

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

TE MANUTUKUTUKU

Kia puta ki te whāi ao ki te ao mārama

From the world of darkness moving into the world of light

Issue 62



Ngā Tāngata o Te Taraipiūnara

Kei te mihi, kei te tangi ki ngā mate, rātou kua wheturangitia. Haere okioki atu ki te waonui a Tāne. Ngā whare e tū nei, puta noa i te mōtu, tēnā koutou. Papatūanuku e takoto nei tēnā koe, arā tēnā hoki koutou katoa. E rau rangatira mā mai te raki, tae atu ki te tonga, mai te rāwhiti tae atu ki te uru. He mihi whakahirahira kia koutou katoa.

CONTENTS	PAGE
NEW MEMBERS	2
MEMBERS REAPPOINTED	4
NEW JUDGES/PRESIDING OFFICERS	5
OBITUARIES	6
FORMER CHAIRPERSONS	8
HONOURS AWARDED TO MEMBERS	10
FAREWELL TO HON DRIAN SHEARER	10

Welcome to the second edition of Te Manutukutuku for 2008. Complementing the previous special edition's focus on recent Tribunal reports, this issue highlights the people of the Tribunal, past and present. Sadly, since our last 'people' edition we have lost five of our current and former members, Dame Augusta Wallace, Dame Evelyn Stokes, Judge Richard Kearney, Rangitihī Tahuparae and Sir Hugh Kawharu: e moe mai, moe mai, moe mai rā i roto rangimarie. We pay tribute to their work and lives in this edition.

We have welcomed a number of new members and Māori Land Court judges over the last four years. In this issue we profile them and the wide-ranging expertise they bring to the Tribunal in fields such as tikanga and te reo Māori, resource management, history, public policy and community and institutional leadership. We also mark the recent reappointment of three members.

In this issue we pay tribute to former Tribunal Chairperson and Chief Judge of the Māori Land Court, Joe Williams, who was appointed a judge of the High Court in September 2008 after leading the Tribunal for nine years. We also mark the retirement of his long-serving predecessor, Justice Edward Durie, who chaired the Tribunal for two decades before moving to the High Court and the Law Commission.

The year 2008 has seen a significant strengthening of the Tribunal's membership. An amendment to the Treaty of Waitangi Act expanded the capacity of the Tribunal by four additional members. The recent appointment of seven new members and reappointment of three existing members has brought the membership up to its full strength of 20. The Tribunal is well positioned to meet the challenges ahead in progressing the timely hearing and resolution of Treaty claims.

Darrin Sykes
Director, Waitangi Tribunal



NEW MEMBERS

Douglas Lorimer Kidd was appointed to the Tribunal in 2004.



He was educated at Ohau School, Levin, Horowhenua College and Victoria University, Wellington, where he graduated LLB. As a student he joined the Territorial Force and served in New Zealand's last heavy anti-aircraft regiment, and on the 25-pounder field guns of the 2nd field regiment Royal New Zealand Artillery.

In 1964 Mr Kidd joined the Blenheim law firm Wishart, Macnab and Partners and later practised as a partner there until 1979. He held positions on the Marlborough electorate executive as a Dominion Councillor and as an electorate chairman for Marlborough, and was elected MP for Marlborough in 1978. Between 1980 and 1990 he chaired a number of parliamentary select committees and caucus committees.

In 1990 Mr Kidd was appointed to Cabinet as Minister of State-Owned Enterprises and of Fisheries. He also served as Associate Minister of Finance and chaired the Cabinet Expenditure Control Committee. He became Minister of Māori Affairs in 1991, retaining the Fisheries portfolio. Following the 1993 General Election he was appointed to the Fisheries, Energy and Labour portfolios and was chair of the Expenditure Control and Revenue Committee. In 1995 he was appointed to the ACC portfolio. Amongst his major ministerial achievements were the Te Ture Whenua Act 1993, the 'Sealord' commercial fisheries settlement and the Fisheries Act 1996.

Mr Kidd was elected Speaker for the 1996-99 parliamentary term and retired from the House in 2002 after 24 years' service as a MP. He was honoured as a Distinguished Companion of the New Zealand Order of Merit in June 2000.

While in Parliament he identified with the Canterbury, Nelson, Marlborough and West Coast regiment and was their honorary Colonel between 1997 and 2003. In 1999 he was awarded the Chief of Army citation for outstanding service to the New Zealand Army.

Mr Kidd has served on Tribunal panels that inquired into the Aotearoa Institute claim concerning Te Wānanga o Aotearoa (Wai 1298), and the Te Arawa settlement process (Wai 1353). He is a member of the National Park district inquiry panel and is currently working on its report.

Kihi Ngatai was appointed to the Tribunal in June 2008. Mr Ngatai is a respected kaumātua of Ngāiterangi and Ngāti Ranginui descent. He has had extensive community involvement throughout the Tauranga area. Mr Ngatai is a fluent te reo Māori speaker and has an expert knowledge of tikanga Māori. He is particularly noted for his deep knowledge of Tauranga whakapapa, mōteatea and waiata. Tauranga Mayor Stuart Crosby said many people joined him in celebrating the appointment: 'It's a tremendous honour for the Ngatai family and is also an honour for the iwi of Tauranga Moana. I have the utmost respect for the man. His knowledge of Maoridom plus Tauranga's history and his oral skills [in te reo Māori] are just amazing.'

Mr Ngatai has served on the Bay of Plenty Conservation Board and runs a busy orchard in the Bay. He serves as kaumātua advisor for numerous Tauranga organisations,

including local councils, the police and various colleges. In 2006 both Mr Ngatai and his wife Mabel received the Queen's Service Medal for Public Service.



Justice Joe Williams with Kihi Ngatai and Tim Castle

Tim Castle was appointed to the Tribunal in June 2008. A Wellington barrister, Mr Castle has served as counsel in numerous Waitangi Tribunal hearings, most recently in the Indigenous Flora and Fauna and Māori Intellectual Property inquiry (Wai 262). His earliest contact with the Tribunal was as counsel in the Muriwhenua Fisheries inquiry over twenty years ago; his interest in fisheries law and Māori fisheries and Treaty rights has been sustained ever since. He is currently chair of the Fisheries Quota Appeal Tribunal.

Mr Castle has acted as independent specialist advisor to select committees on fisheries and foreshore and seabed matters. He is internationally recognised as an expert in sports law, serving on the Sports Tribunal of New Zealand and on the New Zealand Olympic Committee and Board (which he has also chaired). He is currently a judge on the International Court of Arbitration for Sport and has written a biography of All Black Jerry Collins. Mr Castle will be based in Wellington.

Peter Brown was appointed to the Tribunal in 2006. His



iwi affiliations are Tūrangānui ā Kiwa, Ngāti Porou, Te Arawa, and Tūwharetoa. Mr Brown has degrees in arts and law, a Masters of Business Administration and a Diploma in environmental management. He has focused on community development for the last 25 years and has helped to revitalise many rural community enterprises. His major focus has

been on sustainability projects involving consultation and co-operation between community, business and government stakeholders. He has also worked in areas of social concern, including employment, youth at risk, family care and protection, and in weaving social justice and ecological perspectives together within the East Coast, Eastern Bay of Plenty and Te Urewera regions.

Mr Brown is a director of two private companies, a Walking Access Commissioner, a marae trustee and a trustee of Māori land blocks, and manages his own orchard. He has special interests in cultural tourism, apiculture, permaculture and environmental management systems. In 2007 he served on the Tribunal inquiry into the Te Arawa settlement process (Wai 1353).

Basil Morrison was appointed to the Tribunal in August 2008. He brings decades of experience and insight into local government, resource management and conservation issues to the Tribunal. A former president of Local Government New Zealand for 2000-2008 (and the first person to serve two terms as President) and inaugural mayor of the Hauraki district for 15 years, Mr Morrison is also serving his fourth term on the New Zealand Conservation Authority.



LGNZ

Mr Morrison co-chairs the Central/Local Government Forum with the Prime Minister, is a member of the regional board of the United Cities Local Government Organisation and was recently elected chair of the Commonwealth Local Government Forum. His skills and experience in local government were recognised when he was made a Companion of New Zealand Order of Merit in 2004. Prior to entering local government full time, Mr Morrison was a dairy farmer in Hikutaia (between Thames and Paeroa), and also played representative rugby for Thames Valley.

Richard Hill was appointed to the Tribunal in August 2008. Presently Director of the Treaty of Waitangi Research Unit (TOWRU) at Victoria University's Stout Research Centre, Professor Richard Hill brings extensive involvement in the Treaty sector to bear on in his work as a Tribunal member. As one of the foundation members—and the inaugural Chief Historian/Chief Analyst—of the Treaty of Waitangi Policy Unit in the Department of Justice, Dr Hill was immersed in negotiations regarding the Waikato-Tainui and Ngāi Tahu claims and subsequent final settlement work, as well as other early Treaty negotiations and policy advice.



Victoria University

At the Stout Research Centre Professor Hill co-ordinates research commissioned by TOWRU, teaches and supervises graduate students, oversees the Unit's speaking and visitor programmes, and runs a refereed publications series on the Treaty of Waitangi. He is the author of *State Authority, Indigenous Autonomy: Crown-Māori Relations in New Zealand/Aotearoa, 1900-1950*. Professor Hill has written a five-volume history of policing in New Zealand, which is regarded as the most comprehensive work in its field. He is a life member of Clare Hall, University of Cambridge.

Tania Simpson was appointed to the Tribunal in August 2008. Of Ngāti Manu and Ngāti Maniapoto descent, she brings extensive experience in resource management, negotiation and governance to her role as a Tribunal member. A graduate of Waikato University and Te Wānanga o Raukawa, Ms Simpson has also trained in negotiation at Harvard University. Ms Simpson is the founding director of Kōwhai Consulting Ltd and is dedicated to enhancing Māori development. She has worked within the business and education sectors, on land development and



Kōwhai Consulting

environmental concerns, and on Treaty issues.

Ms Simpson has also served on management committees in both government and private sectors. She is a current board member of Mighty River Power and the Ruapēhu/Whanganui/Rangitikei Tourism Major Regional Initiative and is a member of the Institute of Directors in New Zealand.

William Te Rangiuia (Pou) Temara was appointed to the Tribunal in August 2008. Professor Temara already has experience of the Tribunal, having previously delivered briefs of evidence on behalf of claimants, most recently during the Te Urewera Inquiry. His appointment builds on a distinguished record of understanding and teaching in the realms of tikanga and te reo Māori. He affiliates with Ngāi Tūhoe.



Waikato University

Mr Temara is Professor in Te Reo and Tikanga at Waikato University, and is an internationally recognised exponent of the art of whaikōrero (oratory) and mau rākau (Māori weapons handling). He has previously acted as Director of Te Panekiretanga o te Reo, the Institute of Excellence in Māori Language. His work features in the book *Te Tu a Te Toka*, winner of the inaugural Māori Language Prize at the 2008 Montana New Zealand Book Awards. Professor Temara is to be one of the judges for Te Matatini, the National Kapa Haka Festival, in 2009.

Aroha Harris was appointed to the Tribunal in August 2008. She affiliates with Te Rārawa and Ngāpuhi. She holds Bachelors, Masters and Doctoral degrees in Māori studies, social policy and history respectively. Dr Harris is currently a lecturer in the History Department at Auckland University and has particular interests in Māori culture and society in the post-war era, oral history, race relations history and public policy formation. She is the first former permanent Tribunal staff member to be appointed a member.



Neil Pardington

Dr Harris has been actively involved in a range of projects with Te Rārawa iwi in areas such as fisheries, Treaty claims and resource management. This iwi research and development work has included developing oral history skills and approaches among tangata whenua. In 2004 she released her first book *Hikoi: Forty Years of Māori Protest* and she is also variously published in journals and edited collections both in New Zealand and overseas.

MEMBERS REAPPOINTED

Three current Tribunal members were reappointed in June 2008 for further three-year terms.



Joseph Tuahine Northover is of Ngāti Porou, Ngāti Hine and Ngāti Kahungunu descent. He is a distinguished practitioner of whaikōrero and a Ringatū minister of religion. Mr Northover serves on the Te Urewera inquiry panel and since 2002 has been valued for his expert advice on matters of tikanga, mātauranga and oral history. Mr Northover has served as kaumātua for a diverse range of organisations, including the Eastern Institute of Technology, the Eastern Police Regional District, Legal Services Hawkes Bay and the Matai Manatū Trust.

Mr Northover has tutored in the Bachelor of Arts (Māori) programme at the Eastern Institute of Technology. He has been a board member of the Aotea Forestry Training Trust, the Hastings and Guilin Sister Cities, and the Ngāti Kahungunu Iwi Incorporation. He is a translator and interpreter for the Ministry of Justice in Napier. Mr Northover is chairman of the Heretaunga Branch of D Company 28 (Māori) Battalion, and is patron of the New Zealand Māori Wardens Association.



Joanne Morris, first appointed in 1989, is currently the Tribunal's longest-serving member. Ms Morris chairs the Broadcasting Standards Authority, of which she was previously a member between 1989 and 1994. She was a foundation member of the Legal Services Agency Board until 2004. She holds LLB and LLM degrees.

Joanne Morris has served on numerous Waitangi Tribunal inquiry panels, in three of which she has officiated as presiding officer. From 1994 to 1999, she was a commissioner at the New Zealand Law Commission, where her primary responsibility was for the Women's Access to Justice project. Previously a senior law lecturer at Victoria University of Wellington, Ms Morris also chaired the 1988 Ministerial Committee of Inquiry into Pornography. She has been an executive member of the Wellington branch of the National Council of Women and vice-president of the Association of University Teachers. She is on the Board of Taki Rua Theatre Trust.



Monty Soutar, of Ngāti Porou and Ngāti Awa descent, is director of the Tairāwhiti Museum, Gisborne, and a noted historian. Dr Soutar has degrees in education and history and a Doctorate in Māori studies. He serves on the National Park district inquiry panel, which is currently writing its report. He is a member of the Historic Places Trust's Māori Council, and of the Awards in Oral History Board of the History Group, Ministry of Culture and Heritage.

Dr Soutar has been a member of the Māori Advisory Board for the Dictionary of New Zealand Biography, of the National Archives reference group, and of Te Papa's reference group on biculturalism. His latest book, *Ngā Tama Toa: The Price of Citizenship*, is a history of C Company, 28 (Māori) Battalion. The book traces the impact of World War Two on iwi of the Tairāwhiti district; it includes extensive interviews with surviving Māori Battalion veterans.

NEW JUDGES/PRESIDING OFFICERS



Judge David Ambler was appointed a Māori Land Court judge in 2006. He graduated from the University of Auckland in 1989 with a BA (majoring in Māori studies) and an LLB with Honours. Upon admission to the bar in 1990 he became a staff solicitor with Kensington Swan in Auckland, practising in the areas of civil and commercial litigation and claims before the Waitangi Tribunal. In 1992 he moved to Rotorua as a staff solicitor with East Brewster, becoming a partner in 1997. His practice included both criminal and civil jurisdictions of the District and High Courts.

From the late 1990s until his appointment, Judge Ambler practised predominantly in the Māori Land Court and Waitangi Tribunal. Judge Ambler advised and represented clients in relation to a range of Māori land trusts and incorporations, Māori organisations and iwi, and has worked closely with Tūhoe, Tūwharetoa and Te Arawa in the Central North Island and with Ngāti Hinewaka in South Wairarapa. He also represented clients in a number of Waitangi Tribunal inquiries, including the Hauraki, Urewera, Wairarapa ki Tararua and Central North Island district and regional inquiries.



Judge Craig Coxhead (Ngāti Makino, Ngāti Pikiao, Ngāti Awa and Ngāti Maru) was appointed a judge of the Māori Land Court in 2007. He completed his law degree with honours at Waikato Law School in 1994 and his Masters in Law in 2000. After being admitted to the bar in 1995 he joined the Hamilton law firm of McCaw Lewis Chapman, where he gained experience in the District and High Courts, the Māori Land Court and the Waitangi Tribunal. He is a former president of Te Hunga Rōia Māori o Aotearoa - the New Zealand Māori Law Society.

Prior to his appointment to the Māori Land Court bench Judge Coxhead was a senior lecturer at the University of Waikato School of Law, and most recently Associate Dean. He had also been the Executive Chair of Te Wānanga o Aotearoa since 2006.



Judge Stephen Clark (Ngāti Maniapoto, Ngāti Haua ki Taumarunui) was appointed a judge of the Māori Land Court in 2007. He is a graduate of Auckland University, completing his law degree in 1987. He was admitted to the bar the following year. Judge Clark initially worked in Auckland for Sellar Bone & Partners. In 1990 he joined Hamilton solicitors McCaw Lewis Chapman and became a partner in 1996. Judge Clark has a broad litigation base, having worked in most areas with the exception of employment law. He has also developed comprehensive experience in representing clients before the Māori Land Court, Māori Appellate Court, the Waitangi Tribunal, the District Court and the High Court.

A foundation member and former President of Te Hunga Rōia Māori o Aotearoa, Judge Clark was a member of several Waikato/Bay of Plenty District Law Society committees, a specialist advisor to the Legal Services Agency and a member of the Māori Land Court Consultative Forum. In 2006 he obtained a post-graduate diploma from Waikato University in dispute resolution and he is currently an Associate of the Arbitrators and Mediators Institute of New Zealand (AAMINZ).

OBITUARIES

Judge Richard Kearney, 1930 - 2005

Richard Kearney, who died in March 2005, was a District Court judge with extensive judicial experience and wide community service. He was a member of the Waitangi Tribunal from 1996 until 2004. He was the presiding officer in the Tauranga Moana inquiry (Wai 215) and the Wānanga Capital Establishment inquiry (Wai 718). He presided over the Indigenous Flora and Fauna and Māori Intellectual Property inquiry (Wai 262) until his death.



At the release of the Tauranga Moana Raupatu report in 2004, claimants acknowledged Judge Kearney's handling of the inquiry and his wider contribution to Tauranga. Claimants had told their stories of his home city, opening his eyes to the layers of history present there. Over the years Judge Kearney built up an impressive private library of New Zealand historical works.

Judge Kearney was deeply committed to the Tribunal's work. He will be remembered by those who knew him for his friendly and courteous nature, as well for his dedicated professionalism.

Dame Evelyn Stokes, 1936 – 2005

Dame Evelyn Stokes, who passed away in August 2005, was a member of the Tribunal from 1988-1998. Dame Evelyn served on a multitude of Tribunal inquiries, in particular Pouakani (1989–93), Muriwhenua (1990–2005), Turangi township (1994-1998), Mohaka ki Ahuriri (1996–2004), Kaipara (1997–2005) and Hauraki (1998–2005).

Dame Evelyn grew up in Tauranga and from an early age pursued knowledge and understanding of te ao Māori. She was one of the first Pākehā to join the Tauranga College kapa haka group during the early 1950s, and in the 1960s featured on America's Ed Sullivan television show swinging long poi. During the 1980s she helped the Ngāti Tahu Tribal Trust, as a Māori Land Court appointee, in difficult negotiations with the Crown over Ohaaki geothermal resources.

In 1960 she went to Syracuse University in upstate New York at a time when very few New Zealanders were studying in the US. She gained her PhD and went on to become a founding member of Waikato University's Geography Department; she was awarded a Personal Chair at that department in 1994. She wrote over 30 books, monographs and reports, many with a focus on Māori resource use. In 1986 she helped produce the first major interdisciplinary study of Te Urewera, co-authored with Wharehuia Milroy and the late Hirini Melbourne. She made a significant contribution to the *New Zealand Historical Atlas*. The Evelyn Stokes Memorial Doctoral Scholarship has been established to commemorate Dame Evelyn's outstanding contribution to the discipline of geography.



Dame Evelyn was a member of the New Zealand Geographic Board. She was awarded the Distinguished New Zealand Geographer Medal and received the New Zealand 1990 Commemoration Medal. In 1999 she was made Dame Companion of the New Zealand Order of Merit.

Dame Evelyn gave long and generous service to the Tribunal, even through times of ill-health. Her dedication and commitment remain an inspiration to us all. She will be missed.

Sir Hugh Kawharu, 1927-2006

Sir Hugh Kawharu, who died in 2006, was a Tribunal member from 1986 to 1995. He served as a Tribunal member in the Ngāi Tahu land, sea fisheries and ancillary claims inquiries, the Turangi Township inquiry, and the inquiries into the Ngāwhā Geothermal Resources, Fisheries Settlement and Te Whānau o Waipareira claims. He also gave evidence to various Tribunal inquiries, including the Indigenous Flora and Fauna and Māori Intellectual Property inquiry (Wai 262) and the Foreshore and Seabed inquiry (Wai 1071).



Kawharu whānau

Sir Hugh was chairman of the Ngāti Whātua o Ōrakei Māori Trust Board for 26 years and was instrumental in the recovery of land at Bastion Point and the development and progression of the tribe's Treaty claims in the Kaipara and Auckland districts.

Sir Hugh had a distinguished academic career. After study in New Zealand he was awarded a Sir Apirana Ngata Scholarship and gained an MA from Cambridge University and a DPhil from Oxford University. After roles in the Department of Māori Affairs, as a research fellow in the UN Food and Agriculture Organisation and five years lecturing at Auckland University, he was appointed as foundation professor (personal chair) in social anthropology and Māori studies at Massey University (1970-1984). He was professor of Māori studies and head of the anthropology department at Auckland University from 1985 to 1993, where he oversaw the building of the university marae Tānenuiarangi and the development of the Māori Studies department. Upon retirement he chaired the Sir James Henare Research Centre for two years. His book *Māori Land Tenure* remains a classic and he edited several scholarly publications on the Treaty of Waitangi and Māori perspectives. He was president of the Polynesian Society from 1993 to 2005.

Sir Hugh's service to the community was also exceptional: he served on the Royal Commission for the Courts, the trust board of the Auckland War Memorial Museum, the NZ Council for Educational Research and the Arts Foundation of New Zealand. In 1989 he was knighted for his services to Māori. He was made a member of the Order of New Zealand in 2002 for his services to the country. His patience, dignity and inclusive vision were beacons to many.

Dame Augusta Wallace, 1929 – 2008



Dame Augusta Wallace, who died in April 2008, was a Tribunal member from 1996 to 1999. She presided over the Kaipara and Hauraki district inquiries.

Dame Augusta was educated at Howick School, Epsom Girls' Grammar School and Auckland University, where she graduated in 1954. She was admitted to the bar that same year. Dame Augusta was a sole practitioner for 11 years, a rare career path for women at that time. Dame Augusta was appointed as a magistrate in 1975, becoming the country's first woman to hold the role. She served on the bench for 18 years.

The Chief Justice, Rt Hon Dame Sian Elias, paid tribute to Dame Augusta: 'For the women who followed her into the legal profession, her appointment was an important affirmation of the contribution women could make to law. The fact that she discharged her responsibilities with complete professionalism was particularly important in the move to gain acceptance for women in legal practice and, following her lead, on the bench.'

The Chief Justice continued: 'Although Dame Augusta had a brisk manner on the bench, that was never at the expense of care in her discharge of her judicial responsibilities. Nor did it diminish her personal warmth and twinkle. She had a great sense of humour and enjoyed very much the people she met in all aspects of her very busy life. Dame Augusta has a special place in the history of law in New Zealand and in the affections of the women who have followed her into legal practice and onto the bench.'

Rangitihī Tahuparae, 1939-2008

John Rangitihī Rangiwaiata Tahuparae (Whanganui, Ngāti



Tūwharetoa, Te Arawa, Ngāti Maniapoto, Ngāti Maru Kopiri, Te Ātiawa, Ngāti Ruanui, Ngā Rauru, Ngāti Rangī, Ngāti Apa and Rangitāne), who died in October 2008, was a Tribunal member from 1999 to 2001. He was a member on the Te Tau Ihu (Northern South Island), Dairy Industry and Mokai School inquiries, and kaumātua advisor to the Indigenous Flora and Fauna and Māori Intellectual Property inquiry (Wai 262).

Rangitihī Tahuparae was an expert in te reo Māori and tikanga Māori as well as the arts of mau rākau or traditional Māori weaponry. He taught many young Whanganui River Māori on the annual Tira Hoe Waka or journey by canoe down the entire river.

He worked in the film and television industry (including as a reporter for *Te Karere*), later advising on the first te reo Māori advertisements on mainstream NZ television, publicising the Māori electoral option.

Rangitihī Tahuparae's expertise in tikanga and te reo Māori was recognised in his appointment as inaugural kaumātua for the New Zealand House of Representatives in 2000. He was kaumātua advisor to the Governor-General and the NZ Army as well as the Whanganui District Council and other organisations. In 2002 he was made a Member of the New Zealand Order of Merit (MNZM).

He was laid to rest at Pūtiki by the waters of Te Awa o Whanganui. His wisdom and experience will be missed.



Dame Augusta Wallace (right) with Kaipara Tribunal members Dame Evelyn Stokes and Sir John Turei (centre)

FORMER CHAIRPERSONS OF THE WAITANGI TRIBUNAL

Tribunal Chairperson Joe Williams appointed to High Court

On Friday 19 September, hundreds came from throughout the motu to mark the swearing in of Justice Joe Williams as a High Court judge. Many of the distinguished speakers at the pōwhiri referred to Justice Williams' commitment to the Treaty and to the potential inherent in Māori communities and Māoritanga. His entire career has been devoted to realising that potential.

Of Ngāti Pūkenga and Te Arawa (Waitaha, Tapuika) descent, Justice Williams became one of the first Māori law lecturers before proceeding in 1988 to gain a Masters degree with first class honours in indigenous rights law at the University of British Columbia in Vancouver. Back home, he became a partner in Kensington Swan's Auckland office and in 1994 co-founded the law firm Walters Williams, specialising in resource management

and environmental law, Māori issues and Treaty of Waitangi claims, Māori land law, and all areas of administrative and public law.

Justice Williams is one of the Pacific Rim's most noted speakers on indigenous rights and Te Tiriti, most recently giving the 2008 Mabo Lecture in Perth. He has taught at the Stanford University First Nations' Futures Institute. In 1999 he was awarded the Māori Students Millennium Prize as a former student of Victoria University of Wellington. In 2001 he was appointed Fellow of Victoria University of Wellington Law Faculty and in 2006 was awarded a Victoria University Distinguished Alumni Award.

The Waitangi Tribunal has been a central focus of Justice Williams' career for more than two decades. After a decade representing claimants in a

number of major Tribunal inquiries, he was appointed Chief Judge of the Māori Land Court and Acting Chairperson of the Tribunal in December 1999, formally succeeding Justice Durie as Chairperson in 2004. He presided over the Gisborne district inquiry, where he pioneered the streamlined inquiry process that has become the hallmark of Tribunal district and regional inquiries. He also assumed the leadership of the Indigenous Flora and Fauna and Māori Intellectual Property inquiry following the death of Judge Kearney. As Chief Judge, he oversaw the recent restructuring and expansion of the Māori Land Court.

Following Justice Williams' departure, Judge Carrie Wainwright is Acting Chairperson of the Waitangi Tribunal, while Judge Wilson Isaac is Acting Chief Judge of the Māori Land Court.



Justices Joe Williams and Edward Taihakurei Durie

Retirement of Justice Eddie Durie



Acting Tribunal Chairperson Judge Carrie Wainwright, Justice Edward Taihakurei Durie, Acting Chief Judge of the Māori Land Court Wilson Isaac

The year 2006 witnessed the retirement of Justice Edward Taihakurei Durie from the High Court bench and the Law Commission. Justice Durie is of Ngāti Kauwhata and Ngāti Raukawa descent. In 1981 he was the first Māori to be appointed Chief Judge of the Māori Land Court and at the same time Chairperson of the Waitangi Tribunal, which over the next two decades he led into a central role in the public and constitutional life of the nation. He presided over many landmark Waitangi Tribunal inquiries, including the Motunui-Waitara, the Kaituna River, Te Reo Māori, Manukau, Ōrakei, Muriwhenua Fisheries, Muriwhenua Land, Taranaki, Whanganui River, Ngāti Awa Raupatu and Rekohu (Chatham Island) inquiries.

In 1998 Justice Durie was appointed a High Court judge and later served a term at the Law Commission. At a retirement function in December 2006, Justice David Baragwanath of the Court of Appeal paid the following tribute:

'In New Zealand, Matiu Rata's invention of the Waitangi Tribunal provided an opportunity and a challenge. The opportunity was to identify the problems, to visualise practical solutions, and to communicate both to the wider community. The challenge was to do so accurately, candidly and sensitively so as to establish a rapport, a conversation between cultures, and a common determination to bring about practical solutions. What was it that enabled this Tribunal, with no power beyond the quality of its research and the ability to publish its reports, to contribute so notably to the Maori renaissance of the past two decades?

The short answer is that it was Justice Durie's performance of the judicial function summarised by Professor Taggart: "Because the Judges were independent – in reality servants of the law rather than the Crown – they could be relied upon to speak truth to power."

Justice Durie is a profound scholar. He is a clear thinker and a lucid writer.

He has performed the judge's role unfailingly, speaking truth not only to the Crown but to the people of New Zealand. To understand that people are essentially decent, that if informed fairly and honestly of the facts the majority will cease to act tyrannically, has been the genius behind the Tribunal's success....

The term jurist should be reserved for those great lawyers whose courage, honesty and clarity of vision leads others to think more widely, more sensitively, and with appreciation that their task is as servants of the rule of law in its widest sense – of promoting the dignity and security of each member of society. Justice Durie is not only our most distinguished Māori jurist. He shares with Lord Cooke, who so admired him, the distinction of being [one of] the two outstanding New Zealand jurists of our time.'

HONOURS AWARDED

Several Waitangi Tribunal members has been recognised in recent awards:

- In 2005 **Professor Wharehuia Milroy** was awarded an *Honorary Doctorate* from Waikato University in recognition of his commitment to the revitalisation and regeneration of te reo and tikanga Māori. In 2006 he received the inaugural *Pou Aronui Award* from the Te Whāinga Aronui/The Council for the Humanities, an honorary title bestowed on people who have provided distinguished service to the humanities.
- In 2006 the *Tā Kingi Ihaka Te Waka Toi Award* was bestowed upon **John Rangitahi Tahuparae**, in recognition of a lifetime contribution to the development and retention of Māori arts and culture.
- In 2007 **Joseph Tuahine Northover** also received the *Tā Kingi Ihaka Te Waka Toi Award*.
- In 2007 **Professor Hirini Moko Mead** was made a *Distinguished Companion of the New Zealand Order of Merit* for his services to Māori and to education. Professor Mead led the Ngāti Awa Treaty claim and headed the Ngāti Awa Runanga for 25 years. He was also Victoria University's inaugural Professor of Māori Studies and is the author of numerous classic books on Māori art and culture, most recently the work *Tikanga Māori: Living By Māori Values*.
- **Professor Ranginui Walker** DCNZM and **Professor Hirini Moko Mead** DCNZM were both recipients of the inaugural 2007 University of Auckland Centre of Research Excellence/Ngā Pae o te Māramatanga *Tohu o te Maramatanga Awards*. An independent panel selected the winners on the basis of their strong and proven track record in research excellence, their contribution to breaking down barriers and forging new pathways for Māori transformation, and their dedication throughout their lives to the betterment of Māori and the nation, as well as being role models to present and future Māori researchers.

FAREWELL TO IAN SHEARER



Hon Dr Ian Shearer (right) at the Taranaki report presentation, 1996

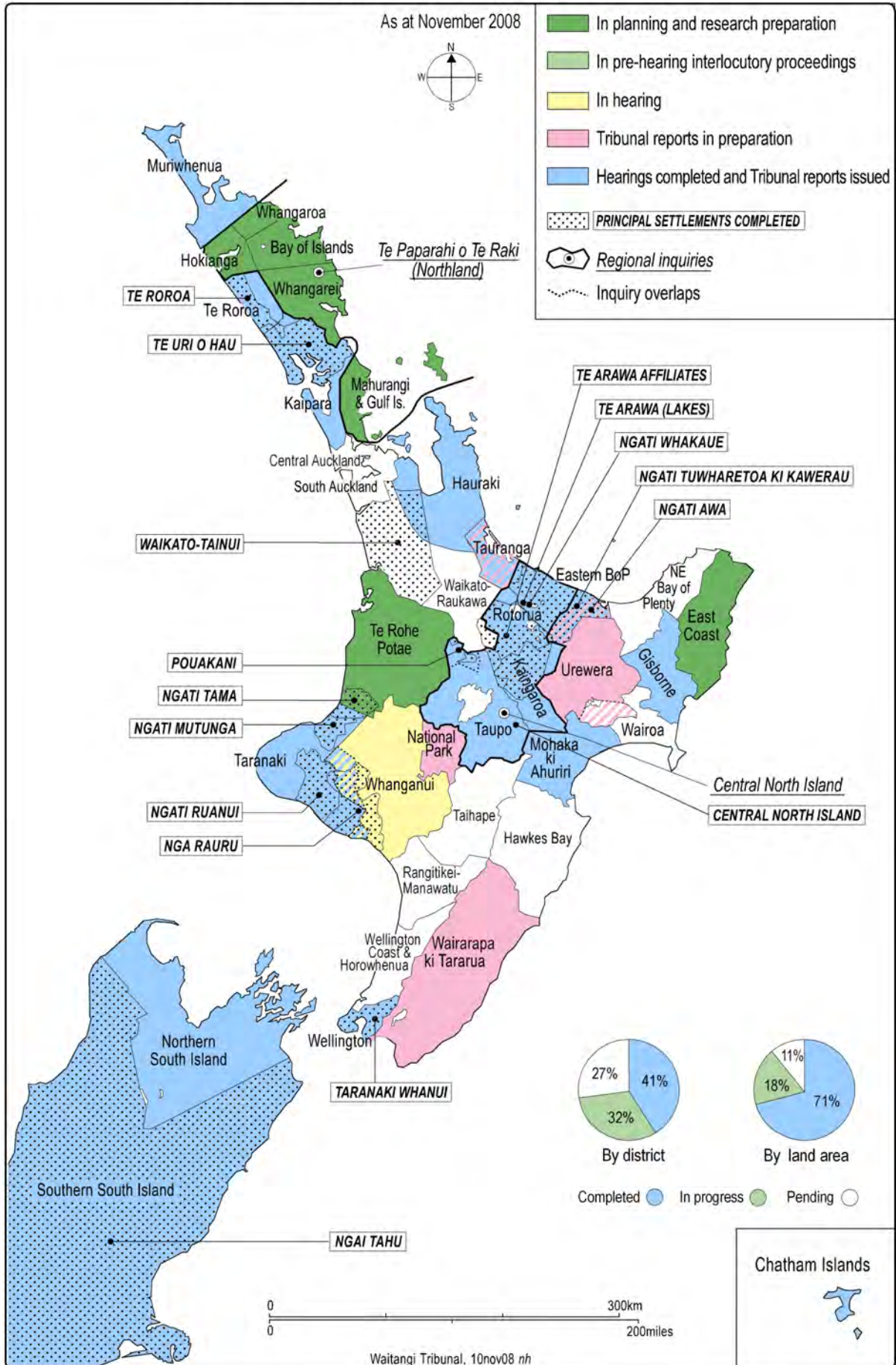
The Hon Dr Ian Shearer, who was Manager of the Waitangi Tribunal's administration for eleven years, retired in January 2005 from 40 years in public and political service.

Dr Shearer was born and educated in Whakatāne and lived and worked on his father's farm on Taneatua Road until he left to study at Massey University. He gained three agricultural science degrees, including a PhD from Nottingham University, and was a research scientist at Ruakura for almost nine years.

Upon his return to New Zealand in 1971, Dr Shearer entered politics and was MP for Hamilton East for nine years. He was a cabinet minister in the Muldoon government, holding the portfolios of Broadcasting, Environment, and Science and Technology from 1981 to 1984. He subsequently joined what is now the Auckland University of Technology, where he was the Foundation Dean of Science and Engineering, before moving to the Waitangi Tribunal in the mid-1990s.

During the early 2000s Dr Shearer was an elected member of the Capital and Coast District Health Board. Since his retirement back to Taneatua he has completed a memoir of his early life entitled *The Boy from the Bay* and has been elected to the Whakatāne District Council. We wish him a happy and productive retirement.

Districts with Completed and Current Waitangi Tribunal Inquiries



Contacts and Further Information

The Waitangi Tribunal Unit publishes Te Manutukutuku.

Graphic Design: *Ocean 64 - Len Hetet* Print Production: *Downtown Digital*

Physical: Level 2, Fujitsu Tower, 141 The Terrace, Wellington, New Zealand

Postal: PO Box 5022 or DX SP22525

Phone: +64 4 914 3000 Facsimile: +64 4 914 3001

Web: www.waitangitribunal.govt.nz

Nohonga: Papa 2, Fujitsu Tower, 141 The Terrace Te Whanganui-ā-Tara, Aotearoa

Pouaka Poutāpeta: 5022 / DX SP22525

Waea Kōrero: +64 4 914 3000 Waea whakaahua: +64 4 914 3001

Ipurangi: www.waitangitribunal.govt.nz



Waitangi Tribunal

DISCLAIMER

The purpose of this publication is to provide you with information on Tribunal activities. Every effort has been made to ensure the information is true and correct at the date of publication.

Update your details or join our mailing list

To update your contact details with us or if you want to be added to our mailing list please fill in this form.

Name: _____

Phone: (____) _____

Postal Address: _____

City: _____

Email: _____

Post this form to the Waitangi Tribunal, PO Box 5022, DX SP22525

Wellington/Te Whanganui-ā-Tara

or email us via www.waitangitribunal.govt.nz