



Winiata Marae. Wharenui built by Winiata Te Whaaro in 1896 on the site of his second farming enterprise at Mangaone. Now the kāinga of his descendants.

Wai 2180: Taihape Rangitīkei ki Rangipō District

Issue No. 6

February 2018 | *Huitanguru*

Important dates

Hearing Week 5	5-9 March 2018 Rātā Marae
Hearing Week 6	9-13 April 2018 Venue TBC
Hearing Week 7	21-25 May 2018 Venue TBC



Ngā mihi o te Tau Hou ki a tātou kātoa

Happy New Year to all who are involved in the Taihape district inquiry. Tribunal staff hope all have had a chance to rest and spend time with loved ones over the holiday season.

In this sixth issue of our pānui, we reflect on hearing weeks three and four and share some of the hearing moments captured by staff. We also remind parties about upcoming events and dates with a calendar that can be found on p. 4.

In 2018 the inquiry will progress further through the hearing phase. Hearing weeks five, six and seven have now been confirmed for the first half of the year. Two more hearing weeks are planned in the second half of the year.

A reminder that the Tribunal updated the hearing protocols in its recent directions (Wai 2180, #2.6.30). In that document, you can find all the relevant deadlines and information about how the hearings work.

Hearing Week 3

Taihape Area School

During the early planning of the hearing phase, the hearing programme was set out in geographical sequence to give shape to the kaupapa of each hearing. Each week would be loosely formed around kaupapa from within, or related to, the northern, central and southern blocks in the inquiry district, respectively.

From 2-6 October 2017, the third hearing week was held at the Taihape Area School (Huia Street, Taihape). It focused on *take* in the northern part of the district.

The Tribunal and parties heard summaries of two technical reports: the 'Northern Block History' report (#A6) by Bruce Stirling and Dr Martin Fisher; and the 'Nineteenth Century Overview' report (#A43) by Bruce Stirling. Parties were given the opportunity to cross-examine these witnesses.

In their #A6 report, Mr Stirling and Dr Fisher surveyed the northern blocks in the district, collating data about ownership, administration and alienation of the land. The report provides helpful and concise records of the northern land blocks.

Mr Stirling's #A43 report provided a narrative of the Native Land Court's establishment and impact on the Taihape region. He examined the alienation of land from Taihape Māori, Māori engagement with the land tenure system, and the difficulties they faced. The report also recorded the growing dispossession felt by Māori in the region by the late nineteenth century, and the



From top-left: Claimant taonga displayed at hearing week 3; interior fern set; Dr Monty Soutar cross-examines a witness; Dr Angela Ballara, Sir Douglas Kidd, Judge Layne Harvey and Professor Pou Temara listen to the presentation of evidence.

combined proposal of several rangatira to the Crown in 1892 regarding their aspirations for the Awarua and Motukawa blocks.

At the beginning and end of the hearing week respectively, the Tribunal heard from Mōkai Pātea and Ngāti Hinemanu me Ngāti Paki tangata whenua witnesses. The witnesses presented evidence related primarily to the experiences of Ngāti Hinemanu me Ngāti Paki, Ngāti Whitikaupeka, Ngāti Tamakōpiri and Ngāi Te Ohuake.

The witnesses shared their own experiences and the experiences of their tupuna, living and taking care of land and waterways within the northern land blocks. Kōrero included stories of growing up at Moawhango; current arrangements with the New Zealand Defence Force for access to the defence lands; and the history of the ownership of the Oruamatua-Kaimanawa 2Q1 and 2Q2 blocks, as brief examples.

Hearing

Week 4

Winiata Marae

Hearing week four focused on kaupapa from the central part of the inquiry district. The two major issues discussed by the Tribunal and parties were the eviction of Winiata Te Whaaro and his whānau from their settlement at Pokopoko, and the ongoing issue of landlocked lands in the district.

Ngāti Hinemanu me Ngāti Paki

Tangata whenua witnesses for Ngāti Hinemanu me Ngāti Paki were the first to present on day one of hearing, beginning with Moana Jackson.

Mr Jackson discussed tikanga, the constitutionality of mana and tino rangatiratanga and the relationship between those ideals and the Treaty/Te Tiriti. This prompted several questions from the Tribunal and no doubt helped to address some of the questions outlined in their statement of issues.

Later on day one, Jordan Haines-Winiata and Grace Hoet presented kōrero about the Crown officials involved in the eviction at Pokopoko and the role of families like the Donnellys and the Studholmes at that time. Hineaka Winiata and Patricia Cross spoke about the ongoing mamae felt by Te Whaaro's descendants. Hape Lomax and Peter Steedman touched on issues arising from landlocked blocks including rates charges, inaccessibility and the level of communication from the Department of Conservation.

Technical witnesses

Three technical witnesses were called to the stand for hearing week four: Dr Grant Young (#A39), Jane Luiten (#A56), and Suzanne Woodley (#A37).

Dr Young produced a report about the legal history of the Mangaohane block, of which Pokopoko is a part. Dr Young's report dealt extensively with the legal history of the block and includes, in part, the eviction of Te Whaaro, his people and its aftermath.

In early 2017, Ms Luiten was commissioned to complete a discrete and focused examination of the arrest and detention of Winiata Te Whaaro and the eviction of his people. The Tribunal sought a comparative analysis of this eviction with others undertaken by the Crown elsewhere in the country. They also sought an idea of what the long-term impacts from the eviction were for Te Whaaro's family and his descendants.

In her report on rating and landlocked lands, Ms Woodley discussed Crown actions and omissions which led to the landlocking of 73% of Māori land in the district, and Crown engagement with Taihape Māori about access to those lands. Ms Woodley observed that much Māori land was undeveloped and, regarding the landlocked blocks, could not be developed. Over time this resulted in alienation through leasing and sales, and in some cases, compulsory sales. Her report also discussed the rating regime managed by local government and its impacts on the ability of Māori to retain and use land.

Mōkai Pātea

Mōkai Pātea claimants presented kōrero about the central blocks of the district including Awarua, Ōwhaoko, Mangaohane and Aorangi. The claimants spoke on issues to do with gravel extraction, the importance of Tūwharetoa to their whakapapa, the influence of Kawepō and Broughton in the district and the learning and re-learning of familial connections across the district and outside it.



Winiata Te Whaaro by Samuela Carmell. This photo was supplied to Dr Grant Young by Ms Trish Cross who is a descendant of Winiata. It is not known when this photo was taken (Wai 2180, #A39, p. 12, fig 3).

Technical witnesses



From top left – right – bottom: Jane Luiten, author of the 'The arrest of Winiata Te Whaaro and the eviction of the Pokopoko community' report (#A56); Ms Suzanne Woodley, author of the 'Maori land rating and landlocked lands report' (#A37); and Dr Grant Young, 'Mangaohane legal history and the destruction of Pokopoko' (#A39).

Landlocked lands

During proceedings, Judge Harvey suggested that the Tribunal might look to make official comment on landlocked lands claims issues in the coming months.

In his post-hearing directions, Judge Harvey asked the Crown to update the Tribunal and parties on what evidence (if any) they intended to bring about landlocked lands by Friday 19 January 2018.

The Crown advised that they intend to call witnesses and file briefs of evidence from the Department of Conservation and the New Zealand Defence Force (Wai 2180, #3.2.200).

A judicial conference about this matter will be held during hearing week five to be held from 5-9 March 2017 at Rātā Marae, 47 Te Houhou Road. This conference will also discuss the status of the Kāweka and Gwavas Crown Forest Licensed Lands in this inquiry.

Important dates

Hearing programme		
Week 5	5-9 Mar 2018, Rātā Marae	Central claims
Week 6	9-13 Apr 2018	Northern claims
Week 7	21-25 May 2018	Southern claims
Week 8	Oct 2018	Southern claims
Week 9	Nov/Dec 2018	Technical reports and Crown evidence
Week 10	Jan/Feb 2019	Claimant closing submissions
Week 11	Mar/Apr 2019	Crown closing submissions

Upcoming filing for hearing week 5	
Witness summaries	Mon 5 Feb 2018
Questions of clarification, requests to cross-examine technical witnesses with indications	Mon 12 Feb 2018
Tangata whenua briefs	
Requests to cross-examine tangata whenua witnesses with indications	Wed 14 Feb 2018
Drafting hearing timetable	Mon 19 Feb 2018
Opening submissions to be presented	
Witness responses to questions of clarification	Mon 26 Feb 2018
Bundles of documents for cross-examination	Tue 27 Feb 2018
Any other submissions pertaining to procedural matters	
Final timetable	Wed 28 Feb 2018

Staff update

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.

The Taihape team has changed slightly with the departure of Emma Powell and the introduction of Sarah Miller as the new inquiry facilitator. Sarah will now take care of procedural matters and should be contacted for any matters regarding the inquiry programme and planning, queries about evidence and any other general queries.

Sarah Miller

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Inquiry Facilitator

The inquiry facilitator is responsible for the day to day procedural aspects of the inquiry, planning and supporting Tribunal events. They are the primary 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. They prepare advice on inquiry matters and provide analytical support at judicial conferences and hearings.

Matthew Cunningham

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Inquiry Supervisor

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

Joanna Morgan

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Claims Coordinator

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

Abby Hauraki

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Deputy Registrar

The Deputy Registrar provides advice on legal issues which may arise including legislation which may affect the Waitangi Tribunal's jurisdiction to hear claims and claim issues. She also handles technical queries about the claims from the public and provides advice to the Presiding Officer on filing and the record of inquiry.