

The Honourable Dr Pita Sharples
Minister of Maori Affairs
Parliament Buildings
WELLINGTON



The Waitangi Tribunal
141 The Terrace
WELLINGTON

16 August 2010

Tēnā koe e te Minita

Tēnā koe e te rangatira e noho mai nā i tēnā taumata whakahirahira, e whakatutuki mai nā i ngā kaupapa maha me ngā wawata ā tō iwi Māori huri noa i te motu. Tēnā rā hoki koe e whai ake ana i ngā tapuwae o ngā pou mātua rongonui o te ao Māori i mua atu i a koe. Arā hoki ko Tā Te Rangihīroa tērā, ko Tā Maui Pōmare, ko te matua i a Tā Timi Kara me Tā Āpirana Ngata – te hunga i eke ake ki ngā taumata tiketike o te ao Māori me te ao Pākehā. Ā tae atu hoki ki ngā mea i whai ake i muri atu i a rātou.

Kei te whai wāhi anō hoki ki ngā mate huhua i roto i ngā tau kua mahue ake nei. Timata ake ki ētahi o ngā kaitono me ngā kaiāwhina o ngā iwi o Tauranga Moana tae atu hoki ki te Kaiwhakawā i a Judge Kearney me te kaumātua i a Tā Hoani Tūrei rātou kua ngaro atu i te tirohanga kanohi i roto i ngā tau kua hipa atu nei. Nō reira e ngā mate, takoto mai rā koutou i te urunga e kore e nekehia, i te moenga e kore e hikitia.

Ka hoki mai ki a tātou e kawe nei i ngā kawenga i mahue mai rātou.

Kei te rangatira koiane te wāhanga tuarua otirā wāhanga whakamutunga o ngā pūrongo e pā ana ki ngā kokoraho o ngā iwi o Tauranga Moana me ētahi atu iwi e noho tata tonu ana ki te rohe whānui. Ko ēnei kōrero e whai ake ana i ngā take raupatu o tērā rau tau i kōrerotia i roto i te wāhanga tuatahi. Ko ngā tino take e kōrerotia nei me kī he take o muri nei arā pērā i ngā kaupapa mō te reiti whenua, ngā whenua o ngā iwi i tangohia mō te katoa i raro i ngā ture o te kāwana, ngā kaupapa āwhina o te Karauna mō te whakatupu i ngā whenua o ngā iwi, ā me ētahi atu take. Ka kitea i roto i te katoa o ngā kōrero nei ngā tino take i riro ai te rahinga o ngā whenua o ngā iwi o Tauranga Moana tae atu hoki ki te raupatu.

E tautoko ana ā mātou whakataunga i ngā tono ā ēnei iwi me te tūmanako hoki ā te wā ka whakataungia ngā take i waenganui i ngā iwi o Tauranga Moana me te Karauna i runga anō i te wairua me ngā whanonga pono o te Tiriti o Waitangi

In its report on stage 1 of the Tauranga inquiry, *Te Raupatu o Tauranga Moana*, published in 2004, the Tribunal reported on the confiscation of land and its effects on the iwi and hapū of Tauranga Moana up until 1886. We now present to you our report on stage 2 of the inquiry,

which looks at issues that arose between 1886 and 2006. This report sets out how Tauranga iwi and hapū continued to lose significant amounts of land throughout that period, to the point where land still in Māori tenure now amounts to only a little over 13,000 hectares, less than a quarter of the land they held in 1886. Tauranga iwi and hapū could ill afford to lose any land at all, and the scale of loss has compounded the prejudice they suffered from the raupatu. The reasons for these losses include further Crown purchases (see ch 2), public works takings (ch 4), and pressures caused by actual and potential rates debts, and from the development and subdivision encouraged by local and central government (ch 5).

Māori landowners faced considerable difficulties in trying to develop their remaining lands. To a large extent the blame for these difficulties lies in the land tenure and administration system imposed by the Crown on Māori owners (as discussed in chapter 3). While we note that the Crown made efforts at times to assist Māori to overcome the disadvantages created by the loss of land and the land tenure system, we are in no doubt that overall the Crown failed to provide the level of protection and support promised under the Treaty. Particularly disappointing was the lack of adequate protection or assistance for those groups who were left landless or nearly so. Thus, we have recommended that substantial redress needs to be made to Tauranga Māori for post-1886 breaches, separately and in addition to redress for the raupatu.

Chapters 5 and 6 of the report also look at the planning legislation that has served to support urbanisation and economic development. We find that such legislation has often failed to incorporate Māori needs, perspectives, and aspirations. In particular, a number of legislative and regulatory provisions have, over the years, worked against those Tauranga Māori who have wished to maintain a community lifestyle. These chapters also discuss the lack of representation Māori have had in local government. Legislation to encourage Māori participation in local government has only been put in place in recent years and we are of the firm view that the Crown and local authorities must follow through much more vigorously on such legislation if development sensitive to Māori perspectives is to flourish.

Along with their loss of land, Tauranga Māori suffered loss of access to and use of traditional resources from the sea and forests of Tauranga Moana. We detail how the accelerating pace of urban development led to degradation and pollution of these places, which the tangata whenua considered their food-basket (ch 7). Alongside that, development has endangered the cultural heritage of Tauranga Māori, and this report shows that, despite some protections, many sites of cultural, spiritual, and historical importance have been modified or destroyed (ch 8). Where their environment and cultural heritage are concerned, Tauranga Māori have had to fight hard to maintain even a faint shadow of the tino rangatiratanga and kaitiakitanga they exercised at the time of the signing of the Treaty.

The report recommends various ways by which the Crown can assist in restoring a measure of rangatiratanga to the iwi and hapū of the district.

The report concludes that the cumulative and interlinked effects of different government processes and legislative provisions have created considerable prejudice to Tauranga Moana Māori, all too often marginalising them in the area that has for centuries been their home. In our final chapter we make two general recommendations. First, claims of Tauranga iwi and hapū must be addressed as a matter of high priority. Secondly, we recommend greater collaboration and information flow between various arms of government in order to redress the prejudice suffered by Tauranga Moana Māori and to assist them in their future development. We reiterate the recommendation of the stage 1 report that the Crown make available as much land as possible to Tauranga Moana Māori by way of settlement of claims. Where the return of land is not feasible, substantial other recompense will be necessary. We urge the Crown to make generous and meaningful redress not only for the raupatu but for the prejudicial effect of Crown breaches during the period from 1886 to 2006. Such redress is necessary if Tauranga Māori are to be able to fulfil their true potential and the dreams of their tīpuna.



Judge S Te A Milroy

Presiding Officer and Deputy Chairperson of the Waitangi Tribunal