Wai 898

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Rohe Pōtae District Inquiry (Wai 898)

MEMORANDUM-DIRECTIONS OF DEPUTY CHIEF JUDGE C L FOX CONCERNING THE DRAFT TRANSCRIPT FOR JUDICIAL CONFERENCE

7 March 2018

Tēnā koutou,

1. Judicial conference transcript

1.1. I append for review the full draft transcript of the judicial conference, held at Te Wānanga o Aotearoa, Mangakōtukutuku, Hamilton on 26 February 2018, as **Appendix A.**

1.2. The transcript is a verbatim record of what was said at the judicial conference and a record of the simultaneous interpretation provided at the time. I note this is not an opportunity for counsel to change, improve, moderate or enhance their submissions. Counsel need to review just the transcript of their particular submissions to correct any misspellings, typographical errors, missing words and so forth.

1.3. Counsel have two weeks to file any comments on the draft transcript by way of memorandum. Any submissions are to be filed with the Tribunal by **12pm, Wednesday 21 March 2018.**

The Registrar is to send this direction to all those on the notification list for Wai 898, the combined record of inquiry for Te Rohe Pōtae District Inquiry.

DATED at Gisborne on this 7th day of March 2018.

Deputy Chief Judge C L Fox
Presiding Officer
WAITANGI TRIBUNAL

Appendix A

WAI 898 – TE ROHE PŌTAE INQUIRY DISTRICT

JUDICIAL CONFERENCE

HELD AT WAITANGI TRIBUNAL, WELLINGTON

26 FEBRUARY 2018

Tribunal Panel:	Deputy Chief Judge Caren Fox Tā Hirini Moko Mead Dr Aroha Harris Professor Pou Temara
Claimant Counsel:	Matanuku Mahuika Tumanako Silveira Annette Sykes Thomas Bennion Josie Lang Alana Thomas Robyn Zwaan Eve Rongo Emma Stretch Julia Harper-Hinton Terena Wara Siaosi Tofi Mark McGhie Jerome Burgess Siaosi Loa Ihipera Peters
Report Writer:	David Haines
Claimants:	Angeline Greensill Kaye Turner John Kaati Robert Te Huia Harold Maniapoto

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JUDICIAL CONFERENCE COMMENCES MONDAY 16 FEBRUARY 2018 AT 11:08 AM

KARAKIA TĪMATANGA

HĪMENE

(11:08) TOM ROA: (MIHI)

Nō reira tihei mauri ora. Tuia te rangi e tū nei, tuia te papa e takoto nei, tuia rātou kua wehe atu ki te pō uriuri te pō tangotango te pō i oti ai. Nō reira, e te rangatira Kaiwhakawā Rawiri tēnā koe, kei tua o paerau kei roto i a rātou e moe mai nā e moe e moe e moe koutou. Koutou ko te mokopuna o tēnei tō hoa kaiwhakawā i mate mai nō mua noa o te kirihimete, koutou ko Rangi rātou katoa, tae atu ana ki ētehi o mātou o Ngāti Maniapoto o ngā iwi o Te Rohe Pōtae i puta i kōrero ki mua i te tēpu, inā ko Aunty Ripeka mā ko Hare Kereopa mā haere atu ana i roto i a Tui Adams i a Ben Rangitaawa i ērā katoa. [Interpreter: The speaker is now acknowledging former Judge Ambler and acknowledging Rangi, our former interpreter paying compliments on behalf of Maniapoto and the tribes within the Rohe Pōtae, and here we are present before you. And I think about Aunty Ripeka and Hare Kereopa, may they rest and of course, Tui Adams, Ben Rangitawa, all of those great people.]

Nāu e te rangatira Kaiwhakawā i tūria ai ngā kōrero i tuku iho. Nāu ērā kaupapa i hora ki mua i te aroaro o te iwi, i taea ai e te iwi te kōrero i āna kōrero, te kawe i āna kaupapa, taihoa pea te uiui te patapatai ērā mahi a te rōia, engari mā te iwi rā anō āna kōrero e hora ki mua i te tēpu. Nō reira kei te Kaiwhakawā koutou. [Interpreter: And to you Judge, all that is before you so again it is up to you to take on the aspirations of our people here and of course continue the legacy of those before you through ongoing debate and questioning and of course our counsel asks those questions on behalf of us here before you present to the Tribunal members. To you our Judge and panel members.]

Āe, haere ki te pō uriuri te pō tangotango te pō i oti atu. He kura i tangihia he maimai aroha nā te Kīngi Māori e takahi nei i te nuku o te whenua te kawe i ngā

parekawakawa ki runga ki a koutou. He oti noa e ngā mate o te motu e ahakoa ko Te Tai Tokerau e noho nei ki roto i a tātou, e ahakoa ko mā tātou Mātaatua waka e noho ki roto i a tātou ngā hurihanga katoa ngā pito e whā o tēnei motu tēnā koutou, haere. [Interpreter: And again, the speaker is again acknowledging our dear passed ones, acknowledging the Kīngitanga and all those who have since passed on and those of the Far North and of course we have Mataatua representatives on our panel present and all those many deep connections throughout our people, we want to acknowledge you.]

Kei te Kaiwhakawā, ēi kua wareware i a au te kupu mō te 'deputy chair'. Me pēhea hoki? E te rangatira Caren haere mai, haere mai koutou Tā Hirini, te ahorangi Pou Temara, Tākuta Aroha, tēnā koutou, koutou Te Rōpū Whakamana i te Tiriti. Ā, ko tāku ki taku hunga, a, me haere mai au te mihi ki aku hoa mahi, a, ki ōku rangatira o roto o Te Rōpū Whakamana i te Tiriti. Nō reira haere mai koutou. [Interpreter: To you again, Judge, and I forget about what is the right word for 'deputy chair'. But to you our leader, welcome. Welcome you all, and to you Tā Hirini and of course Professor Pou Temara and of course Dr Aroha Harris and of course Tribunal staff members. And of course on behalf of who I represent to ensure that we address protocols. But again, to you our esteemed panel I have already addressed.]

Kua āhua mihi anō ki ngā rōia e noho nei hei māngai mō te iwi e noho nei, haere mai koutou haere mai koutou haere mai koutou. Kāre e kumea ake te roa o ngā mihi heoi anō kei a koutou te nuinga o te kōrero, a, me te rīpoata mai i te rīpoata e tuhituhi nei koutou nō reira tēnā koutou. Me te mihi ki Te Rōpū Whakamana i te Tiriti e ahakoa he nui o te whakaaro ki a Judge Ambler, e ahakoa te nui o te toimaha ki reira kei te whakaaro tonu koutou ki te iwi o Te Rohe Pōtae. [Interpreter: I want to acknowledge our counsel representing the many voices of our iwi, our people, so welcome amongst us. I do not wish to prolong things any further. No doubt you will respond accordingly and of course the reports that is before us. And again, I wish to acknowledge Tribunal staff, and of course I want to acknowledge Judge Ambler again and of course with heavy hearts we want to acknowledge him and I am sure you are here on behalf of that with our people here in front of us.]

E ngā iwi e whā e rima ngā hapū huhua me ngā take o roto o te rohe i pōtaetia e Tawhiao ki te pōtae o te Kāwana me te whakapono a te iwi a ngā iwi o Te Rohe Pōtae. Taua whakapōtaetanga he mana nō runga. Taua whakapōtaetanga ā me ngā kōrero i whai mai muri o taua whakapōtaetanga he mea mana ki te Karauna, he mea mana ngā oati a ngā iwi o Te Rohe Pōtae i ngā mahi Karauna. Te takahitanga e te Karauna o aua mea mana, he toimaha tonu kei runga kei ngā iwi o Te Rohe Pōtae. [Interpreter: And all the many, many claimant groups, hapū representatives here within the pōtae all together through Tawhiao and of course we have faith in ourselves within the many groups within our grouping, our rohe pōtae, and of course all our aspirations which we want to give as a collective and of course our Crown and of course all the promises within the Rohe Pōtae to those of which transpired against the Crown and of course the Crown and its many infringements and how that impacts on our people here today.]

Nō reira ngā whakaaro a ngā iwi o Te Rohe Pōtae kia kaha koutou. Kei runga kei a koutou te toimaha o te tirotiro me te tika ana ngā kōrero a ngā iwi i horahia ki mua i a koutou. He tika rānei ngā whakapae a te Karauna ki roto i ngā tohe e tohea nei e tātou. Nō reira tēnā koutou tēnā koutou tēnā koutou. [Interpreter: So the aspirations of the people within the Rohe Pōtae, there is a lot of work before you to ensure that you capture all of our aspirations before you. It is only right that the Crown should reply of the many persistent matters that we bring before you. So, with that, I wish to acknowledge you all.]

MŌTEATEA (E PĀ TŌ HAU)

TOM ROA:

Āpiti hono tātai hono rātou ki a rātou te hunga mate. Apiti hono tātai hono tātou te hunga ora me te kaupapa nui kei mua i a tātou i roto i te rā nei, tēnā koutou tēnā koutou tēnā huihui tātou katoa. Ka huri.

(11:15) PROFESSOR POU TEMARA: (MIHI)

Hei te hoa hei te rangatira e Tame te ahorangi o Te Whare Wānanga o Waikato, a, tēnei te mihi ake nei ki ngā takutaku i tukuna atu e koe ki te wāhi ngaro, ngā karakia kia pai ai kia wātea ai a tātou mahi i tēnei rā nō reira e mihi ana. [Interpreter: And to you my dear friend, my esteemed leader, professor. To you Tom of Waikato University and of course I wish to acknowledge you, and of course all those aspirations that you – and of course you leading us into prayer to ensure that all our matters go smoothly.]

E mihi ana hoki ki a koe e whakatau nei i o tātou mate, e whakatau nei i ngā mate tuatahi ko Rangi McGarvey, whai muri i āia ko Rawiri Ambler, te Kaiwhakawā kawe i te kaupapa o te kerēme nā Te Rohe Pōtae i roto i ngā tau ā tae noa ki te wā i tangohia atu ai a ia. Ahakoa tōna mate e pakanga tonu ana ai ia ki te whakatakoto i ōna whakaaro me te ārahi i tō mātou Rōpū Whakamana i te Tiriti o Waitangi ki ngā kaupapa o Te Rohe Pōtae, a nō reira e mihi ana ki a koe e whakatau nei i ngā mate. [Interpreter: I wish to acknowledge you for acknowledging our dear loved ones who have since passed on. Firstly, you mentioned – and of course you mentioned Rangi McGarvey, and of course not long after that was Judge Ambler and of course the former Judge – and of course how he led all the aspirations within the Rohe Pōtae, within the many years and right through to the time that he was taken away from us, but yes he was a – with his illness and he had to ensure that he had to maintain that and as well as the importance of the work before us as Tribunal, ensured we captured everything within the Rohe Pōtae, so I wish to acknowledge you for acknowledging our dear loved ones.]

A ko tātou ko te hunga ora ki a tātou. Waiho atu rātou kia haere nei i tā rātou mahi. Ahakoa ngā rātou ngā rāua nā te Kaiwhakawā nā Rawiri i whakatakoto i ārahi i a mātou i roto i te kaupapa e kore e taea te whakahoki mai i a ia. A heoi anō e noho atu nei i waenganui i a mātou ko te kaiwhakakī i tōna tūranga ko te māreikura whakahaere i te Kōti Whenua Māori me te Rōpū Whakamana i te Tiriti, a, ko Kaiwhakawā Caren Fox tēnei e ārahi nei i a mātou. [Interpreter: And of course those here present, we want to acknowledge – and of course those two particular, two people and of course

Judge Ambler was the one who laid down all the foundation work, and of course it's legacy of his own, of his but he was amongst us. And of course, now we have a new – and of course we have a new matriarch leading a former Judge of the Māori Land Courts and she leads a lot of the Tribunal matters and of course Fox here is here present.]

Kore i rerekē te hāngai me te taumata o ngā mahi ki tā Rawiri i whakarere mai ai. A ki tāku titiro kua kawea e ia i tētahi taumata kē atu, ahakoa ko te wāhi ki a ia ko te whakaoti i te kerēme, arā mā roto mai i te tuhi i te ripoata o Te Rōpū Whakamana i te Tiriti, engari he mahi uaua tērā. A nō reira, a, e mihi ki a ia e noho nei e ārahi nei i a mātou. [Interpreter: I wish to acknowledge that the importance and the focused mahi, work that Judge has had delivered taking the inquiry to higher levels, and of course the job her task now. And of course, the Tribunal have a lot of work with the report that is an ongoing work phase of theirs and there is a lot of work to be done. So, here we have the Judge here leading us in the forefront of what we have before us.]

Kua hia tau kua toru tau te nohanga whakamutunga o Te Rōpū Whakamana i te Tiriti i roto i Te Rohe Pōtae. Nō te Pepuere o te tau 2015 te nohanga whakamutunga. A, i tēnei rā kua hoki mai mātou ki te tirotiro kei te pēhea rā, ki te whakahoki mai i o mātou whakaaro, a, ki te whakatakoto ki mua i a koutou anei ngā whakaaro o Te Rōpū Whakamana i te Tiriti i roto i ngā marama e tū mai nei ki te tuku i tētahi pānui ki te ao hei tōmua mō te pūrongo nui. Koira tā mātou e haere mai nei ā ka mutu kei te uru mai ngā whakaaro o ngā rōia ki roto i tērā kaupapa, kei te uru mai hoki ngā whakaaro o te Karauna. Engari koira tā mātou haere mai i tēnei wā ā ka mutu hei whakawhitiwhiti whakaaro ki o koutou māngai ki ngā rōia e taki nohonoho nei. [Interpreter: It has been three years since we were last here, when the Tribunal was here within the Rohe Pōtae. It was in February in 2015 was the last hearing that we had, so here we are again present amongst you just to see how you are and of course bringing our thoughts in regards of what the Tribunal has within the months, and of course to ensure that information is passed on accordingly before the actual ending of the report. So that is the mahi in front of us and of course we will listen to counsel and their aspirations on behalf of

their claimant groups, so that is why we are present here. So, from that we will no doubt debrief extensively on what are our priorities.]

Kei te tirotiro ake, kei te pātai te hinengaro kei whea rā te mauri o te kerēme of Te Rohe Pōtae a Hone Henare, kei hea rā te kuia rā, ā, te kuia o Mōkau rā? Kei te āhua āwangawanga te whakaputa i tērā pātai. Ākene kua riro kē a Hone me ōna tīpuna ā kāore au i rongo, a, heoi anō he pātai noa i tēnei wā. [Interpreter: I know there are questions to be asked as far as where is the momentum of the claim within the Rohe Pōtae. Now, where is that dear lady of Mokau, yes so, we are just not too sure on the inquiry she wants to make, and of course as she represents her many groups and ancestors but anyway those are questions which are being asked at this stage.]

Engari mihi mai ki tō mātou kaumātua koinei tonu te kaiārahi haere i a mātou, kei āia ngā whakaaro. Ka mutu nō te marama noa i mahue ake nei ka eke tōna pakeke ki te 91. Engari kei te koi tonu. Ka mate katoa au i te whakatakariri. Kei te mahara au, "Āe, he kaiako hoki au ināia. A, kua tae mai ināianei mō Pou Temara ki te whakaputa i ōna mōhiotanga." Kua whakaputa a Pou Temara i ana mōhiotanga, kei reira te koroua e noho ana, "Āe he pai. Engari." Mate katoa kē au te whakatakariri. Ka mea au, "Pā i kāre! Kua kaumātua kē au kua reri kē au ki te ritaia e Tame. Kei konei tonu taku kaiako tō tātou koroua e ārahi ana i te kaupapa engari kei te tino tika taku kōrero kei te koi tonu. Nā ka noho tērā hei iho pūmanawa mō ngā mea pēnei i a tāua nei e Tame. Kaua tāua e tere wareware. Kaua e tae mai tērā mate kia tāua. Anei te tauira hei whai mā tāua. Kei te koi tonu. A nō reira he mihi noa ake kua hoki mai anō ki Te Rohe Pōtae. [Interpreter: I wish to acknowledge our dear elder here amongst us and of course he is our leader, and of course he has given deep thought - so yes, our dear koroua here has since reached the dear age of 91, but as you can see he is still sharp. I am trying to work out how – to ensure that I make sure that I – I want to ensure that Pou Temara captures all of his knowledge but yes, we have to acknowledge him but I know it can be frustrating and man I am ready to retire. And I look at our dear gentleman here, so look at him he is present here amongst my leader, my koro, my teacher leading us through all his work here. Yes, as you can see he is still very much on top of

things. So, Tame so look at us let's not forget you know dementia and all of that, so here is an example of where we should be. So, as you can see he is still sharp and still on top of his game, so to you within those - within the Rohe Pōtae.]

Tēnā koutou ngā rōia, tēnā koutou i te kaupapa o Te Rohe Pōtae. Tātou e noho nei ko koutou ngā kaipakanga i te kaupapa a Te Rohe Pōtae, ko koutou ki te hoatu i tā te ture kōrero ki ngā kōrero tuku iho a ngā kaikerēme ka mihi ki a koutou. Ka titiro ake ki a koutou, ā, nanakia e rua rawa aku tauira i whai wāhi au ki te ako kei waenganui i a koutou. Tuatahi, ko Matanuku e noho nei ahakoa kua kaumātua ai ia engari ko Tumanako e noho mai rā i muri nā. Kia ora koe boy, kāre i tae mai tō essay whakamutunga ki au i te tau i mahue ake nei. Kāre au e mōhio he aha ai koe e noho mai nā i konā? A nō reira e he mihi noa ki a koutou tēnā koutou. Koutou hoki te paepae, a, koutou kei te kite ake i a koutou ngā karangarangatanga Ngāti Paretekawa, koutou e noho nei Ngāti Paea kei te kite ake i a koutou. He nui ngā mea kei waenganui i a koutou. He koa ana kē kua hoki mai ki waenganui i a koutou. Nō reira me kōpani ake i ngā kōrero i konei. Tēnā koutou tēnā koutou kia ora tātou katoa. [Interpreter: To counsel groups representative here, representing your many aspirations leading the charge in – to ensure that the law is – enables the information passed on through on your various claimant groups. And as I can see here, I can see two of my former students here and Matanuku is here and look at him he is looking quite old and Tumanako is another one of one of my students, yes, but your essay is still outstanding, so please get it in on time, I am not too sure why you are sitting there young man but I do want to acknowledge you all. And of course those elders within the Paretekawa, Ngāti Paea and all those. So, all have come back into the nesting place. So, I wish to end things over there, so I want to acknowledge you all, thank you very much.]

He waiata rā mā tātou e hine mā. [Interpreter: A song please ladies.]

WAIATA

PROFESSOR POU TEMARA:

E whakanui ake i tō tātou Kīngi e noho rā i runga i te ahurewa tapu o ōna mātua tīpuna, a, tana hoa wahine tā rāua whānau, a, me te kāhui ariki katoa, nōna te rohe e noho nei e hui nei tātou tēnā koutou tēnā koutou kia ora tātou katoa. [Interpreter: I wish to acknowledge our King who rests here with his ancestors and of course the kāhui ariki and here we are present, he brings us here together, thank you.]

(11:25) DEPUTY CHIEF JUDGE FOX: (MIHI)

Tēnā koutou. Ka hoea e au tōku waka ki te riu o Waiapu, ka huri ōku karu ki te tihi o Hikurangi te āria o ngā wairua o te kāinga. Aro atu ana au mō te tini o ngā mate o ia whānau o tōku iwi Ngāti Porou kua haere mā Uenuku ki te kāinga tūturu o te tāngata. Whakaaro hoki ana au mō ngā mate o ia marae o ia iwi o te motu, a, o ia Pākeha whānau katoa o ngā mate kua haere atu ki te pō, pērā i a Rawiri Ambler, engari mō tērā kei konei tonu tōna puna o te aroha ki a koutou, a, i kite au ngā hua o tāna mahi i konei te ātaahua hoki! [Interpreter: Of Ngāti Porou, who have since gone to their place of rest. I think about of all those marae, and of course all those very many people and of course our dear Pākeha families, all of our dearly loved ones who have since passed on, and I want to acknowledge of course Judge Ambler and of course his time here and of course his endearing love here, he had here within the people here and of course his diligent work he worked here.]

Ka hoea anō tōku waka mā te tai ki Whangaparaoa, te taunga tuatahi o Tainui ki konei ki Aotearoa nei te waka o Hoturoa. Ka whai ōna tapuwae e tōku waka huri rauna i te motu ki Kawhia. Tae atu ki reira ka rere tōku waka mā te awa e mōhiotia whānuitia ana he piko he taniwha he piko he taniwha, ko Tuheitia rātou ko ōna tūpuna ērā. Tau ana ki konei ki Kirikiriroa kua pōhutu ana taku taunga ki konei, a, ka here mai au i te kei o tōku waka ki te pouherenga waka o ngā iwi o ngā rangatira o ia iwi o Te Rohe Pōtae, a, o ngā kaitono ngā rōia me ngā hau e whā. [Interpreter: And my waka continues its journey to Whangaparaoa and rests there, and that is the waka of Hoturoa. And my waka continues on to the peninsulas of Kawhia and of course my waka continues on to the river of *he piko he taniwha*, with every bend there is a chief and of course to King Tuheitia, acknowledging all those many – and the importance of his whakapapa. And of

course, my waka rests here and the head of my waka continues on and of course rests here within the Rohe Pōtae and of course the claimant groups represented here, so I acknowledge you.]

Nā reira karanga mai, mihi mai, mihi mai ki a au te wā tuatahi ka puta au i waenganui i a koutou. Mihi mai ki a mātou te Taraipiunara o Waitangi ngā kaimahi ngā mema, tēnā koutou. Tēnei taku mihi tuatahi ki a koutou Tainui waka, Ngāti Maniapoto, Ngāti Apakura, Ngāti Hikairo, Ngāti Haua, Ngāti Tūwharetoa, Whanganui me o kārangaranga hapū Ngāti Rangatahi, Ngāti Raukawa, Ngāti Toa, ngā waka katoa o Te Rohe Pōtae, aroha mai mēnā kāore au i puta i ō koutou ingoa. Engari he mihi aroha tēnei ki a koutou tēnei he mihi mahana ki a koutou. A kia mōhio ai koutou māku te mahi o Te Rohe Pōtae kāore i oti i a Rawiri, engari mō tēnā nōku te hōnore tino rawa atu, nā reira tēnā koutou tēnā koutou. [Interpreter: And of course, this is my first time here amongst you, and of course here we are, the Waitangi Tribunal, here present amongst you here. My first acknowledgement, I wish to acknowledge Tainui Waka, Ngāti Maniapoto, Ngāti Apakura, Ngāti Hikairo, Ngāti Haua, Ngāti Tūwharetoa, Whanganui and all the many hapū groups Ngāti Rangatahi, Ngāti Raukawa, Ngāti Toa and all of the many waka represented within the Rohe Pōtae inquiry, and of those I have missed, I wish to apologise for that, and of course a warm welcome I wish to extend to all of you present. So I wish to really make it quite important that the legacy of Rawiri's work is a standard to which I wish to achieve and aspire to. So, I wish to acknowledge you all. Thank you very much.]

Well thank you everybody for making time to come to this judicial conference. My name, as you heard, is Judge Fox. I have the honour of following the very big footsteps that Judge Ambler has left behind with the panel members who are here and I have also had the honour of reading the work that has been done to date. It is so impressive and I am very pleased to inform you all that there have been great advances made on the report by the Tribunal panel even during the time when Judge Ambler was very ill.

So we are well advanced that is the good news and today we are here to talk about what sort of report you may all get depending on the submissions we receive from everyone today and when that report might start to be released. So that is the purpose of today is to give you a clear indication of what is going to be happening this year as far as the panel of Te Rohe Pōtae is concerned.

So let me introduce everybody to you who are part of the staff and then I am going to hand it over to each of the members if you would like to say anything thereafter, just to make contact again formally with the people of this rohe. Everyone has to turn their phones off but I am the worst. Could someone find my phone and turn it off. I did try to turn it off before I came in.

First of all, an apology, John Baird's plane was delayed out of Wellington as I think all the people from Wellington have been delayed. Mr Melvin is not here I think for the same reason or if he was coming at all.

And then there is a number of other people I want to introduce you to. We have almost a new team from the time of the last hearing in 2015 so you should know who they are. We have Mr David Haines, who I think was here then, as an observer and he is going to speaking today. He is with the report writing team. Then we have here Debbie Stowe-Hunt and then we have Jenna-Faith Allen who was here. Jay Cameron was supposed to be here, I think he might be one of the ones who is caught up in the problems with travel. And we have Conrad Noema – well he can't take his place but he can try and follow his footsteps – is in the translation booth doing the work that Rangi McGarvey did so well during the Rohe Pōtae hearings. We also have Te Rangipaea Wehipeihana brand new here she is and of course Alan. Alan is at every hui, Alan Doyle. Can you just stand up Alan? In case you have ever wondered how we get the box here that is Alan and he does this for us at nearly every inquiry so thank you for that.

And now I am going to ask you, Aroha do you want to speak? Did you want to say something?

(11:32) DR AROHA HARRIS: (MIHI)

Kia ora tātou. I am pausing because I didn't know I was going to be saying something but it is good and sad to be back I think. Sad because there are so many people missing but nice to see your front row is as smart looking as ever and good to be back to see people and also to touch base and to have an opportunity to talk a little bit about the report. It is not something that we planned or could foresee when we finished the hearings, what was that three years ago and yes, nice to be back among you. Kia ora.

DCJ FOX:

Tā Hirini.

(11:33) TĀ HIRINI MOKO-MEAD: (MIHI)

Āe, i te tuatahi ka mihi ki o tātou mate kua kōrerohia mai e Tame ētahi o koutou kua ngaro kua ngaro ki te pō. Ka aroha ki a rātou. A he koa ngā ngākau tēnei kua hoki mai kua kite anō i a koutou nō reira tēnā koutou. Ko koutou te hunga ora i tēnei wā. Ko Hare mā kua mutu te wāhi ki a rātou. Ko koutou ēnei kei te kawe i ngā kaupapa i ngā take e pā ana ki ngā hapū ki ngā iwi o Te Rohe Pōtae, a, nō reira tēnā koutou tēnā koutou. Tae atu ki a koutou ngā rōia, pai te kite atu i ō koutou kanohi, a, kei konei koutou katoa e kawe ana i ngā mahi mō ngā hapū me ngā iwi o Te Rohe Pōtae. Nō reira kāre e nui ake ngā kōrero i tēnei wā, he koa ngā ngākau tonu kua tae mai ki waenganui i a koutou ahakoa pēhea tōku kaumātuatanga. A, he waimaria he tino waimaria, a, kei te ora tonu. Nō reira huri noa tēnā koutou, a, kia ora tātou katoa. [Interpreter: Firstly I wish to acknowledge our dear loved ones that have since passed on as Tom acknowledged for those who have since passed on, and of course we think of them any our many – but again, I am overjoyed to see each other again. So, with that, thank you. And of course, you are here present, and of course those who have since passed beyond the veil and of course those present are here continuing on the many aspirations of each hapū and all the iwi groupings within this inquiry. So, thank you. To you counsel groups, again, lovely to see you again, and of course with your – as you lead aspirations on behalf of your various claimant groups. So, with that – but absolutely, I am happy to be here.

Despite my old age, I am lucky, I feel lucky that I am here. So, to all present, thank you very much.]

DCJ FOX:
Kia ora. Now I will take appearances, thanks.

(11:35) MATANUKU MAHUIKA: (MIHI)
A heoi anō rā e te Kaiwhakawā e ngā mema o te Taraipiunara, ahakoa kua mihia ngā mihi kei te tū ake au ki te tautoko. Tuatahi, ngā mihi ki a rātou kua whetūrangitia arā ko Rawiri tērā, a, ko Rangi tērā, a, ko John te pūkahu o ngā mate mai i te otinga mai o ngā mahi o te Taraipiunara mai i te tau 2015, a, me mihi atu ki a rātou ka tika. Ki a Rawiri nō te mea ko ia te tangata i ārahi i kawe i tēnei kaupapa, mō wai, arā mō rātou ngā kaitono kei mua i tā koutou aroaro. Engari, a, e tika ana te kōrero kua oti kē te wāhanga hei a ia otirā hei a rātou, nā reira tukuna rātou kia haere, anā ka hoki mai ki a tātou te hunga ora. [Interpreter: To you Judge and our esteemed panel, although everything has been acknowledged and addressed, I do want to stand in support. First, to acknowledge our dear loved ones who have since passed on, Judge Ambler, Rangi and John and all those many other people that have since passed since our last hearing held in 2015. Yes, we should acknowledge them all. Special acknowledgements to Judge Ambler for his leadership in this inquiry. For who, for all the claimant groups here before you today. But yes, you are correct his time has passed, their time has now passed and may they rest in peace.]

A, tēnā tātou. Te mihi atu ki a koe e te rangatira Tame nāhau tātou i whakatau i tēnei rangi, a, ki a koe anō hoki e te rangatira e Pou. A, e kua mōhio katoa i a tātou ināianei, ana nāhau awau e ako i au i Te Whare Wānanga o Wikitōria, a, nā te mea mēnā kei te hē ētahi o aku kōrero tēnā pea nāhau te raruraru. A heoi anō rā he kōrero noa iho ēnei hei au, a, tēnā koutou tēnā tātou katoa e whakawhāiti nei i tēnei rā ki te whakahaere i tēnei kaupapa nui kaupapa whakahirahira mō ngā kaitono o tēnei rohe me ngā iwi me ngā hapū katoa, a nā reira tēnā tātou. [Interpreter: And of course to us present here, and I wish to acknowledge you Tom. And of course as you lead us in prayer and of course to you Professor Pou Temara. And of course as we all know – and of course

as you were saying, yes you were one of the lecturers at Victoria University but you know feel free to correct if my Māori language might be out. But however – and of course to all you present here and of course the importance of claimant groups here and hapū and iwi groupings as well.]

A ko Matanuku Mahuika taku ingoa. Ko au te rōia mō te Poari o Maniapoto. Tēnā koutou. [Interpreter: I am Matanuku Mahuika. I am the lawyer for the Maniapoto Māori Trust Board. Thank you.]

(11:37) TUMANAKO SILVEIRA: (MIHI)

Tihei mauri ora ki te whai ao ki te ao mārama. Whakahōnoretia tō tātou Kīngi a Kīngi Tuheitia e noho mai rā i runga i tō ahurea tapu a o tūpuna a tō whāea, kia tau rā ngā manaakitanga o te wāhi ngaro ki runga ki a koe, otirā te whare kāhui ariki te iwi whānui tonu, rire rire hau pai mārire. [Interpreter: I wish to acknowledge King Tuheitia and all the Kīngitanga.]

A tērā te pō kua homai he parekawakawa mōku kei waku tipare kua taka noa tēnei mātou e tangi e tangi e tangi nei. Ko tērā te marama he mura i kawe i o koutou pura whakaaro kia tūangi ai hei wāhi ki te pae o mahara ki te kōkō o te ngākau. A, tērā te rā hei putanga mā tātou ki te whai ao ki te ao mārama tēnei tātou e noho nei ā ki a Judge Ambler, ā, e Rangi, Hone rātou mā haere, haere whakaoti atu. [Interpreter: I wish to acknowledge all those – our loved ones who have since passed. The speaker is now engaging and acknowledging our dear loved ones and acknowledging Judge Ambler, and of course Rangi and Hone, all those who were with us.]

Hinga atu he tētēkura ara mai anō he tētēkura. A ki a koe e te Kaiwhakawā, tēnā koe ki o hī ki o tapu, otirā tātou katoa kua huihui mai. A tēnā koe e Pou i whakamōhio mai ki a mātou kāre au i oti i waku pepa ki Te Whare Wānanga a tēnā koe i whakamōhio mai ki a tātou ki tērā, a otirā e mihi ana ki a koe taku kaiako, a, otirā ki a tātou kua huihui mai. Tēnā tātou katoa. [Interpreter: But as they say as one opportunity fades, another opportunity presents itself. So, to you Judge, I wish to acknowledge you and all of us here, and of course Pou – Dr – Professor Pou and for sure to acknowledge and making sure that

everyone heard of my late assessments coming in, so thank you very much for that.

(11:39) ANNETTE SYKES: (MIHI)

Kia ora e te tēpu, a, wētahi mai te rōpū Annette Sykes and Co i tae mai, mai i te waka o Te Arawa ki te mihi ki a koutou i runga i te whakaaro hōhonu o te rā nei. Ana kei te tautoko au i ngā mihi kua mihia koutou o Ngāti Maniapoto o Ngāti Paretekawa o Ngāti Paea, Tainui hapū o Tainui waka i tae mai, koutou hoki o Kawhia i tae mai e Tom i te tautoko ki te whakanui i tēnei o ngā kaupapa i te rā nei. Kāre e roaroa ngā mihi engari kei te tautoko au i ngā poroporoaki ki ngā rangatira e kīa nei te koi o te ngākau me te hinengaro o ngā whakaaro hōhonu o Te Tiriti o Waitangi kei waenganui i a tātou mō tēnei o ngā kaupapa whakahaere me pēhea te tūtakitanga o ngā hē a te Karauna ki a koutou o Maniapoto. [Interpreter: I acknowledge the panel we are Annette Sykes and Co from Te Arawa and of course the importance of the gathering here, and of course want to acknowledge Ngāti Maniapoto, Ngāti Paea, Tainui hapū and Tainui waka, and of course those of Kawhia and Tom who are here to acknowledge our day today. I shall not prolong things at this stage, I wish to acknowledge all those who have since passed on, and of course what he brought the standard, the integrity of his legacy brought before the Tribunal, and of course the many travesties of the Crown that has befallen.]

Ma'am, it is with pleasure I present four from Annette Sykes and Co. I have been involved in the hearing since the beginning but my three juniors have never, so I thought it was important that we try and take some time to introduce, and because things have moved on each of us will be handling different clients because some are in support of my friend, Mr Matanuku Mahuika's and some are vehemently opposed to it applications.

So if I can start first of all with Wai 15, Ms Angeline Greensill and others. That is a claim from Tainui Hapū o Tainui Waka which focused around Whaingaroa. Ms Greensill is present. There is Wai 440 and it is a claim from Mr Robert Te Huia and others, including Mr Harold Maniapoto and I think the oldest surviving member of our claimants, Te Tiriti o Waitangi Emery who cannot be here today,

but Aunty Wai is in her 90s, like the esteemed gentlemen on the Tribunal, and she has been an original participant in these processes.

Then there is a series of claims; 1798, 1098 and 1099 which is claims for the descendants of Manga, Rewi Maniapoto. Those claims are led by Paul Tai but one of the claims has astute doctor from the Whare Wānanga is part of those claims.

There is also claims; 1100, 1136, 1137 and 1360 which are also for descendants of Rewi Maniapoto. And on those ones just to be clear Wai 440 will be represented by Ms Jordan from our offices and the claims led by Paul Tai and Jock Roa will be represented with Your Honour's leave by Mr Tumanako Silveira. Now, we have actually borrowed him from Te Whare Wānanga o Waikato and that is why he did not get his essay in on time, he has been working very hard for the peoples of the motu. So we hope to get him back but he has been a summer clerk with us and *ko te koi o te hinengaro me te rere o te wairua o te reo te tino tumanako a Tumanako*. [Interpreter: But the main thing he brings is the integrity of the reo and his skill set.] He will be representing those claims.

And then there is the 1593, the 1771 claims, 2621, 2625, 691, 788 and 1352. They are claims together for Mōkau ki Runga, who I am representing and Ngāti Paea. Now, Mōkau ki Runga has a representative, Anne if you could just signal. I have apologies from Muiora Barry and a number of my claimants who have passed since, Jake has passed. Muiora is still alive but Barbara has passed so Anne, her daughter, is here today representing one of those groups.

We also have Ngāti Paea, if you could signal. They have been here for many, many times. There is June over there. They have two claims before you for Ngāti Paea and they work closely with Ngāti Paretekawa.

So it was a long journey for us and just so you know I will be presenting the Mōkau ki Runga and the other of my juniors will be representing each of those other named claimants. We have filed memoranda for all of them.

(11:43) THOMAS BENNION: (MIHI)

Yes, a, tēnā koutou ngā kanohi o te rā. A, tēnā koutou Tainui hapū me ngā hapū whānau o Ngāti Maniapoto. Tēnā koutou Te Rōpū Whakamana i te Tiriti o Waitangi. Ko Tom Bennion taku ingoa. He māngai mō ngā kerēme o Ngāti Apakura, Wai 1469 me Wai 2291. He māngai mō ngā kerēme o te Tuhoro whānau hoki. That is Wai 547. Kia ora. [Interpreter: And of course Tainui hapū I wish to acknowledge you and all the many whānau groups within Ngāti Maniapoto, and of course to you the Waitangi Tribunal. Tom Bennion is my name. I stand for Ngāti Apakura, Wai 1469 and Wai 2291. And I also represent claim with the Tuhoro whānau, Wai 547. Thank you.]

(11:44) JOSIE LANG: (MIHI)

Tēnā koutou kato. E te Rōpū Whakamana i te Tiriti tēnā koutou. Ki ngā tāngata whenua o Te Rohe Pōtae tēnā koutou. Me ngā rōia hoki, tēnā koutou katoa. [Interpreter: I wish to acknowledge the Waitangi Tribunal and of course all the people within the Rohe Pōtae and counsel groups.]

Counsel's name is Josie Lang. I am appearing for a claim by Edith Dockery on behalf of Te Maika Trust that is Wai 614 and a claim by Edward Penetito for Ngāti Kauwhata that is Wai 972.

I have also been asked to pass on apologies for my friend Mr Tai Ahu from Kensington Swann, who would have been appearing for Wai 1112 and Wai 1113. He is in Australia with a sick relative, Ma'am.

(11:45) ALANA THOMAS: (MIHI)

A, tēnā koe e te Tiati, otirā, koutou katoa ngā kākātarahae e nonoho nei, a, otirā, e hāpai ana i te waka o tātou o te Tiriti, tēnei ka mihi. Āe, e tautoko ana au i ngā kupu poroporoaki ki a rātou kua tāniko atu ki te kahu tapu, a, he rāngai mamao kua taka kei tua o Nukutaurua, e kore a muri e hokia a ko rātou ēnā kua riro atu ki te ringa kaha o aitua, haere mai, haere. [Interpreter: I wish to acknowledge you our Judge and of course the esteemed panel group here, I

certainly do wish to acknowledge what has been said about our dear loved ones who have since passed beyond the veil.]

Awai hoki ki a koutou katoa, a, ngā iwi ngā hapū ngā whānau e noho ana i roto i te tūtoho whenua o Te Rohe Pōtae tēnei ka mihi. A, ka mutu, a, ki tō tātou whare, a, ki Te Wānanga o Aotearoa ki Kirikiriroa, a, e tiaki ana tātou i te rangi nei, tēnei ka mihi. [Interpreter: I wish to acknowledge all the many variant claimant groups within the Rohe Pōtae inquiry and of course – and for Te Wānanga o Aotearoa here at Kirikiriroa for providing the facilities.]

Ā, e te Tiati ko Ms Thomas tēnei. A, e tū ana au hei rōia i tēnei wā mō Ngāti Tamainupō, Wai 775. Tēnā koutou katoa. [Interpreter: I am Ms Thomas. I represent Ngāti Tamainupō, Wai 775.]

(11:46) ROBYN ZWAAN: (MIHI)

A, kia ora koutou. Counsel's name is Ms Zwaan. I'm appearing for the Wai 2371 claim this morning. I just want to acknowledge the passing of Judge Ambler and Mr Rangi McGarvey as well and I'm deeply saddened by their loss. Kia ora.

(11:46) EVE RONGO: (MIHI)

Tēnā koutou katoa. May it please the Tribunal, counsel's name is Ms Rongo and I appear today on behalf of Wai 1824. I too would like to take this opportunity to acknowledge the passing of Judge Ambler. I have many fond memories of being ejected from the marae because of my babies, twice. But Ma'am you will be happy to hear that they are in school today so I should not be ejected for that reason today. Nō reira tēnā koutou.

(11:47) EMMA STRETCH: (MIHI)

May it please the Tribunal, counsel's name is Ms Stretch. Your Honour, I appear for four claims today. The first of those is the Wai 784, Ngāti Kauwhata claim. The second of those is the Wai 1482, Ngāti Wehiwehi claim. Your Honour, I am pleased to advise that one of the named claimant's Ms Jacobs is present with us today. The third claim is the Wai 1147 claim. It

is a claim by Michael and Grace Le Gros and others, for themselves and the descendants of Tanoa and Te Whiutahi. Ms Le Gros is in the room today as well. Finally, the Wai 1203 claim and that is a claim by Lois Tutemahurangi and others, for themselves and the descendants of Tutemahurangi, Waikura and Te Tarapounamu. Your Honour, we have filed submissions for each of those claims setting out their positions on the matters to be discussed today.

(11:48) JULIA HARPER-HINTON: (MIHI)
May it please the Tribunal, counsel's name is Ms Harper-Hinton. I am appearing for Ngāti Paratepoto, the Wai 729 claim.

UNSPECIFIED SPEAKER: (11:48:09)
(microphone switched off).

JULIA HARPER-HINTON:
Ms Harper-Hinton.

(11:48) TERENA WARA: (MIHI)
Te mea tuatahi, a, he mihi nui ki a koe te Tiati hou, a, he mihi nui ki te Rōpū Whakamana i te Tiriti me ngā hapū ngā iwi o Ngāti Maniapoto. [Interpreter: To you our new Judge and of course the Waitangi Tribunal members, and of course the many hapū and iwi within Ngāti Maniapoto.]

Counsel's name is Ms Wara. I am here on behalf of claim 1327. It is a claim file on behalf of Tuahu Watene on behalf of Ngāti Māhanga. And I would just like to advise that Ms Kay Turner, who is present today, who has been working along with this claim. Kia ora.

(11:49) SIAOSI TOFI: (MIHI)
(microphone switched off – 11:49:12 to 11:49:20) [Interpreter: And of course I want to acknowledge all the many –] *Ko tēnei tō mokopuna…* [Interpreter: – aligned representatives, leaders here.] *…e mihi atu nei ki a koutou. Nā reira ka tuku mihi ki a koe Aunty…* [Interpreter: And I wish to acknowledge you Aunty.] *…a, kei te mihi kei te mihi.* [Interpreter: I wish to

acknowledge you.] *A, ki a koutou te tēpu…* [Interpreter: And of course, to you the Tribunal –] *…(inaudible 11:49:39), te Kaiwhakawā…* [Interpreter: – and to you the Judge –] *…tēnei te mihi aroha ko tēnei te mihi whakaiti ki a koe.* [Interpreter: – here I stand humbled before you.] K*i a koe anō hoki te tēpu e kui mā e koro mā…* [Interpreter: And again I wish to acknowledge the Tribunal –] *…a, ngā taniwha whai niho o te Taraipiunara tēnei te mihi tonu…* [Interpreter: – and of course the enduring work that you bring here.] *Ki a koutou anō hoki ngā mema rātou, a ko koutou o te tokorua nei…* [Interpreter: And of course, the two of us, I want to acknowledge both of them that have since passed on, Judge Ambler and Rangi McGarvey…] *…e ōku kāinga, a, e ngā rōia ko tēnei te mihi…* [Interpreter: …and of course, the counsel groups here, representatives thank you very much.]

1150

Your Honour, I wish to acknowledge the recent passing of the named claimant for Wai 1455 and that is Mr John Hoani Wi. Now, Johnny Wi was a man who stood as a resolute and courageous warrior for his people of Ngāti Tūtakamoana and Ngāti Hopu. So Johnny *ka tuku mihi ki a koe, a, kua mutu tō mahi me okioki.*

We just want to reflect Your Honour that Johnny Wi is one of many, both in this inquiry and throughout the motu, that died along the way that won't get there into the Promised Land as it were but the mahi continues and so I acknowledge all of those that have passed. Nā reira koutou mā haere, haere, haere atu rā.

Your Honour, counsel's name is Siaosi Tofi and I appear here on behalf of Wai 1309, Te Ihingaarangi, Wai 1455, Ngāti Tūtakamoana and Ngāti Hopu and Wai 537, Ngāti Tahinga. My learned senior cannot be present today. Mr Afeaki is in Tonga helping with the clean-up in his father land but he sends his regards.

Your Honour, the final thing I want to say is, this is my first time appearing before this learned Tribunal so yes I've got my big giant school pack for the first day of school as well. So I mihi to you *e te Kaiwhakawā nā reira tēnā koutou tēnā koutou tēnā tātou katoa, kia ora mai.*

(11:52) MARK McGHIE: (MIHI)

Tēnā koutou katoa. Counsel's name is McGhie. I'd like to acknowledge the passing of Judge Ambler and John Wi as well. I'm here to represent three claims, Wai 1197, 1388 and 1738. They are all claims from upper Wanganui and those are the issues which our clients think are priority issues concerning that overlap between the Rohe Pōtae and the Wanganui block, Waimarino.

(11:53) UNIDENTIFIED SPEAKER: (MIHI)

A tēnā tātou. I te tuatahi ka nui te mihi ki haukāinga, ki te mihi ngā hapū ki ngā waka o te rohe nei ka nui te mihi ka nui te mahana ki a koutou. Tuarua, ki a koe e te Kaiwhakawā ka nui te mihi ki a koe i tēnei wā, te putiputi o Te Tairawhiti i mea mai te whānau nei taku whānau. Nō reira ka nui te mihi. Ki te tēpu te Rōpū Whakamana i te Tiriti ka nui te mihi hoki ki a koutou. He tino taumaha te mahi nei e tatari ana a mātou mō te ripoata nō reira kia kaha. Ki ngā rōia ka nui te mihi hoki ki a koutou. [Interpreter: Firstly, I wish to acknowledge all the hapū and our hosts here. Secondly, to you Judge, I wish to acknowledge you as well *te putiputi* the flower of Gisborne and to you the other Tribunal members here and of course there is a lot of work before you and here we are waiting patiently for the outcome of the report and of course counsel wish to acknowledge you.]

E te Kaiwhakawā ko au te māngai ture mō ētahi o ngā tono mō Ngāti Hikairo, Wai 833, 965, 1044, 1605, te tono hoki o ngā hapū o Kereru, Wai 1944, te tono o Ngāti Whakatere, Wai 1640, te tono o Ngāti Uekaha, Wai 2017. Kia ora rā. [Interpreter: But again to you Judge, I stand representing Ngāti Hikairo Wai 833, 965, 1044, 1605; and representing the hapū Kereru and Ngāti Whakatere, Wai 1640 and the claim of Ngāti Uekaha.]

(11:54) JEROME BURGESS: (MIHI)

Tēnā tātou katoa. May it please the Tribunal, counsel's name is Jerome Burgess appearing today on behalf of Wai 1589, a claim by Verna Tuteao on behalf of Ngāti Mahuta and Wai 1095, a claim by Tom Roa on behalf of hapū of Ngāti Maniapoto. Kia ora.

(11:54) SIAOSI LOA: (MIHI)

Tēnā koutou katoa. Counsel's name is Loa. I appear on behalf of several claims, of many claims, Wai 399 on behalf of the descendants of Otama, Wai 762 on behalf of the late Harry Kereopa in relation to the tuna in the Ōngarue River, Wai 1480 on behalf of Te Karo Te Mira consisting of all hapū, Wai 1499 on behalf of Ngāti Mahuta and Ngāti Mutu, Wai 1500 on behalf of John Henry who sends his apologies he couldn't make it today, Wai 1523 Malcolm Morehu McDonald, Wai 1962, Wai 1967, Wai 1992, Wai 1995 and Wai 208. Kia ora.

(11:56) IHIPERA PETERS: (MIHI)

A tēnā koe e te Kaiwhakawā, a, tēnā koutou ngā mema o te Rōpū Whakamana i te Tiriti o Waitangi. Ko Ms Peters ahau. A, kua tae mai māua ko Ms Herewini hei tautoko i ngā kaikerēme mō Wai 80 mō Ngāti Maniapoto, Wai 2014 mō Ngāti Paretekawa, Wai 2068 mō Ngāti Paretekawa, Wai 987 mō Ngāti Hari rāua ko Ngāti Urunumia, Wai 1230 mō Ngāti Huru, Wai 928 mō Ngāti Raerae me Wai 1812 mō te whānau me ngā marae i roto i te rohe o ngā awa o Ōngarue, Ōhura me Ōtunui.

DCJ FOX:

Anyone else that is here representing claimants, counsel? Anyone know what has happened to the Crown? Will you be taking the position of informing them after Mr Mahuika?

MATANUKU MAHUIKA:

Ma'am, I haven't talked to Mr Melvin but I'm happy to inform him on the basis that it was a joint memorandum.

DCJ FOX:

On that basis I would like you to, thank you. I am not sure how long it will be before they get here. Mr Baird's flight was cancelled so he is not going to make it here at all and it sounds like Mr Melvin was on the same flight. So this is unusual for me I have never been in a judicial conference without the Crown

present but there is always a first **(microphone switched off – 11:57:56 to 11:58:01)** work done. Just for the record that is a joke.

ANNETTE SYKES:
Ma'am just to assist, perhaps we could have a phone call if there is any matters and he could actually be on a Skype or something?

DCJ FOX:
Yes. At the luncheon adjournment we might get Mr Mahuika to brief him about what happened this morning and then if he has got anything to tell us he can let us know. And then if he wants to patch in we can patch him in this afternoon.

ANNETTE SYKES:
Yes that is what we would like because a lot of our people have taken days off work to actually address some of the issues to the Crown around timing. Thank you.

DCJ FOX:
Yes, all right.

MATANUKU MAHUIKA:
Ma'am there is a flight getting in from Wellington at apparently 12.41 so there is perhaps a chance that he will be on that flight. Just breaking your rule and checking on my phone.

DCJ FOX:
No. Well let's keep our fingers crossed. All right. I wonder if one of you might go and ring and just see what is happening? Mr Haines or Dr Haines. Is it doctor or Mr Haines? I have asked Mr Haines, who is part of the report writing team, facilitates the report writers and make sure that the Q/A work is done on the chapters as they are completed, if he would do a short presentation based on what we have received both from the Maniapoto Trust Board and the Crown and then the responses to those submissions from the Maniapoto Trust Board and from the Crown.

1200

I should say, however, that our first meeting as a panel was in December 2017 and we had decided then that we were going to take a particular attack. What Mr Haines is going to present, having taken into account all the submissions filed to date, and I realise that some people want to talk about the issues here today, but we had got to the point where we had a plan and our plan doesn't seem to be too much at odds with what the parties have promoted on both sides; those who have been for an early release and those who opposed it. So we are putting the plan up in order to receive your initial views on it and those matters will weigh in the balance when we take your thoughts away with us in order to make a decision finally as to how we are going to deal with the release of this report as it becomes clear.

So I am going to ask Mr Haines to begin to do our presentation on our behalf. When he has finished all questions can be directed at me and the Tribunal members who have much to say about this report. It is as much their work as it was Judge Ambler's and the report writing team have been there assisting them so we are interested in your views.

Mr Haines.

(12:01) DAVID HAINES: (REPORT WRITER PRESENTATION)

Kia ora Judge. Tēnā koutou katoa. My name is David Haines, as Judge mentioned. I am a Senior Historian in the Waitangi Tribunal Unit.

So hearings for the Wai 898 Te Rohe Pōtae Inquiry were completed, as you know, in February 2015, three years ago. The purpose of this very brief presentation is to give parties to the inquiry a high-level indication as to how the issues requested by various parties here today for priority consideration may be addressed in the Tribunal's forthcoming report.

So a little bit more context. As you know in December last year the Crown and the Maniapoto Māori Trust Board filed a joint memorandum requesting that the

Tribunal prioritise certain topics for early reporting in order to assist settlement negotiations. To recap those topics are:

1. The customary interests of Maniapoto and neighbouring groups.

2. The Taranaki and Waikato Wars and Raupatu, insofar as they related to Maniapoto, including the issue of displaced populations.

3. The Crown in Te Rohe Pōtae agreements from 1882 to 1885 and the construction of the Main Trunk Railway.

And of course, we received submissions in February from other parties in response to those requests.

The following topics and issues are among those to be addressed in the Tribunal's forthcoming report:

a. The tribal landscape;
b. Te Tiriti o Waitangi;
c. Old Land Claims;
d. Pre-Native Land Court Crown Purchasing;
e. War and Raupatu;
f. Te Ōhākī Tapu;
g. Native Land Court;
h. Pre-emption era and Crown Purchasing; and
i. The North Island Main Trunk Railway.

That is the end of this brief presentation. The purpose of which has been to give parties a high-level indication of how the issues requested by the parties for a priority consideration may be addressed in the Tribunal's forthcoming report.

Nō reira tēnā koutou katoa.

DCJ FOX:

I might just add a couple of things. The first thing is that these are only Part 1 and Part 2 of a report that will have several parts, okay, and at this stage the proposal is to release these chapters by August 2018. A further part containing other chapters which have yet to be prioritised, because now that we are have received your submissions we want to target all the report writing resource to these chapters, will be released by the end of the year. Unless there is slippage, and I am guaranteed there won't be but you never know, unless there is slippage that is what we as a panel understand we will be able to produce. So it shows you how advanced how the panel had got the work that they had done to date with Judge Ambler and I just want to acknowledge that before I throw it over to them to add to anything they might want to say.

TĀ HIRINI MEAD:

It is being insisted I should talk, okay. I do want to say that way back in 2006 Judge Ambler and I began the Rohe Pōtae district claims and that is a long, long way back and he and I carried that through for several years. We did the Kōrero Tuku Iho hui and then we finally got our panel together to actually do the hearings. So it has been a very long process and the writers have been very much aware of the fact that time marches on and we can lose many of our elderly people kuia and koroua along the way. That the sooner we can produce this report the better it will be all round.

So we have tried our best and a plan is put to you. We had thought that, while you have raised a few issues, mentioned a few priorities which you would like to see appear first, it is important that those are produced within a context of other material so that you are not dealing just with that one thing. You have got the background information that you need so that you understand fully what the report is saying.

For this point in our work, we can tell you we have done a lot of work and there is still a lot more to be done. We cannot even give you hints of where our thinking is, you will have to wait until the reports actually come out. I think it is important to get that first nine chapters before you which will give you a pretty

good steer of what the Tribunal members are thinking about and where the report might be going.

For some of the smaller claimants who are very worried that you might left out and no one is going to attend to your claim, Judge Ambler was very clear that we should have chapters which are called in this report "The Takiwā Chapters." The Takiwā Chapters are broken into regions and cover all of those other claims and to make sure that you don't take us to Court because we didn't report on your claim. Remember that is what happened in one case, the Tribunal was taken to Court over the issue of not covering all of the claims in the report.
1210
So we will be dealing with all the many, many claims in what is called the "Takiwā Chapters" and that is the final part of our report which comes much later. Those claimants might feel that their claim should come first but at the moment they are Part 4 or 3, Part 5 of the report, okay? *Ka mutu pea aku kōrero i konei.*

DCJ FOX:
(microphone switched off – 12:11:10 to 12:11:23).

DR AROHA HARRIS:
I just want to make clear that what we are talking about releasing this year is the pre–publication version that some of you will be familiar with already. So it is not the full publication which will come – well it has to come later actually if we are going to take this path.

DCJ FOX:
All right. I think having announced what the plan has looked like to present, I would like to now take submissions and peoples initial reactions to this. I realise and appreciate because the Crown is not here, they are going to have to have an opportunity to read the record of today's hearing to get Mr Mahuika to brief them and possibly ring in this afternoon, but also to be able to see what you have to say they will get a review of your submissions by way of the transcript and then any follow-up submissions you want to put in writing.

So let's go through the room. And then when we go through the room if there is anybody here who is not represented by a lawyer or anybody that would just like to talk anyway, well *me tū koutou.* We will just go through the lawyers first if you don't mind.

(12:17) MATANUKU MAHUIKA: (SUBMISSION)

Ma'am, you will appreciate I have only just seen this so I do not have any particular instructions. What I can do though is revert to the reason for the original joint request that was made by the Crown and the Trust Board for the early release of chapters.

At a glance the chapters that you are proposing to release in August cover the matters that were the subject of that request. The reason for the request was to assist with the negotiation process that is currently under way.

I understand from two perspectives. The first perspective is to give some assistance to the negotiations in the context of the preparation of the historical account. Because of course those matters that are referred to in the joint memorandum are matters which are seen as being important to the historical account issues such as, the impact of the war and raupatu and the ōhākī tapu are quite strong features of these claims. It was felt by the negotiators that having some early indications from the Tribunal about the Tribunal's views on these things, and they were disputed by the Crown during the course of the hearings, would be useful. Secondly, there is an aspect to it which is that it would assist the negotiators in knowing whether or not some of the redress that has been discussed is adequate in addressing those particular matters. So I imagine that the position of the negotiators would be that the sooner that that information can be made available then the better in terms of assisting with the negotiation process.

My understanding of the position is that there is a timetable to conclude a Deed of Settlement by the end of this calendar year. I mean those things are, of their nature, aspirational in the sense that there are always matters that need

to be resolved and timetables are generally made tight in order to maintain momentum in negotiations. I also acknowledge Ma'am that there is or there are a number of urgent applications before the Tribunal and depending on what happens in respect of those applications may have a bearing on what the final timetable is for negotiations.

So other than reiterating the aspiration that sat behind the request that was made jointly by the Crown and by the Trust Board, I am not really in a position to say much more than that. Those topics appear to cover the matters that were the subject of the joint memorandum and it would be useful to have those as soon as they can be made available.

Those are my submissions Ma'am.

DCJ FOX:

Thank you. So Mr Mahuika just to be clear, the August timeframe is one that would not hinder any amendments that you had to make to any amendments that you had to make to any material that you had finalised by that point should we chose to do this. August date seems reasonable. That is several months out from a possible signing in December.

MATANUKU MAHUIKA:

Yes. The desire for the – sorry.

DCJ FOX:

I have to tell you though that we had our meeting in December before we got the memorandum from the Maniapoto Trust Board and the Crown and it is clear that without some of the background chapters none of the later chapters make that much sense to anyone so you need that background. I would not have thought that a selective chopping up of these chapters into the ones that you and the Crown have prioritised would assist either of you.

MATANUKU MAHUIKA:

Yes I understand the point Ma'am and I am not disagreeing with it, I am simply putting the position that the negotiators discussed. You are right, certainly in so far as the historical account is concerned, having the chapters in August would enable some input into that. Without knowing the specifics, it may be more difficult in terms of looking at what redress is appropriate but then there will not be a deed of settlement, I accept. So there will at least be an opportunity to look at those chapters and take into account what they say and whether they should have a bearing on the final form of the deed, assuming that we are at that point at that time of course.

DCJ FOX:

Ms Sykes will you speak just for the groups that you said you indicated you would?

(12:18) ANNETTE SYKES: (SUBMISSION)

Yes. Can I start, just if I can go around the rohe? To assist Your Honour, I represent –

DCJ FOX:

Yes I have a map.

ANNETTE SYKES:

Yes. If I can start with the Wai 1252 claim which is the Tainui Hapū o Tainui Iwi, Greensill and others claim. We are quite content with this approach on the screen.

Can I just raise two issues though in terms of the comments made by Professor Mead. A significant claim to us is the Old Land Claim, Te Karioi Maunga and then he mentioned about takiwai or takiwā interests and the tribal landscape. So I would just like some clarification around where that sits in terms of the proposed release of the Chapter 5?

It seems to me that the takiwā claims at least should have been mentioned in the first part in some way for it to have any real meaning for us. I say this because Ms Greensill and others claim is currently under attack in the MACA context (the High Court context) and in direct negotiations that are being promoted by Tainui Waikato for phase two of their settlement and they do not have a report.

So we are pleased to hear that this is coming out in August. That is very helpful. But if we are not identified in the tribal landscape in any way it may not help us in terms of our desire for a parallel negotiation process to be developed and I say that in that context.

1220

We spent a significant part of our claim there in the Native Land Court issues so all of our matters mainly, except the modern context of environmental issues, raupatu arising from the Foreshore and Seabed legislation those matters would have to wait. But in terms of the gravy man or the pouwhenua of our claims they are listed in those originals so we are content with that approach.

I just want to ask if Angeline wants to make any comments?

(12:20) ANGELINE GREENSILL: (CLAIMANT SUBMISSION)

No. **(microphone switched off – 12:20:31 to 12:21:12)**. No, I… **(inaudible 12:20:38)** make sense to me to actually provide that background **(inaudible 12:20:42 to 12:20:48)**. We do have pressure on us at the moment. The negotiator has been appointed by Waikato Tainui to negotiate our **(inaudible 12:20:55)** and so there is going to **(inaudible 12:20:58)**. That will not be settled for some time. **(inaudible 12:21:00)** and so there is some pressure on us too and the bank **(inaudible 12:21:07 to 12:21:12)**.

(12:21) ANNETTE SYKES: (CONTINUES SUBMISSION)

Can I move to my – if I come back inland a bit and there is several speakers here from Paretekawa so I will start with Wai 440.

Now Paretekawa has a particular discreet issue within the context of war and raupatu. I am just looking at the statement of issues, the Tribunal's, of the 6th of September 2012, document #1.4.3.

Now Ngāti Paretekawa as a whole are opposed to the Crown and Maniapoto approach. I believe it is because they find it difficult to see, and I will use the particular confiscation, lands taken which subsequently saw the establishment of a mental health hospital, separate from war and raupatu and the confiscation issues. That is a similar issue with respect to the Waikeria lands that are significant to them and the lands in Kihikihi.

Now we do not know what the outcome is of – a key issue is, was the raupatu claim settled by the Tainui Waikato Settlement? We are arguing it wasn't and therefore we are saying that that issue is important. If we look at the Crown, Maniapoto Trust Board memorandum then I think that is a critical issue. That is what they are also asking.

So in terms of the reporting in August if that issue is part of the war and raupatu issues then that is a significant step forward. But to decontextualize that issue from the likely redress and prejudice is hugely prejudicial to us and I am not talking about the claim for the mandate. People are just going to be making guesses about what should be the remedy in the absence of that aspect of the report being finalised.

We have sought specific remedies. Mr Te Huia is in the front row he may wish to talk about it. His great-grandfather was a petitioner in this relevant period for the returns of those lands that are then – so from a flow on you go War and Raupatu, the Te Ōhākī Tapu, and then the Native Land Court work together over those lands.

So that is very pleasing to see, but not have the remedy around Tokanui discussed. We have argued that it is a limited remedy. It is not available to all of Maniapoto. It is only available to those that can show particular land holding interests there. It is a significant issue for both Paretekawa, in the back row

Ngāti Paea and Ngawaeroa, Mr George Searancke who is not here today and Mr Rāwiri Bidois. So they would be in that takiwā. Their claims have always been argued collectively but they have always been argued both in the historical and contemporary sense as being part of a continuum of disposition so that is just one of our difficulties. Given that that was the largest Public Works Taking in the country when is Tokanui going to be reported upon because it is likely to be part of any redress? So that is the first issue; I am not too sure from the discussion.

And again, I raise the issue about takiwā and tribal landscape. If their claims are mentioned in there – well I accept Professor Meads might see them as individual claims. They have always worked collectively as Ngāti Paretekawa and Ngāti Paea and that is nearly 20 of the 25 claims I listed. They have always worked together.

They have had differences. Mr Maniapoto sometimes gets offside with Mr Huia, I will be frank. Mr Roa sometimes gets off side with – well no, Jock never gets offside with anybody he is the mediator. But they worked together. They have always worked together to bring their claim and that is their main objection to the Trust Board-Crown approach. It is almost like you look to the history without looking how contemporary issues have been affected by that history in the way that there is securing settlements.

The other significant issue for them is the persecution of Manga and his followers. It wasn't just Manga. And we are not too sure, is that going to be included in the War and Raupatu context?

DCJ FOX:
It will be very hard to talk about it without him.

ANNETTE SYKES: (CONTINUES)
But it was a specific claim and 11 of my claimants – because of course Manga, this is how it was expressed, he was placed between the bad and the mad. His

lands are between Tokanui and Waikeria, the bad and the mad and so it is really important that understanding.

Now his followers were all part of a heke which went down and it was talked about it earlier this morning. Where is that, I am not clear of that? Is that all going to be included in the War and Raupatu? That is the disposition and displacement of Rewi's followers and that is when my Mōkau ki Runga people become important to them because there was a relationship there and they were given refuge by Mōkau ki Runga. And so it is just having that understanding in those parts reported upon is really important.

So when I look at the issues – can I just say this, this is how Judge Ambler said he was going to do it and we are very pleased and I say that is just general comments for all of my claimants. This is how we expected him to report. There would be five parts following his chronology of approach through his statement of issues inserting into each of those parts issues so we are very pleased with that approach. But it is just in terms of the Crown's timetable of trying to get what they have identified is discreet issues to help with their historical report we are saying how credible is the historical report if you have significant gaps in that.

Can I just – there is several of them here, can I just note that Jocelyn Johnson she was my legal aid claimant for this group right through, her son's replaced her. She passed away suddenly so Sam is here. And Jock has had a little bit of illness so his son has also joined our claimant group. They have all had separate claims but work together but Wai 440 has been an umbrella claim for all of them and that includes, in terms of my memoranda, I think it is six of eight of my memoranda within that rubric of that takiwā.

The North Island Main Trunk Line is a significant issue and they are pleased to see that in there as well.

Now, the Ōhākī Tapu is fundamental to the constitutional and te Tiriti issues so that is also important for this group. So thank you for having those matters dealt with.

Now if I can move down – unless Harold, would you like to say anything, Jock or Robert?

(12:28) UNIDENTIFIED SPEAKER: (CLAIMANT SUBMISSION)
(microphone switched off – 12:28:55).

ANNETTE SYKES:
Are you sure?

UNSPECIFIED SPEAKER: (12:28:57)
(microphone switched off).

(12:29) ANNETTE SYKES: (CONTINUES SUBMISSION)
Okay. If I can now go now to my Mōkau ki Runga. That is Anne at the back. Those claim numbers are 691, 788 and 1352. They are very happy. They support Maniapoto. They very much support Matanuku Mahuika's submission. They are very happy with the deed of settlement or the agreement in principle because they have had significant recognition of that Taranaki confiscation of their land.

Their only issue in there, and this I have to raise, is the decontextualization of the seaward issues from these because they lost of course everything for the oil extraction business with the erection of that pipeline. It affects mostly that West Coast harbours area but starting from there and going through wāhi tapu all the way over to Kāwhia to Ngāti Hikairo and through to Whaingaroa. So that issue is a significant issue for them and it looks like it will not be reported on for a long time under the current proposal and, if there is a negotiated outcome then they would be seeking it ringfenced until your report is available. It is that significant to them, notwithstanding their support.

Anne, is there anything else that you? Can I say, their main claimant is about wāhi tapu. So when they erected the pipeline, and Jacob Hiroki was the main witness on this, they had all these roads and ways erected over wāhi tap. That is a significant issue as well and we do not see that. That was definitely a War and Raupatu issue confiscation and the continuing prejudice to them by the way they were not consulted in that Three Sisters area, coming right through to the Mōkau area, right through to the DOC lands and that is what they have raised in their memo. Is, where is the wāhi tapu issues going to be considered and are they considered in any way perhaps in any of these early reports?

I raise that and I will use two examples. Te Ākaunui is a significant whakapapa relationship for Paretekawa. He is buried at Waikeria so that War and Raupatu is very much a part of the modern context. In a similar situation with two kuia, two of Jacob's kuia down in Mōkau and they are on the DOC lands. I think they took the Tribunal to see where they were.

So as a general proposition, love the approach but how are we going to contextualise some of the contemporary issues if they are going to progress before that report is – or it will not be released I do not think before Christmas? Nor would we expect it, can I be frank, our people have expected it would take at least five or six years for this so they have talked about staged negotiation processes in the way they closed their statements expecting that.

DCJ FOX:
Well thank you. I might come back to how we are going to deal with specific exemplar that could be incorporated into these chapters once we hear from everyone else, is that all right? Or did you want to…

DR AROHA HARRIS:
Look I will answer a couple of things while they are fresh to the extent that I can. I think you are right to raise the issue of the Tribunal landscape element in relation to the Takiwā Chapters that we talked about. Yes, we see those aspects is for pending the report as a whole and they do need to – you do not

want to get to the Takiwā Chapters and they have no relationship with the tribal landscape they have got to fit together so I hope that is a help.

Some or quite a few of the issues that you have raised are very specific and I am not sure how much we can tease that out here today. I think I can say – the Judge is going to kick me if I cannot say this but – that where we can we want to pick up issues like particular wāhi tapu the kinds of things you were talking about as we go through but they are not actually going to get dealt with comprehensively until they are sort of allocated/placed later in the report in subsequent parts. But it will be the third part that we talked about it is aiming for the end of the year.

I guess what we are trying to do is, well think about ways of responding to submissions without unravelling the work that we have already done and wasting it. And so I guess what I would say is that if those bullet points represent chapters expect them to be comprehensive. I think you know most of you will be familiar already with what the Tribunal describes as a chapter, which I always argue is not really a chapter once it gets passed 100 pages or so, but you know so comprehensive. Comprehensive.

And we will try and hear out the rest I think might be the way to go and come back with some more specific answers.

DCJ FOX:
Mr Mahuika, I will take you at the end.

MATANUKU MAHUIKA:
It is just an update about Mr Melvin, Ma'am. Apparently, he is not going to make it so I will call him at lunchtime. He is happy for me to have a discussion with him and give him a briefing.

DCJ FOX:
What about being available for a telephone conference?

MATANUKU MAHUIKA:

I have only been able to communicate with him via a third part by text message so I will ask him about that at lunch time.

DCJ FOX:

Okay. All right, thank you. Mr Bennion.

(12:35) THOMAS BENNION: (SUBMISSION)

Thank you, Ma'am. I will stand. There is mana in front of me so I can see over and look at you.

So I just have three comments and one is a general comment; the second relates to the Apakura claims that we represent; and the third relates to the Tuhoro whānau claims that we represent.

The first, well the first general comment is to say, along with others, we are obviously pleased with the progress. And Judge Ambler always impressed me with those early hui where there were so, seemed so glacially slow but set in place such a firm foundation with this process and we are sure that the report will be very well received and very comprehensive. We are assuming from your comments that it looks somewhat in format like the *Urewera Report* the pre-publication version will be there for some years in fact before the final reports issue and the final versions, as I understand from the Urewera.

DCJ FOX:

Perhaps not as long in terms of years.

THOMAS BENNION:

Okay. But on the general point, given that we have this request from the Trust Board saying, "We have a settlement in view and we want to understand when some chapters are being produced." Actually they highlight some chapters and I will come to that with Apakura in a second. One thing it does is it produces among lawyers here and you see this I think with Ms Sykes, an interesting question about reporting for their clients about how pleased they are

about parts that will be coming in early and parts that will be coming in later because there is a settlement coming. So there is some interesting dynamics if you represent several claimant groups who have different views and you can probably see that here today.

But I do think it does this, it does make it incumbent on a body that is seeking to settle. Because there is some disagreement about how that settlement is going to look and whether the Board is the body that is going to be the group to advance it. But if the body comes to the Tribunal and asks this question and it comes with the Crown as well, then I think it is going to be incumbent on that body to then report back to the people it is settling with how it intends to use this timetable in its agreements.

So and now I come to the first issue with Apakura as an illustration of that. We note that the Trust Board is asking the question, "Can you please tell us at an early stage what happened with displaced populations?" They are keen to know about that issue and that does affect Ngāti Apakura and they are keen to know about that issue too. So they are pleased to see that being discussed as an early matter to be reported on. But as I say I think it is perhaps now incumbent on the Board and the Crown to explain what it is going to do around settlement that will wait for the report and see what it says about those matters and that that might then influence how the settlement progresses.

So that is a point perhaps for somewhat for the urgency inquiry that is a different matter but also relates to what is happening here today because for all of us that know about these claim settlement processes they can tend to follow a fairly proforma approach in terms of matters being locked down early around how groups would be organised in the settlement and the main issues of redress. We would not want the report, which will be an important report, to be simply some sort of thin icing on a cake already baked and we are hoping that the report will really inform the negotiations and discussions. And as I say, having asked the question we feel it is incumbent now on those that seek to lead a settlement and the Crown to explain how they are going to take your timetable and bake it in to the settlement that occurs.

So Apakura is happy with the displaced populations being discussed earlier and of course tribal landscape and we are anxious to know now from the settling parties how they are going to use that.

DCJ FOX:

Well I think you raise a really important point for all counsel to make sure that in your submissions that follow this you get instructions, full instructions, and highlight those matters that you would expect to see in chapters like this. And if they are not, at least the Crown and the Trust Board are on notice that in terms of a settlement these are matters are a priority for your clients.

THOMAS BENNION:

Yes.

DCJ FOX:

So I think it is a very good point and I would hope that – in fact if you like I could direct that of all counsel to produce that. And so then we got in the Tribunal, this Tribunal because I cannot do anything about the mandate dispute issue that is before Judge Savage but in our Tribunal at least we know what is priority in terms of these things that the chapters cover and then whether or not we can cover them or not at least there is a record and the Trust Board and the Crown are on notice that they are issues.

THOMAS BENNION:

Yes. I am in your hands on that. If you wish to direct it we can certainly produce that.

DCJ FOX:

Well no, I think it is a very good suggestion. Thank you.

THOMAS BENNION:

So then we come to the Tuhoro whānau. Now their claims concern the Ōtorohanga Native Township and that is a Native Township and there will no

doubt be a Native Township chapter of more than 100 pages I would hope. It is associated with the railway because the Tuhoro whānau along with others I know were sort of shoved off the Waitomo lands, went down to Ōtorohanga to the Native Township area because the train was coming, and then found this Native Township layer dropped on the town and they could not even benefit from all of the buildings and properties that they developed in that area. So there is an interesting link and I do not know whether that might advance the Township issue into the Railway issue. But just to note that so for the Tuhoro whānau they produced a detailed research report affecting that whānau but talking about other whānau affected as well.

We are expecting from your comments that those issues will probably drop into one of the Takiwā Reports. And again thinking about settlement and where that might occur, there is a broader issue at Ōtorohanga Township and some legislative change that is probably needed to sort it. I think even in some pre-settlement documents that are floating around some properties are being highlighted in the Ōtorohanga area and again it will be a matter of trying to understand how a later report on those issues will fit in with perhaps the Crown already, or the parties who are seeking to settle already trying to lock down some Ōtorohanga issues so I just highlight there.

I guess there is disappointment from the Tuhoro whānau and a wish for the Native Township issue perhaps to be advanced. Perhaps slip it in with the Railways is this proposal.

DCJ FOX:
You have to remember Part 3 which is coming out before December.

TRIBUNAL PANEL IN DISCUSSION

DCJ FOX:
At the moment Part 3 covers Native Townships.

THOMAS BENNION:

Thank you, thank you Your Honour. And since you have declared that it will come out in December I think they can only be satisfied –

DCJ FOX:

Well I like declaring things. Whether or not that happens is a different thing.

THOMAS BENNION:

Yes.

DCJ FOX:

No, I am serious, we are serious as a Tribunal. It is not about me declaring anything, it is about a commitment that this panel already made to themselves last year and I am just promoting it.

THOMAS BENNION:

Thank you.

DR AROHA HARRIS:

I also think that you of all people know that if we advance the Native Township issues tied to it is the Māori Land Boards and the Vested Land Scheme and that whole can of worms the early first century.

THOMAS BENNION:

I think you know my early opinions on that.

DR AROHA HARRIS:

So I think you know –

THOMAS BENNION:

Yes.

DR AROHA HARRIS:

– there is some practicalities to think about there as well.

THOMAS BENNION:
Yes, yes. I appreciate that.

DR AROHA HARRIS:
Yes.

THOMAS BENNION:
It is a real complex issue, thank you. Thank you Your Honour.

DCJ FOX:
The next row please.

(12:45) JOSIE LANG: (SUBMISSION)
A, tēnā koe Ma'am, Ms Lang.

JUDGE FOX:
Ms Lang. Sorry Ms Lang. And then we will go after you Ms Thomas.

JOSIE LANG: (CONTINUES SUBMISSION)
Ma'am, my clients I know would like to convey their gratitude to the Tribunal for the work that has been undertaken so far and an indication of the progression in the report writing. I guess in terms of priority issues I am grateful for the indication that we can prepare further submissions in writing to highlight the priorities for our clients.

For Ngāti Kauwhata I can see that some of their concerns would be covered by these issues highlighted here, particularly in terms of tribal landscape and tribal identity is particularly important to them.

For the Wai 614 claimants, this is the Te Maika Trust, I echo the concerns of Mr Bennion in relation to the Native Townships. The Te Maika claim relates to the Parawai o Te Maika Native Township and that is the particular concern for that claim. So I am grateful for that indication that that would be forthcoming in

December and I will pass that on to my clients Ma'am but anything further I will put in writing to you. Thank you.

(12:46) ALANA THOMAS: (SUBMISSION)

A tēnā koe Ma'am. Firstly, just grateful that we have an update on the progress and the drafting that this Tribunal has made to date, and unsurprising the mahi that has been done under Judge Ambler and the calibre of this Tribunal, nō reira e mihi ana ki a koutou.

I have been lucky enough Ma'am to receive some initial instructions from my clients given this information that we have just received this morning and *he whakaaro noa tēnei.* [Interpreter: Just a thought.] Given that these first nine chapters will be released in August and on Your Honour's confirmation there will be further parts in December, my clients would support the whakaaro – one part – support the whakaaro of actually delaying the release of these nine chapters so that they can be released at the same time in December, or November or December, as one full part for this year. They would see more benefit in having more chapters released at the one time rather than sequentially. Also, just given that it is August to December three to four months is not that much time in between the release of those reports. So that is something that initially they might support, but like I said I can follow-up with written submissions following this judicial conference on that position Ma'am.

JUDGE FOX:

Thank you that is very helpful. But I would need to know more than they do not want it until December. I want to know why. Because why would it matter whether it is August or December that we get, you know, two parts in August and one part in December? What is the rationale?

ALANA THOMAS:

And I guess for my client's position Ma'am their claim is on waterways and environmental issues so for these first nine chapters while the background and historic account is very important, it would be more benefit for them to have more chapters released getting closer to the time when it comes to their claim

issues. So I guess it is more so what is the benefit but they just do not see that there is no benefit to it I think.

DCJ FOX:
Okay.

ALANA THOMAS:
But like I said I could follow-up with full written submissions on that following the judicial conference.

DCJ FOX:
All right. Well I look forward to seeing the clearer explanation of why they want to take such an approach in your memo that follows today. Thank you.

(12:49) ROBYN ZWAAN: (SUBMISSION)
Yes, Your Honour. Just a quick question of clarification, I thought this morning there was an indication that you said that these chapters will be released in August and then the rest of the report will be in December but you have just –

UNSPECIFIED SPEAKER: (12:49:30)
No.

ROBYN ZWAAN:
Sorry, that is what I want to clarify.

DCJ FOX:
It is just one part and remember there is five parts at this stage. There could be six. We are looking at whether or not we will split one.

ROBYN ZWAAN:
So there will be two parts released this year and the rest later on, is that right?

DCJ FOX:
No. Two parts in August –

ROBYN ZWAAN:
Okay.

DCJ FOX:
– one part in December.

ROBYN ZWAAN:
All right. That is what I wanted to clarify. I thought you said this morning that the whole report would be released by December which is why I was wondering why it was going to be –

DCJ FOX:
I hope I never said that.

ROBYN ZWAAN:
We will give the Crown that part of the transcript.

My client is not currently in the mandate so their concerns are not as much related to whether or not settlement you know when that happens. So their concerns is they would rather have a full report out and then look at settlement. And I also have concerns, although I do not have instructions yet, it is just my view is that the ordering of the report seems to be much more focussed on the settlement that is currently underway rather than whether or not the claimants themselves want them done in this particular order.

Obviously as the issues overlap quite a bit there is some concern about what order to release it in and why those issues have been given prioritisation but I will have to seek further instructions on this to discuss with my client on this issue. I understand obviously the mandate does affect reporting but these are two separate processes and I do not want to see too much overlap to the point where the Tribunal is kind of doing stuff because the Crown and the mandated body has requested it and as these are separate issues that is the concern that I have at this stage.

Other than that I am very grateful for how far the Tribunal has come in the three years since the hearing was closed. I have no issue with the issues that you have put up to have reported on by August and I see them as you know a sensible way starting from early on and going kind of chronologically through it. But as we all know in this process everything seems to start overlapping at some point and so then if you start addressing some issues and then another part comes later how does that affect it and all of those kinds of concerns. But I will provide further more detailed written submissions following this. Thank you.

DCJ FOX:

Thank you Ms Zwaan.

(12:51) EVE RONGO: (SUBMISSION)

Tēnā koe Ma'am. The Wai 1824 claimants I represent are still having discussions with their whānau concerning the instructions that they will give me on these matters so there will be written submissions that will follow this judicial conference. But I can highlight that the issues that they raise in their claim particularly fall more within the socio-economic themes; education, health as well as tikanga, te reo and that theme so they will be waiting a long time it looks like. The initial instructions I do have is that they have already waited a long time so they are willing to wait a little bit longer. But I will file submissions on their full instructions when those are given Ma'am.

DCJ FOX:

Thank you.

(12:52) EMILY STRETCH: (SUBMISSION)

Thank you Your Honour. Now I will need to seek further instructions from our claimants on the proposal put forward today but the initial comment is that the priority issues for our claimants to appear to fit within what has been proposed for Part 1 so I imagine our claimants will be pleased to hear that. Their overall key concern is full and comprehensive Tribunal findings and recommendations. But just for the Wai 1147 and Wai 1203 claimants, consistent with what was

raised by my friend Ms Sykes, I imagine that they will be interested in issues with how the tribal landscape and the takiwā all fit in together as well. But with your leave I will file submissions after the judicial conference too.

DCJ FOX:
Thank you.

EMILY STRETCH:
As Your Honour pleases.

DCJ FOX:
Thank you. All right. Ms Wara? No, it is Ms Harper-Hinton.

(12:53) JULIA HARPER-HINTON: (SUBMISSION)
Yes, thanks Your Honour. I would like to seek instructions with our clients on the Tribunal's proposal today and then convey that in a memorandum.

DCJ FOX:
Thank you. Ms Wara, is that your position too?

(12:53) TERENA WARA: (SUBMISSION)
A, tēnā koe. Well Ma'am for starters I would just like to say that my client in terms of where they are situated they are not directly impacted by the Maniapoto negotiations. They are a West Coast hapū situated around Raglan. That being said, they are being currently impacted upon by the West Coast Harbour negotiations and no doubt some reporting in relation to the harbours will be of assistance in relation to that issue.

My client's position was for a full and comprehensive report but no doubt they will be grateful for the work that has been undertaken. A number of issues that are listed on the Board do directly impact on my client.

Kaye Turner is here today. Kaye, would you like to say anything in relation to this list of topics?

(12:54) KAYE TURNER: (CLAIMANT SUBMISSION)

(microphone switched off 12:54:50 to 12:55:12). Kia ora koutou. Just to tautoko what Terena our lawyer has had to say and also to add that the socio-economic and the environmental issues are really important to us and form a big part of our claim and so we'd appreciate some clarity around where they sit in the current reporting framework.

The one other thing that I'd just add at this stage would be, it would also be helpful to know what te Tiriti section actually covers. The reason for my question is that because of our particular history and circumstances, we are very interested in the relationships between the Crown and iwi, hapū subsequently to the Treaty and particularly through to the early 1860s. So thank you that is all that I would have to add. Kia ora.

(12:56) SIAOSI TOFI: (SUBMISSION)

A tēnā koe Ma'am. Counsel will need to seek fuller instructions on the basis of what we have talked this morning Ma'am so that will be coming to you in a memorandum.

DCJ FOX:

Okay.

SIAOSI TOFI:

I will say though Ma'am, part of these issues align with what the claimants of 1455, 1309 and 537 are wanting to hear from in terms of priority. The only thing that I would raise is the issue of, yes, our clients are keen for findings of fact on any State-Owned Enterprises, memorialised lands or Crown-held Forests in the Inquiry District to be a priority.

We are also glad to hear that there will be the Takiwā section in report as well for the smaller claimants. Kia ora rā.

DCJ FOX:

Thank you. Mr McGhie.

(12:57) MARK McGHIE: (SUBMISSION)

Kia ora. I think our clients would support the framework up there. I think their topic it will be incorporated into the Ōhāki Tapu which seems to be a very big subject in itself and just how far it is going to be taken in the first stage would be an issue for our clients who are really concerned about what happened in 1886 the establishment of Taupō-nui-a-Tia and Waimarino and whether that is going to be covered in the Ōhāki Tapu so that would be a point for our clients. What happened then, the Maniapoto Trust Board and Crown memorandum talks about 1882 and 1885. Our clients are concerned what happened after that. But they support that framework.

DCJ FOX:

So you will follow that up with something more than just a statement of concern that you will point out exactly how?

MARK McGHIE:

Yes.

DCJ FOX:

Thank you.

(12:58) HEMI TE NAHU: (SUBMISSION)

Tēnā koe Ma'am. My Ngāti Hikairo claimants, specifically the Wai 8239, 65, 1044 and Wai 1605, they certainly of interest in regards to the Ōhāki Tapu issues. That was a huge issue in relation to their claims, particularly of the relationship between Ngāti Hikairo and the Crown.

Following on from Mr Bennion, it was suggested we would also would like to file a memorandum, a fuller memorandum now that we actually understand what Parts 1 to 9 are about and particularly in relation to the other parts.

My other claimants, particularly Wai 1944 and 1640 they certainly have interests around the Wharepuhunga Blocks and just trying to ascertain whether those first nine issues are going to cover that, I would imagine we would file our memorandum making suggestions on that.

Certainly, are very interested to hear about the Takiwā Chapter. My 2017 they were a very whānau-specific claim. They certainly do not pretend to be anything bigger than that, but they certainly would be interested in whether their issues would be covered in the report as well. So we would be filing a memorandum as directed on those issues.

And also, Ma'am, there is nothing much that I can contribute for the rest of the day and I am just seeking leave to withdraw?

DCJ FOX:
Tell me whether that submission you just made or whether you will take instructions first also applies for Ngāti Kereru, Whakatere and Uekaha?

HEMI TE NAHU:
The Wharepuhunga Block issue is particularly in relation to Wai 1944 and 1640.

DCJ FOX:
All right.

HEMI TE NAHU:
The 2017, Ngāti Uekaha was a very whānau-specific claim around the Waitomo Caves.

DCJ FOX:
Okay.

HEMI TE NAHU:
But looking at the agenda today that was all I can actually contribute on and I was just seeking leave to withdraw on that basis?

DCJ FOX:

Yes, no leave granted. Thank you.

HEMI TE NAHU:

Thank you.

(1:00) JEROME BURGESS: (SUBMISSION)

Kia ora, Your Honour, Mr Burgess here. Just our claimants wish to acknowledge the efforts of the Tribunal in this regard and look forward to the release of this chapter of the report. So we will abide the timeframes that are set by the Tribunal.

Just in addition, like Ms Wara's claimants, some of our claimants are also involved in the West Coast Harbour negotiations. So we will take instructions and happy to file a comprehensive or a detailed memorandum setting out the list of priority issues for them.

DCJ FOX:

Thank you.

JEROME BURGESS:

Kia ora.

(1:01) SIAOSI LOA: (SUBMISSION)

Kia ora.

DCJ FOX:

Kia ora

SIAOSI LOA: (CONTINUES)

Our claimants are in agreement with the proposal of these topics coming first. There are some questions just for clarification if possible just in relation to the North Island Main Trunk line whether you will also be doing the report on the

desecration of wāhi tapu by the laying down of the rail? Is that part of that report that is coming out first?

DCJ FOX:
All right. Well, as I said, if you highlight those issues that are a particular priority for your clients those are matters that we can review. And, as I said, there are going to be examples in the chapters, whether or not they are the examples that are the basis of your clients' claims to the Tribunal cannot be guaranteed.

What I can say is they will be covered as you heard in the Takiwā Chapters. They may be highlighted in the more generic chapters. They may not be. But by putting the details of the issues that are of priority to your clients in a memo following this JC, what we will have is a list that we can certainly look at when we are going through the chapters.

The Board, the Maniapoto Trust Board and the Crown are on notice these are priorities and should be dealt with during the negotiations and in that way at least you will be able to continue to influence both processes as far as you are able. But given you are the last lawyer to talk to this subject, I have to say the Tribunal's report will always remain its report and how we in the end decide the chapters will be presented will be matters that we will decide.

SIAOSI LOA:
Sorry Your Honour, I think I was seeking more clarification of, did it already include it or is it just something you are going to be considering now? But that is all right I will –

DCJ FOX:
Well, we will get your submission in and that is all I can tell you at this stage.

SIAOAI LOA:
Thank you Your Honour. And we will make full submissions –

DCJ FOX:
Thank you.

SIAOSI LOA:
– subsequent to the hearing – judicial conference. Thank you.

DCJ FOX:
Thank you. Is there anyone else, over this side, yes? Kia ora, it is Ms Peters.

(1:04) IHIPERA PETERS: (SUBMISSION)
Āe. I will remain standing is that is okay Ma'am? First, I would like to note that our claimants and our firm appreciate the extensive mahi that the Tribunal has already put into the report writing phase and also outlining the intended pathway with more clarity this morning.

I just have two initial points to make, subject to receiving full instructions from our claimants.

Firstly, all of the claimant rōpū that are outlined in our submissions, all except one of those claimant groups, are also involved in the mandating inquiry just in terms of the relativity to what is happening by way of that background. So it is only the Wai 928 claim which is on behalf of Ngāti Raerae that is not involved in that mandating inquiry.

Secondly, I appreciate Dr Harris' confirmation that we can expect all these nine chapters to be completed. But my main concern is whether those chapters will also provide findings that particular claims are well-founded or not, or whether those findings would come in the later parts to the report in the Takiwā Chapters that you have highlighted. So that is the main concern at this stage, given the timing of the release of these initial two parts by August and then a subsequent third part by December and the release of those in comparison to the Crown's intended timeline for settlement.

Because, if the particular claims or findings of well-foundedness of particular claims are not included in this initial background because of tribal landscape that is a serious concern for our claimants. A lot of those issues, the tribal landscape, Te Ōhākī Tapu, the North Island Main Trunk Line are key issues for a lot of these claimants that we represent.

There are also other issues that I anticipate will come out in later reports for example customary fisheries and fresh waterways and just being able to have that contextual overview of what the claimants extensive evidence has been already put before the Tribunal and the findings from the Tribunal as to whether they are well-founded or not. So that will be my main concern in terms of our claimants.

DCJ FOX:
Thank you. I look forward to your memo. Are you going to add to that? No? Is there anybody here who is not represented by counsel who would like to say something before I ask Mr Matanuku Mahuika to say anything else?

(1:07) JOHN KAATI: (CLAIMANT SUBMISSION)
My name is John Kaati. I made a submission under the Wai 1450 during the hearing process. Like many who have come here not knowing actually what was going to happen here but it is a concern to me that we understood to some degree that the hearing was going to be helpful in our settlement claim. We are now saying well some of things are going to be in and some of them are available and some aren't.

So if that's the case then I just want to know whether if the Tribunal has thought long and hard about the landscape in which Maniapoto sought to protect? After all they continued their own self--government for 20 years while everybody else around them was governed by the Crown as we know them today. I would have thought that that would have been a very easy thing to work out to give some credence to at this point in time and I have heard the Tribunal members over the 16-week period of hearings say, "Well Maniapoto did have their own thing."

So I think myself there was an understanding, or can I say, that the Rohe Pōtae was under threat, the landscape was going to change. And I do recall quite clearly where some of our tūpuna were clearly understood that what was about to change that they were going to end up with a shadow and the Crown was going to end up with substance.

So I think myself at this point in time we have been, in our settlement, we have been lumped into the same as everybody else, "This is what you are going to get per person per area or whatever." But I hope that we are not gonna have an outstanding report from the Tribunal which is going take us nowhere and we are all gonna be lumped in with everybody else.

1310

I understand the nature of the Government but I am still of the view that tikanga, kawa and whenua were the basis of rangatiratanga and that is why the Rewi fought, others fought. They even went to establish a boundary in which no one was able to cross and someone was murdered because he did that. But the Crown itself gave some credence towards it by saying, "Well he should be tried for murder." But our rangatiratanga at that time said he was carrying out the orders of all of Maniapoto, "If that is the case then you need to hang the rest of us."

I do believe that that should be the basis of the Tribunal's findings in terms of all those five (one, two, three, four, five) sections or whatever because if that's the case then I think I would be very happy with this. I'm happy with the way things are at the moment but it's just that – I understand that the lawyers do their job and they'll always do a job so that they'll get another job next week and so on and so on, but my job here is to ensure that we get what we believe is what we deserve. So yes, so long as we work together to support Maniapoto in its endeavours to be given an opportunity I guess to well get what they deserve.

I do believe also that when they put their case, when our old people put their case to the Crown at the time they were astute enough to say that, all these things that I'm talking about, we own the land. We have tikanga, kawa. We are

the Governors of this land. The Crown made a mistake of saying, "Well, can you give us the boundaries on your land," and so Wahanui, Taonui and many other chiefs set about doing the Ōhākī Tapu and from the Ōhākī Tapu they went 20 miles out to sea. So if what they got then – if that was given to the Crown then I believe that we have got more than anybody else. Why? Because we were the Governors of this land and the sea. Kia ora tātou.

DCJ FOX:

Kia ora. Well those things Mr Kaati I can assure you are going to be covered in this part, these two parts of the report. And I am talking themes not detailed claims.

ANNETTE SYKES:

Ma'am, are we coming back after lunch? I just need to check instruct – no, that is okay –

DCJ FOX:

We will. And then those who want to can take instructions fully, if you can, because it is last minute you might not be able to. And then I will hear from you after they have finished. You can have the last say for today.

MATANUKU MAHUIKA:

That is fine Ma'am, yes.

DCJ FOX:

Yes, all right. Yes, Dr Harris wants to set as she is a lecturer.

DR AROHA HARRIS:

Yes, and I feel I have been getting quizzed by students about what is in their exam. So for the lawyers so you have been quite quick to work out things that could be included, so while you are having lunch I would like you to think a little bit about what you would potentially see as secondary priority. If some things have priority what things have next priority? What would you take out for now? And I am not asking that because I want a list of things that we can take out to

make our work easier, I am asking because I think it is a different way of getting at the priorities that there are for you.

And I guess I want to adjust the language a little bit. I think somebody referred to these as the Tribunal's priority chapters. They are not our priority chapters. There are parts of the report that we think we can make available in August or we have been told we can make available in August because we have been working on them already. So it is what we have been at work on. You know it is not a response to the submissions at all, it was what we had in hand before we got that December request for some priority reporting.

So you know it is our daily work in a way that we have presented today where we are up to. So but just take that question away and think about it. If you have got these priorities that you are telling us about, can you also say a little bit about what you can step back from for now? And it is just for now and it does not mean that we are going to take those things off the table at all, it is just another way to get at the same question. Kia ora.

DCJ FOX:
Thank you Dr Harris. I might just add just to her comment that those chapters flow with the statement of issues which you all identified as issues and then the Tribunal worked on as well and below the evidence that was heard in the chronological manner that it was heard, all right?

Okay, so let us break for lunch. We have only got half an hour for lunch. I would like us to be back here by 1.40 pm. Thank you.

PĀNUI

DCJ FOX:
Thank you.

HEARING ADJOURNS: 1.17 PM

HEARING RESUMES: 1.52 PM

DCJ FOX:
All right. Thank you everyone. We were trying to Skype, Mr Melvin, but he is having trouble with the Ministry of Justice so we are not going to wait any longer. Can I now ask counsel who have been able to take full instructions if they wish to say anything further?

(1:53) ANNETTE SYKES: (INSTRUCTION SUBMISSION)
Ma'am, I think we will go down the line because I spent the lunch time talking to my clients. Mōkau ki Runga are quite happy with the submissions and I will take the opportunity to put in writing some fuller matters, particularly around the issues of the Aukati and Te Ōhākī Tapu which they think are really important and my other counsel will tell you how the rest of the groups are going.

DCJ FOX:
Okay, thank you.

(1:53) REBEKAH JORDAN: (INSTRUCTION SUBMISSION)
Kia ora, Ms Jordan here. For Wai 2621, Wai 440 and Wai 1798, so the Ngāti Paretekawa and Ngāti Paea claims, there were just a couple of issues that they wanted to raise that are missing from that list. One was environmental issues which are of huge importance to them and the other is the Public Works Takings which one of the claimants, Mr Robert Te Huia, is going to speak on, if that is okay?

DCJ FOX:
Yes.

REBEKAH JORDAN:
Kia ora.

DCJ FOX:
Shoosh it is important.

(1:54) ROBERT TE HUIA: (CLAIMANT SUBMISSION)

Tēnā koutou. Public Works Takings that's a big issue with us. I mean you class it in today's environment you have channels to deal with that, but take for instance my great-great-grandfather, Te Whakataute, who was or who fought at the Orākau. He was one of Manga's main men being whānau and also he was a survivor. He came back over the river Puniu and went back to his 600 acres and no way was he going to sell that. You remember he was a survivor.

Now in the end the Government defeated him by using the Public Works Act. All that time he had written letters after letters to the Government expressing his dissatisfaction that he's now suffered two raupatu. He also had land on the other side of the river which he gave up and on the Maniapoto side they took it off him there.

I just want to reiterate to you the Tribunal the suffering that these people did take. You know they are not used to the European side of things using legal channels to try and get their land back. Remember, he is an old warrior, he is the last of the warriors who fought at Ōrākau. He died at our marae we buried him there at 93 years of age. The bullets couldn't kill him but this time a broken heart killed him. Kia ora.

The other issue is environment. At the moment on Waikeria which is our land we've got this big expansion project going on. Now there has been legal provisos concerning the passages of the pipelines and all that sort of thing that are travelling from there to Te Awamutu. But what we want to point out was the fact that it is our land, it is going through our property, and as yet no one listens to us. We would like the Tribunal to make a recommendation to help us in some degree to point out the fact that that is our land and that we at least deserve some respect for that fact.

We would also like to point out to the negotiators who are in line to want to facilitate our land don't forget there is 10,000 acres and we are a people who

suffered more than any other tribe in the Maniapoto area. This is going to be the third Raupatu that we are going to suffer and every time we had no say in the matter. Well this time we have got a say and I'm emphasising that fact to you because I want you to try harder in at least recognising us as a people in our own right. Kia ora koutou.

(1:58) JORDAN BARTLETT: (INSTRUCTION SUBMISSION)

A tēnā koe Ma'am. I am speaking for Wai 2656 and Wai 125. Wai 2656 is a claim on behalf of Ngāti Ngawaero and unfortunately Mr Bidois and Mr Searancke are unable to be here so I would need to seek full instructions from them and file submissions in writing. Regarding Wai 125 and that is a claim on behalf of Tainui Hapū o Tainui Waka, Ms Greensill has had to leave this JC early to attend a doctor's appointment and so submissions in writing will be filed on behalf of that claim, Ma'am.

TUMANAKO SILVEIRA:

A, tēnā koe e te Kaiwhakawā. Ko Tumanako Silveira tēnei. I am here for Wai 1136 on behalf of Ngāti Te Rahurahu, Ngāti Paretekawa, Ngāti Mutu and Ngāti Manga. Kāwhia Te Muru-a-ahi was not able to be here so I will need to seek further instruction and file submissions. Furthermore, I am here for Wai 1098 and 1099 on behalf of Jock Roa, *he tono mō Waikeria. Kua tau ōna piropiro o roto mō tēnei āhuatanga. Kia ora.*

DCJ FOX:

Well thank you very much. Mr Mahuika.

(2:00) MATANUKU MAHUIKA: (INSTRUCTION SUBMISSION)

Ma'am, I was able to talk to Mr Melvin during the lunch break and his position is the same position that I outlined on behalf of the Trust Board. So the preference is to receive the chapters as early as they can be received and for the reasons that I have given in order that they might assist with the completion of the historical account and also with an assessment of the adequacy of the redress, some of which is already contained in the agreement in principle and some of which is yet to be finalised and agreed.

He will take the opportunity to file written submissions in relation to the proposal. We understand the Tribunal's position as you outlined it to us all here today and you know we appreciate that. While we would like the information as early as we can get it or while the negotiators would like the information as early as they can get it, it is ultimately your report and it has to come out in a form which is coherent and which will do justice to the issues that are being covered by those matters.

There was one question as to whether or not the two parts could be staged. So whether perhaps Part 1 could come a bit earlier than Part 2 but that is more a question rather than anything else, and really the only suggestion of substance. In all likelihood we will file another joint memorandum once both of us have had the chance to take some further instructions, but I do not expect them to deviate greatly from what I have already said today.

As I understand it there is a loose timetable around the completion of the historical account and August would take us slightly outside that time table but there is still the opportunity to take into account the matters that the Tribunal reports upon, as you have indicated, given that the deed of settlement is not due to be on the current timetable finalised until December. So that is all I have to add Ma'am.

DCJ FOX:
Thank you. Well I do not think we can take it any further. We cannot contact Mr Melvin so I think that you have fairly represented what his position will be. So that is as far as we can go today, unless anybody has any other matters they wish to raise with me?

ANNETTE SYKES:
Ma'am, it is a query raised. Is there going to be any formal hand back or anything? This is just somebody raised from an elderly perspective, are we still going to have a kind of a ceremony at the end which is like what we did in Whanganui and Tūhoe? I just raise it because it never happened in Tūhoe

because all the bits never actually happened until after the settlement was done. And so on that basis, given that for many of my claimants, it is the report that is just as valuable as the settlement. They were wondering if that could be something considered?

DCJ FOX:

I am going to let Tā Hirini answer that.

TĀ HIRINI MEAD:

Well I keep telling our team that I'd love to come to the actual delivery of the final report to Te Rohe Pōtae and I'll hang on and hang on until that happens.

DCJ FOX:

Ka pai. He whakaaro anō tāu? Okay, all I can say is obviously Mr Te Hemara will be there to launch it properly. Aroha Harris, Dr Harris has a question.

(2:04)DR AROHA HARRIS TO MATANUKU MAHUIKA:

Q. Well first of all I asked for things that you would deprioritise and you came back with more things to prioritise so everybody gets an F. I have got a question for you Mr Mahuika which is me with my historian's hat on. So the topics you have requested to be released early are to assist with the historical account. I am curious as to what is not going into the historical account given the remainder of the history that is not covered by those topics or what is going on there? Like, can you clarify what is happening? What you need it for?

A. Look, not being privy to the discussions themselves I cannot be precise about it. The historical account is not going to be limited to those matters as I understand it but in context of the Rohe Pōtae things such as Te Ōhāki Tapu, the Main Trunk Line, the effects of the War and Raupatu are particularly unique to this area, so things such as land court, land purchasing and those other activities I mean they have happened across the country but these are quite significant and important events. So the position is simply that the Crown and the negotiation team think that they might be assisted by the Tribunal's review in relation to those particular

topics given that they were matters of some contention during the course of the hearings themselves. And although of course I filed a joint memorandum with Mr Melvin I mean I should point out that we are on either side of that negotiation and so I am expecting that those matters will continue to be matters of contention when it comes to trying to agree that part of the historical account. Because of course it was Maniapoto who were exclusively writing that part they would say, "Of course there was an Ōhāki Tapu and of course the Crown made commitments to Ngāti Maniapoto prior to the end of the Aukati which prompted Ngāti Maniapoto to allow for the opening up of the Rohe Pōtae and the establishment of the Main Trunk Line and the Crown subsequently did not give effect to those undertakings or representation. Whereas, as you will recall from the submissions, the Crown you know was not as forthcoming when it came to dealing with those matters. To the point of suggesting that perhaps the idea of an Ōhāki Tapu was an overstatement of what was actually said and agreed and what was said and agreed is not even that clear. So I imagine that, having being involved in these sorts of processes before, there will be debate about exactly what happened. And so the feeling is that if an independent party such as the Tribunal is expressing some opinions, then they will assist the parties in settling on you know what actually happened or what they are prepared to agree about and then subsequently acknowledge as part of a settlement process.

Q. So given your answer there, when you say North Island Main Truck Railway what do you mean? So, do you mean in relation to Te Ōhākī Tapu and the discussions at Kihikihi hui in particular and the opening, or are you including the construction and the land taking and the sort of reintroduction of pre–emption which we had on the board earlier, like the whole railway story or the bit around the contentious issues in the 1880s, yes?

A. You are asking me to go a bit further than I am probably able given that I am not in the room talking about those particular items. But as an initial response I think that all of those items are related. That you know the Ngāti Maniapoto position during the hearings was that but for the

Ōhāki Tapu, Maniapoto would not have agreed to lifting the Aukati; they would not have agreed to the opening up of the Rohe Pōtae and the establishment of the Native Land Court within that region. And so everything that happened subsequent to that around the establishment of the Main Trunk Line, about the land takings associated with the Main Trunk Line and then really everything else that flowed from that in terms of the operations of the Native Land Court, the land purchasing and those things that occurred within the district they all flow from the opening up of the Rohe Pōtae. And so that is why the Ōhākī Tapu is such a significant matter and why there is an interest in having it disclosed at an early point. Because that is the argument that but for that, but for those representations made by Bryce and Ballance all of these other things would not have followed because until then, the area within the Aukati, and I think it is common ground, was affectively an area that was still not just, I mean from four practical purposes, being ruled by the people of Te Rohe Pōtae and was not subject to the exercise of Crown sovereignty in a practical sense.

Q. Kia ora.

DCJ FOX:

All right, thank you. Now there were a few hands out in the audience. Yes, please?

(2:11) HAROLD MANIAPOTO: (CLAIMANT SUBMISSION)

Ka pai. A, te tuatahi, he mihi kau ra ki a koe rā e Tame, nāu rā i tuku te arawhata ki a ia te Runga Rawa kia ūhia mai tōna korowai tapu ki runga ki a tātou a tātou rā e tau nei i raro i te tuanui o tēnei tō tātou whare. Nō reira ka mihi kau rā, ka mihi kau rā. Me Tame me āu mihi hoki ki tō tātou Kaiwhakawā, tēnei tōna wā tuatahi ki waenganui ki a tātou a ka mihi ka mihi rā. Me te mihi kau rā ki a koe e te Kaiwhakawā, te aroha ake rā ki tō tātou rangatira a Rāwiri, heoi anō rā kua oti tōna wāhanga ki waenganui ki a tātou, ko koe tēnei i tēnei rā nō reira ka mihi whakatau ka mihi whakatau. Me tō rōpū e noho nei i tō taha i tēnei rā. Me kī pēnei au aku rangatira e noho ki waenganui i a tātou i tēnei rā ka mihi kau rā ki a koutou a tēnā koutou huri noa huri noa a kia ora tātou. [Interpreter: So, firstly,

I wish to acknowledge you, and to you Tom for leading in in prayer this morning to ensure – ensuring our day goes ahead as without any disruptions, I wish to acknowledge you. And of course, I acknowledge our new Judge in her first time amongst us, so I want to acknowledge that. And of course, to you my Judge, pleased to meet you. And of course, my love goes to Judge Ambler, I think about the time he was amongst us, but it's your time now, so we want to acknowledge you and your time here. And of course, your Tribunal, panel members here with you, so I do want to acknowledge all those leaders amongst you, and of course those present amongst this house.]

I'm sorry I got in a bit late. I was trying to catch up over lunch the enormity of what you presented today was a pleasant surprise. Nonetheless it was a real surprise because none of us even saw that coming. So there was this perception that we were coming here to listen to the Crown and the Trust Board's request application or whatever you wanted to call it and you sprung this on us. I'm very pleased that's the first point I want to make. I think it's something that we've been looking forward to and it's something I think that we now can start thinking about in earnestly.

There were a couple of things that I just wanted to put on the table and we'll have that discussion with counsel later on but just put it on your table at this point. The tribal landscape issue is one I think is very, very, important because that sets down the platform (the whāriki) for what comes in Part 4 which is the Takiwā part of the report.

The difficulty I have right now, and I will only speak about my people in the North, we are people that were captured under a settlement of the Waikato-Tainui Settlement, Raupatu Settlement and in the inquiry the Crown argued that we belonged to Waikato. Unfortunately, no one ever told us that in our history nor our ancestors nor the whakapapa that we carry. The tribal landscape I hope will clarify without doubt whatsoever where our feet stand.

I'd add that when you are a boundary people you end up with four feet, one in your camp, one in your neighbours camp, and the other two in everyone else's

and that was the way it was for Manga and his people in the North of Ngāti Maniapoto and to remember, despite the significance of Te Ōhāki Tapu, it didn't exist until after Raupatu and we were the recipients of that Raupatu. And I'll place this on here to remind the Tribunal about those dynamics of those special places that us as the border people maintain.

We weren't the only ones in that situation, Mōkau ki Runga was exactly the same. *Tō tātou rangatiratanga a Hone Wī rātou ki te Tonga* [Interpreter: Those in the south.] they were in exactly the same space as we were. And I just want to remind the Tribunal that there is a significance in that tribal landscape as compared with everyone else's.

Rohe Pōtae contact I won't say too much about that. Except that all that did was demonstrated the exercise of mana motuhake by all the chiefs and hapū of Maniapoto. We hear the term Ngāti Maniapoto today used in a different context to that and I want the Tribunal to be aware around the contemporary context of the use of Ngāti Maniapoto and that ancient one that our ancestors used back there in 1800s.

One thing I have not seen, even though I heard it raised by counsel, was some of the socio issues, health and disability, education. I raise this education one specifically because this building you are standing in was a creation of Ngāti Maniapoto and I note that it is nowhere in the settlement. The question I need to ask and I want you to ask also is, why not? Why hasn't something as significant as the Te Wānanga o Aotearoa not being a consideration of some of the taonga that we lost in contemporary time? Maybe it doesn't fit in the historical report, I don't know.

Public Works Takings is another one. That's probably the most pressing issue that's upon our people in the North of Ngāti Maniapoto at the moment. They are the only remaining customary lands that we have. As you heard early on from Robert Te Huia if they're taking again this will be the third time we have suffered Raupatu and I want – no, I don't want, I just ask that the Tribunal be aware that this is a very urgent issue for our people who have suffered the

largest Public Works Takings in the land. I was raised by Annette Sykes earlier on, I totally support her views.

The Takiwā reports really excited about those. I think it's brilliant. I commiserate with Hirini around the workload that it has created but I think the principal is something that we do need here in Te Rohe Pōtae Inquiry.

The last thing I want to talk about is customary acknowledgement of your hard work in producing these reports. Now, *tēnei tāku ki a koutou e te Kaiwhakawā. He tono tēnei ki a koutou kia haria mai tō rīpoata tuatahi ki runga ki tō tātou marae a Mangatoatoa. Kei reira hei tukuna atu ki te iwi whānui o Te Rohe Pōtae o Ngāti Maniapoto me ngā hapū katoa i kuhu mai ki roto ki tēnei mahi o koutou. He tono tēnei nā Ngāti Paretekawa me wana hapū maha ki Te Raki o Maniapoto kia tukuna tika ai ngā painga ngā kōrero katoa e tukungia ake e mātou mai o mātou mātua tūpuna ki reira hei whakaritea ai ngā taketake o aua pukapuka me ngā tikanga ngā kawa katoa kei roto, kia whakawātea ai koutou kia haere pai ai o koutou mahi a muri iho*. *Nō reira koinei rā te tono o nga hapū o Te Raki o Ngati Maniapoto ki a koutou e te Kaiwhakawā tō rōpū kia haere ā-tinana mai ki mua i te aroaro o tō tātou tupuna whare ki Mangatoatoa i tēnā wā. Nō reira kāti, kāti, kua oti rā tāku tono ki a koutou, e aku rangatira tēnā tātou a tēnā koutou. E tau ana.* [Interpreter: This is my wish to you and to you Judge, this is my request. I have a desire to ensure that the first report is released and release it in our marae in Mangatoatoa. There it can be released and distributed to all our families within the Rohe Pōtae and Ngāti Maniapoto and all the representative hapū and all those many interest groups and with the work that you have before you. Ngāti Paretekawa makes this request towards to ensure that it is released properly the information that it has for us acknowledging our ancestors there so we can look at what is presented in the report and of course to ensure that it is released with due protocols and proceedings. So to you Judge, your esteemed Panel members, we would welcome you all to our sacred house at Mangatoatoa at the time of its release. So with that that's my request just to make that very known to you, my leaders. Judge, thank you very much.]

DCJ FOX:

Well thank you for that really kind invitation and that is something we will really think about. I want to thank everybody for making the time to come today. It does not sound like the Crown will have too much different to say than what was relayed to Mr Mahuika but they will have the opportunity like all counsel to produce a memorandum. All memorandums can follow the one that I will issue after today just to make sure that the wording of the direction is clear for everybody. And then maybe you will have two weeks thereafter to get your replies and then Mr Melvin can make his reply with Mr Mahuika thereafter.

Unless anybody has got a different suggestion I think we should close.

TĀ HIRINI MOKO MEAD:

One comment.

DCJ FOX:

Yes.

TĀ HIRINI MOKO MEAD:

I kī mai tētahi o koutou me tangi mātou mō koutou ngā hapū ngā iwi. Kei te mōhio ahau ki te wairua o tana kōrero… [Interpreter: As mentioned by one of you earlier, that we should lament acknowledging those many hapū and iwi. I do know the essence of those words that were expressed.] …but if I just go to the other reo, we are charged with writing the report and we can't cry too much while we write it. We have got to be clear eyed, clear headed and onto it and try our best to write this report according to the different rules set out by the Tribunal as to the quality of our report.

We would love to be able to write it just how you would like it but we can't do that and I think you know that, but the issues are things we can address, especially the important issues that you have identified. We can try our best to make sure that they are covered in the report. I think that's fair to bring those to our notice so we'll try our best.

But I think the first thing we are going to do is try and write the best report we can for everybody. Not just for all of you the claimants, for the Crown so that when you come to negotiate they understand. They really do understand the issues and therefore would not make things too difficult for you.

That report also has to stand the test of time. That later on when people look back at that report they will say, "Well those writers they certainly didn't cry all the way while they were writing this report. They did write a good report," and that's what we're going to do.

It has been useful. It is not that we haven't heard the issues but just to say them again. At this stage and while we are trying to finalise the report it is just good to say them again just to remind us of all of these issues that were important to the claimants so thank you for that. You have been very helpful. Very useful to have this meeting.

Pou and I just noticed that the koroua John Henry wasn't here and we were sad about that but we were told he is okay, he is okay and then noticed that Tuti wasn't here and she is okay and we look forward to seeing them both.

Nō reira kāti i konei kāti i konei kua kōrerohia ngā kōrero, a, koinei pea te wā hei kati i tā tātou hui. [Interpreter: That is it from me, I have already mentioned/expressed what I wanted to say so at this stage I guess we can close matters here.]

TOM ROA:

A, e te Kaiwhakawā, tēnā tātou ngā iwi o Te Rohe Potae, a, e mihi nei ki te Rōpū Whakamana i te Tiriti, tae atu ana ki wō tātou rōia e kaha nei te tohe mō koutou te take mō tātou te take. [Interpreter: To you the Judge and all the many people within this Inquiry District, acknowledging the Waitangi Tribunal, our counsel groups representing your many aspirations before us.]

A, kei te rongo i te kōrero a Tā Hirini taihoa pea te tangi. Engari e Tā Hirini… [Interpreter: Listening to Sir Hirini to perhaps we should hold our tears.] …thank

you for assuring us that you are going to hold on. Well if you are trying we will be there right with you holding onto you *kia oti pai te take. Nō reira e te Kaiwhakawā…*

HĪMENE

KARAKIA WHAKAMUTUNGA

HEARING CONCLUDES: 2.28 PM