

TE MANUTUKUTUKU

*Te Roopu Whakamana i te
Tiriti o Waitangi
Panui*



*Waitangi Tribunal Division
Department of Justice
Newsletter*

Rua tekau ma toru
Here-turi-koka/Mahuru 1993

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Treaty of Waitangi Amendment Act 1993

At the end of July an amendment to the Waitangi Tribunal's recommendatory powers was passed in parliament. Section 6 of the principal Act now includes a new subsection:

- (4a) Subject to sections 8A to 8I of this Act, the Tribunal shall not recommend under subsection (3) of this section,—
- (a) The return to Maori ownership of any private land; or
- (b) The acquisition by the Crown of any private land.

Sections 8A to 8I gives the Waitangi Tribunal the power to make a binding recommendation to government to return to Maori ownership any land or interests in land transferred to state enterprises under the State-Owned Enterprises Act 1986 or any Crown forest land which is subject to a Crown forestry licence. Under the 1993 amendment this provision still holds.

The amendment Act gives the following definition of the term 'private land':

- 'Private land' means any land, or interest in land, held by a person other than—
- (a) The Crown; or
- (b) A Crown entity within the meaning of the Public Finance Act 1989.

The 1992 amendment to the Public Finance Act 1989 defines the term *Crown entity* as meaning any body or statutory officer or subsidiary body of the agencies listed in the Fourth Schedule of the Act (refer to the Act for a precise definition).

As of December 1992 there were 64 Crown entities listed, including Area Health Boards, Broadcasting Commission, Crown research Institutes, Housing Corporation of New Zealand, Housing New Zealand Ltd, New Zealand Government Property Corporation, Transit New Zealand, Auckland International Airport Ltd, Wellington International Airport Ltd and every transferee company under the New Zealand Railways Corporation Restructuring Act 1990 in which the Crown holds 50% or more of the issued ordinary shares. For a full list, refer to the Act.

The Waitangi Tribunal retains the power to inquire into claims concerning private land and to present its findings to government. However, the resolution of all grievances, whether they concern private or Crown property, remains with the government.

New Scheme for Disposal of Surplus Crown Land

170 iwi groups have been advised by letter from the Minister of Justice of a new procedure for the protection of Maori interests where land that is seen to be surplus to the Crown's needs will be put up for sale.

All surplus lands owned or administered by government departments, Crown Research Institutes or health sector entities are subject to the protection mechanism. Land owned by regional or territorial authorities, State Owned Enterprises and some tertiary institutions are excluded.

The Department of Survey and Land Information (DOSLI) will be responsible for sending a list of all surplus land to iwi at regular intervals. The lists will also be published in national newspapers. Iwi will be given a minimum of 30 days to file their response.

Information on the protection mechanism and can be obtained from your nearest DOSLI office or the Treaty of Waitangi Policy Unit, Department of Justice (Attention Mr Filer), Private Box 180, Wellington. Ph: 472 5980 Fax: 4991868.

Contract Commissioned Researchers



The Waitangi Tribunal has commissioned five new researchers to provide historical reports on different regions of the country. *Left to right:* Grant Phillipson, Suzanne Cross, Vince O'Malley, Robyn Anderson and Helen Walters.

WAITANGI TRIBUNAL RESULTS

July 1992-June 1993

During the 1992/93 year there was a 29.4 percent increase in the number of registered claims from 290 to 352. Of the total registered claims some 68 or just under 20 percent have either been reported, deferred, withdrawn or taken to a stage where no further inquiry is intended.

The 62 new claims lodged and registered during the year were a major source of the 122 judicial directions (instructions) from the tribunal which required servicing by the staff.

WAITANGI TRIBUNAL STATISTICS

	30.6.92 (Actual)	30.6.93 (Actual)	30.6.94 (Est.)
Claims registered	290	352	420
Claims reported*	41	68	90
Claims proceeding ¹	115	81	50
Claims in preparation	102	157	170

Includes withdrawn claims or where further inquiry has been closed.
Includes judicial conferences, mediation, hearing, negotiations and report writing.

The tribunal completed 217 sitting days during which it considered a mix of 12 individual and grouped claims. They were:

- WAI 27 Ngai Tahu ancillary claims
- WAI 33 Pouakani
- WAI 43 Muriwhenua land claims
- WAI 143 Taranaki claims
- WAI 153 Geothermal claims
- WAI 212 Ikawhenua lands/waterways
- WAI 264 Surplus railway lands
- WAI 304 Ngawha geothermal claim
- WAI 307 Fisheries settlement (Sealord)
- WAI 321 Appointments to Treaty of Waitangi Fisheries Commission
- WAI 322 Tuhuru claim
- WAI 350 Maori Development Corporation

Pre-hearing work and report writing activities accounted for a further 119 days of members' time.

Tribunal staff completed a total of 18 exploratory and other research reports during the year and assisted with the production work associated with eleven tribunal reports.

The major tribunal reports completed during the year were those concerning Wai 27: Ngai Tahu sea fisheries, Wai 33: Pouakani and Wai 119: Mohaka River.

Translations of the Maori Text of the Treaty of Waitangi

The Waitangi Tribunal uses the Maori and English versions of the Treaty of Waitangi that are printed in the Treaty of Waitangi Act 1975. It does not use a 'translation' of the Maori version because no translation appears in the Act.

The Maori and English versions of the Treaty that appear in the Act are regarded as being official versions. There is no official translation. Government departments and agencies and other organisations who reproduce the Treaty in their publications or on posters often include a translation of the Maori version. This is necessary for those who do not understand the Maori language but it is important that it is made clear on the publication that such translations are not official.

New Claims Registered

WAI 353

Claimants: Patrick Nicholas for the Whanau o Ruawahine

Concerning: Land at Mt Maunganui and Tauranga City

Region: Bay of Plenty

Received: 3 June 1993

WAI 354

Claimant: W P Hamilton for descendants of Pomare II and members of Ngati Manu, Te Uri Karaka, Te Uri o Raewera and Ngapuhi ki Taumarere tribes

Concerning: Lands in the Taitokerau region

Received: 5 April 1993

WAI 355

Claimants: Ropata Rare and Ani Walls

Concerning: Land at Hikutaia and Whangamata

Region: Northland

Received: 4 May 1993

WAI 356

Claimants: Patrick Nicholas on behalf of Ngati Tokotoko

Concerning: Land from Wairoa to Katikati

Region: Tauranga, Bay of Plenty

Received: 3 June 1993

WAI 357

Claimants: T W Taua for the Ngai Tai ki Tamaki Trust

Concerning: Surplus railway lands in central Auckland

Received: 25 June 1993

WAI 358

Claimants: Kim Te Tua for Ngati Rauhotoatia and Ngati Parehunuku

Concerning: Tatua West/Tuhingamata West forestry lands

Region: Taupo

Received: 19 May 1993

WAI 359

Claimants: M Nepia for Te Horehore Committee

Concerning: Hautu and Rangipo Prison Farms

Region: South East Turangi

Received: 14 June 1993

WAITANGI TRIBUNAL CURRENT PROGRAMME

NB. These dates are subject to change

Date	Name	Place
Sept 13-17	Wai 45 Muriwhenua	Kaitaia
Oct 4-8	Wai 55 Te Whanganui a Orotu	Napier
Oct 11-15	Wai 45 Muriwhenua	Kaitaia
Nov (date to be confirmed)	Wai 143 Taranaki	Taranaki
Nov 8-12	Wai 212 Ikawhenua	Murupara
Dec 6-10	Wai 55 Te Whanganui a Orotu	Napier

New Claims Registered *(continued)*

WAI 360

Claimants: Lance Hori Waaka for descendants of Anaru Haua

Concerning: Matapihi Ohuki no.3

Region: Tauranga

Received: 25 June 1993

WAI 361

Claimants: Te Uru o Te Whetu Whata for trustees from Motutawa II block and Whakapounakau 1B3B block

Concerning: the above mentioned blocks

Region: Okawa Bay, Rotorua

Received: 8 June 1993

WAI 362

Claimants: Lance Hori Waaka for Ngati Ruhine and Ngati Ranginui

Concerning: Confiscated lands in Tauranga

Received: 25 June 1993

WAI 363

Claimants: Te Rangipuawhe Maika for Tuhourangi iwi

Concerning: Tuhourangi lands and waterways

Region: Rotorua

Received: 14 July 1993

WAI 364

Claimants: R Tooke for Nga Uri o Ngati Paoa, Paoa raua ko Tukutuku

Concerning: Tamaki Girls College

Region: Auckland

Received: 10 May 1993

WAI 365

Claimants: R Tooke for Nga Uri o Ngati Paoa, Paoa raua ko Tukutuku

Concerning: Matakana Island

Region: Taranaki

Received: 8 April 1993

WAI 366

Claimants: Roger Herbert for Ngati Rangatahi

Concerning: Hutt Valley lands

Region: Wellington

Received: 19 July 1993

WAI 367

Compilation of all claims concerning South Taupo Lands, Lake Taupo and associated rivers

WAI 368

Claimants: Te Runanga o Tapuika me Waitaha Inc for Tapuika and Waitaha iwi

Concerning: Land in the Te Puke region

Received: 5 July 1993

WAI 370

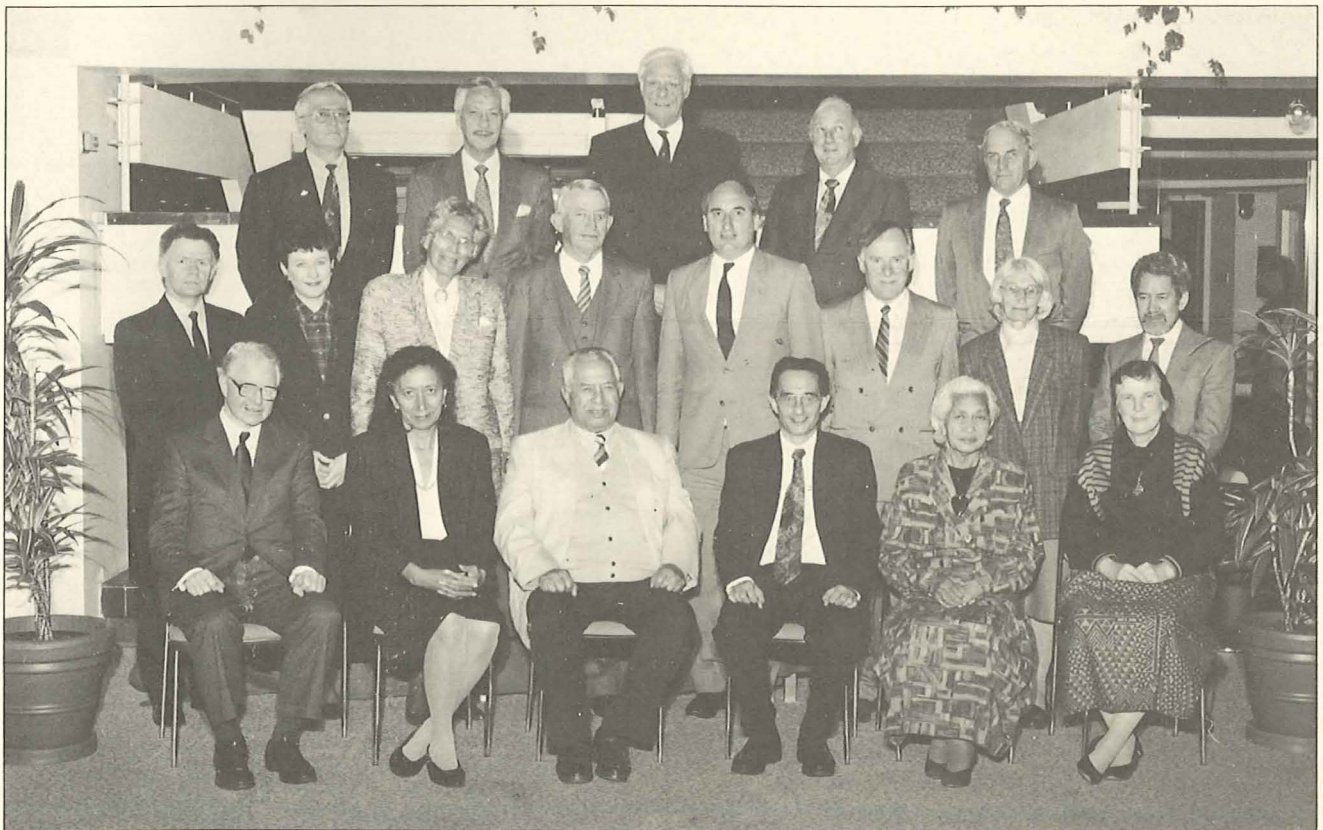
Claimants: Toa Haere Faulkner for the hapu of Ngai Te Ahi, of the Ngati Ranginui iwi

Concerning: Blocks of land from Maungatapu, Hairini, Poike and Oropi

Region: Tauranga, Bay of Plenty

Received: 13 July 1993

Members of the Waitangi Tribunal and Judges of the Maori Land Court, Wellington, July 1993



Front row: Prof. Gordon Orr, Mrs Georgina Te Heuheu, Rt. Rev. Manuhua Bennett, Chief Judge Edward Durie, Mrs Emarina Manuel, Dr Evelyn Stokes. Middle row: Judge James Rota, Ms Joanne Morris, Mrs Hepora Young, Mr John Kneebone, Judge Andrew Spencer, Prof. Keith Sorrenson, Mrs Mary Boyd, Judge Hoeroa Marumaru. Back row: Judge Kenneth Hingston, Sir Hugh Kawharu, Mr John Ingram, Judge Norman Smith, Judge Glendyn Carter. Absent: Judge Ashley McHugh, Mr William Taylor, Mr Bill Wilson.

WAITANGI TRIBUNAL RESEARCH SERIES

In our April 1993 issue we launched numbers 1,2 and 3 of the *Waitangi Tribunal Research Series* which publishes research reports prepared for the Waitangi Tribunal to assist the tribunal's inquiries into claims.

Numbers 4 to 7 are now available.

Kopukairoa Telecom Site, Tauranga *Anita Miles*
Waitangi Tribunal Research Series 1993/4
July 1993 \$6.00

Kopukairoa, a maunga situated to the east of Tauranga that has strong social significance for the local iwi, is currently owned by Telecom Corporation. The claim seeks the return of Kopukairoa.

Matakana Island *Suzanne Woodley*
Waitangi Tribunal Research Series 1993/5
July 1993 \$10.00

Concerns the confiscation of Matakana Island, the impact of the return of parts by allotment in individual title and the alienation of the eastern seaboard lands, now mainly held in private hands under afforestation.

Maraehako, Te Kaha *Anita Miles*
Waitangi Tribunal Research Series 1993/6
July 1993 \$6.00

Concerns the Public Works takings of land for roadways from the Maraehako block 1922-1964. The claim for the return of part of the land not used as a road that adjoins the foreshore is complicated by the Conservation Law Reform Act 1990 which provides for a 20 metre strip to be reserved along any foreshore.

Waiohau C26 Ruatoki *Sharyn Green*
Waitangi Tribunal Research Series 1993/7
July 1993 \$6.00

Waiohau C26 block was a taken under Public Works for metal extraction. The claim is that the land should be returned without payment and that the Crown should not have taken the land but should have paid a royalty for the metal.

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