

TE MANUTUKUTUKU

*Te Roopu Whakamana i te
Tiriti o Waitangi
Te Tari Ture*



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Waitangi Tribunal Division
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TARANAKI HEARING SHORTENED

The Taranaki muru raupatu claim, which had its second hearing in Wellington at the end of November, opened with Crown counsel requesting an adjournment. According to Crown counsel, the change of government meant the Crown was not yet ready to respond to a request from claimants' counsel concerning the 1926 Sim Commission Report.

In an application to the Tribunal, dated 26 October 1990, claimants had requested that the Crown concede four findings of the Sim Report:

- that Nga Iwi o Taranaki were not rebels
- that the Government was to blame for the wars in Taranaki
- that there should have been no confiscations in Taranaki
- that Nga Iwi o Taranaki 'ought not to have been punished by the confiscation of any of their lands'.

Counsel for the claimants opposed the adjournment, criticising the Crown for not having a response prepared despite having sufficient warning.

The Tribunal, however, decided that the Crown should be allowed until 18 January 1991 to advise the Tribunal and the claimants whether it would accept the claimants' four contentions, or whether it wishes to argue the issues at the next hearing, scheduled for 11 February 1991.

The November hearing, that had been scheduled for three days, concluded on the first day following the claimants' counsel's submission on the Sim Commission's findings which included the Crown's present-day responsibilities to Nga Iwi o Taranaki.

RADIO FREQUENCY REPORT RELEASED

'Maori language is a taonga for all New Zealanders; one which must be exposed, revitalised and developed.' (Quote from the Radio Frequency report.)

The Waitangi Tribunal has recommended that the sale of radio frequencies be delayed for six months, giving the Government extra time to find out more about the specific needs of Maori.

When the Radiocommunications Act was passed in 1989, the Government went ahead with its plans to sell off the different sectors of the radio broadcasting system. Maori were consulted and it was agreed that over 30 frequencies

would be reserved to promote Maori language and culture. These frequencies would be available to the tribes who wanted them.

But Nga Kai Whakapumau i te Reo Inc (the Maori Language Board) and the NZ Māori Council lodged a claim with the Tribunal, saying that the consultation process had not been comprehensive enough. In particular, they argued that FM frequencies should have been reserved for Maori use in Auckland and Wellington, because FM is popular among young Maori and would be an invaluable teaching aid.

However, before the claim could be heard before the Tribunal, the Government announced its intention to proceed with the sale. The claimants then obtained a High Court injunction to prevent the sale while the Tribunal heard the claim.

In its report released on Monday 3 December, the Tribunal stated that, in view of the essential role radio plays in the revitalisation of the Maori language and culture, the sale of frequencies should be delayed. During this time, the Government would be able to consult further and give technical assistance to Maori. The Tribunal has also recommended that FM frequencies be made available in Auckland and Wellington for Maori use.

Copies of the report are available from:

Customer Services, Brooker & Friend Ltd, PO Box 43, Wellington. Tel: (04) 856 683.

STEPHENS ISLAND MEDIATION UNDER WAY

Waitangi Tribunal Director, Buddy Mikaere, has been appointed as mediator for WAI 95, the Takaporewa or Stephens Island claim. Tribunal kaumatua for this claim will be Mr Mac Taylor and the researcher is Paul Harman.

Under discussion will be the future of Takaporewa, a small island in Cook Strait, which was acquired last century from the Ngati Koata people, under the Public Works Act 1882, to allow for the building of a lighthouse. With the recent automation of the lighthouse operation, there no longer appears to be any reason for the island to remain with the Crown.

Following mediation discussions held at the Whakatu marae in Nelson in December, it is likely that a further mediation meeting will be required in the new year.

As with previous mediations, the discussion will be conducted in private. Only the Tribunal, representatives of the government agencies involved, the claimants, and members of the iwi, will be permitted to attend. The results of the mediation may be made public at a later stage.

DIRECTOR'S COLUMN

The Year in View

With so many highlights throughout this year, 1990 has truly been the year of the Treaty.

On the national stage, Waitangi Tribunal members were prominent in their participation of the 150th anniversary of the Treaty; especially Sir Hugh Kawharu leading the powhiri at the opening of the Commonwealth Games, and Bishop Manuhua Bennett and Sir Monita Delamere accompanying Queen Elizabeth II at Waitangi.

But the year also had its regrets, and we recall with sadness the loss of one of our kaumatua, Turirangi Te Kani . . . Haere ra e koro! Haere! Whatungarongaro, toitu te whenua e!

In Turi's place, however, we welcomed Mr Mac Taylor of Waimamaku, Hokianga.

Another 'loss' was Shonagh Kenderdine, who was appointed to the bench of the Planning Tribunal after a long association with the Waitangi Tribunal. As Crown counsel she represented the Crown position with integrity and understanding and we wish her well in her future career.

It seemed important that 1990, the 15th anniversary of the passing of the Treaty of Waitangi Act under which the Waitangi Tribunal was formed, should be a successful year for the Tribunal. I think that success is best reflected in the Tribunal's current workload statistics:

• total registered claims	167
• total claims reported	21
• claims in proceedings (includes hearings, judicial conferences, mediation, report writing etc)	42
• claims being actively researched	16
• claims awaiting further action (This group includes a large number of claims which are subject to claimant research and a number on which some preliminary work has already been completed.)	88

Of the unreported claims, approximately 83% relate to land issues, while the remaining 17% relate to issues such as fisheries, environment, energy, culture and waterways.

Reports on the Ngai Tahu, Te Ngae and Broadcasting claims will be completed in 1990. The Pouakani and Waitomo reports are expected early in 1991.

Claims

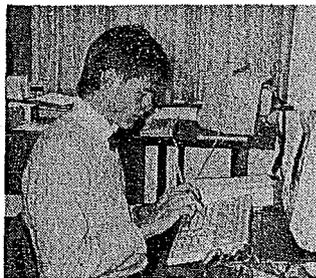
The Waitomo mediation under Peter Trapski and Bishop Manuhua Bennett created something of a landmark in 1990 because it demonstrated that mediation can be an appropriate way of settling Maori grievances.

The Tribunal also heard the first of the raupatu group of claims earlier this year. These claims, which have their origin in the actions of the Crown following the wars of the 1860s, will occupy the Tribunal for some time. Two hearings on the Taranaki claims have been completed so far, and the Tribunal travelled to the far north to begin hearings on the Muriwhenua land claims. The chairperson, Chief Judge Edward Durie, is presiding over both these claims.

Hearings have been held throughout the year on the Te Roroa claims, which include investigation of land sales around Maunganui Bluff and within the Waipoua Forest. An innovation in this claim was the appointment of Counsel by the Tribunal to assist 'third parties', in this case local

landowners, in the preparation and presentation of their submissions. The hearings, over which Judge Andrew Spencer is the presiding officer, will be completed in February 1991.

During 1990, conferences were used as an effective way of organising claims. Conferences were held on the Taranaki, Te Whanganui-a-Orutu, Chatham Islands, Stephens Island, Telecom, Geothermal and Broadcasting claims.



Tom Bennion, office solicitor, who is responsible for providing legal advice to the Tribunal

Research

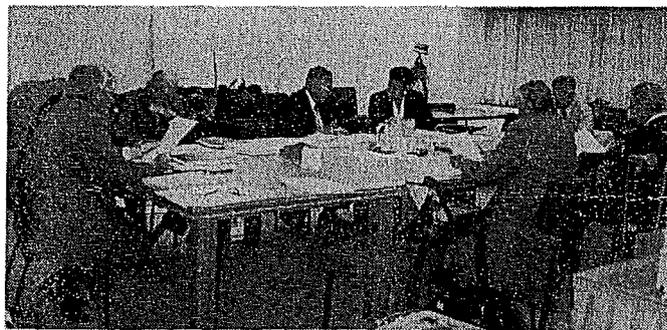
At the heart of all the claims before the Tribunal is the preparatory research. A number of research reports have been completed by Tribunal staff and through Tribunal commissions. Among these have been the Taranaki raupatu reports prepared by Ann Parsonson and Hazel Riseborough, the Tauranga raupatu report prepared by Evelyn Stokes, and the Muriwhenua lands report prepared by Barry Rigby and John Koning.

The workload of the Tribunal is reflected by the current size of the Tribunal research team which has six permanent staff and five contract staff.

Currently, 29% of claimants are receiving research funding assistance provided by the Tribunal.

Report writing

Special mention is owed to the tremendous effort made by the Tribunal under Deputy Chief Judge Ashley McHugh and the small research team in pulling together the Ngai Tahu report. Reducing a 20-foot-high pile of written submissions and evidence, together with tape recordings and other materials, into a succinct report has been a long and at times tedious task. In its final form it is thought that the report will consist of at least three volumes.



Tribunal members writing the Ngai Tahu report, From left: Judge Ashley McHugh, Sir Desmond Sullivan, Bishop Manuhua Bennett, Georgina Te Heuheu, Sir Hugh Kawharu, Professor Gordon Orr and Sir Monita Delamere

Public relations and information services

Public relations was an important part of the Tribunal's activities during the year. As well as participating in Waitangi Day celebrations around the country, the Tribunal

was also at the centre of the Hui Manawhenua conference held in Rotorua, which was hosted by the Tribunal kaumatua.

Claimants require extensive assistance with information and advice and Tribunal staff have been kept busy meeting the many requests made. Tribunal members and staff also responded to a full round of national speaking engagements on the Treaty, Treaty issues and the work of the Tribunal. As usual, Tribunal activities attracted media attention and requests for information or comment were unceasing.

Publications

It has taken nearly three years, but the compilation work on the raupatu document bank was finally completed this year. This massive project has amounted to 140 volumes of material gleaned from official sources, all of which concerns the raupatu claims. Enquiries about the databank should be addressed to the information officer at the Tribunal.

The Tribunal also published three information booklets, updated the poster featuring members and staff, produced poster-sized copies of the Treaty in Maori and English, took a leading role in the production of *Te Ara Tirohanga*, an information booklet for researchers, and produced a resource for use in secondary schools.

We were also pleased to establish a cost-saving arrangement with local publishers Brooker & Friend Ltd over the publication of future Tribunal reports.

Agency liaison

There are a number of government agencies and archival organisations involved in the claims process and it is important that the Tribunal maintains a working relationship with them. To this end staff have attended various hui and seminars where they are able to exchange information and sometimes co-ordinate work, particularly research, to avoid duplication.

An informal working group has been established to co-ordinate activities, and, in association with the Wellington Polytechnic, design a tribal researchers' training course.

Administration

The Tribunal has kept within its budget and in the current financial year is again running on target. It was pleasing to get a commendatory report from the Audit Office and also to receive a 'clean' bill of health following an office inspection by inspectors from the Department of Justice.

The installation of updated word-processing and spread sheet applications increased the Tribunal's work capacity enormously and the benefits are already apparent. The purchase of a Computer Aided Design (CAD) software programme means that the Tribunal can also produce, at minimal cost, its own sketch maps. Some of this work will be featured in the Ngai Tahu report.

A software package has been designed for the library catalogue, and staff are in the process of loading the library holdings onto the database. An inventory of the Tribunal's map holdings was also finished earlier this year.

Conclusion

We enter 1991 with a new government and a new approach to the issues being dealt with by the Tribunal. I'm sure that there will be some changes in the way in which grievances

are dealt with. But it seems to me that while there has been a change in the 'players', for the claimants it's still the same old game.

I'm sure many will join me in thanking the chairperson, the presiding officers and members of the Tribunal for their work during the year. To all the Tribunal staff, thank you for your excellent work and support for the kaupapa of the Tribunal - assisting in the resolution of Maori grievances.

To the other agencies involved in this important work, kia ora koutou, we thank you for your assistance and co-operation.

To all our Treaty claimants, kia kaha e hoa ma, we look forward to coming back refreshed after the holidays and getting on with working on your claims with as many of you as possible in the new year.

Lastly, to all our readers and those interested in the work of the Tribunal, thank you for your messages of support and the informal public relations work I know you do on our behalf. We send seasons greetings and our best wishes for a safe and enjoyable holiday break. Na reira e hoa ma tena koutou, tena koutou, arohanui ki a koutou katoa.

Buddy Mikaere

Director



Tribunal Members Accompany Minister

Bishop Manuhua Bennett, kaumatua Mac Taylor and Director Buddy Mikaere were among the support group which accompanied the new Minister of Maori Affairs Winston Peters onto his home marae of Whakapaumahara near Whananaki in late November.

Following the powhiri from the Minister's Iwi, Ngati Wai, the Minister, his brother, Ian Peters (MP for Tongariro), and other members of the Minister's family were presented with a greenstone toki and other gifts from the local people.

Christmas at the Tribunal

The office will close from Friday afternoon 21 December 1990 and will be open on Thursday 3 January 1991.



He mihi nui atu tenei. Pai marire.
Seasons greetings from the Waitangi Tribunal

WAITANGI TRIBUNAL CURRENT PROGRAMME
(As at 27 November 1990)

Date	Claim no/Name	Event	Place
1990			
Dec 3-7	45 Muriwhenua	Hearing	Kaitaia
Dec 7-8	95 Stephens Is.	Mediation	Nelson
1991			
Feb 11-15	143 Taranaki	Hearing	
Feb 18-22	38 Te Roroa	Hearing	Kaihu marae, Dargaville
March 4-8	45 Muriwhenua	Hearing	Kaitaia
March 11-15	55 Napier Inner Harbour	Hearing	Kaitaia

March 18-22	27 Ngai Tahu	Hearing	Christchurch
April 8-12	143 Taranaki	Hearing	
May 20-24	45 Muriwhenua	Hearing	Kaitaia
May 27-31	55 Napier Inner Harbour	Hearing	
June 10-14	143 Taranaki	Hearing	
July 22-26	45 Muriwhenua	Hearing	Auckland
Aug 12-16	143 Taranaki	Hearing	
Sep 16-20	45 Muriwhenua	Hearing	Kaitaia
Oct 14-18	143 Taranaki	Hearing	
Nov 18-22	45 Muriwhenua	Hearing	Kaitaia
Dec 2-6	143 Taranaki	Hearing	
1992			
Feb 17-21	45 Muriwhenua	Hearing	Auckland

TEACHERS TEACHERS TEACHERS TEACHERS TEACHERS
The Waitangi Tribunal Claims - A Resource for Schools, Set 1

Let your students be members of the Waitangi Tribunal. Present them with the facts of a claim and let them debate the issues. They can then compare their decisions with the recommendations of the Tribunal.

Set 1 has been written for the fourth form and covers:

- the work of the Waitangi Tribunal and Maori grievances
- the Kaituna claim.

The Problem

Lake Rotorua in the central North Island is being polluted. It is turning a brilliant green as algae and weed take over. The plan is to divert the pollution into the Kaituna River.

Student Participation

Today you are seated at the Te Takainga marae on the western shores of Lake Rotoiti. You are here to listen to evidence about the Kaituna claim.

Part of the Evidence

To mix water that has been contaminated by human waste with water used for gathering food is deeply objectionable to Maori on spiritual grounds.

This is not just another Treaty resource. Each self-contained package has been designed with teachers as consultants and is based on actual Tribunal decisions. The package comprises:

- laminated full colour A4 fact sheets packaged in a class set of 30
- \$35 per class set.

Further sets based on other claims are planned for fifth, sixth and seventh forms. Order now for 1991.

The Waitangi Tribunal Claims: A Resource for Schools, Set 1

Name: _____

Address: _____

Number of class sets: _____

Payment enclosed @ \$35 per class set: _____

or

Total cost to be invoiced: _____

Address for invoice (if different from above):

Send order form to:
Waitangi Tribunal, Department of Justice,
Private Box 10-044, Wellington

If you want to receive your own copy of *Te Manutukutuku*, please fill in this form.
Your name will be added to the mailing list.

Name _____ Address _____

Return this form to the Information Officer,
Waitangi Tribunal, PO Box 10-044,
Wellington/Whanganui-a-Tara

Please advise the Waitangi Tribunal Division of any changes of address