



Taihape: Rangitīkei ki Rangipō District Inquiry Newsletter

Issue No. 1 (June 2015)

THE HILLS AND VALLEYS OF MŌKAI PĀTEA

“[T]he most beautiful and romantic scenery and country I have seen...”

Rev. Richard Taylor’s description of ‘Inland Pātea’, 1860.

Tēnā koutou katoa,

Welcome to the first issue of what is intended as a regular newsletter on the Taihape: Rangitīkei ki Rangipō district inquiry (Wai 2180). It is written by Waitangi Tribunal Unit staff and aims to keep parties informed of inquiry progress and upcoming events.

Please feel free to contact us with any questions you have. Our contact details are on page seven.

Nāku noa, nā

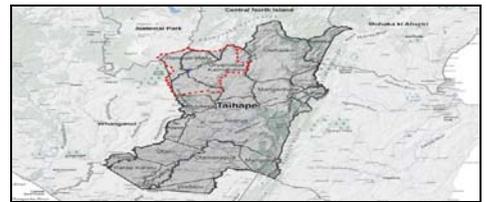
Matthew Cunningham
Inquiry Supervisor

What is the difference between the Waitangi Tribunal and the Waitangi Tribunal Unit?

The Waitangi Tribunal consists of 20 appointed members, including the five Taihape panel members. These members are independent of the Crown and must equally represent Māori and non-Māori. Usually, a Tribunal has a kaumātua member and at least one historian. The Tribunal hears and makes findings on claims.

The Waitangi Tribunal Unit refers to the staff employed by the Ministry of Justice who carry out many functions for the Tribunal, ranging from providing administrative support services to registering claims, conducting research, liaising with claimants, running hearings, and assisting in the writing of reports.

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He whakataukī: “Nāku te rourou, nāu te rourou, ka ora ai te iwi”

(with your foodbasket and my foodbasket, the people shall prosper)

The Taihape District Inquiry: a snapshot

What is a 'district inquiry'?

The Waitangi Tribunal originally heard claims one by one, largely in the order in which they were registered. However, by the early 1990s, the number of claims being submitted was so large that the Tribunal grouped them into 37 geographical inquiry districts. All claims are dealt with concurrently inside each inquiry district.

How do district inquiries run?

District inquiries typically pass through five stages:

1. **'Start-up'**: The Tribunal identifies the claims, the claimants, the main issues, and any other preliminary matters.
2. **'Research'**: The Tribunal, the Crown and claimants undertake research to explore the issues raised by the claims.
3. **'Interlocutories'**: Claimants refine their statements of claim and assist the Tribunal in identifying the issues that need to be heard.
4. **'Hearings'**: The Tribunal hears the evidence of claimants, the Crown, and researchers.
5. **'Report writing'**: The Tribunal produces a report outlining its findings and recommendations.

What stage is the Taihape district inquiry currently at?

The start-up for the Taihape district inquiry was completed in 2010 and the research program commenced in 2011. This research was divided into two 'phases': phase one was completed in 2013, and phase two should be largely complete by September 2015.



THE TAIHAPE: RANGITĪKEI KI RANGIPŌ INQUIRY DISTRICT

What happens next?

Once the research is complete, claimants will be asked to refine their statements of claim to take into account the research reports that have been produced. Some claimants have already begun this process.

The Tribunal will also review the combined body of research to determine whether there are any gaps. This is known as a 'casebook review'. Any gaps are then dealt with by 'gap-filling' research.

Before progressing to hearing, the Tribunal produces a 'Statement of Issues' defining the claim issues that need to be heard. The Tribunal has directed that claimant and Crown counsel prepare a joint first draft of the Statement of Issues.

Once the Statement of Issues is finalised, the Tribunal can commence hearings.

The inquiry forward plan

The current inquiry timetable, as at May 2015, is as follows:

- 30 September 2015: Research deadline.
- October-November 2015: Nga kōrero tuku iho hearings.
- December 2015: Final amended statements of claim due.
- February 2016: Draft joint claimant/Crown Statement of Issues due.
- February 2016: Casebook review released.
- March 2016: Draft Tribunal Statement of Issues.
- March 2016: Seventh judicial conference to discuss Tribunal Statement of Issues and the hearing program.
- April 2016: Final Tribunal Statement of Issues released.
- May 2016: Hearings begin.

These dates are indicative only, and are subject to change depending upon the resourcing of the Tribunal and the preferences of inquiry parties.

The research program



MATUKU PA ON THE MOAWHANGO RIVER, c.1845

In each district inquiry, the Waitangi Tribunal commissions professionals (usually historians) to undertake research aimed at exploring the issues raised by claimants in their statements of claim. This 'technical' research is designed to complement the claimants' own research, as well as any research prepared by the Crown. The Crown Forestry Rental Trust normally produces several of these reports and assists claimants in preparing their own research.

The research program for the Taihape district inquiry was divided into two 'phases', with the projects in phase one designed to provide input into the number and scope of the projects required in phase two. Phase one was completed in 2013, and phase two should be largely complete by September 2015.

The combined body of Tribunal, claimant, CFRT and Crown research is called the 'casebook'. For a full list of casebook research that has been produced or is currently underway, see page six.

The Tribunal will often consider adding relevant research from other inquiries to the Record of Inquiry. Several reports from the Whanganui and National Park inquiries concerning the Rangipō Waiu and Murimotu land blocks have already been added to the Taihape Record of Inquiry. If you would like the Tribunal to consider adding other reports, you can prepare a submission requesting this.

Did you know?

Most of the material contained on the Record of Inquiry can be downloaded from the Waitangi Tribunal website. This includes research reports, submissions from counsel, and Tribunal directions.

To download material, go to <https://forms.justice.govt.nz/search/WT/>, select '2180' from the list of Wai numbers, and type your search term into 'Other Terms'. Leave this blank if you want to view the entire Record of Inquiry.

Please note that large files are not available via the website. If you would like a copy of a large file, or if you are having trouble finding what you are after, contact one of the Taihape team members for assistance.

Nga kōrero tuku iho

In October 2015, the Tribunal hopes to commence nga kōrero tuku iho hearings in the Taihape district inquiry.

Nga kōrero tuku iho are designed to provide tangata whenua the opportunity to tell the story of who they are and where they come from in a setting that is more sympathetic to tikanga and te aō Māori. The focus is on the telling of handed-down tribal and marae history rather than lived experience. Claimants will have the opportunity to present their own claims in detail during the later hearing process.

Nga kōrero tuku iho are typically held on marae over the course of two or three days. The role of counsel is limited to assisting claimants to prepare their kōrero. Speakers are not cross-examined, although the Tribunal can ask questions of clarification.

The Taihape Tribunal has proposed two weeks of nga kōrero tuku iho be held: one led by the Mōkai Pātea claimants, and one led by the Ngāti Hinemanu me Ngāti Paki claimants. If necessary, the Tribunal has suggested that it may consider holding a third week for claimants with overlapping interests in the inquiry district.



CAIRN IN TAIHAPE COMMEMORATING TAMATEA PŌKAI WHENUA'S VOYAGES

Claims consolidation and aggregation

The Tribunal is also currently undertaking what is known as a 'claims consolidation and aggregation' process. This process determines which claims will be included in the inquiry:

- A claim is consolidated where it is expected that all the issues in that claim will be dealt with in the inquiry.
- A claim is aggregated where it is expected that only some of the issues in that claim will be dealt with, for example, because the claim partly overlaps into another inquiry.

In a recent memorandum-directions (Wai 2180, #2.5.37), the Tribunal provided a preliminary assessment of claims to be consolidated or aggregated into the inquiry. This assessment also considered:

- Claims fully or partially settled by legislation.
- Claims with agreement in principle.
- Claims which raise kaupapa (national) issues.
- Areas of overlap with other inquiries.

If you are unsure of where your claim fits in, please contact the inquiry team.

What is a 'kaupapa' claim?

A kaupapa claim is one that raises issues of a national, rather than district, scope. Examples include health policy, mana wāhine/mana tāne, and Māori military veterans.

The Waitangi Tribunal intends to group these claims into a series of 'kaupapa inquiries'. Whereas district inquiries are grouped by geographical region, kaupapa inquiries will be grouped on shared claim issues of a national scope.

The first of these inquiries, the Māori military veterans inquiry (Wai 2500), commenced in the second half of 2014.

The Taihape district inquiry panel



Judge Layne Harvey (Ngāti Awa, Rongowhakaata, Te Aitanga a Māhaki, Te Whānau a Apanui, Ngāti Kahungunu) was appointed to the Māori Land Court bench in October 2002. He is the resident judge for the Aotea and Tākitimu districts presiding at New Plymouth, Hāwera, Whanganui, Palmerston

North, and Hastings. He is based in Rotorua. Judge Harvey practised for 11 years as a lawyer in Auckland with Simpson Grierson and with Walters Williams and Company, where he became a partner. His work included acting for iwi and hapū in Waitangi Tribunal claims and settlement negotiations, providing general advice to Māori organisations, and working in trust law and iwi legal and post-settlement governance structures. He has also been a trustee of Māori land trusts, iwi authorities, and Māori reservations and has been a member of the council of Te Whare Wānanga o Awanuiārangi since 1997.



Professor Pou Temara (Tūhoe) is professor of reo and tikanga at the University of Waikato. He is a recognised authority on Māori customary practice and whaikōrero, having taught at Victoria University as a senior lecturer and at Te Whare Wānanga o Awanuiārangi as associate professor and as head of the faculty of Mātauranga Māori. He is also one of

three directors of Te Panekiretanga o te Reo, the Institute of Excellence in the Māori Language, where he teaches and researches whaikōrero, karanga, and tikanga. He was also a member of the Māori Advisory Committee, which produced essays for the Dictionary of New Zealand Biography and Ngā Tāngata Taumata Rau.

Professor Temara is a member of the Tūhoe Waikaremoana Māori Trust Board and has made several submissions to the Urewera district hearings of the Waitangi Tribunal. He has had experience in dispute resolutions, mediating between the iwi of Taranaki during their claims to the Tribunal. Professor Temara is the chairperson of both Te Hui Ahurei a Tūhoe and the Repatriation Advisory Panel to Te Papa and has written many publications and essays on issues currently affecting Māori. His first book, Maungapōhatu, was released recently through Huia Publishers.



The Honourable Sir Douglas Lorimer Kidd was educated at Victoria University, where he graduated with an LLB in 1964. After being admitted to the Bar as a barrister and solicitor, he joined the Blenheim law firm of Wisheart, Macnab and Partners in 1964 and practised as a partner until 1979. Holding positions on the Marlborough

Electorate Executive, as a Dominion Councillor, and as an electorate chairman for Marlborough, he was elected the member of Parliament for Marlborough in 1978. Between 1980 and 1990, he chaired a number of parliamentary select committees and caucus committees.

In 1990, Sir Doug was appointed to Cabinet as Minister of State-Owned Enterprises, Minister of Fisheries, and Associate Minister of Finance, and he also chaired the Cabinet Expenditure Control Committee. In 1991, he was made Minister of Māori Affairs, retaining the Fisheries portfolio. He was appointed to the Fisheries, Energy, and Labour portfolios, was the chair of the Expenditure Control and Revenue Committee following the 1993 general election, and from 1995 served on the ACC portfolio. He was made Speaker in 1996 and became a Distinguished Companion of the New Zealand Order of Merit in June 2000.



Dr Angela Ballara is recognised as one of the foremost academic authorities on Māori customary history. In a career spanning more than 30 years, Dr Ballara has written three books and two theses and has contributed to numerous published works. She has written papers for the

Journal of the Polynesian Society and the New Zealand Journal of History and was a member of the team responsible for producing the Dictionary of New Zealand Biography and Ngā Tāngata Taumata Rau. Dr Ballara had particular responsibility for the Māori side to this project.

Dr Ballara's academic qualifications include a PhD in history from Victoria University of Wellington (1992), an MA in history from Auckland University (1973), a COP in Māori Studies from Auckland University (1981), and a BA in history from Auckland University (1969).



Dr Monty Soutar (Ngāti Porou, Ngāti Awa) is a guardian of the Alexander Turnbull Library and a member of the National Archives Council. He has significant experience in historical research and vast knowledge in dealing with Māori Land Court records and has worked widely with iwi and Māori communities. His

most recent publication is Nga Tamatoa: The Price of Citizenship, about C Company of the 28th (Maori) Battalion.

The Taihape research casebook

PHASE ONE

Report Name	Author	Agency	Completion Date	Wai No.
Waiōuru defence lands scoping report	Adam Heinz	WTU	22 December 2009	#A1
Taihape: Rangitikei ki Rangipō Inquiry District – Technical Research scoping report	Bruce Stirling and Evald Subasic	CFRT	27 August 2010	#A2
Rangitikei River and its Tributaries (scoping)	David Alexander	CFRT	19 April 2012	#A4
Local Government, Rating and Native Townships (scoping)	Bassett Kay research	CFRT	19 April 2012	#A5
Northern Block History	Martin Fisher and Bruce Stirling	CFRT	1 November 2012	#A6
Southern Block History	Terry Hearn	CFRT	1 November 2012	#A7
Central Block History	Evald Subasic and Bruce Stirling	CFRT	14 November 2012	#A8
Public Works Takings for Defence and Other Purposes	Philip Cleaver	WTU	22 November 2012	#A9
Environment and Resource Management, Wāhi Tapu and Portable Taonga (scoping)	Michael Belgrave et al.	CFRT	21 March 2013	#A10
Tribal Landscape	Tony Walzl	CFRT	11 September 2013	#A12
Economic Development, Social Service Delivery (scoping)	Philip Cleaver	WTU	22 December 2013	#A14
Māori Land Retention and Alienation 1840-2013	Craig Innes	WTU	28 February 2014	#A15

PHASE TWO

Report Name	Author	Agency	Draft Date	Completion Date
Mangaohane Legal History and Destruction of Pokopoko	Grant Young	CFRT		10 March 2015
Environmental History 1970s-2010	David Alexander	CFRT	29 January 2015	12 June 2015
Maori Land Rating and Landlocked Blocks	Suzanne Woodley	CFRT	11 May 2015	13 July 2015
Native Townships	Heather Bassett	CFRT	29 June 2015	31 August 2015
Environmental History 1840-1970s	David Armstrong	CFRT	12 June 2015	4 September 2015
Nineteenth Century Overview	Bruce Stirling and Terrence Green	CFRT	17 July 2015	11 September 2015
Twentieth Century Overview	Tony Walzl	CFRT	24 July 2015	11 September 2015
Rangitikei River Cultural Perspectives Report	Robert Joseph and Paul Meredith	CFRT	20 July 2015	16 September 2015
Rangitikei River Historical Report 1840-2010	David Alexander	CFRT	10 July 2015	28 September 2015
The provision of healthcare, education, and housing to Māori of the Taihape inquiry district	Paul Christoffel	WTU	14 September 2015	18 December 2015
Māori economic development in the Taihape inquiry district	Philip Cleaver	WTU	27 November 2015	14 April 2016

The Taihape inquiry team

The Taihape team works with the panel, claimants, researchers and other parties to organise and facilitate the inquiry, manage inquiry events and assist with documentation and legal issues.

You can reach us on the numbers listed below, or else freecall 0508 621 840 and ask to speak with one of us.

Tara Hauraki

Inquiry Facilitator

04 466 3897

tara.hauraki@justice.govt.nz

The inquiry facilitator is responsible for the day to day procedural aspects of the inquiry, planning and supporting Tribunal events, and project managing commissioned research. They are the central point for liaison on procedural and evidential matters between the Tribunal and external parties involved in the inquiry, such as claimants, claimant counsel, the Crown Forestry Rental Trust (CFRT) and the Crown.

Matthew Cunningham

Inquiry Supervisor

04 471 4936

matthew.cunningham@justice.govt.nz

The inquiry supervisor is responsible for strategic oversight of the inquiry and the research casebook. They provide advice and quality assurance on procedural and research documents. They also analyse inquiry issues and develop inquiry procedures and strategies.

Sarah Gwynn

Assistant Registrar

04 914 3048

sarah.gwynn@justice.govt.nz

The registrarial advisor within the inquiry team provides advice on legal issues which may arise in the course of an inquiry including legislation which may affect the Waitangi Tribunal's jurisdiction to hear claims and claim issues.

Samuel Sygrove

Claims Co-ordinator

04 466 2940

samuel.sygrove@justice.govt.nz

The Claims Co-ordinator is responsible for the organisation, logistics and management of inquiry events. They also organise the preparation and distribution of documents, and the maintenance of the record of inquiry. They are the central point for liaison on administrative and event management matters between the Tribunal and external parties involved in the inquiry.





Waitangi Tribunal