

“The deep narrow chasms, through which the [Rangitikei] river flows in its upper part are singularly beautiful, and the tributary Moawhanga [sic.] ... presents a cleft, perhaps 150 feet deep and only 18 feet wide, with perpendicular sides, and the trees meeting in an arched overhead, the beauty of which, clothed with ferns and other luxuriant indigenous vegetation, with the rays of light glancing downwards through the trees, can be easily understood.”

James Crawford’s description of the Rangitikei and Moawhango Rivers, February 1862.

Tēnā koutou katoa,

This is the second issue of the Taihape: Rangitīkei ki Rangipō district inquiry (Wai 2180) newsletter.

It has been a busy year for the Taihape inquiry! Research is progressing well and plans are now under way for hearings to commence in 2016. There is a lot of mahi ahead for claimants, lawyers, CFRT, and the Tribunal. This newsletter is designed to keep parties informed of inquiry progress and upcoming events in order to make our shared mahi easier. Nāku te rourou, nāu te rourou, ka ora ai te iwi!

Please feel free to contact us with any questions you have. Our contact details are on page 9.

Nāku noa, nā

The Inquiry Team

We would like to hear your feedback on the information and service Waitangi Tribunal staff provide. Please tell us about your experience by completing our customer survey online at the following address: <https://www.surveymonkey.com/s/WaitangiTribunal2015>.

Taihape: Rangitīkei ki Rangipō District Inquiry Newsletter

Issue No. 2 (December 2015)

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Recent events

Taihape may be a small inquiry, but it is by no means a quiet one. So far this year there has been a judicial conference, a chambers conference, and several research hui. There are also eight research projects still underway, and discussions have commenced on the possibility of joint hearings between the Taihape and Porirua ki Manawatū Tribunals. At the same time, several large overlapping settlement negotiations have continued apace with the Office of Treaty Settlements.

A key topic of consideration this year has been the forward plan for the inquiry. The Tribunal has issued memorandum-directions outlining a timetable for the next twelve months, including the completion of the research program, holding ngā kōrero tuku iho hearings, filing amended statements of claim, and producing a statement of issues. The inquiry timetable,



MAP OF THE TAIHAPE INQUIRY DISTRICT

and what it means for you, is discussed in more depth on the opposite page.

Claimants have also met with several CFRT and Tribunal researchers throughout the year, including Suzanne Woodley (land

rating and landlocked blocks), David Alexander (environmental issues 1970-2010 and the Rangitīkei River historical report), Paul Meredith (Rangitīkei River cultural perspectives report), Paul Christoffel (healthcare, education and housing), and Philip Cleaver (economic development).

Upcoming research hui

Tribunal and CFRT staff are organising research hui in the New Year at Winiata marae (11 January 2016) and the Mōkai Pātea Services office (date to be advised). The purpose of these hui will be to discuss several draft Tribunal and CFRT research reports, including Paul Christoffel's social services report and Philip Cleaver's Māori economic development report.

Pānui regarding these hui will be circulated over the next month. If you wish to attend, please contact Matthew Cunningham (details on page 9).



BATLEY FARM: THE SITE OF THE FIRST MOAWHANGO SCHOOL IN THE 1890s

The inquiry timetable

The Tribunal currently plans to commence substantive hearings for the Taihape inquiry in September 2016. A number of milestones are scheduled to occur before then. This section gives you a brief summary of what each of these milestones involves.

Final claims consolidation and aggregation

Before hearings can commence, the Tribunal determines which claims will be included in the inquiry. This is called 'claims consolidation and aggregation':

- 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.

The Tribunal issued a preliminary list of consolidated and aggregated claims in April (Wai 2180, #2.5.37). A final list will be issued via direction on 18 December 2015. If you have any concerns, please contact a member of the inquiry team.

Casebook deadline

The Tribunal typically requires 80% of the casebook research to be complete before it commences hearings. The casebook deadline is the date by which the majority of the research is expected to be completed. It does not include the Rangitikei River cultural perspectives report (which is due in January 2016) or the

social services and economic development reports (which are due in March and May 2016). CFRT have also indicated that several of their phase two reports are likely to be delayed until February 2016.

A full list of the casebook research is located on page 8.

The Taihape inquiry timetable (Wai 2180, #2.5.49, paras 29-30)

- 30 November 2015: Casebook deadline.
- 18 December 2015: Final list of consolidated and aggregated claims released.
- 1-3 February 2016: First ngā kōrero tuku iho hearing.
- 30 March - 1 April 2016: Second ngā kōrero tuku iho hearing.
- 22 April 2016: Final amended statements of claim due.
- 23 May 2016: Draft combined claimant/Crown statement of issues due.
- June 2016: Casebook review released.
- 24 June 2016: Draft Tribunal statement of issues released.
- July 2016: Third ngā kōrero tuku iho hearing.
- July 2016: Seventh judicial conference to discuss Tribunal statement of issues and the hearing programme.
- July 2016: Commencement of any gap-filling research identified in the casebook review.
- 5 August 2016: Final Tribunal statement of issues released.
- September 2016: Hearings begin.

Ngā kōrero tuku iho hearings

Ngā kōrero tuku iho hearings are designed to provide tāngata whenua the opportunity to tell the oral and traditional history of their iwi, hapū and whānau. The hearings are described in more detail on page 4.

Final amended statements of claim

Once the research is complete, claimants will be asked to refine and

particularise their statements of claim to take into account their own research and the reports produced as part of the casebook.

Casebook review

When the research programme is complete, the Tribunal will review the combined body of research to determine whether there are any gaps. This is known as a 'casebook review'. Any gaps will be dealt with by 'gap-filling' research which may commence in July 2016.

Statement of issues (SOI)

Before progressing to hearing, the Tribunal produces a 'statement of issues' defining the areas of agreement and contention between claimants and the Crown. This then forms the basis for the hearing programme.

The Tribunal has directed that claimant and Crown counsel prepare a joint first draft of the statement of issues that:

- Distils the claims into a set of high-level issues and summarises the parts of each claim relating to those issues.
- Highlights the Crown's position on these high-level issues and identifies any concessions it is willing to make.
- Outlines in question form the matters which remain in contention that the Tribunal needs to hear.

The Tribunal will then review this draft and produce a final Tribunal statement of issues.

Pātai

Legal counsel should be able to assist claimants with preparing for each of these milestones. If you are unrepresented, or if you would like more information, please contact a member of the inquiry team.

Ngā kōrero tuku iho

The Tribunal has issued directions confirming a ngā kōrero tuku iho programme for the Taihape inquiry (Wai 2180, #2.5.48, paras 22-34; and #2.5.49, paras 5-14).

What are ngā kōrero tuku iho?

Ngā kōrero tuku iho are designed to provide tāngata 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. They were pioneered by Judge David Ambler and Sir Hirini Mead in Te Rohe Pōtae inquiry, and have also been held in the Porirua ki Manawatū inquiry.

How many will there be?

The Tribunal intends to convene three ngā kōrero tuku iho hearings: one led by the Mōkai Pātea claimants, one led by the Ngāti Hinemanu me Ngāti Paki claimants, and one for claimants with overlapping interests in the inquiry district. Each hearing week will span three days.

When will they be held?

The Mōkai Pātea hearing will be held from 1-3 February 2016, and the Ngāti Hinemanu me Ngāti Paki hearing will be held from 30 March - 1 April 2016. The third hearing will likely be held in either the second or fourth week of July 2016.

Where will they be held?

Mōkai Pātea have indicated that they intend to undertake an extensive hīkoi to visit sites of significance around their rohe for part of their hearing week. Ngāti Hinemanu me Ngāti Paki have suggested that



TUKUTUKU PANEL DEPICTING THE SEVEN MARAE LOCATED WITHIN THE ROHE OF MŌKAI PĀTEA (*Photo courtesy of Trish Cross (kairaranga) and Winiata Marae*)

they will hold most of their hearing week on a marae. The third week may be held outside the inquiry district.

Will I be able to present my claim?

Ngā kōrero tuku iho hearings are an opportunity to present handed-down tribal and marae history rather than specific claims. Claimants will have the opportunity to present their own claims during the later hearing process.

Who organises the hearings?

Claimants are expected to take the lead in organising ngā kōrero tuku iho hearings. The Tribunal has suggested that claimants form coordinating committees to organise the hearings and ensure that kōrero is not duplicated. The role of lawyers is usually limited to logistical support such as assisting claimants to prepare their kōrero.

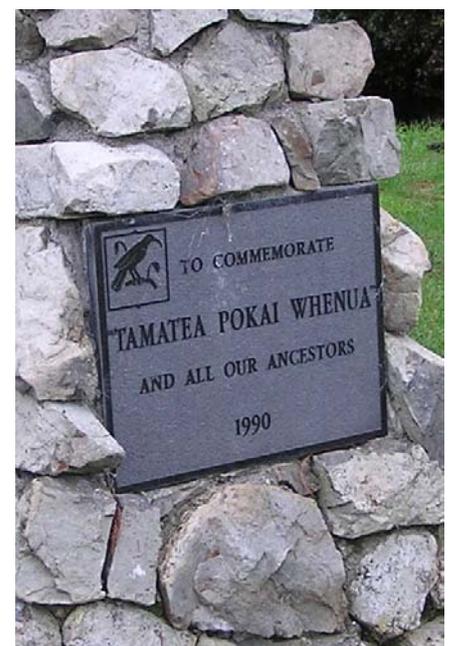
What happens next?

The Tribunal has directed parties to coordinate to establish what material will be covered in each hearing week, and also to liaise with Tribunal and CFRT staff on

logistical matters. Parties are expected to file further information on 18 December 2015.

More information

All of this information and more is contained in the Tribunal's hui protocols, which are displayed opposite this page. Speak with your lawyer and/or your whānaunga in the first instance if you want to participate in the hearings. If you have any general questions, please contact a member of the inquiry team.



CAIRN FOR FAMED EXPLORER TAMATEA POKAI WHENUA

He Tikanga mo Ngā Kōrero Tuku Iho o Mōkai Pātea

1. Pōwhiri

1.1 Hui will commence with the normal protocols of pōwhiri/whakatau and karakia following which the hui will be passed over to the Tribunal to chair.

2. Ngā Tikanga

2.1 The hui shall be run in accordance with the tikanga and kawa of the marae and/or host iwi/hapū, providing that it does not conflict with this protocol and otherwise in accordance with the direction of the Tribunal.

2.2 A co-ordinating committee shall be nominated in respect of each hui to co-ordinate speakers and to liaise with the Tribunal in relation to matters such as layout of the wharenuī, arrangement and order of speakers, hīkoi logistics, and other matters of tikanga.

3. Ngā Take

3.1 The hui are for the purpose of hearing oral traditions in relation to tribal identity and history. These could include:

- a) Tribal origins and whakapapa;
- b) Migration and settlement patterns;
- c) Traditional rohe and mana whenua;
- d) Traditional relationship to the environment;
- e) Relationships with neighbouring hapū and iwi, including significant marriages and political arrangements around natural resources;
- f) Wāhi tapu;
- g) The impacts of early European colonisation and settlement;
- h) The signing of Te Tiriti;
- i) Oral traditions about early Crown actions; and
- j) The current status and identity of iwi and hapū (including any lands that they still retain).

3.2 The Tribunal reserves the right to request that other topics be considered, should any be identified within a reasonable time before the hui.

3.3 The Tribunal may invite the hui participants to address specific take during the hui.

3.4 The hui should generally focus on the period prior to the 1880s. Hui participants will have the opportunity to present their own lived experiences in detail during the later hearing process.

3.5 Speakers may address tribal identity and history in any manner they see fit.

4. Ngā Kōrero

4.1 The hui are for the presentation of oral traditions only.

4.2 Speakers are not expected to prove that they are reciting oral traditions.

4.3 Speakers are not expected to present written material. However, if speakers wish to file information with the Tribunal they can do so by written briefs of evidence, speaking notes or through other documents such as whakapapa charts, mōteatea and whakataukī.

4.4 Speakers may speak in Te Reo or English.

4.5 Speakers may speak regardless of gender.

4.6 Oral traditions delivered in Te Reo at the hui will be interpreted simultaneously.

4.7 Oral traditions presented at the hui will be recorded and transcribed. The Tribunal will provide the parties with an opportunity to review the draft transcript following the hui, prior to it being finalised. The transcript of the hui will be issued to Tribunal members and staff, claimants, counsel, the Crown and researchers and may only be used for the purposes of this inquiry unless the Tribunal directs otherwise.

4.8 The Tribunal may allow the video recording of the hui. Each request will be assessed on a case by case basis.

4.9 Claimants, counsel and the Crown may not cross-examine speakers but may request the Tribunal to ask speakers to clarify evidence or to address a point.

5. Ngā Hīkoi

5.1 The co-ordinating committee for each hui may elect to include one hīkoi to view significant places as part of each kōrero tuku iho week.

5.2 Co-ordinating committees shall file a detailed hīkoi plan prior to the hui, including proposed break times and any scheduled visits to marae.

5.3 The Tribunal will record the hīkoi using both audio and video technology. Given the difficulties associated with recording site visits in previous inquiries, the Tribunal cannot guarantee that these recordings will be transcribed.

5.4 Hīkoi speakers will provide a summary of the kōrero to be presented. If additional kōrero is presented during the course of the hīkoi, parties may be requested to file additional briefs summarising that kōrero.

5.5 Space must be available for Waitangi Tribunal support staff at all stages of the hīkoi.

5.6 Hīkoi must not be too physically demanding on elderly claimants and panel members.

Joint hearings with the Porirua ki Manawatū inquiry

Since the very early stages of the Taihape and Porirua ki Manawatū inquiries, the idea of jointly hearing the claim issues that overlap the two inquiries has been suggested by some claimants. The two Presiding Officers issued a joint memorandum-directions in July outlining how joint hearings might take place (Wai 2180, #2.5.43).

The Waitapu block

The Waitapu block lies between the Rangitīkei-Manawatū purchase to the south and the Otamakapua block to the north. It is important to a number of claimant groups, including Ngāti Hauiti and Ngā Iwi o Te Reureu.

The Tribunal proposed that the Waitapu block could either be incorporated entirely into the Porirua ki Manawatū inquiry, or else split between the two inquiries and heard jointly. Mōkai Pātea claimants submitted that the block should be wholly incorporated into the Taihape inquiry, which



THE WAITAPU STREAM AT THE NORTHERN TIP OF TE REUREU RESERVE

was supported by Ngā Iwi o Te Reureu.

The Rangitīkei River

From its headwaters in the Kaimanawa Ranges to its mouth at Tangimoana, the Rangitīkei River extends across both the Taihape and Porirua ki Manawatū inquiry districts. It is important to a large number of iwi and hapū for its spiritual and cultural values, and as a source of food such as tuna, kōura and pātiki.

The Tribunal proposed five options for handling Rangitīkei River claims:

- Option One: Do not hold joint hearings.
- Option Two: Limit the joint hearings to oral and traditional evidence only.
- Option Three: Joint hearings with separate reporting.
- Option Four: Joint hearings with a shared chapter of findings and recommendations.
- Option Five: Joint hearings with a separate joint report.

Most claimants replied that they wanted joint hearings of some kind (options 2 and 3). Some, such as Ngā Iwi o Te Reureu and Ngāti Parewahawaha, also supported a separate joint report on the Rangitīkei River (option 5). Mōkai Pātea claimants suggested that joint hearings be limited to either technical evidence or to issues common across the two inquiries.

Next steps

The two Presiding Officers are considering the submissions received by inquiry parties, and may issue a further joint direction in the near future.



THE RANGITĪKEI RIVER

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 *Ngā 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
Māori in the Taihape inquiry district: A sociodemographic scoping exercise	Georgie Crow	WTU	9 February 2015	#A28

PHASE TWO

Report Name	Author	Agency	Draft Date	Completion Date	Wai No.
Maori Land Rating and Landlocked Blocks	Suzanne Woodley	CFRT		18 September 2015	#A37
Environmental History 1970s-2010	David Alexander	CFRT		30 November 2015	#A38
Mangaohane Legal History and Destruction of Pokopoko	Grant Young	CFRT		30 November 2015	#A39
Rangitikei River Historical Report 1840-2010	David Alexander	CFRT		2 December 2015	*
Rangitikei River Cultural Perspectives Report	Robert Joseph and Paul Meredith	CFRT	15 December 2015	29 January 2016	
Native Townships	Heather Bassett	CFRT	1 November 2015	29 February 2016	
Environmental History 1840-1970s	David Armstrong	CFRT	TBA	29 February 2016	
Nineteenth Century Overview	Bruce Stirling and Terrence Green	CFRT	TBA	29 February 2016	
Twentieth Century Overview	Tony Walzl	CFRT	TBA	29 February 2016	
The provision of healthcare, education, and housing to Māori of the Taihape inquiry district	Paul Christoffel	WTU	20 November 2015	22 March 2016	
Māori economic development in the Taihape inquiry district	Philip Cleaver	WTU	27 November 2015	24 May 2016	

* CFRT has distributed a final copy to its clients and is awaiting sign-off before filing it on the record.

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.

Paige Bradey

Deputy Registrar

04 914 3017

paige.bradey@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.

Jay Cameron

Claims Co-ordinator

04 914 3059

jay.cameron-hamiora@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.



GUNFIGHTER PA ON THE GENTLE ANNIE ROAD

