WAITANGI TRIBUNAL

WAI 264

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by A Taiaroa for iwi of the National Maori Congress affecting Railway Land Disposals

TO the Honourable Doug Kidd, Minister of Maori Affairs

AND TO the Honourable D A M Graham, Minister of Justice
the Honourable Morris McTigue, Minister of Railways

REPORT ON WELLINGTON RAILWAY LANDS

The Crown–Congress Joint Working Party seeks a scheme for the disposal of surplus railway lands in the Wellington region from the south coast north to Pukerua Bay in the west and north to Maymorn in the Upper Hutt Valley in the east. The Joint Working Party has undertaken research and identified the groups in schedule A as the groups with an interest in that district, and the person and organisations as shown in that schedule as the bodies currently representing them.

We have heard representatives of the groups concerned, giving notice of our intention to do so to others with claims affecting the district as shown in schedule B and to other organisations as shown in schedule C. There were no objections to the Joint Working Party's intention to treat with the groups in schedule A through the persons or organisations shown.

Accordingly, the Tribunal has resolved that the Crown would not be acting contrary to the Treaty to effect an arrangement or agreement for the sale of railway lands in the district with the person and organisations in schedule A.

DATED at Wellington this 21st day of December 1992

[Signed E T J Durie]

for E T J Durie, chairperson
G S Orr, member
G M Te Heuheu, member

SCHEDULE A

Groups with interests in the District	Represented By
Mua-Upoko	Runanga ki Mua-Upoko Incorporated
Ngati Toa	Te Runanga o Toa Rangatira Incorporated
Ngati Rangatahi	Roger Herbert
Rangitane	Te Runanga o Rangitane
Ngati Ira	Wairarapa Maori Executive Taiwhenua
Te Atiawa	Wellington Tenths Trust

SCHEDULE B

Claimants in the District to whom notices were given
E Te Whiti Nia (Wai 183)
T Poata (Wai 172)
R Mercer (Wai 28)
P Parata, Ati Awa Ki Waikanae (Wai 89)

SCHEDULE C

Others in the District to whom notices were given
P Te Tau, Chairman, Rangitane o Wairarapa
K Puketapu, Te Runanganui o Taranaki Whanui ki te Maui
The Chairperson, Te Runanganui o Ngati Kahungunu
R Jacob, Te Runanga o Raukawa
R Maxwell, Runanga o te Upoko o te Ika
D Asher, Te Runanganui o Taura Here o te Wehanganui a Tara

WAITANGI TRIBUNAL

WAI 264

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by A Taiaroa for iwi of the National Maori Congress affecting Railway Land Disposals

To the Honourable Doug Kidd, Minister of Maori Affairs

AND TO the Honourable D A M Graham, Minister of Justice
the Honourable Morris McTigue, Minister of Railways

REPORT ON RAILWAY LAND AT WAIKANAE

The Crown–Congress Joint Working Party has proposed a scheme for the disposal of 3605 square metres being Lot 6 DP74713, all Certificate of Title 41D/450 (Wellington Registry) being a section at Waikanae adjoining the cemetery known as Ruakohatu (Urupa Maori Reservation on section 41 Town of Parata all Certificate of Title 889/76 (Wellington Registry).
Upon hearing the Crown–Congress Joint Working Party we are satisfied from the inquiries made that the only Maori with an interest in the said Lot 6 DP74713 are the Ruakohatu Urupa Trustees as appointed by the Maori Land Court and the Crown would not be acting contrary to the principles of the Treaty of Waitangi to treat with them.

DATED at Wellington this 21st day of December 1992

[Signed E T J Durie]

for E T J Durie, chairperson
G S Orr, member
G M Te Heuheu, member

WAITANGI TRIBUNAL

WAI 264

CONCERNING the Treaty of Waitangi Act 1975

AND claim by A Taiaroa for iwi of the National Maori Congress affecting Railway Land Disposals

TO the Honourable Minister of Maori Affairs

AND TO the Honourable Minister of Railways
the Honourable Minister of Justice

REPORT ON AUCKLAND RAILWAY LANDS

The Crown–Congress Joint Working Party has proposed a scheme for the disposal of railway lands on Tamaki isthmus, Auckland. This is based on agreements with the Ngati Whatua o Orakei Maori Trust Board and the Ngati Paoa Whanau Trust Board, and arrangements involving representatives of the Ngaitai and Waiohua tribal groups, the Manukau Maori Trust Board and Te Runanga o Ngati Whatua Trust Board.

The Tribunal is satisfied that Ngati Whatua, Ngati Paoa, Ngaitai and Waiohua have interests in the area, that appropriate representatives for those groups have been consulted and that they are content with the arrangements made.

Accordingly the Tribunal has resolved that the sale of railway lands in Auckland on the basis of the agreements or arrangements now made, would not be contrary to the principles of the Treaty of Waitangi; and the Tribunal acknowledges the withdrawal of the claim in respect of the Auckland area described.

DATED at Wellington on this 21st day of May 1992

[Signed E T J Durie]

for E T J Durie, Chairperson
G S Orr, member
G M Te Heuheu, member

WAITANGI TRIBUNAL

WAI 264

CONCERNING the Treaty of Waitangi Act 1975

AND the National Maori Congress claim against railway land disposals

TO the Honourable Minister of Maori Affairs

AND TO the Honourable Minister of Justice
the Honourable Minister of Railways

REPORT ON SOUTH AUCKLAND RAILWAY LANDS

Background

As you know, in June 1991 when Government announced an intention to dispose of railway lands, the Maori Congress ('the Congress') brought a national claim that the proposed disposal of those assets outside of the state enterprise arrangements and without any other scheme for the protection of local Maori interests, would be prejudicial to them and contrary to the principles of the Treaty. The Congress referred to some opinion to that effect in the general courts and there was little argument before the Tribunal. Instead, Congress and Crown sought to settle on an appropriate protective scheme.

In October 1991 the Tribunal was advised of the arrangements then made. A Crown–Congress Joint Working Group would be established to resolve, by research, whether a prima facie case existed in particular areas and if so, to negotiate with local Maori for the terms on which district railway assets might be disposed.

For the Crown's protection it was necessary that any settlements so reached would not later be overturned by claims that the wrong people had been dealt with, a concern that now constitutes one of the most vexed issues confronting the resolution of treaty claims. It was therefore considered that settlements would be finalised only after the Tribunal had made a finding on local representation. More particularly, in terms of the Tribunal's jurisdiction and the claim as filed, a finding would be sought that the disposal of railway assets in particular areas would not be contrary to Treaty principles were a settlement first made with specified Maori groups.

The national claim was adjourned on that basis and since then the Tribunal has reported findings on railway asset disposals in Auckland Central, Waikanae and Wellington.

Tribunal's Jurisdiction

The Tribunal is now asked to report in respect of South Auckland. Because of some contention there however, there is first a need to emphasise again the nature of the issue before the Tribunal.

The Tribunal is *not* called upon to review any settlement terms. The issue is limited to whether certain proposed groups can effect a settlement on behalf of those affected.

The Tribunal is *not* called upon to decide the appropriate bodies or persons to represent hapu or iwi for all purposes and for all times. The question is whether in all the circumstances the groups proposed can properly 'sign off' on this occasion.

The determination of more permanent tribal representative bodies would present considerable difficulties, the dynamics of customary society creating a multiplicity of competing and ever changing interests. Accordingly and until such time as some settled structures are agreed, it is necessary to consider what is reasonable having regard to the current circumstances and the need to dispose of an immediate difficulty.

We are assisted by the fact that the claim concerns one class of Crown asset only and is a settlement only in respect of that asset, not in respect of all claims. Thus, a new Maori group that may later emerge to claim an interest may well be accommodated in future settlements on other assets or in state enterprise binding recommendations. We have also considered that any body constituted now to receive assets on behalf of a Maori group, is liable to be removed by the Courts from control of those assets if in future it ceases to be properly representative of or answerable to the tribe it purports to represent. There is flexibility in law for such adjustments to be made if required, and the new Te Ture Whenua Maori Act 1993 gives special jurisdiction to the Maori Land Court under this heading.

In this case then, the substantive issue is whether on the information now available, certain proposed bodies are appropriately to be treated with for the disposal of particular railway assets.

Having said that we note that the Tribunal may not need to resolve this issue in future, another process for determining representation having now been provided. In particular on 21 March 1993, well after these current proceedings had begun, Parliament enacted section 30 of Te Ture Whenua Maori Act 1993 enabling the Maori Land Court to determine or advise upon the most appropriate representatives of any class or group of Maori for certain purposes.

We regret however that we cannot accept the submission of Mr Harvey for Te Kani Kingi that this case should now be referred to that Court. This case was properly brought on the law as it stood at the time, the new law does not take effect until 1 July, there are likely to be further delays after that date as the Maori Land Court adjusts to its extensive new legislation, and the claimants have given good reason for seeking a decision as soon as possible and at very least within this financial year. It would be further prejudicial to parties that they should now be required to reproduce to another forum the lengthy evidence and submissions already given here.

It is also the case that the questions of customary entitlement and modern representation are here interwoven. The legislation however directs questions of custom to the Maori Appellate Court (see section 6A Treaty of Waitangi Act 1975) and questions of representation to the Maori Land Court sitting with special members (section 30 Te Ture Whenua Maori Act 1993), a severance that is inconvenient in this case. (The Minister of Maori Affairs is thus urged to resolve the problem for the future by promoting an amendment to align section 6A with the new law in section 30, enabling both issues to be settled in the one place and at the same time).

Proceedings

The national proceedings began with the claim dated 5 June 1991. Hearings with regard to South Auckland in particular, were held in Auckland and South Auckland on 18 November 1992, 19 January 1993 and 6 April 1993. Notices were given by the Crown–Congress Joint Working Party and by the Tribunal. Prior to hearing, counsel for the Working Party filed particulars of the research inquiries made to establish customary entitlement and of the consultations held.

Counsel appearing were Ms Wainwright for the Joint Working Party, Mr Woolford and later Ms Shaw for the Crown, Mr Barrett-Boyes and later Mr Harvey for Te Kani Kingi, Mr A Jones for Manukau Maori Trust Board, Mr A Orme and later Ms Harre for Tinana O Ngai Whatua Nui Tonu, C J McGuire and T N Peters for Ngati Whatua O Orakei Maori Trust Board and Mr H Rapata for Te Runanga O Ngati Whatua. Other bodies had lay representatives.

Criteria

As we have indicated the determination of appropriate Maori representatives is fraught with difficulty. The difficulties must be faced however to meet the economic imperatives. Having regard to the current lack of structure, we can only hope to do as best we can and to consider what is reasonable having regard to the current fluidity, while leaving room for future change and improvements if need be.

We were much assisted in this case however by the submissions of H Rapata for Te Runanga O Ngati Whatua. He opined that representation should depend on:

—a broad based consent of the people;
—a due process of consultation according to tikanga; and
—credibility in terms of leadership.

He also quoted Sir Graham Latimer in evidence to the Court of Appeal to say

> It would be unthinkable when dealing with a matter of great significance for the tribe to proceed without approval of rangatira and kaumatua who are acknowledged custodians of the authority of the tribe.

These opinions greatly helped in this area where we have no precedents to turn to. They do not cover all situations however.

Waiohua

It was put to us that Te Akitai, Ngati Tamaoho, Ngati Naho, Ngati Pou, Ngati Tipa, Ngati Tahinga and Ngati Amaru are hapu of Waiohua–Tainui connection with proper claims and customary interests in South Auckland, and that they are all currently represented for the purposes of the railways clearance in the Huakina Development Trust. There was no dispute on this proposition and accordingly we had no difficulty in accepting it.

Ngati Te Ata

It was likewise accepted that Ngati Te Ata has South Auckland interests. Ngati Te Ata is currently independent of Huakina Development Trust and in this case is represented by A Kaihau and N Minhinnick.

Ngati Whatua

The first major contention concerned Ngati Whatua. Ngati Whatua claim ancestral connections in South Auckland. The position of the Ngati Whatua O Orakei Maori Trust Board ('the Orakei Board') and Te Runanga O Ngati Whatua ('the Runanga') however, is that in this case no claim is made against South Auckland railway assets in view of an inter-tribal arrangement that Ngati Whatua should settle out of Central Auckland. The Manukau Maori Trust Board and Te Tinana O Ngati Whatua on the other hand disagreed with that position, and a substantial question [then] arose as to who in fact represented Ngati Whatua.

No-one doubted that the Orakei Board could speak for the Ngati Whatua O Orakei hapu, but the extent to which the Board could speak on matters outside the Orakei area, or alternatively, the extent to which the Board could exclude other groups, was in question.

The Orakei Board was first introduced to this Tribunal in the Orakei claim reported in 1987. The Board was constituted under the Orakei Block (Vesting and Use) Act 1978 and was continued under the Orakei Act 1991. The Board relied heavily upon section 19 of the latter Act which provides

> … the Trust Board may from time to time negotiate with the Crown for the settlement of any outstanding claims relating to the customary rights and usages of the hapu including those matters which derive from the manawhenua of the hapu in the Tamaki Isthmus, and the Trust Board shall have the sole authority to conduct any such negotiations in respect of the hapu, or of particular whanau or group within the hapu.

This gives the Orakei Board the sole legal authority to conduct negotiations in respect of 'the Maori sub-tribe or hapu known as Ngati Whatua o Orakei, being a hapu of … Ngati Whatua' (section 2); but it is not an exclusive authority as against other hapu of Ngati Whatua or as against the hapu of any other tribe. The section also refers to the 'manawhenua' of Ngati Whatua o Orakei in Tamaki Isthmus, but does not assume that that hapu has an exclusive mana in Tamaki Isthmus, or that all other customary interests are thereby extinguished. Accordingly, while no-one questioned the standing of the Orakei Board to speak for the Orakei hapu, the Tribunal did not treat the legislation as ousting other bodies purporting to represent some other Ngati Whatua interest or some other body representing another tribal group. (In the result the Tribunal had no need to consider whether the Act itself was contrary to the principles of the Treaty in denying the proper status of some competing Maori body.)

In fact the position appears to be that while Ngati Whatua O Orakei have clear interests in Auckland, Ngati Whatua as a whole have interests too (in addition, of course, to other tribes). The general Ngati Whatua interest appears to arise because of some tribal over-right and shared ancestry throughout the district, and because tribal claims against the Crown's assets are not necessarily constrained by current hapu locations. This is especially so when, as here, the Crown's assets against which recovery might be sought are not evenly distributed throughout the tribal rohe.

A general Ngati Whatua claim to Crown assets throughout the wider Ngati Whatua rohe was first filed with this Tribunal on 28 March 1989 by Tamihana Aikitou Paki and Eru Manukau ('the Manukau claim'). It is a feature of the Treaty of Waitangi Act 1975 that 'any Maori' may claim to the Tribunal, and accordingly, the Tribunal is not put upon inquiry as to whether claimants have an appropriate tribal mandate. (It is submitted that Government should review this position and enable the Tribunal to decline to hear claimants without a proper mandate, in appropriate cases).

In this case however, the Manukau claim was received as a claim though it was wanting in several respects. Most especially the claimants did not specify, and have not yet specified, the particular Crown actions complained of, the ways in which those actions prejudiced the tribe and the respects in which such actions are alleged to be contrary to treaty principles. (Of course they are not alone in that respect and it is fair to note that they have pleaded the difficulty of presenting a tribal claim before the research has been done.)

The Manukau claim was nonetheless received as a claim, with leave to amend. There have since been numerous amendments and additions, mainly to expand upon the assets claimed, but none to adequately identify the grievances complained of.

The names under which the claim is brought have changed too. In a plethora of correspondence the Tribunal has been advised that the claim stands under a variety of titles, the most consistent being the Manukau Maori Trust Board ('the Manukau Board'). The Manukau Board appears to have been established not to represent any tribe but to undertake charitable works.

For a period the Tribunal understood the Manukau claimants were working as a division of the Ngati Whatua Runanga, but for the most part the claimants maintained an independent position. More recently they appear to have become

allied to or somehow joined or connected with Te Tinana O Ngati Whatua Nui Tonu ('Te Tinana'), an organisation represented before us only recently and by Mr M Powell.

The Runanga on the other hand was constituted under Te Runanga O Ngati Whatua Act 1988 for the express purpose of representing the wider tribe. Amongst other things it was to

> … consult with other tribal authorities concerned with the administration of resources for the benefit of the members of the Ngati Whatua tribe, with the objective of bringing the assets of the whole tribe under a united administration, thereby reaffirming tribal identity whilst still preserving local autonomy (section 3).

The Manukau claimants contended however, although with little corroborative evidence, that the Runanga was not operating properly, was largely defunct and had lost the support and interest of the people. The Manukau claimants sought to establish this by reference to the minutes of various hui that they had called and to certain correspondence. Accordingly we did not assume that the legislation constituting the Runanga was in itself proof that the Runanga was the appropriate body to consult with, for Ngati Whatua as a whole, over the Crown's railways asset clearance programme. As it turned out, the Runanga did not assume that the legislation was conclusive either.

In order to investigate the position more fully the Tribunal commissioned M Henare of the Tribunal staff to provide detailed research on the official record of the action taken to constitute the Ngati Whatua Runanga. The report was available to parties.

The Manukau Board and Te Tinana then sought to establish their own mandate by reference to the minutes of various hui they had called, correspondence, an agreement with the Orakei Board and petitions. Mr Powell also presented considerable volumes of historical and other material, though more impressive for quantity than content. It was claimed the Runanga had lost any mandate it may have had.

In rejoinder H Rapata for the Runanga reviewed the trials, tribulations, successes and progress in the establishment of this large runanga. Mr Parore, Secretary, outlined the works that had been done and the extensive consultations that had been effected, whilst certain elders and leaders, Tepania Kingi, Russell Kemp, Danny Tumahai, Archdeacon Taki Marsden, Ross Wright, Takutai Wikiriwhi and Jim Connelly spoke at length on the extent of consultation and the ground-swell of general Ngati Whatua support. Vivienne Bridgwater addressed the role of youth under the Runanga and the establishment of the Ngati Whatua radio as 'the top youth station in Auckland'. Conversely Mr Rapata and the Runanga challenged the right to the Manukau Trust Board and Te Tinana to represent Ngati Whatua at all.

As it turned out neither Te Tinana nor the Manukau Trust Board or their representatives, challenged the very extensive evidence and submissions for the Runanga. M Powell for Te Tinana made a brief statement objecting to the process and absenting himself before the Runanga evidence was given. The Manukau Board left shortly after the Runanga presentation. Before doing so however it challenged the

representativity of the Runanga in terms of its definition of beneficiaries. But the Manukau Board left with a prepared statement from their counsel that the Board would make no further contribution to this matter.

On the evidence it was obvious that the greater support by far, and the greater competence in leadership was vested in the Runanga.

It appears therefore the Crown should treat with two bodies for Ngati Whatua on the South Auckland Railway disposals, the Orakei Board and the Runanga. Although those bodies have indicated they make no claim, that is for them and the Crown to consider not this Tribunal.

Hauraki General

The Hauraki Maori Trust Board ('the Hauraki Board') claimed a general interest in South Auckland on behalf of the Marutuahu tribes; and a particular interest in the representational arrangements for Ngati Paoa and Ngaitai. At this stage we deal only with the general interest.

The Hauraki Board is constituted by section 4 of the Hauraki Maori Trust Board Act 1988 with the beneficiaries being the descendants of Ngati Hako, Ngati Hei, Ngati Maru, Ngati Paoa, Patukirikiri, Ngati Porou ki Harataunga ki Mataroa, Ngati Pukenga ki Waiau, Ngati Rahiri-Tumutumu, Ngai Tai, Ngati Tamatera, Ngati Tara Tokanui and Ngati Whanaunga. We understand each of these 12 divisions is represented on the Board.

It does not follow however that the inclusion of particular groups as beneficiaries for the purposes of the Maori Trust Board's Act, means that the Board becomes the representative of those groups for all or any purposes. Evidence is needed on whether local autonomy has been surrendered to the Board in the particular case or preserved to the hapu; or argument will be needed as to the extent to which the issues involved in any case are properly to be addressed at a hapu or at level.

The Crown–Congress Joint Working Party accepted however that there should be consultation with the Hauraki Board over matters affecting the interests of the Marutuahu tribes generally.

N McLaren contended initially, that the Board had delegated all matters relating to the Hauraki claims to the Hauraki Kaumatua Council, which she represented. Later when the Board denied this, she contended instead that all matters relating to the Hauraki claims had been vested in the Hauraki Kaumatua Council by the authority of a hui of 28 February 1993; but this too was challenged by the Board's chairperson. It was soon clear to us, after listening to the chairperson and Mrs McLaren, that the appropriate body to consult with on this matter and in this case is the Hauraki Board and not the Kaumatua Council.

Nor do we accept Mrs McLaren's strong objections to some lack of notice of the proceedings to a central Hauraki authority. The claims process has existed for several years now and no central Hauraki claim has previously been made in respect of South Auckland; and nor has it previously been contended that matters affecting the tribes

of the Marutuahu confederation had perforce to be addressed through the Board. Such a proposition was not raised during the Ngati Paoa claim inquiry in 1987 despite considerable notice of the case and media attention. There was in fact Hauraki support for the Ngati Paoa claim in those proceedings. Nor was the contention made following the much publicised filing of the Manukau claim to South Auckland in 1989, soon after Government's announcement of a new Orakei settlement in 1988. It appears further that the early Auckland literature does not refer to a Hauraki presence in South Auckland as such, but rather to particular Maratuahu divisions, that are, on their face, autonomous. Who then can complain that their position has been overlooked when that position has not previously been asserted?

Ngati Paoa

Through Hariata Gordon, Ngati Paoa has had claims to this Tribunal since 1986. Ngati Paoa has had support from both Tainui and Hauraki in the past, especially during the Waiheke hearing, and it has not previously been suggested that the Ngati Paoa group has ceased to have an autonomy of its own and must work through the Hauraki Maori Trust Board. Certainly the Hauraki Maori Trust Board Act as we read it, does not compel that course. No doubt it would be mutually advantageous for Ngati Paoa and the Board to consult but in view of the historic position, we consider the Ngati Paoa Whanau Trust is entitled to independent representation on matters affecting the South Auckland railways disposals; and that the Ngati Paoa Whanau Trust should continue to be independently represented until the need for some other arrangement is affirmatively established.

Ngaitai

The Ngaitai position appeared to be complex. As with Ngati Paoa, and no doubt as with other hapu too, Ngaitai can align to both the Hauraki and the Tainui Maori Trust Boards. Ngaitai are linked as well to the Ngaitai people of distant Torere. In addition of course, Ngaitai, like Ngati Paoa, can also stand independently, or may be linked to one or other alliance for some purposes and may stand independent for others.

Ngaitai, it appears, cover numerous parts of South Auckland. For the greater period of their modern history, it seems, they have been aligned to Tainui and have held a seat on the Tainui Maori Trust Board since 1946. The seat was held by Hauwhenua Kirkwood, and later by the tribal matriarch and kuia, Ngeungeu Zister of Umupuia, Clevedon. We understood she held this seat for some 27 years. It is now held by Carmen Kirkwood.

For reasons that are not clear to us, Ngeungeu Zister now supports a Hauraki alliance; and she and others of Umupuia have been responsible for a representative on the Hauraki Maori Trust Board since that Board was constituted in 1988. Through her spokesperson in these proceedings, T M Turoa, N Zister has now asked that the Hauraki Board represent Ngaitai.

It is clearly the wish of others however that Ngaitai should be represented through the Ngaitai ki Tamaki Trust, which was constituted following a publicly notified Hui-A-Iwi in August 1992 and which was held at Umupuia Marae. Support for that proposition comes also from certain of the Umupuia Marae people themselves. The Ngaitai ki Tamaki Trust is managed by a somewhat younger set.

A third contender to represent Ngaitai is Te Kani Kingi. On the evidence it appears however that he is more connected to Torere and has no large mandate in South Auckland.

We adjourned the Ngaitai inquiry in the hope that some accommodation between the kaumatua and the younger group might be possible. At the resumed hearing it was apparent that none was. A belligerent and aggressive approach by the Ngaitai Trust leadership served only to convince us that the trust lacked both the spirit and competence to represent the interests of N Zister and her Umupuia supporters. The Trust however, is the only broad based elected body.

Accordingly it is necessary in our view that the Crown should treat separately with the Ngaitai ki Tamaki Trust for the general purposes of Ngaitai, and with the Hauraki Maori Trust Board in respect of the interests of Mrs Zister and her supporters.

Conclusion

The claim is that the disposal of railway assets without a prior arrangement or agreement with local Maori would be contrary to the principles of the Treaty of Waitangi.

Upon inquiry into the current South Auckland position the Tribunal finds that the Crown would not be acting contrary to the Treaty to dispose of railway assets in that district upon terms first severally agreed with:

—Huakina Development Trust;
—A Kaihau and N Minhinnick for Ngati Te Ata;
—Ngati Whatua o Orakei Maori Trust Board;
—Te Runanga o Ngati Whatua;
—Ngati Paoa Whanau Trust;
—Ngaitai ki Tamaki Trust; and
—Hauraki Maori Trust Board for N Zister and her Umupuia supporters, and for other Marutuahu interests not otherwise represented.

DATED at Wellington this 18th day of May 1993

[Signed E T J Durie]

for E T J Durie (chairperson) , G S Orr and G M Te Heuheu (members)