

## Summary of the conference

1. Tena koutou. After listening to all of our amazing kaikorero for the last two days, I have the privilege of concluding the conference by looking back at the overall journey that the Waitangi Tribunal has taken us on for the last 50 years. Of course, that is a long and storied history, and so many of our leaders have made significant contributions to the establishment and development of the Tribunal over that time. Unfortunately, there isn't enough time to acknowledge all of those Rangatira and the impact they had on this important jurisdiction.
2. So I will be taking a bird's eye view of this journey, swooping in now and then to acknowledge some of those key developments that have led us here today. If you would like to see a more detailed history of the last 50 years of the Tribunal, then please buy a copy of Carwyn and Maria's book that was launched yesterday.
3. On 8 November 1974, the Honourable Matiu Rata introduced the Treaty of Waitangi Bill into the House. This followed the Labour government's successful election campaign to give statutory recognition to the Treaty of Waitangi.
4. Minister Rata said that the function of the Tribunal will be to inquire into and make recommendations on any claims, and to examine and report on any proposed legislation referred to it. Of course at that time, the proposed jurisdiction of the Tribunal was limited to hearing contemporary claims. Minister Rata expressed his personal reservations in the House, that the provisions in the Bill were not retrospective, but he considered that the Bill was nevertheless a step forward.
5. The leader of the opposition at that time, the Honourable Robert Muldoon, responded that it was "a somewhat pretentious Bill which purports to do a great deal more than it will do." He also expressed concern whether special legislation like that Bill makes the NZ population one people or two peoples. Despite that, following the third reading in 1975, the Bill was passed and the Waitangi Tribunal was born.
6. Despite its auspicious history, the Tribunal had an underwhelming start. After being charged over exercising customary fishing rights, Joe Hawke filed the first claim before the Tribunal. Wai 1 was heard in 1977 in the ballroom of the Intercontinental Hotel in Auckland. As the charges against Joe Hawke were dropped the Tribunal made no findings nor any recommendations.
7. It was 5 years later in 1982 that the Tribunal took a significant step forward under the leadership of the new Chairperson Sir Edward Taihakurei Durie who we heard from yesterday. Aila Taylor of Te Atiawa filed a claim with the Tribunal over one of the National government's think big projects where the outfall from a synthetic fuel plant in Taranaki was going to be discharged over coastal reefs that had been mahinga kai for the Te Atiawa people for generations.
8. The claim was heard at Manukorihi Pa in Waitara by Sir Eddie, Graham Latimer and Judge Max Willis. Earlier this week, Professor David Williams wrote an article about those early days. He said that the Tribunal issued a carefully crafted report that made numerous findings and a practical recommendation to divert the outfall. Despite that, Prime Minister Muldoon quickly rejected the report. That is not surprising given that he was the author of the Think Big projects, and given his earlier opposition to the establishment of the Tribunal.
9. Professor Williams says it was the significant protests that followed from a range of people around the country that persuaded the government to change its mind. The media also played an important role with the Auckland Star calling the government's actions 'monumental crassness'. Ultimately the government relented and the outfall was discharged elsewhere.

10. The decision by Sir Eddie and those other panel members to hear the claim at the claimant's Marae, marked a significant shift in the Tribunal's approach, where the Tribunal travelled to the claimants, to hear them raise their grievances in their own whare, in their own rohe, where the grievance occurred. The Tribunal continued to take that approach in the decades that followed. It continues to do so now, where it is able to, given the limited budgetary appropriation allocated to it each year.
11. Those early Tribunal reports that issued under Sir Eddie's leadership set the benchmark for Tribunal report writing. The reports were well structured, well reasoned and established the early reputation, integrity and legitimacy of the Tribunal. Subsequent Tribunal panels have adopted and refined that approach.
12. Three years after the Te Atiawa claim, the Te Reo Maori claim was filed with the Tribunal seeking a recommendation that the Government should officially recognise 'i to tatau reo Rangatira'. That inquiry had such a significant impact, that before the Tribunal had even issued its report the Government prepared the Maori Language Bill. That Bill declared that Te Reo Maori was an official language of NZ and sought to establish Te Taura Whiri. The Bill was introduced in the House in 1986 on the very day that the Tribunal released its report on the claim. Two years later the Education Amendment Act was passed which recognised and promoted kura kaupapa and whare wananga.
13. Recently, questions have been raised about what role the Tribunal should play in relation to the kaupapa inquiry programme and contemporary Crown policies that affect Maori. I will leave it to others to answer those questions in the days to come. But the Te Reo Maori claim is an example of a kaupapa claim, brought to the Tribunal, that assisted the Government to develop new policy and legislation recognising and protecting important taonga that benefits not only Maori but the nation as a whole.
14. The Treaty of Waitangi Act was amended in 1985 to extend the Tribunal's jurisdiction so that it could hear historical claims. This was the most significant development in the Tribunal's history as for the first time Maori had a forum where they could bring claims that the Crown had breached the treaty dating back to the signing of the treaty itself in 1840.
15. Not surprisingly, the hearing of historical claims dominated the Tribunal's work programme for the next 40 years. Initially, the Tribunal heard each historical claim individually. Those early reports made some of the most significant contributions to NZ jurisprudence on treaty principles in any jurisdiction. However, the hearing of individual claims proved to be a slow and burdensome beast and made limited progress with resolving the growing number of historical claims filed with the Tribunal.
16. To address this, the Tribunal looked at new innovative ways of doing things. One of those innovations was to group related claims together into districts. This allowed the Tribunal to hear those related claims in a larger, but single inquiry, and to report on those claims together in one report. That approach continues to the present day and has assisted the Tribunal to determine those historical claims in a far more efficient and effective way.
17. I also note that this innovative approach created by the Tribunal has been adopted by the High Court who is taking a similar regional approach to hearing claims to the takutai moana under the Marine and Coastal Area Takutai Moana Act.
18. Other innovations established by the Tribunal to hear and determine claims in a more efficient and effective way include establishing the casebook method and the use of dedicated report writing staff.

19. In 2014, the then Chairperson Chief Judge Isaac released a strategic direction paper, setting out how the Tribunal proposed to hear and report on the remaining claims before it. That strategic direction also recognised that, as the Tribunal completes the remaining district inquiries, it will need to turn its attention to the many outstanding contemporary claims. Many of those contemporary claims raised nationally significant issues affecting Māori as a whole, or a section of Māori in similar ways. As those claims were not confined to geographical areas, they did not fall neatly within the district inquiry programme.
20. In 2015, Chief Judge Isaac established the kaupapa inquiry programme. This grouped those remaining claims, that were not heard in district inquiries, under particular themes or kaupapa.
21. This year, our current Chairperson, Chief Judge Fox released an updated strategic direction for the next 10 years. That direction promotes a highly coordinated approach across all Tribunal inquiries so that all remaining claims, including the remaining historical claims and kaupapa inquiry programme, can be completed by 2035.
22. So looking back at the last 50 years, what is the legacy that this Tribunal has created. History shows a flexible and responsive Tribunal that has adapted to the changing nature of the claims, and the needs of the claimants, who have come before it.
23. It shows a Tribunal that has been innovative in its approach, one that has led the way on how a judicial body should hear claims in a way that recognises and provides for the tikanga of the Maori claimants who come before it.
24. It also shows a Tribunal that has led the way in recognising the immense value and weight of tribal histories, and the evidence from tribal leaders and experts. This has now been adopted in the mainstream Courts where we regularly see tohunga giving expert evidence on matters of tikanga.
25. We have a Tribunal as a forum where Maori were able to come and speak their truth about the historical injustices that occurred and the impact that this had on their tupuna, their whanau, hapu and iwi down through the generations.
26. We have a Tribunal that has assisted the government and Maori to resolve historical treaty grievances and to obtain redress to help hapu and iwi to move forward and to provide for their people.
27. We have a Tribunal that has assisted the Government to formulate policy and legislation that recognises and provides for Maori and the recognition of the treaty and its principles in the government's administration.
28. So with that legacy in mind what lies ahead. What does the future hold for this important constitutional body? We heard from a number of our leaders today about that. We also know that the current Government is undertaking a review of the future role of the Tribunal. We will have to wait and see what the outcome of that review is and what role the Tribunal will play moving forward.
29. Sometimes in order to move forward, it can be helpful to look back to where it all started. And so I will leave you with the words of the Honourable Matiu Rata when he introduced the Treaty of Waitangi Bill into the house 51 years ago. This was his vision for the Tribunal.

Its purpose is to provide for the observation and confirmation of the principles of the Treaty of Waitangi and to determine claims about certain matters which are inconsistent with those principles. While the treaty can be regarded as the possession by the whole of our nation of an instrument of mutuality that has endured for the past 134 years, to the Maori people it is a charter that should protect their rights. The Bill is primarily aimed at satisfying honour. It will also give physical and lawful sustenance to the long held view that the spirit of the treaty more than warrants our country's continued support.

30. Minister Rata concluded his speech with the following words:

If Captain Hobsons statement in 1840 “He iwi kotahi tatau” “We are one people” is to have any real and continued meaning, I believe this Bill and its proposals cannot be ignored. The Bill will both sustain and perpetuate the principles of the treaty.

Kia ora koutou.