

OFFICIAL

Wai 898, #2.5.69

**IN THE WAITANGI TRIBUNAL**

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

the Te Rohe Pōtae District Inquiry  
(Wai 898)

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**MEMORANDUM-DIRECTIONS OF JUDGE D J AMBLER**  
**CONCERNING NGĀ KŌRERO TŪKU IHO O TE ROHE PŌTAE -**  
**ADDITIONAL QUESTIONS OF THE TRIBUNAL**  
**25 May 2010**

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Tēnā koutou

**1. Complaints about hui process**

- 1.1 Claimants and counsel will be aware that when we embarked on the oral traditions hui process I left it to claimants through the hui co-ordinators to make the necessary arrangements in relation to marae venue, allocation of speaking time to claimants and so forth. I also offered for Professor Mead and I to assist with such issues where there was no agreement.
- 1.2 Professor Mead and I were called upon to assist in resolving the issue of venues in relation to the hui for the coastal region and for the southern region. In the course of the hui I have also had to make rulings when speakers from different groups have used more time than was allocated.
- 1.3 I believe the hui process has worked extremely well. Certainly, the Tribunal panel has found the five hui to date to be very informative. However, some claimants have not been happy with the decisions that I have made or that Professor Mead and I have made. That does not come as a surprise given the issues and interests that we have had to balance.
- 1.4 Some have chosen to express their concerns in correspondence to the Tribunal. Mihirawhiti Serancke and Harold Maniapoto have expressed concerns in relation to the time available to Ngati Maniapoto claimants at the coastal hui at Kawhia. Les Howe and Muiora Barry have expressed concerns about the decision to not hold the fourth hui at Manu Ariki Marae. Greg Keenan repeated those concerns at the fifth hui at Maniaroa Marae last week.
- 1.5 It is inappropriate for me to respond to these complaints in detail. Reasons were given at the time and they stand. However, lest it be thought by reason of my silence to date that I accept the complaints made I state categorically that I believe we made the right decisions. This has been reinforced by the success of the hui to date, both in terms of the marae venue and the oral traditions presented.
- 1.6 Claimants must appreciate that the Tribunal process and, in particular, the oral traditions hui process, operate within various constraints and that from time to time decisions will need to be made on practical issues such as venues, time allocations and so forth.

**2. Participation of Ngati Kauwhata and Ngati Raukawa**

- 2.1 In early May I became concerned that there was as yet no indication as to when Ngati Kauwhata or Ngati Raukawa might present oral traditions as part of the oral traditions hui process. I asked the Tribunal staff to follow up with counsel.
- 2.2 I understand that counsel for Ngati Kauwhata are awaiting instructions but that Ngati Kauwhata may be presenting oral traditions at the sixth hui.

2.3 On behalf of Ngati Raukawa Mr Boast filed a memorandum dated 10 May 2010. Mr Boast states *inter alia*:

"5. Raukawa has already offered to host one of the hui and has also raised some concerns relating to the overall design of the process, in particular the absence of an eastern regional hui which could deal with the particular issue of Raukawa interests in the eastern part of the Rohe Potae Inquiry district and the Wharepuhunga block in particular. We found the absence of such a hui from the process somewhat surprising.

6 In Raukawa's view, the only appropriate venue for the explanation of their tribal history is a Raukawa marae. The present model for Nga Korero Tuku Iho o Te Rohe Potae does not allow for this an, as a result, Raukawa's current position is that it will not formally participate in Nga Korero Tuku Iho o Te Rohe Potae. Instead, Raukawa will present its traditional evidence as part of the substantive hearings and maintain a watching brief on this process."

2.4 He goes on to conclude that Ngati Raukawa will present at a later stage in the Inquiry.

2.5 I had understood from Mr Boast's memorandum of 30 November 2009 (#3.1.234) that Ngati Raukawa supported the process. In that memorandum Ngati Raukawa indicated that they would like to host a hui but there was no indication that they would decline to participate if they did not host a hui. I took from paragraphs 2.9 and 2.10 of that memorandum that they would present at either the northern hui or the southern hui. In Mr Wilson's memorandum of 18 January 2010 (#3.1.237) he indicated that Ngati Raukawa was still seeking to hold a hui at Wharepuhunga (paragraph 14), but again, there was no suggestion that they would not participate if they were not able to host a hui.

2.6 Decisions regarding the various venues were finalised in March 2010. They have been communicated via memoranda of counsel or Memorandum-Directions of the Presiding Officer. It therefore came as a surprise to only learn by way of Mr Boast's memorandum of 10 May 2010 that Ngati Raukawa is apparently not going to participate in the oral traditions hui process.

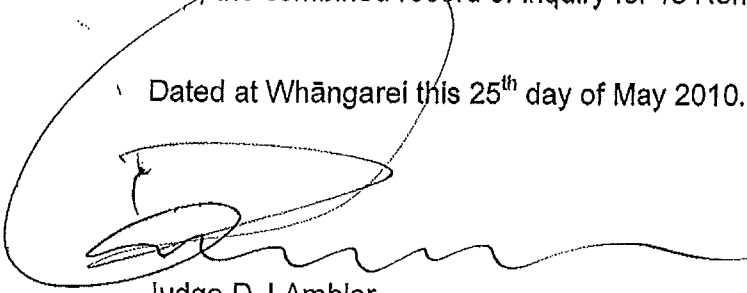
2.7 Notwithstanding Mr Boast's advice as to Ngati Raukawa's position, I encourage Ngati Raukawa to participate at the sixth hui at Te-Tokanganui-a-Noho if the co-ordinators are able to accommodate them. Otherwise, the opportunity will be lost.

### **3. Additional questions of the Tribunal**

3.1 As I have said, the Tribunal panel has found the oral traditions hui to be very informative. As we approach the last of these hui, we thought it would be of assistance if we identified some of the specific issues within the list of Take that require further amplification. Accordingly, we attach as Appendix A a list of questions prepared by the Tribunal panel. We ask that counsel and co-ordinators for the sixth hui consider the questions (in addition to the list of Take) when preparing speakers for the hui.

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 Whāngarei this 25<sup>th</sup> day of May 2010.



Judge D J Ambler  
Presiding Officer  
**WAITANGI TRIBUNAL**

**Appendix A**

- 1 What are some of the kōrero that have been maintained about specific interactions with early missionaries and Pākehā settlers?
- 2 Some people have alluded to the King placing his hat on the map. Could we be told more about the occasion: when did it happen and where where? Who was present and what was said? What was meant by this act? How have people kept kōrero about the occasion alive since?
- 3 How did the aukati work and how was it protected in different parts of the Rohe Pōtae? Were there particular people who had responsibility for this? Are there stories of boats denied anchorage in Kawhia or Whaingaroa? Were people being turned back at the Puniu River and other places? What were the circumstances – explorers, adventurers, officials?
- 4 What did the aukati mean to Māori living in the Rohe Pōtae, in the nineteenth century and now?
- 5 What key discussions (including hui) occurred in the Rohe Pōtae from the 1860s through to the 1900s? What was discussed and who participated? For example, were there hui/discussions about Native Land Court cases?
- 6 Were both Māori and Pākehā people brought in to the Rohe Pōtae during the aukati and how was this decided?
- 7 Was there trading outside of the aukati? Where did children go to school? What relationships were established and maintained with other Māori, Pākehā or government officials outside the Rohe Pōtae, and for what purposes?
- 8 Was the boundary of the Rohe Pōtae in 1883 different? Why was that? Why was that boundary drawn where it was? Was anything left out that should have gone in and why did that happen?
- 9 Can more be told about sickness during and after the New Zealand Wars? Why is it thought that this was deliberate on the part of the government?
- 10 What happened when the first land blocks were brought through the Native Land Court and surveyed?
- 11 What was the relationship between the other hapu and iwi groups of the Te Rohe Pōtae Inquiry district and Ngāti Raukawa?
- 12 What was the nature of the Te Rohe Pōtae Compact? According to oral traditions, who attended hui held between Crown politicians/officials and Māori leaders and what was said? What did Māori leaders understand that the Crown had agreed to?