

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

# TE MANUTUKUTUKU

Kia puta ki te whai ao ki te ao mārama

From the world of darkness moving into the world of light

Issue 72



Waitangi Tribunal

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*Te Manutukutuku* is produced and published by the Waitangi Tribunal Unit of the Ministry of Justice, and every effort has been made to ensure that it is true and correct at the date of publication.



*The Taihape Tribunal makes a site visit to Opaea Church and urupā during the sixth hearing week of its inquiry, held in April 2018. Claimant evidence during the week referred to the church and the marae, which are located about eight kilometres north of Taihape.*

# From the Chairperson

As reported in this issue, Deputy Chief Judge Fox, who has taken over as presiding officer for the Te Rohe Pōtae district inquiry, has informed the parties that the Tribunal will release the first part of its report in August this year. This is a response, in part, to a joint request from the Crown and the Maniapoto Māori Trust Board for early reporting on certain topics to assist their settlement negotiations. It reflects the Tribunal's commitment to making a practical contribution to the resolution of historical Treaty claims.

The three other district inquiries are progressing. In the north, Te Paparahi o te Raki has completed its hearings and the panel has begun its report. In the southern North Island, Taihape is scheduled to complete its hearings early next year and Porirua ki Manawatū will shortly start its next round of hearings.

A substantial number of local historical claims have fallen outside the Tribunal's district inquiries, often because they were filed too late for inclusion. In areas where the Tribunal has not held a district inquiry, some have fallen outside Treaty settlements and current negotiations. For these remaining historical claims, the



Chairperson Chief Judge Wilson Isaac

Tribunal is planning a standing panel process for claimants who wish to bring them before the Tribunal.

Historical claims also feature in kaupapa (thematic) inquiries. Claims in Military Veterans, the first kaupapa inquiry, raise issues that reach back to the Second World War and before. However, many claims with historical grievances that relate to kaupapa issues have already participated in district inquiries. These grievances will not be heard again in kaupapa inquiries. The number and scope of historical claims in kaupapa inquiries is therefore limited.

In the kaupapa inquiries currently

in preparation, many of the claimants and the Crown have focused on contemporary issues of Crown policy and practice. This has helped to identify priorities for the attention of the Tribunal, either as a first stage (for example, the primary health sector in the Health Services and Outcomes inquiry) or as a targeted inquiry into an immediate specific issue (for example, the Marine and Coastal Area Act inquiry).

Kaupapa inquiries are, however, not open-ended. Their purpose is to address claim issues that are nationally significant and that affect Māori as a whole in similar ways. They must also take into account other Government inquiries that may help to address the concerns of Māori claimants, with several under way or planned in the health and social justice fields.

The Tribunal will therefore keep the order, timing, and issue scope of the kaupapa inquiry programme under constant review.

A handwritten signature in black ink, appearing to read 'Wilson Isaac'.

Chief Judge Wilson Isaac  
Chairperson



# From the Director

KIA ORA TATOU.

It is again my pleasure to update you all on the work of the Waitangi Tribunal Unit over the past six months. The unit has now fully embedded the structural changes brought about throughout 2017, and I am particularly pleased with the calibre and expertise of the appointments we have made to new positions.



Director Grace Smit

The unit now has additional staff and it has seen an increase in senior technical roles to help support the Tribunal with the volume and diversity of the work before it.

Our strong technical capability is balanced by a requirement to ensure that we have similar strengths with our cultural capability. Making sure that our staff are well placed to perform

# Member News

THE achievements and service of several past members of the Tribunal were recognised in the 2018 New Year honours list.

The Honourable Georgina Te Heuheu was made Dame Companion (DNZM) for services to the State and Māori. Dame Georgina was a Tribunal member from 1986 to 1996 and served on a number of early historical inquiries, notably Muriwhenua Land, Ngāi Tahu, Mohaka River, and Te Whanganui-a-Orotu.

John Clarke was made Knight Companion (KNZM) for services to

Māori and heritage preservation. Sir John was a Tribunal member from 1995 to 2010, serving on the Te Whanganui a Tara (Wellington), Mohaka ki Ahuriri, Tauranga Moana, and Te Tau Ihu (northern South Island) district inquiries. He was also appointed to panels for the Petroleum, Ahu Moana (aquaculture), and Foreshore and Seabed Policy inquiries.

The Honourable Michael Bassett was made Companion (CNZM) for services as a historian. Dr Bassett was a Tribunal member from 1994 to 2006. He served on the Kaipara

and Tauranga district inquiries and on two urgent inquiries. Those were the Kiwifruit Marketing and Ngāti Maniapoto / Ngāti Tama Settlement Cross-Claims inquiries.

Justice Joe Williams, the former Chairperson of the Tribunal, was appointed to the Court of Appeal in December 2017. While he was the Chief Judge of the Māori Land Court, Justice Williams served as Deputy and Acting Chairperson from 1999 to 2004 and then as Chairperson up to his appointment to the High Court bench in 2008. □



Dame Georgina Te Heuheu (right) with Governor-General Dame Patsy Reddy



The Honourable Michael Bassett with Governor-General Dame Patsy Reddy



Justice Joe Williams

their roles with appropriate cultural competency is extremely important for our work.

Another key focus for the unit's work in 2018 is a refresh of our contractor provider panel. The unit is reliant on the specialist expertise of providers in the areas of research, simultaneous translation, sound recording, and report writing. These contracted

services supplement the capability and capacity of our staff and allow us to respond effectively to the diverse needs and requirements of panels.

These specialist services are being procured through the Government Electronic Tendering Service, which promotes open and fair competition for Government contracts.

Those who are interested in

supplying services to the Waitangi Tribunal Unit can find more information at the website [www.gets.govt.nz](http://www.gets.govt.nz).

Kia ora rā.

Grace Smit  
Director □

# He Aitua – Keita Walker

**K**UA katohia e te ringa o Matariki te kaiwhakatō i te rau kūmara kia tipu, kia rea. Te huanga o Materoa, te mokopuna o te toka whakairo, auē te mamae e! Kua whāia te ara i para e ō kōka kia tae atu kia Hauku, kia mihi hoki ki a Taikehu i mua i tō ruruku i te roto o Hinetakawhiti, ki te hīrea waha o Māui, ki te ao o Hine-nui-te pō.

E mōteatea ana Te Roopu Whakamana i te Tiriti o Waitangi. E auhi ana ngā uri mai te hiku o te ika, te puku o te whenua, te pane o te motu ki te whakawhititanga i a Raukawa ki Te Waipounamu e! Kua toro atu ō tipuna ki a koe e te pou herenga, kua ea o mahi e te tumu kōrero. E Keita, te māreikura o te awe māpara e moe i tō moengaroa!

Keita Walker, who passed away on 23 May 2018, was over more than two decades one of the Waitangi Tribunal’s



Keita Walker

longest serving members. A Ngāti Porou kuia known for her lifetime of contribution to her iwi and community, she was an educator and a

champion of te reo and tikanga Māori. The sister of Victoria Cross recipient Te Moananui a Kiwa Ngarimu, Keita Walker was a strong supporter of efforts to ensure that the legacy of 28 Māori Battalion would live on. Following her appointment to the Waitangi Tribunal in 1993, she served on several inquiry panels that produced major reports, notably those on the funding of Māori tertiary institutions (1999), the Whanganui River (1999), the raupatu (confiscation) of Ngāti Awa land (1999), and the Wai 262 claim concerning indigenous flora and fauna and Māori intellectual property (2011), as well the Te Paparahi o te Raki (Northland) Tribunal’s inquiry into Crown and Māori understandings of the Declaration of Independence and the Treaty of Waitangi. □

On 27–28 March 2018, members of the Waitangi Tribunal convened in Wellington for their annual members’ conference.

Back row (l–r): David Cochrane, Dr Grant Phillipson, Judge Miharo Armstrong, Judge Stephen Clark, The Honourable Sir Douglas Kidd, Tim Castle.

Middle row (l–r): Judge Michael Doogan, Dr Ann Parsonson, John Baird, Judge Sarah Reeves, Professor Rawinia Higgins, Judge Layne Harvey, Dr Aroha Harris, Professor Linda Tuhiwai Smith, Ron Crosby, Dr Robyn Anderson, Basil Morrison, Judge Craig Coxhead.

Front row (l–r): Judge Stephanie Milroy, Dr Angela Ballara, Professor Pou Temara, Judge Patrick Savage (Deputy Chairperson), Chief Judge Wilson Isaac (Chairperson), Deputy Chief Judge Caren Fox, Professor Sir Hirini Moko Mead, Dr Hauata Palmer, Dr Tom Roa, Judge Carrie Wainwright.



# Waitangi Tribunal Unit News

The Waitangi Tribunal Unit welcomes the recent appointment of staff to join our team.

## Joy Hippolite

Joy Hippolite (Ngāti Koata, Ngāti Kuia, Ngāi Tahu, Ngāti Toa) has joined the Unit as a Principal Historian in the Report Writing team.

Joy returned in January of this year after 18 years working in senior reviewing and writing roles. Most recently, she worked as a Senior Performance Auditor at the Office of the Auditor-General, where she further developed her reporting and reviewing skills and understanding of public sector management over a wide range of Government agencies.

For Joy, returning to the Unit was an opportunity to bring her experience and technical leadership skills to a new role. As a Principal Historian, she will be providing senior technical leadership to the report writing team and will work closely with panels and the Chief Historian to improve report drafting skills, capability, and quality assurance processes. Joy is particularly excited about the opportunity to bring her experience and technical leadership skills to working with panels and staff on the new programme for kaupapa (thematic) inquiries and on urgent claims.

The work of the Waitangi Tribunal has always been dear to Joy's heart. Her father, John Hippolite, was one of the original claimants for what was then known as the Flora and Fauna inquiry (Wai 262).

On her return to the Unit, Joy has noticed several significant changes – the increased number of staff; so, too, the senior technical capacity across the Unit. Joy has enjoyed meeting new staff from a diverse range of academic



Joy Hippolite

and professional backgrounds who all bring something different to the workplace.

## Raimona Tapiata

*He uri ahau nō ngā hau e whā. Mai i te uranga mai o te rā, ko Ngāti Porou te iwi. Whakawhiti ki te Puku o te Ika, ko Te Arawa te waka, ko Tuhourangi te iwi. Whaia te ia o te hau maiangi ki te uru, tū mai Koro Taranaki. Ka heke i te heke a Hau tae rawa ki Ōtaki, ko Ngāti Raukawa te au ki te Tonga anō hoki tēnei e mihi nei. Tihei mauri ora!*

One of our newest people, Raimona Tapiata, joined the Tribunal Unit as an Assistant Registrar in April 2018. Raimona grew up in Palmerston North. He went through kōhanga reo, kura kaupapa, and wharekura. At high school, he learnt about the Waitangi Tribunal and studied a number of Tribunal reports. After school, he moved to Wellington to undertake Māori Studies and Law degrees at Victoria University of Wellington, completing his studies in 2017. While



Raimona Tapiata

studying, Raimona tutored in te reo for the Office of Treaty Settlements and, more recently, he provided te reo lessons to the ambassadors of the United States and Japan.

Raimona was interested in the work of the Tribunal and was excited when positions in the Registry became available. He wanted a position which would combine his two areas of study – Māori Studies and Law – and a position in the Unit's Registry provided just that. In his role as Assistant Registrar, Raimona is assisting with drafting directions for presiding officers, working on claims registration, and assisting with legal advice to the Tribunal. ▣

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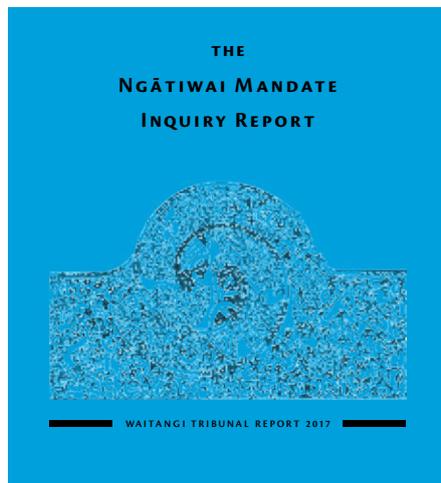
# Ngātiwai Mandate Inquiry Report

THE Tribunal released *The Ngātiwai Mandate Inquiry Report* on 31 October 2017. The report addressed 10 claims, primarily from hapū with links to Ngātiwai, whose main contention was that the Crown had not adequately informed itself of their support and consent for a proposed settlement of Ngātiwai historical Treaty claims.

The inquiry was prompted by the Crown's decision in October 2015 to recognise the mandate of the Ngātiwai Trust Board to settle the remaining Ngātiwai claims. Urgency was granted in May 2016 and hearings followed later that year. The Tribunal comprised Judge Sarah Reeves (presiding), Dr Angela Ballara, Professor Rawinia Higgins, and Dr Hauata Palmer.

The central theme of the inquiry was whether the Crown had agreed to negotiate the settlement of all remaining historical Ngātiwai Treaty claims without finding out whether the hapū named in the deed of mandate had given their support and consent. In the claimants' view, the Crown should not attempt to go over the head of hapū without hapū consent. The Crown's position was that support for the Ngātiwai Trust Board had been demonstrated by the votes of individual members of Te Iwi o Ngātiwai. The Crown said there was no evidence that any Ngātiwai hapū opposed the trust board's mandate.

The Tribunal acknowledged that neither the Crown nor the Waitangi Tribunal has maintained that hapū consent is a requirement to achieve a mandate. The Tribunal's view, however, was that, where hapū play a central role in the social and political life of their communities, the Crown has obligations to ensure hapū can determine how and by whom they will be represented in settlement negotiations. They must be allowed to make



decisions according to their tikanga. In that respect, the Tribunal accepted that hapū are an essential source of identity and organisation within Ngātiwai.

The Tribunal found that the Crown breached the Treaty principles of partnership and equal treatment by failing to fulfil its duty of active protection of tino rangatiratanga (full authority as guaranteed in the Treaty) of hapū included in the deed of mandate. This was because the mandate lacked the necessary mechanisms for hapū to either consent to or withdraw support for the mandate. Also, the structure

of the trust board was not fit for the purpose of representing hapū, and the proposed advisory and supporting bodies would not ensure meaningful hapū representation. Hapū had been treated unequally, the Tribunal found, because, while some had already settled with the Crown separately or been released from the mandate, others remained within the mandate without a viable means of withdrawal.

The Tribunal noted that eight of the 12 hapū included in the Ngātiwai mandate were also included in the mandates of other entities with which the Crown was seeking to settle. The Tribunal stated the Crown's 'large natural groups' policy 'had the effect of sharing hapū claims among mandated entities without ensuring that hapū are able to exercise tino rangatiratanga'.

Rather than recommending that the Crown no longer recognise the mandate, the Tribunal said mediation or facilitated discussions were needed so that solutions to the problems identified could be agreed on. Any proposed changes would then need to be put to the parties, including the hapū, for approval. □

*Tribunal member Dr Angela Ballara (left) with Emma Cribb during a break in inquiry proceedings*



# Whakatōhea Mandate Inquiry Report

**I**N July 2017, the Tribunal granted urgency to hear the claimants who were challenging the Crown's decision to recognise the mandate of the Whakatōhea Pre-settlement Claims Trust. These claims were heard by a panel comprising Judge Michael Doogan (presiding), Dr Robyn Anderson, Basil Morrison, and Dr Tom Roa. Two hearings were held in Whakatāne in November 2017. *The Whakatōhea Mandate Inquiry Report* was released in pre-publication format on 17 April 2018.

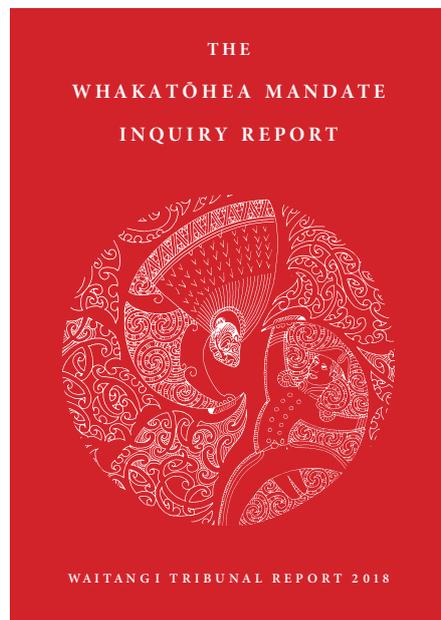
Efforts to reach a settlement with Whakatōhea have a long history. In the modern settlement era, the first Whakatōhea claim registered with the Waitangi Tribunal was made in 1989.

This claim concerned the invasion by Crown forces of Whakatōhea tribal lands in the eastern Bay of Plenty in 1865. Many lives were lost and the iwi's best lands were confiscated. Although a deed of settlement was initialled in 1996, it was not ratified by the iwi. Thereafter, it was not until 2007 that the iwi regrouped to endorse a report, known as 'Te Ara Tono', that set out a process for achieving a new mandate.

By 2012, however, three groups were independently developing mandate strategies. These were:

- ▶ the Raupatu Working Party, which developed out of the 'Te Ara Tono' process;
- ▶ a group known as Tū Ake Whakatōhea, which claimed support from the Whakatōhea Māori Trust Board and several hapū; and
- ▶ the Te Ūpokorehe Treaty Claims Trust, which sought to maintain a distinct identity for the hapū of Te Ūpokorehe in any settlement.

The Tū Ake mandate strategy was endorsed by the Crown in April 2016, and a postal vote on the strategy took place in May and June 2016. More than 90 per cent of those who



voted supported the strategy, and the Whakatōhea Pre-settlement Claims Trust was established in September 2016.

The Tribunal found, however, that the Crown should not have recognised the Pre-settlement Trust mandate in

December 2016. A number of issues – including significant problems with the roll that was used as a basis for the vote, the lack of information on hapū support, and the way in which the Crown assessed support for and opposition to the mandate – were found to be inconsistent with the Treaty. The Tribunal concluded that the Crown effectively prioritised its political objective of concluding settlements by mid-2020 over a process that was fair to Whakatōhea.

The Tribunal decided against recommending a halt to negotiations and a rerun of the mandate process, on the basis that to do so might cause prejudice to those who in good faith had supported the work of the Pre-settlement Trust. Instead, the Tribunal recommended that all of Whakatōhea be given a chance to vote, on a hapū basis, on how to proceed.

The Tribunal has reserved leave for parties to seek further clarification of its recommendations. □

*Tribunal members Dr Tom Roa (left) and Basil Morrison during a break in proceedings at the second hearing week, Wairaka Marae, Whakatāne*



# Motiti Urgent Inquiry

**M**OTITI is an island in the Bay of Plenty. The Waitangi Tribunal held the first week of hearing in its Motiti Island inquiry between 14 and 18 May 2018. The inquiry stems from an application for an urgent hearing filed by five claimants on behalf of Ngā Hapū o te Moutere o Motiti.

The claimants submitted that the Crown breached Treaty principles through its conduct in relation to, among other things, an Office of Treaty Settlements review carried out to determine whether historical Treaty claims submitted by the hapū of Motiti were settled by the Ngāti Awa Claims Settlement Act 2005. The claimants also alleged that the Crown did not adequately consult them about a proposed co-governance regime between iwi and local and central government. That regime relates to the coastal marine environment of Tauranga.

Deputy Chairperson Judge Savage granted an urgent hearing on the ground that there was a real prospect

of the applicants suffering significant and irreversible prejudice if they were not recognised or accommodated by the Crown in Treaty negotiations and resulting settlements. The issue for inquiry was whether the Crown had failed to adequately inform itself of Māori interests in Motiti Island, thereby prejudicing the hapū of the island.

The first hearing was held at Trinity Wharf Hotel in Tauranga and was well attended throughout the week. The Tribunal members for the inquiry are Judge Miharo Armstrong (presiding), Dr Ann Parsonson, Dr Tom Roa, and Tania Simpson.

The week was allocated to the claimants, who include kaumātua that grew up on the island, to present their case. The Tribunal also heard technical evidence from historian Dr Vincent O'Malley and legal scholar Dr Moana Jackson. Dr O'Malley gave evidence on customary interests in Motiti based on his review of archival material and

published sources. Dr Jackson gave evidence about the links between tikanga and mana and on the exercise of mana moana (mana over the sea) in regard to the waters surrounding Motiti. Interested parties and the Crown will have an opportunity to present evidence in subsequent hearing weeks.

A highlight was the opportunity for the panel members and Tribunal staff to travel to Motiti on the last day of the week to visit the community and marae and be shown the whenua, wāhi tapu, and other historical sites. The Tribunal was welcomed onto Tamatea ki te Huatahi Marae with a pōwhiri, before sharing kai and kōrero. Afterwards, members were shown various sites around the island, including the boundary line resulting from an 1868 Native Land Court investigation into title on the island.

Two further hearing weeks are likely to be scheduled in the Motiti inquiry in the latter half of 2018. □

*Tribunal members at Tamatea ki te Huatahi Marae during a site visit to Motiti Island*



# Remedies Inquiries

**T**HREE Tribunal inquiries have been reconvened to consider binding recommendations for remedies after the claims concerned were previously adjudged well-founded.

Following a 2016 Court of Appeal decision requiring the Tribunal to reconsider the circumstances under which it exercises its powers to make binding recommendations for remedies, in 2017 the Ngāti Kahu and Mangatū remedies inquiries were reconvened to reconsider whether binding recommendations should be made. More recently, in May 2018, a further application for an urgent remedies hearing has been granted to the shareholders of the Wairarapa Moana ki Pouakani Incorporation.

## Ngāti Kahu

While four of the main claimant groups in the Far North have negotiated settlements of their Treaty claims with the Crown, Ngāti Kahu claimants have applied to the Tribunal for binding recommendations. Shortly after the Tribunal reconvened the Ngāti Kahu remedies inquiry, the presiding officer, Judge Clark, recused himself and was followed in this by the remaining members of the panel. In June 2017, the Chairperson appointed

a new panel, with Judge Wainwright presiding. This panel indicated that, in order to consider the application for binding remedies, they would need to inform themselves of the work undertaken by, and the interests of all parties in, the original Muriwhenua land inquiry held in the 1990s.

In April 2018, the applicants filed proceedings in the High Court challenging the way in which the new panel was appointed and the approach that panel subsequently took in conducting preparations for the reconvened inquiry. Judge Wainwright has adjourned the inquiry pending the High Court's decision, and the High Court proceedings have not yet been scheduled for hearing.

## Mangatū

The Mangatū remedies proceedings arose from claims adjudged well-founded in the Gisborne district inquiry. The reconvened inquiry is currently underway, with Judge Milroy as the presiding officer and with a panel consisting of Tim Castle, Dr Ann Parsonson, and Dr Tom Roa.

The claimants, the Proprietors of Mangatū and bodies representing Te Aitanga a Mahāki, Ngāriki Kaipūtahi, and Te Whānau a Kai, are

seeking binding recommendations for Mangatū Crown forest licensed lands.

The parties are currently preparing their evidence in advance of two weeks of hearings scheduled for August and November 2018.

## Pouakani

On 2 May 2018, the Chairperson granted an application for an urgent remedies inquiry brought on behalf of the shareholders of the Wairarapa Moana ki Pouakani Incorporation.

In 2010, the Wairarapa ki Tararua Tribunal reported on the land subject to the claim, which had been taken in 1949–50 for the Maraetai hydroelectric power station development on the Waikato River at Mangakino, north of Taupō.

The Tribunal found that the taking was in breach of the Treaty and recommended compensation. The claimants are seeking a binding recommendation for the return of the former State-owned enterprise land.

The Wairarapa ki Tararua panel, comprising presiding officer Judge Wainwright and panel members Dame Margaret Bazley and Professor Derek Lardelli, has reconvened to hear the application for remedies. Preparations for hearing are now underway. □

## Want to Find Out More About the Waitangi Tribunal and its Work?

Our website, [www.waitangitribunal.govt.nz](http://www.waitangitribunal.govt.nz), contains a wealth of information on past and present work. There, you can find the reports of the Tribunal, research reports presented to the Tribunal as evidence, inquiry documents, and inquiry updates. You can read information on our claims process, our future direction, our Tribunal members, and the Treaty of Waitangi itself.

# District Inquiries

## Taihape

The Taihape Tribunal held the seventh hearing week of its district inquiry between 21 and 25 May 2018 at Winiata Marae.

The meeting house, Tautahi, was built by Winiata Te Whaaro in 1896 as a base for his family's farming enterprise on the Awarua block. The Tribunal sat in a new function room at the marae named Wairehu, where it heard evidence about twentieth-century land loss, social services (such as healthcare and education), and the state of te reo Māori in the district.

Following a break over the winter period, the hearing programme will resume in September, when the claimants are scheduled to present the last of their evidence at Rātā Marae, the meeting house of Ngāti Hauiti. The Crown is expected to present its evidence towards the end of 2018, possibly at the Waiōuru Army Base Marae.

Counsel will present their closing submissions to the Tribunal in the first half of 2019.

## Te Rohe Pōtae

The Tribunal panel that heard claims in the Te Rohe Pōtae (King Country) inquiry district is releasing its report in three stages, the first in pre-publication format in August 2018.

The first stage of the report will focus mainly on the period up to the end of the nineteenth century. It will cover the tribal landscape, the signing of the Treaty in Te Rohe Pōtae, and issues arising from land transactions before 1865. These transactions include 'old land claims' (pre-Treaty transactions) and pre-Native Land Court land purchases by the Crown. Next, the report will deal with the impact of the wars and land confiscations



*Tautahi, the meeting house erected by Winiata Te Whaaro in 1896 near present-day Taihape*

of the 1860s. It will then address the negotiations between Te Rohe Pōtae Māori and the Crown in the 1880s. Those negotiations are central to the claims and involve agreements which the claimants know as Te Ōhākī Tapu. Following on from this, the report will cover claims about the building of the main trunk railway, the entry of the Native Land Court into the district, and the large-scale Crown purchasing of Māori land in the court's wake.

The second stage of the report, covering a range of twentieth-century land and socio-economic issues, is planned for release in December 2018. The remainder of the report will be released during 2019.

## Porirua ki Manawatū

In June 2017, the Porirua ki Manawatū Tribunal reported on the claims of Muaūpoko. Seventeen claims from Te Ātiawa / Ngāti Awa ki Kapiti, who

migrated to the Kapiti Coast in the early nineteenth century, are scheduled to be heard in the second half of 2018. The claims of Te Ātiawa, who settled further south in Wellington and in the northern South Island have already been reported on by the Tribunal and settled by the Crown.

The Te Ātiawa / Ngāti Awa ki Kapiti claims raise a wide variety of issues, including the loss of land in the nineteenth and twentieth centuries, the environment, and public works takings. The Parata Native Township and Paraparaumu Airport are significant local claim issues. The Tribunal has commissioned research and an oral and traditional history report to look at the nineteenth- and twentieth-century land issues and the ownership and control of waterways.

Hearings for the wider inquiry district will begin in March 2019. They will cover claims by Ngāti Raukawa and affiliated groups and will look at issues shared by all the claimants. □

# Kaupapa Inquiries

## Health Services

Judge Stephen Clark, the presiding officer for the Māori Health Services and Outcomes inquiry, has directed that the inquiry will take a 'phased and thematic approach'. After considering submissions from parties, the Tribunal indicated that the first stage will hear the claims of Māori primary health organisations and Māori health providers (Wai 1315) and the National Hauora Coalition (Wai 2687). These claims were selected because they are of a significantly discrete nature; they raise concerns that exemplify 'system issues'; they were brought by claimants who have stated they are ready to proceed; and they would allow for prompt reporting while also providing a pathway to a broader inquiry to follow.

Hearings for the first stage are due to start at Tūrangawaewae Marae in Waikato on 15 October 2018. The meeting house was built by Te Puea Herangi after the 1918 flu pandemic to be a hospital for the Māori community. Tūrangawaewae has since become the centre of the Kingitanga.

The Tribunal panel has sought to map a pathway forward for the later stages in the inquiry in consultation with the claimants and the Crown. The claimants organised a national hui in April 2018, and feedback from that discussion was provided to the Tribunal. Further feedback was provided from a roundtable discussion held on 3 May 2018. On 11 June 2018, a judicial conference was held to discuss further planning for the second stage, including the proposed priority issues. The Tribunal has recently confirmed that the priorities for the second stage will be (in no particular order) Māori mental health, Māori with disabilities, and alcohol and substance abuse (including tobacco).



*Rongoā Maori Planting Day: Awatea and Manaia Haenga at Pokai Marae Tikapa, Ruatoria, East Coast, 18 September 2009*

Also presented and discussed at the judicial conference was a staff discussion paper that assessed the extent of the available evidence on the priority issues and recommended additional research. The Tribunal recently confirmed that three separate overview reports for the priority areas would be commissioned. The parties have begun providing evidence on the issues for hearing, and the Crown also agreed to fund research into Māori health trends between 1990 and 2015, a Māori disability statistical status report, and a historical health overview report covering the years 1840 to 1992.

The Tribunal has indicated that it will take note of progress in the three Government inquiries underway into related health issues.

## Military Veterans

The first inquiry of the Tribunal kaupapa inquiry programme, the Military Veterans inquiry, has now progressed to the stage where nearly all the

commissioned research reports have been completed. Those reports are now available through the Tribunal's website. The two remaining commissioned reports concern the most recent period of Māori military service for the Crown, from 1946 to the present, and health and social outcomes of the military service. Those two reports are due for completion by late August 2018, at which time the research casebook will also be complete.

Once the casebook has been assessed, the Tribunal will begin preparations to continue hearings from early 2019, focusing on the research reports and further claimant evidence. The hearings will follow on from the early round of six hearings that were held in 2015 and 2016 to enable veterans to present early oral evidence about their service and concerns.

## Two new inquiries

The Tribunal is preparing for two new kaupapa inquiries into Treaty claims concerning housing policy and services and mana wāhine.

Housing policy and services claims include the standard of housing for Māori, alleged disparities in the provision of State housing and services between Māori and non-Māori, and ill health allegedly caused by poor housing.

Mana wāhine claims encompass the rangatiratanga of Māori women, political marginalisation, the impact of colonisation, domestic violence, and the funding regime underpinning Māori women's refuges. The claim was filed in 1993 by the president of the Māori Women's Welfare League, Areta Kopu, with the support of past presidents.

In March 2018, the Chairperson convened two judicial conferences to consider beginning these inquiries. □

# Freshwater and Geothermal Resources

THE Tribunal continues to progress stage 2 of its National Freshwater and Geothermal Resources inquiry, with hearing week 3 taking place from 13 to 17 August.

The August hearing will focus on the Crown's evidence concerning the freshwater management reforms that were proposed or introduced between 2009 and 2017.

The Tribunal will also hear evidence from Te Pou Taiao (formerly known as the Freshwater Iwi Leaders' Group) and remaining claimant evidence concerning the reforms. □

## Unregistered Treaty Claims

THIS notice concerns claims made to the Waitangi Tribunal under section 6 of the Treaty of Waitangi Act 1975. The Tribunal is currently attempting to contact a number of claimants with unregistered claims. The relevant claimants are set out below.

Would any person holding contact details for any of these claimants

please contact the Tribunal's Registrar by Friday, 7 September 2018. The Registrar can be contacted by mail at DX SX11237, Wellington, by telephone at 0508 621 840 or 04 914 3000, or by email at wt.registrar@justice.govt.nz.

If the Tribunal is unable to contact these claimants by 7 September, the claims will be referred to the

Chairperson or Deputy Chairperson of the Tribunal for a final decision on whether they can be registered in their current form.

For any outstanding claims that allege historical Treaty breaches by the Crown, a decision that they cannot be registered means that the Tribunal will not inquire into them. □

Reference	Claimants
5150	Teresa Aporo and Veda Aporo
5238	Nadia Staples
5377	Frederick Bell
5382	Phillip Crown
5423	Edson Nuku
5429	Romana Rapana
5596	Robyn Marie Case
5639	Hone Kopa
5760	Ratu Waata
6006	Marylou Hignett, Matene Karipa, and Kui Pirikahu
6095	Duncan Wilson
6133	Kaea Matiaha
6540	Rawinia Marino
6612	Keith Wilson
6731	Parapuhi Waaka
6742	Makaere Te Rahui o Te Rangi Patena-Mariu-Healey
8503	May Paki-Slater, Faye Harding, Tangiwai Kepa, Abraham Pirihi, and Terrence Pirihi
8508	Kathleen Blacklaw, Naomi Epiha, and Hoori Marena
8513	Joseph Campbell
8568	Naomi Epiha
11375	Martha Gilbert
11481	Malcolm Kingi