

APPENDIX I

DIRECTIONS COMMISSIONING RESEARCH

WAITANGI TRIBUNAL

CONCERNING

the Treaty of Waitangi Act 1975

DIRECTION COMMISSIONING RESEARCH

Pursuant to clause 5A(1) of the Second Schedule of the Treaty of Waitangi Act 1975, Suzanne Cross of Wellington is commissioned to co-jointly prepare overview reports, in accordance with the attached schedule A [not reproduced], on claims before the Tribunal in the King Country/Rohe Potae and Wanganui areas (areas 8 and 9 on the attached Schedule B [not reproduced]).

This commission commences on 5 July 1993 and ends on 28 February 1994 at which time a draft of the work (in WordPerfect format) completed will be filed.

The report may be received as evidence and the commissionee may be cross-examined on it (for which separate payments will be made under Government witnesses' regulations).

Fees and other conditions of the commission are set out in the attached schedule C [not reproduced].

The commission will take effect when the commissionee provides a written statement that the commissionee agrees to all the terms of this commission.

The Registrar is to send copies of this direction to:

Crown Law Office
Suzanne Cross
Claimant groups in the affected area
National Maori Congress
NZ Maori Council

Dated at Wellington this 12th day of July 1993

Chief Judge E T J Durie
Chairperson
WAITANGI TRIBUNAL

WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND CONCERNING Claims in the Whanganui District

DIRECTION COMMISSIONING RESEARCH

1. Pursuant to clause 5A(1) of the Second Schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Brian Bargh of Wellington to complete, as part of the Rangahaua Whanui project, an overview research report in accordance with the attached schedule A [not reproduced], on claims before the Tribunal in the Whanganui District (Region 9 as shown on the attached sketch map – Schedule B [not reproduced]).

2. This commission commences on receipt of written confirmation of the commissionee's acceptance of the terms and conditions of the commission.

3. The commission ends on 15 December 1994 at which time a draft of the work completed (in WordPerfect format) will be filed.

4. The report may be received as evidence and the commissionee may be cross-examined on it.

5. The commissionee is to meet weekly with the Tribunal Project Manager/Advisory Group or their nominee to discuss work progress and will attend and contribute to weekly research seminars.

6. The Registrar is to send copies of this direction to:

Brian Bargh
Solicitor General, Crown Law Office
Crown Forestry Rental Trust
Claimant groups in the affected area
National Maori Congress
NZ Maori Council
Director, Treaty of Waitangi Policy Unit

Dated at Wellington this 19th day of September 1994

Chief Judge E T J Durie
Chairperson
WAITANGI TRIBUNAL

APPENDIX II

PRACTICE NOTE

WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND Rangahaua Whanui and the claims as a whole

PRACTICE NOTE

This practice note follows extensive Tribunal inquiries into a number of claims in addition to those formally reported on.

It is now clear that the complaints concerning specified lands in many small claims, relate to Crown policy that affected numerous other lands as well, and that the Crown actions complained of in certain tribal claims, likewise affected all or several tribes, (although not necessarily to the same degree).

It further appears the claims as a whole require an historical review of relevant Crown policy and action in which both single issue and major claims can be properly contextualised.

The several, successive and seriatim hearing of claims has not facilitated the efficient despatch of long outstanding grievances and is duplicating the research of common issues. Findings in one case may also affect others still to be heard who may hold competing views and for that and other reasons, the current process may unfairly advantage those cases first dealt with in the long claimant queue.

To alleviate these problems and to further assist the prioritising, grouping, marshalling and hearing of claims, a national review of claims is now proposed.

Pursuant to Second Schedule clause 5A of the Treaty of Waitangi Act 1975 therefore, the Tribunal is commissioning research to advance the inquiry into the claims as a whole, and to provide a national overview of the claims grouped by districts within a broad historical context. For convenience, research commissions in this area are grouped under the name of Rangahaua Whanui.

In the interim, claims in hearing, claims ready to proceed, or urgent claims, will continue to be heard as before.

Rangahaua Whanui research commissions will issue in standard form to provide an even methodology and approach. A Tribunal mentor unit will review the comprehensiveness of the commission terms, the design of the overall programme, monitor progress and prioritise additional tasks. It will comprise Tribunal members with historical, Maori cultural and legal skills. To avoid research duplication, to maintain liaison with interested groups and to ensure open process:

The Whanganui District

- (a) claimants and Crown will be advised of the research work proposed;
- (b) commissioned researchers will liaise with claimant groups, Crown agencies and others involved in treaty research; and
- (c) Crown Law Office, Treaty of Waitangi Policy Unit, Crown Forestry Rental Trust and a representative of a national Maori body with iwi and hapu affiliations will be invited to join the mentor unit meetings.

It is hoped that claimants and other agencies will be able to undertake a part of the proposed work.

Basic data will be sought on comparative iwi resource losses, the impact of loss and alleged causes within an historical context and to identify in advance where possible, the wide ranging additional issues and further interest groups that invariably emerge at particular claim hearings.

As required by the Act, the resultant reports, which will represent no more than the opinions of its authors, will be accessible to parties; and the authors will be available for cross-examination if required. The reports are expected to be broad surveys however. More in-depth claimant studies will be needed before specific cases can proceed to hearing; but it is expected the reports will isolate issues and enable claimant, Crown and other parties to advise on the areas they seek to oppose, support or augment.

Claimants are requested to inform the Director of work proposed or in progress in their districts.

The Director is to append a copy hereof to the appropriate research commissions and to give such further notice of it as he considers necessary.

Dated at Wellington this 23rd day of September 1993

Chairperson
WAITANGI TRIBUNAL

APPENDIX III

POPULATION

The first population reference located estimated that in 1840 the Maori population of the Whanganui basin alone was 5000.¹ The first recorded census of the Maori population in the district seems to be one taken by the Reverend Richard Taylor in 1843. He placed the Maori population along the Whanganui River at 3245.² According to Taylor, there were large settlements at Pukuhika (556 people) and Pipiriki (296) and sizeable ones at Patiarero (222), Operiki (205), Ikurangi (194), Tonuhairi (164), and Utapu (150). In keeping with earlier patterns of settlement, settlements near the river mouth were much smaller. Similarly, Cowan states that the population along the river was estimated in 1846 at 4000, although how this figure was arrived at is unknown.³

As an accompaniment to his first resident magistrate's report in November 1862, White provided a census of the places he had visited along the river.

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1. L J B Chapple and C Barton, *Early Missionary Work in Whanganui, 1840–1850*, Wanganui, 1930, p 47
 2. Native Population of Wanganui River 1843, Richard Taylor papers, MS papers 254, ATL
 3. James Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, Wellington, 1983, vol 1, p 136