

First comprehensive 'test case' goes to Waitangi Tribunal

Nga Kaiwhakapumau i Te Reo v The Crown

The Labour Government is looking to give teeth and mana to the Waitangi Tribunal, the body set up by the previous Kirk administration to oversee the provisions of the Treaty of Waitangi. The legislative teeth would enable claims based on the Treaty to go back to the signing of the Treaty, and also allow the Tribunal to award compensation. The following claim of Nga Kaiwhakapumau to be heard by the Tribunal in June will be a test for the proposed legislation.

Teenaa koutou, nga rangatira, e noho mai na i teenaa taumata whakatauiria tikanga ture, o Te Taraipiuana o Waitangi.

Teenaa hoki koutou i te aahuatanga ki o taatou aitua, kua ngaro nei ki te po. Kua mihia, kua tangihia, kua huri raatou ki tua o te pae. Oti raa, kua oti atu ki te po. Haere koutou, e ai hoki ki nga whakataukitanga koorero:—

"Whatungarongo te hunga mate, toi tuu ko te kaainga ki te hunga ora."

Kaati raa, teenaa anoo taatou katoa.

Ko maatou teenei, ko Nga Kaiwhakapumau I Te Reo (kua kaporeitangia nei), aa, ko nga kaihautuu hoki o te karangatanga komiti e moohiotia whaanuitia ana ko Te Poari aa Reo Maaori, ki te rohe o Te Upoko o Te Ika a Maui.

Kua aapitingia ki teenei reta, he taura o te Tikanga Kaupapa whaka-haere i to maatou komiti.

He whakaatu atu teenei ki a koutou, i to maatou hiahia, kia whakatakotoria ta maatou take ki o koutou aroaro, hei tirohanga, aa, hei whakatikatika mai kia eke atu ki te ara e taea ai te whakawaa i teenei take ki toona tutukinga.

Ko te tino puutake o teenei tono, kei te haangai tonu ki runga ki te aahuatanga ki te reo Maaori, e ngaro haere nei, e heke haere nei, i ia tau, i ia tau, e ai hoki ki nga whiringa koorero a nga tohunga-aa-reo, e tae raanei ki te tau rua mano, kua aata ngaro atu i aa taatou to taatou reo Maaori.

Kei te tino manawapaa maatou ki teenei mauiui, e ngau haere nei i te haa, i te wairua, i te mana o te reo i roto i nga iwi, i nga hapuu, heke iho ki ngaa tamariki mokopuna, o te nuinga o nga rohe o Aotearoa.

Ka kitea raa i konei, kua rite teenei aahua ki te aahua o te reo tuuturu o te iwi Maaori o Hawaii, e kiia raa, kei nga waita, kei nga ingoa anake o taua whenua e rangona ai.

E whakaponu tuuturu ana maatou ki teenei, ko te reo Maaori te puutake, te manawa, te ara e puta ai, aa, e puaawai ai nga whakaaro, nga wawata, me nga tikanga katoa e pupuu ake ana i te

ngaakau Maaori, tae atu hoki ki nga aahuatanga katoa o toona ao.

He taonga i heke mai i o taatou tuupuna, naa raatou nei i taatai, mai te rangi ki te whenua, i roto i nga mano tau kua pahemo. I takea mai i Hawaiki raa anoo, i whitingia mai te Moana-nui-a-Kiwa, tau rawa ki Aotearoa, tae mai ki te hunga tuuturu Maaori e noho nei.

Kaati raa. Ka tirohia i konei, kei te whakaheke te mana o te reo Maaori e te korenga e tika o nga ture, me nga kaupapa whakahaere a te Kaawana-tanga me aana kaihautuu, e rauora ai te reo Maaori.

No reira, kua hoki ki te tiimatanga o te koorero:—

Tuatahi — He reta whakaatu atu teenei ki a koutou, Te Taraipiuana o Waitangi, ki te aahuatanga o te kaupapa a Nga Kaiwhakapumau i Te Reo (Inc) mo to taatou Reo Maaori.

Tuarua — He hora ki mua i a koutou, Te Taraipiuana o Waitangi, ta maatou kaupapa hei whiringa, hei taataranga, aa, hei whakataunga mai, i te tika o teenei kaupapa.

Tuatoru — Maa koutou, maa Te Taraipiuana o Waitangi e whakaatu mai i te tika, i te korenga raanei e tika, o te whakaritenga o teenei kaupapa.

Tuawhaa — Maa koutou, maa Te Tara-

Huirangi Waikerepuru



ipiunara o Waitangi, e whakaatu mai, mehemea he waahanga o teenei kaupapa kaaore i te tino maarama, aa, he koorero raanei e hapa ana, e tika ai te takoto o teenei kaupapa.

Tuarima — Hei ta koutou tautokonga mai i nga whakaritenga koorero o teenei reta, kaatahi ka aata tukuna atu te tuuturutanga tono-aa-kaupapa.

E kii ana te **Treaty of Waitangi Act 1975. s6. (1)**

"Where any Maori claims that he or any group of Maoris of which he is a member, is or is likely to be prejudicially affected..."

(a) By any Act, regulations or Order in Council, for the time being in force; or

(b) By any policy or practice adopted by or on behalf of the Crown and for the time being in force or by any policy or practice proposed to be adopted by or on behalf of the Crown; or

(c) By any act which, after the commencement of this Act, is done or omitted, by or on behalf of the Crown, and the Act, regulations or Order in Council, or the policy, practice or act is inconsistent with the principles of the Treaty, he may submit that claim to the Tribunal under this section."

Ki maatou, ki Nga Kaiwhakapumau I Te Reo, kotahi tonu te hiahia, te whakaaro, te wawata —

* Kia rauora tonu te reo Maaori ki nga uri whai muri ake o Aotearoa.

* Kia noho pumau tonu ki teenei whenua o Aotearoa, teenei "taonga", heke mai nei i nga maatua tuupuna, kia eke ai ki te tuuturutanga o te tangata Maaori i whakataukitia —

"Toi te kupu, toi te whenua, toi te mana."

Te Tiriti o Waitangi

1. Kei te tuarua o nga upoko —

"Ko te Kuini o Ingarangi ka whakairite, ka whakaae, ki nga tangata o **Nu Tirani te tino rangatiratanga** o o ratou whenua o o ratou kaainga **me o ratou taonga katoa.**"

Ki maatou, ki Nga Kaiwhakapumau I Te Reo —

(a) Kaore ano te iwi Maaori kia pa ana ki nga aahuatanga katoa o te ao Maaori, araa, ki toona wairua, ki toona oranga tinana, me te katoa o nga tikanga e tautika ai toona noho.

(b) Kau tapu te reo Maaori i raro i teenei whakataunga o te Tiriti o Waitangi, ka moho tonu ai ko te iwi Maaori anoo te rangatira mo te reo Maaori, no reira, kia kauaa e whakaheke taua rangatiratanga, me taua mana i whaka-