

# TE MANUTUKUTUKU

TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

Poutu-te-rangi 1995

Number 31

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## New Role for Kaumatua

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**R**ecently appointed Waitangi Tribunal member Mr Te Ahikaiata John (Hoani) Joseph Turei brings extensive knowledge of tikanga Maori and history to his new role with the Tribunal.

Hoani was born in Ruatoki in the eastern Bay of Plenty in 1920. He grew up speaking Maori and acquired his knowledge of Maori customs and history in the traditional way; by living it.

"It's an honour to be asked to serve on the Tribunal – if I can keep something going on their behalf then I can do my part for our people."

During the Second World War he served with B Company of the Maori Battalion in the Middle East and earned a reputation as an entertainer and entrepreneur. On his return from war service he moved to Auckland where he started his work in the public service with the establishment of the Maori Community Centre.

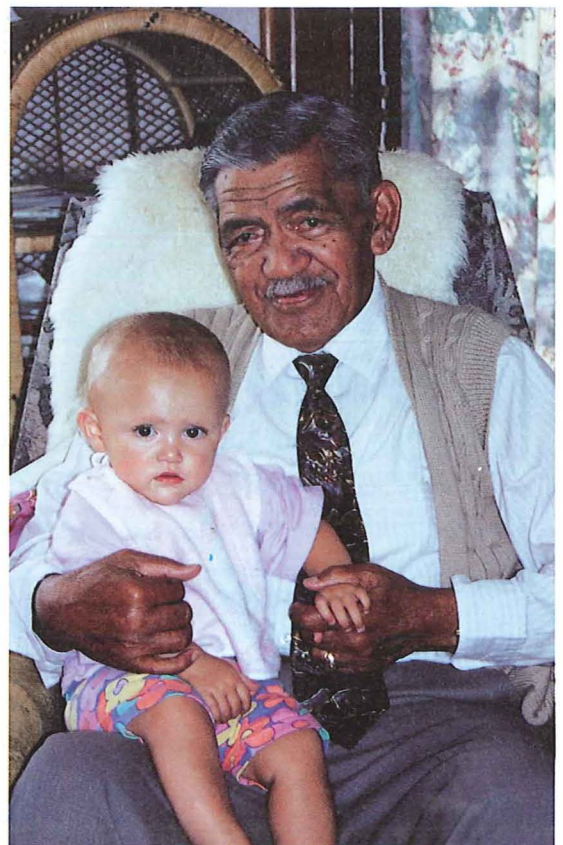
Hoani Turei has earned the respect of leaders in a wide cross section of New Zealand life including government, public, business and Maori sectors, and has received the Queen's Service medal, the Queen's commemorative medal and the Sir Kingi Ihaka honours awards.

Over the past three decades he has worked in the areas of justice, education, health, broadcasting, youth programmes sport and recreation. He has also been associated with iwi business and management developments.

His ties with the Tribunal stretch back to its genesis. He was secretary to former Maori MP Matiu Rata who was responsible for the idea of establishing a body to investigate Maori claims.

*"For me the issues still are education, communication and employment."*

"For me the issues still are education, communication and employment. These issues will continue to dominate the agenda of iwi and the Crown in order to achieve lasting solutions for what may appear to be insoluble matters regarding treaty settlement," he said.



John Turei and one of his 17 mokopuna, Corrina Lowe.



## From the Director ...

Tēnā koutou. Recent events indicate that this might be a landmark year for Treaty issues and it will be interesting



to see what develops. This year is a landmark in other ways, too — it marks the Waitangi Tribunal's 20th anniversary.

In Wellington we quietly celebrated by launching *Nga Whakaaturanga*, our joint microfiche project with Victoria University. We also held our first open day. Details of both events appear in this newsletter.

The number of claims continues to grow. At the end of February the statistics were:

Reported	45	Hearing	54
Withdrawn	6	Tribunal research	19
Deferred	13	Claimant research	74
No further inquiry	39	Research proposals needed	127
In report writing	8	Ready for hearing	23
Mediation	2	No action	32
Negotiation	9		

Just five years ago there were only 90 claims registered.

With 54 claims in hearing, the Tribunal faces a demanding schedule. Hearings, conferences or some other Tribunal-related activity are programmed for most weeks and no respite looks likely in the next six months.

Several district and national theme reports from the Rangahaua Whanui research programme are completed or nearing completion. We will release them shortly in draft form for general comment.

Tribunal members, assisted by staff, are preparing substantial reports on claims for which hearings have

been completed. We expect that the Ngai Tahu ancillaries report and the Whanganui a Orutu – Napier Inner Harbour report will be finalised and published soon.

We've taken on some new staff – Shane Gibbons is our new office solicitor and, assisted by legal researcher Geoff Melvin, he's made big inroads into the backlog of claims and other documentation. It should be cleared by the end of March. Dominic Hurley joins us from legal publishers Brookers to bring professional editorial expertise to our publications. Brett Sinclair is now information manager in charge of library and information services.

I'm pleased with the work being processed and produced. Our priorities for the year are straightforward; to continue to maintain a high standard of servicing to the Tribunal and its activities, and to look for better ways to improve this servicing.

On 1 July 1995, the Waitangi Tribunal Division will, along with the Courts, other Tribunals and the Maori Land Court, form a new arm of government – the Department for Courts. The other managers in the Division have joined me in taking a positive view of the change. It's an opportunity to sharpen our responsibilities and plan workloads more carefully. But for claimants and other 'clients' with whom we have regular contact, it will be business as usual.

As always we extend a warm invitation to claimants to drop in and see us, perhaps even use some of our facilities, but it would be helpful to call first so that we can organise someone to be available to meet with you.

Nā reira, rangatira mā, he mihi potopoto ki a koutou. Nāku nā,

**Buddy Mikaere**

*Director Waitangi Tribunal*

DEPARTMENT OF  
**JUSTICE**  
NEW ZEALAND

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## Launch of Nga Whakaaturanga

The *Nga Whakaaturanga Project* was launched at the Waitangi Tribunal offices on 2 February.

The project, which is a joint effort between the Waitangi Tribunal and Victoria University of Wellington, involves recording the Tribunal's records of documents and submissions on microfiche, the relevant documents then being lodged with National Archives.

One of the objectives of the project is to make this valuable historical material more accessible to universities and other educational institutions, libraries and archives. Researchers in the field of New Zealand history would also find the project to be of tremendous value.

The launch was opened with a karakia by Tribunal member Bishop Manu Bennett followed by a waiata from the staff. Deputy Prime

Minister Don McKinnon briefly addressed the launch, as did Professor Holbrow, Vice Chancellor of Victoria University. Chief Judge Edward Durie formally launched the project. Invited guests included

Ministers of the Crown, Chief Executives of government departments and agencies involved with the work of the Tribunal as well as media representatives.

Guests at the launch of *Nga Whakaaturanga*.



## Tribunal Open Day

The Waitangi Tribunal held an open day on 7 February to celebrate its 20th birthday.

Over 400 people took a guided tour through the Tribunal's offices. A number of outside organisations also had static displays and information booths.

There were demonstrations of Te Puni Kokiri's Maori language software, the new microfiche project, *Nga Whakaaturanga*, and the Waitangi Tribunal database. Seminars were held on current claims research, the legal jurisdiction of the Tribunal and the claims process.



The Tribunal's display attracted a lot of interest.

Photo: Just News, Department of Justice

### WAITANGI TRIBUNAL CURRENT HEARING PROGRAMME These dates are subject to change.

27-31 March Wai 46, Ngati Awa, Kawerau	1-5 May Wai 46, Ngati Awa, Opotiki
5 April Wai 46, Ngati Awa, Auckland	15-19 May Wai 46, Ngati Awa, Otamarakau
10-13 April Wai 64, Chatham Islands, venue to be advised	29 May - 2 Jun Wai 46, Ngati Awa, Kawerau
17-21 April Wai 447, Treaty of Waitangi Fisheries, to be advised	12-16 Jun Wai 143, Taranaki, Taranaki
24-28 April Wai 414, Te Whanau o Waipareira, Auckland	21-25 Aug Wai 145, Wellington Tenth, Wellington



# Waitangi Tribunal Celebrates He Taonga Te Reo

**T**he *Te Reo Maori Report* (1986) has been the 'quiet achiever' for the Waitangi Tribunal. It is responsible for leading the way in strengthening what, for many Maori, lies at the heart of their identity – their language.

In its *Te Reo Maori Report*, the Tribunal made five recommendations aimed at protecting and enhancing Maori language.

*The Te Reo Maori Report has been responsible for strengthening what, for many Maori, lies at the heart of their identity – their language.*

As part of the Tribunal's celebration of Maori Language Year – He Taonga Te Reo, this article looks at what has happened to these recommendations.

## RECOMMENDATION 1

**That legislation be introduced enabling any person who wishes to do so to use the Maori language in all Courts of law and in any dealings with Government Departments, local authorities and other public bodies.**

In 1987 Maori was declared an official language of New Zealand.

The Maori Language Act gave people the right to speak Maori in courts. The Act also gave Members of Parliament the right to address the house in Maori.

While government agencies were not directed to provide Maori language services under the Act – and there are no laws about Maori language use in state sector workplaces – many adopted voluntary

proposals set out in a *Blueprint for a Language Policy: New Zealand Public Service*, prepared by Taura Whiri i Te Reo Maori (the Maori Language Commission).

In general, Te Taura Whiri believes that promotion of the language is more effective than compulsion, but now Te Taura Whiri and Te Puni Kokiri are preparing a set of proposed amendments to the Maori Language Act which would require all state sector agencies to develop a Maori language policy that is "reasonable, practical and relevant to their activities and clients".

## RECOMMENDATION 2

**That a supervising body be established by statute to supervise and foster the use of Maori language.**

Te Taura Whiri i te Reo Maori was set up under the Maori Language Act to "Contribute to the growth and maintenance of the Maori language as a living, widely used means of communication with a legal status equal to that of English".

Its functions are:

- To promote the Maori language amongst New Zealanders in general, but more particularly in those communities where its use is strongest; to encourage and assist government departments and other public institutions in the development of Maori language services; and to liaise with existing Maori language organisations with a view to co-ordinated action;
- to formulate and implement policy which will enhance the posi-

tion of Maori;

- to carry out research;
- to assess the competence of candidates wishing to act as interpreters and translators in the courts.

Te Taura Whiri is planning a major survey to determine the current state of Maori language in New Zealand. The last such survey was carried out in 1970.

## RECOMMENDATION 3

**That an inquiry be instituted forthwith into the way Maori children are educated including particular reference to the changes in current departmental policies which may be necessary to ensure that all children who wish to learn Maori should be able to do so from an early stage in the educational process in circumstances most beneficial to them and with financial support from the State.**

This recommendation was declined on the ground that the Department of Education was already actively working in this direction. Since the Tribunal made its recommendation there have been significant changes in education relating to Maori Language. Statistics are now showing that a large number of children are now being educated in the Maori language.

## Pre-school

There has been a huge growth in kohanga reo, now the single most popular form of early childhood education for Maori families.

In 1986 there were 416 kohanga reo attended by 6000 children. By



1993 this has more than doubled, with 809 kohanga reo attended by 14,514 children.

This year, almost half of all Maori children enrolled in pre-school education will be at kohanga reo.

### Primary and Secondary

The rapid expansion of kohanga reo created a demand for Maori language programmes for children of school age.

At present, 13.5 per cent of Maori primary school children attend bilingual or total immersion programmes. Of these, just over one per cent are enrolled at kura kaupapa Maori (where education is entirely in Maori) with the remaining 12.5 per cent in a variety of different bilingual programmes.

In 1993, 335 schools other than kura kaupapa Maori were offering some form of Maori 'medium-level' education.

These schools catered for 17,996 Maori students – almost 14 per cent of total Maori enrolments. In 115 of these 335 schools, the language of instruction is Maori for 80 per cent of class time.

### Tertiary

Two Maori tertiary institutions have been established – Te Wananga o Aotearoa whose main campuses are in Taumarunui and Manakau City; and Te Wananga o Raukawa in Otaki. A third is being set up in Whakatane.

### General

A Ten Point Plan for Maori Education has been developed by the Ministry of Education. It has the dual aim of ensuring that Maori language is retained and that Maori students do better in the education system than in the past.

In 1995, nearly 14 per cent of Maori school students are involved in Maori language immersion programmes while around 25 per cent of all Maori students are studying Te Reo Maori in a conventional classroom setting.

## HE TAONGA TE REO

1995 A CELEBRATION OF MĀORI LANGUAGE

### RECOMMENDATION 4

**That in the formulation of broadcasting policy regard be had to this Finding that the Treaty of Waitangi obliges the Crown to recognise and protect the Maori Language and that the Broadcasting Act 1976 enables this to be done so far as broadcasting is concerned.**

The Tribunal's comments were picked up by the Royal Commission on Broadcasting which sat in the same year. It made strong recommendations about the need for secure funding for Maori programming on radio and television, for the encouragement of independent production of Maori programmes and, if necessary, for minimum requirements on quality and volume of Maori language programming. Many of these recommendations have been picked up by government.

In 1990, the Waitangi Tribunal was called in again when the Government announced that radio frequencies were to be put out to tender. Claimants asked that the tendering process be delayed and the Tribunal recommended a six month postponement. That was not accepted but the Government did agree to other Tribunal recommendations to provide technical assistance to iwi

in assessing broadcasting needs and provide assistance in the establishment of Maori radio stations in Auckland and Wellington.

In 1989/90 Maori radio and television received 14 per cent of the broadcasting fee, more than double the six per cent promised by the Government.

From 1987 to 1994, 22 Maori radio stations were established and over 130 hours of Maori broadcasting screened on television each year, funded through New Zealand on Air from the broadcasting fee.

*Statistics are now showing that a large number of children are now being educated in the Maori language.*

A 1993 Maori Radio Study found that 57 per cent of Maori listeners tuned in to Maori radio, and that Maori radio had a 40 per cent audience share of the potential Maori audience.

In 1993 legislation was passed to set up Te Mangai Paho (Maori Broadcasting Funding Agency) as the Crown agency responsible for the provision of funding for Maori radio and television programming. The following year funding (from the broadcasting fee) and responsibility for Maori radio and television was shifted from NZ On Air and now lies entirely with Te Mangai Paho.

Te Mangai Paho currently funds 200 hours of television and 3200 hours of radio broadcasting with Maori language culture and content. Funding for radio goes to iwi and regional stations, urban stations like Radio Aotearoa and Te Upoko i te Ika, and to Mana Maori Media.

Te Mangai Paho funds programmes such as Marae, Waka Huia



and Te Karere. This year, they also funded a prime-time bilingual 'information' programme on Sky Television. Plans for a Maori television channel are underway.

### RECOMMENDATION 5

**That amendments be made to the State Service Act 1962 and the State Services Conditions of Employment Act 1977 to make provision for bilingualism in Maori and in English to be a prerequisite for appointment to such positions as the State Services Commission deems necessary or desirable.**

This proposal was never adopted by government because it was overtaken by major changes in the structure of the public service. Under the State Sector Act 1988 chief execu-

tives (not the State Services Commission) are directly responsible for job descriptions and staff appointments. The State Services Commission does not have the power to decree that bilingualism is a prerequisite for a position – that sort of decision is made by the chief executive of a particular government agency.

The State Services Commission does keep statistics on overall staff numbers which show that around eight per cent of the approximately 36,000 public servants are Maori. But it does not have information on how many of those staff are bilingual or on the number of public service jobs tagged as requiring bilingual staff.

A number of government agencies give staff a *Te Reo Allowance* in recognition of their bilingualism.

### COPIES OF SPEECHES

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Chief Judge Durie made a speech to the Institute of Advanced Legal Studies, "The Unfinished Business" conference on 9 February 1995, that looked at Government policy and options for the resolution of claims. He also presented a background paper on the Waitangi Tribunal that summarises some of the major issues currently before the Tribunal.

Copies of these are available from the Communications Manager, Waitangi Tribunal, PO Box 5022, Wellington.

## Jurisdiction Covers Land Court Decisions



Members of the Solomon family and historian Michael King (3rd from right) at the memorial site of Tommy Solomon, Chatham Islands.

**The Waitangi Tribunal has ruled that it can examine decisions by the Maori Land Court, and the old Native Land Court, to see if they are in line with Treaty principles.**

Legal debate over the jurisdic-

tion of the Tribunal arose out of the Chatham Islands case and centred around whether the Land Courts were (and are) acting on behalf of the Crown.

A group of Chathams claimants, Moriori, sought a ruling on whether

the Tribunal could consider their claim that the '1840 Rule' was inconsistent with Treaty principles.

Moriori felt that the Court had used the rule to deprive them of their land rights. They argued that as the Native Land Court was an agency of the Crown, and its actions were clearly in breach of the Treaty, a claim could be investigated by the Waitangi Tribunal. By law, the Tribunal can only investigate claims against the Crown.

While the Tribunal did not accept the claimants' view that the Native Land Court was an agency of the Crown, it ruled that it did have the jurisdiction to look at Land Court decisions. Where such decisions were inconsistent with the Treaty, it ruled that it could look at remedies – if the Crown had not already done so – leaving the decisions intact and the authority of the Land Courts unchallenged.



# Waitangi Tribunal Appointments

## Editor appointed

New Tribunal editor Dominic Hurley (of Irish and English descent) brings seven years publishing experience to the Tribunal. He has a BSc in Geology. He will be responsible for managing production and editing of the Waitangi Tribunal reports, occasional publications and research series.

## Research Cadets

The Waitangi Tribunal recently created two cadet positions in response to a need for more highly qualified Maori researchers.

Rowan Tautari (Nga Puhī, Ngati Hine and Ngati Wai) has spent the past four years working here during university holidays. She is studying for an Honours degree in Maori and history at Victoria University.

James Hudson has a BA/LLB from Auckland University and is of Tuhoē and Ngati Awa descent. He is currently studying a Masters in En-

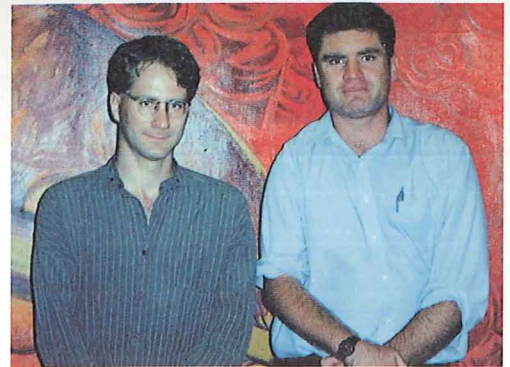
vironmental Law at Victoria and aims to bring a Maori perspective to resource management.

## Information Manager

New information manager, Brett Sinclair (Muaupoko and Ngati Raukawa) has a Bachelor of Business Studies from Massey University and a Diploma of Library and Information Studies from Victoria University. He is responsible for library and information systems within the Division. Former information manager, Tina Watson, is now the Communications Manager and is responsible for the Tribunal's newsletters, public relations programme and publications promotion.

## Office Solicitor

Recently appointed office solicitor, Shane Gibbons is from Te Arawa, Ngati Awa, Tuhoē and Te Aupouri. With a legal and management background, he has held positions with



Dominic Hurley and Brett Sinclair.



Cadets Rowan Tautari and James Hudson.

Housing Corporation, Te Puni Kokiri and the Maori Trust Office. Shane has also completed a Master of Business Administration degree from Waikato University.

## NEW CLAIMS REGISTERED

### Wai 437

**Claimant:** Whatarangi Winiata  
**Concerning:** Koha Ora and Church Mission Society Land  
**Locality:** Otaki  
**Received:** 10 August 1994

### Wai 438

**Claimant:** Tutanekai Tau Haira and others  
**Concerning:** Haparangi A4 Block Claim  
**Locality:** Horohoro, Rotorua  
**Received:** 19 September 1994

### Wai 439

**Claimant:** Hohepa Waiti  
**Concerning:** Civil Legal Aid Claim  
**Locality:** Aotearoa  
**Received:** 19 August 1994

### Wai 440

**Claimant:** Robert Te Huia and others  
**Concerning:** Tokanui Land Claim

**Locality:** Waikato  
**Received:** 16 March 1994

### Wai 441

**Claimant:** Taitimu Maipi and others  
**Concerning:** Tainui Education Claim  
**Locality:** Waikato  
**Received:** 10 November 1994

### Wai 442

**Claimant:** Mark Te One and others  
**Concerning:** Waiwhetu Pa Land Claim

**Locality:** Lower Hutt  
**Received:** 11 May 1994

### Wai 443

**Claimant:** Wally Papa and others  
**Concerning:** Ngati Raukawa Claim  
**Locality:** Bay of Plenty/Waikato/Volcanic Plateau/King Country  
**Received:** 4 November 1994

### Wai 444

**Claimant:** Sonny Walker and others  
**Concerning:** Waikaukau A5 Block Claim  
**Locality:** Horohoro, Rotorua  
**Received:** 10 November 1994

### Wai 445

**Claimant:** John Hoani Wall  
**Concerning:** Tauhara Middle Block (Claim No. 2)  
**Locality:** Taupo  
**Received:** 14 October 1994

### Wai 446

**Claimant:** Robin Tukaha Whanga  
**Concerning:** Kokomiko and Maramataha Blocks Claim  
**Locality:** Taumarunui  
**Received:** 10 March 1994

*continued over page*



**NEW CLAIMS REGISTERED (continued)****Wai 447**

*Claimant:* Rima Edwards and others  
*Concerning:* Treaty of Waitangi Fisheries Commission: Allocation of Assets  
*Locality:* Aotearoa  
*Received:* 8 December 1994

**Wai 448**

*Claimant:* Russell Kemp  
*Concerning:* Tuhirangi Block Claim  
*Locality:* Otamatea, Kaipara  
*Received:* 7 November 1994

**Wai 449**

*Claimant:* Marata Norman and Wiremu Te Kani  
*Concerning:* Kiwifruit Marketing Claim  
*Locality:* Aotearoa  
*Received:* 19 December 1994

**Wai 450**

*Claimant:* Eunice Pomare  
*Concerning:* Waireia Land Claim  
*Locality:* Waireia, Hokianga  
*Received:* 29 April 1994

**Wai 451**

*Claimant:* Wi Te Tau Huata  
*Concerning:* Mohaka River Settlement Claim  
*Locality:* Wairoa  
*Received:* 8 September 1994

**Wai 452**

*Claimant:* Paul White and Fergus Repia on behalf of Ngai

Tupoto and Ngati Here hapu

*Concerning:* Tapuwae and Other Blocks Claim  
*Locality:* Hokianga  
*Received:* 18 October 1994

**Wai 453**

*Claimant:* Te Ao Kapurangi Maria Murray and others  
*Concerning:* Whakarewarewa Rugby Community Sports Incorporated Claim  
*Locality:* Rotorua  
*Received:* 5 January 1994

**Wai 454**

*Claimant:* Walter Taipari  
*Concerning:* Marutuahu Tribal Lands Claim  
*Locality:* Auckland/Thames/-Coromandel  
*Received:* 26 April 1994

**Wai 455**

*Claimant:* Riwi Hone Niha  
*Concerning:* Pipiwai C and G Claim  
*Locality:* Pipiwai, Northland  
*Received:* 14 April 1994

**Wai 456**

*Claimant:* Hunanga Hohaia Tuwhakararo  
*Concerning:* Ngati Haumia Lands Claim  
*Locality:* Taranaki  
*Received:* 6 April 1994

**Wai 457**

*Claimant:* Meihana Uenuku Tuwhatu Tuhoro  
*Concerning:* Hauturu East No 3B2 and 3A Blocks Claim  
*Locality:* Waitomo  
*Received:* 27 April 1994

**Wai 458**

*Claimant:* Richard Ngarirena Marumaru  
*Concerning:* Ohuto 1C2 Block Claim  
*Locality:* Wanganui  
*Received:* 24 March 1994

**Wai 459**

*Claimant:* Wahiao Raymond James Gray  
*Concerning:* Tuhourangi and Ngati Makino Claim  
*Locality:* Te Puke and Rotorua  
*Received:* 18 May 1994

**Wai 460**

*Claimant:* Albert Tuuta on behalf of Te Runanga o Wharekauri Rekohu Incorporated  
*Concerning:* Chatham and Auckland Islands Claim  
*Locality:* Chatham and Auckland Islands  
*Received:* 21 February 1995

## Settlement Proposals Generate Talks

The Government's long-awaited proposals for settling treaty claims were finally released in December last year. The proposals, which are the result of two years' work, have generated as much discussion as expected. Consultation hui with Maori to discuss the proposals have already begun and have been well-attended.

The most talked about, and most controversial, aspect of the proposals is the so-called 'fiscal envelope',

the total dollar amount the Government is prepared to allocate towards the settlement of treaty claims.

Although it is the dollar amount which has attracted the most attention, the full proposals cover a wide range of issues in detail. The principles underlying the proposals are that settlements should be fair, durable and financially responsible.

Government consultation hui started on February 15 in Rotorua.

They have been open to all Maori wanting to make oral submissions to Ministers. A national hui will be held in Wellington at a time yet to be announced.

The closing date for written submissions, from both Maori and the general public, is Friday 19 May 1995. Booklets, available from Te Puni Kokiri, cover how to make submissions and detail the proposals in full.