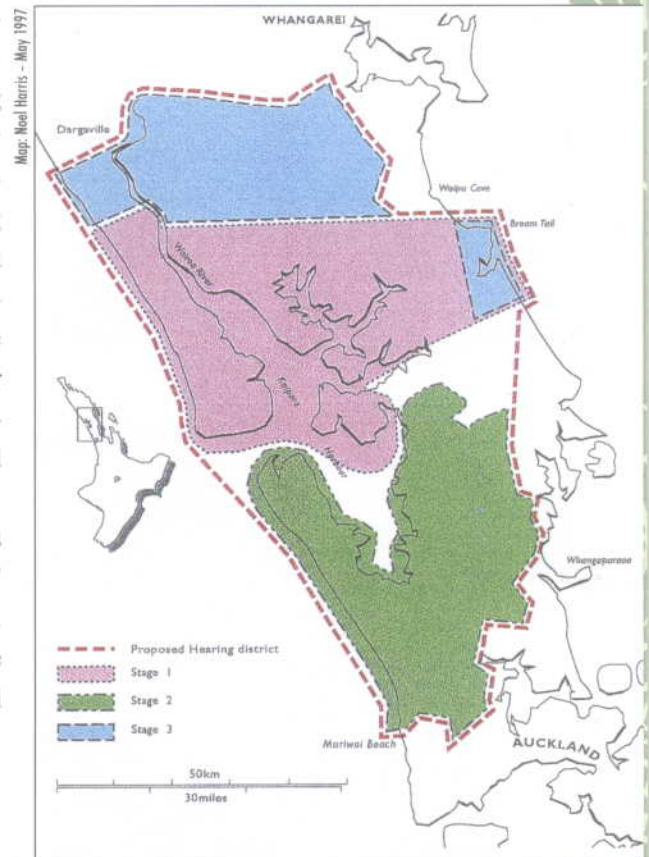
Stage One hearings commenced on 11-15 August at Pouto Marae, followed by a second consecutive week of hearings at Otamatea Marae from 18-22 August. Over the course of the two weeks, the Kaipara Tribunal heard evidence from tangata whenua and specialist researchers at both marae. Claimant research raised questions about the practice of early Crown purchases and promises of later collateral benefits for Māori arising from sales of land to the Crown. Another important issue to emerge was the implementation and administration of Māori Affairs development schemes.

The Kaipara Tribunal visited a number of significant sites during the two weeks. These sites included the Pouto Forest, marae at Arapaho and Oruawharo, as well as the Tanoa church and urupā.

The hearings were also characterised by a strong media presence. The first day of the Otamatea hearing was attended by Sir Peter Ustinov together with an English documentary film crew. In his closing remarks, Sir Peter commented that the process of reconciliation he witnessed in Aotearoa appeared to be a 'relatively civilised method for dealing with potential conflict', compared to other parts of the world he had visited.

A third Stage One hearing is scheduled for 19-21 November 1997 to hear further claimant evidence. Please direct any inquiries about the Kaipara inquiry to the Waitangi Tribunal office.

Site visit at the end of Pouto Peninsula. Wai 271 claimant Wily Wright (left). Tribunal members John Turei and Areta Koopu (centre)



Three Stage Approach for the Kaipara Inquiry



The Kaipara Tribunal at Otamatea Marae: Left to Right: Brian Corban, Areta Koopu, Dame Augusta Wallace (Presiding Officer), John Turei and Evelyn Stokes. (Absent: the Hon. Dr Michael Bassett)

Kia Matatau Kia Mana Ia

The recent Māori Expo 1997 in Auckland – ‘Kia Matatau Kia Mana Ia: A Celebration of Māori Endeavour and Achievement’ – was a great opportunity for Aucklanders to learn more about the Waitangi Tribunal.

Left to Right

Hon. Tau Henare, Minister of Māori Affairs, and Waitangi Tribunal Information Co-ordinator Bronwyn Gibbs

The Expo was held at the Aotea Centre and Square on 28 August. Hundreds of people passed through the Tribunal’s exhibition stand, which was sponsored by GP Publications. The main objectives of the Waitangi Tribunal’s participation were to promote the three volume *National Overview Report*, to promote an understanding of the role and functions of the Waitangi Tribunal, specifically for a Māori audience, and to provide on-site access to Tribunal reports via the Internet.

Four Tribunal staff spent a busy day meeting crowds of people who were very interested in Treaty issues and the Tribunal’s current work. Visitors included the Hon. Tau Henare, Minister of Māori Affairs. The staff took with them a vast range of educational resources including posters, newspaper articles, photos, brochures and back copies of *Te Manutukutuku*, as well as perusal copies of the *National Overview Report* and district Rangahaua Whānui reports.

As a result of the Expo the mailing list for *Te Manutukutuku* increased by several hundred, which reflects the real interest that people take in the Tribunal’s work.

Māori Expo 1997 was so successful in informing an Auckland-based audience about the work of the Waitangi Tribunal that it is hoped that the Tribunal will take part every two years, alternating with the Wellington based Open Day.

Waitangi Tribunal staff at the Māori Expo:
Left to Right: Bronwyn Gibbs, Dr Janine Hayward, Raymond Kaiki and Vanessa Byrnes.



photo: Simon Clark

New staff members

Peter Barton grew up in Mangonui and his ancestors are from Scotland. After working first as an Army driver, and then as a driving instructor, Peter gained a BSocSc in Public Policy from the University of Wai-

kato. Peter has joined the Waitangi Tribunal as Claims Administration Assistant. He is responsible for photocopying, filing, document searches and requests, and compiling Claims Administration mailouts.

Tushar Panchal has joined the Tribunal staff as IT Co-ordinator. He is originally from Bombay, India and lived in Bahrain for ten years. Tushar has a BCA in Information Systems and Commercial Law from Victoria

University of Wellington. He will provide IT solutions for the Tribunal, and work with National Office to create a single platform standard for the Department for Courts systems.

Charlene Radovanovich is Ngā Puhī and Ngāti Whatua. Charlene was brought up in te Tai Tokerau, trained as a hairdresser in Auckland, and worked for three years with a computer consultancy. She worked in the

Māori Land Court at Whangarei for eleven years. Charlene has been appointed as a Claims Administrator for the Waitangi Tribunal, and is responsible for the Hauraki claims.

Kim Skelton is Ngāti Rahiri and Puketapu of Te Ātiawa ki Taranaki, and Tukorehe of Ngāti Raukawa ki Ōtaki. Kim completed a BA in History and Māori and an LLB at the University of Auckland. She then travelled overseas for five years,

teaching English as a second language in Africa and Europe. In 1995 Kim returned to New Zealand and worked as a policy advisor at Inland Revenue, before joining the Tribunal in July as Assistant Registrar.

Peter Barton



Tushar Panchal



Charlene Radovanovich



Kim Skelton



Registrar and Chief Historian Appointed

Geoff Melvin has been appointed Registrar of the Waitangi Tribunal, having held the position in an acting capacity for almost two years. Upon graduating from the University of Auckland with a BA in French, Geoff spent four and a half years travelling overseas. He then returned to New Zealand and completed an LLB (Hons) at Victoria University of Wellington. Geoff worked as a contract policy analyst at the Treaty of Waitangi Policy Unit before joining the Tribunal as legal researcher in

August 1994. As Registrar, Geoff is responsible for providing legal advice to the Tribunal, managing the Claims Administration staff, and overseeing the hearing programme.

Dr Grant Phillipson has been appointed Chief Historian of the Waitangi Tribunal. Grant received his PhD in history from the University of Otago in 1992. He was a research fellow at the McMillan Brown Centre for Pacific Studies at the

University of Canterbury and then worked as a researcher for the Crown Congress Joint Working Party in Wellington. Grant joined the Tribunal in 1993 as a researcher, before being appointed Acting Research Manager in October 1995. As Chief Historian, Grant is responsible for managing the research staff, providing research advice to the Tribunal, and supervising the Tribunal's commissioned research programme.

Te Manutukutuku

is the Waitangi Tribunal's free, bi-monthly publication.

If you would like to be added to the mailing list to receive issues of *Te Manutukutuku*, please fill in this form and send to: Communications Assistant, Waitangi Tribunal, PO Box 5022, Wellington, or fax: (04) 499 3676. Please notify us of any change of address.

NAME: _____

ADDRESS: _____

PHONE: _____

NEW CLAIMS REGISTERED

Wai No.	Claimant	Concerning
677	Parekawhia Pickering	Allotments 441 and 442, Ngaruawahia Rating
676	Michael John Beazley	Great Barrier Island, Little Barrier Island, Mokohinau Group of Islands (consolidated with Wai 406)
679	Raymond D. Hovell	Protection of eighty acres of native trees (Paotarata A2 native trees claim)
680	Percival Te Awhina Nicholson	Land in the Hokonui district, Southland, that was allegedly purchased by the Crown in 1935
681	Michael Rika	The amalgamation of two restricted radio broadcasting licenses
682	Reweti Pomare Kingi, Pita Paraone and others	Land and resources of the traditional rohe of Ngāti Hine hapū
683	Weretapou Tito	Māori customary property rights over land, waters, forestry and resources in Te Parawhau hapū rohe
684	Stanley Joseph Pardoe and others	Legislation, acts and policies of the Crown affecting the descendants of Rongowhakaata iwi

HEARING SCHEDULE as at 26 August 1997

15-17 September 1997, Motuti, Hokianga Wai 262 Indigenous Flora and Fauna Hearing	18-19 September 1997 Wai 262 Indigenous Flora and Fauna Hearing
13-17 October 1997, Omaahu, Hastings Mohaka ki Ahuriri Hearing	3-7 November 1997, Mohaka Mohaka ki Ahuriri Hearing
10-11 November 1997, Mohaka Mohaka ki Ahuriri Hearing	12-14 November 1997 Wai 262 Indigenous Flora and Fauna Hearing
1-5 December 1997, Wai 262 Indigenous Flora and Fauna Hearing	1-5 December 1997, Wellington Wellington Tenths Hearing



DEPARTMENT FOR
COURTS
TE TARI KOOTI

Te Manutukutuku is published by the Waitangi Tribunal,
Department for Courts, PO Box 5022, Wellington
Telephone 04-499-3666 ♦ Fax 04-499-3676 ISSN 0114-717X
e-mail: wtd@actrix.gen.nz

Production by Huia Publishers, Wellington