



Edward T. Durie — Tribunal head

When Edward T. Durie jnr became the first Maori to be appointed a district judge of the Maori Land Court, he shunned publicity.

When the same Judge Durie became the court's first Maori chief judge in 1980 and automatically also chairman of the Waitangi Tribunal, he did not want a fuss made over it by the news media or anyone else.

It was not particularly important or necessary, he believed, for the person in these roles to be a Maori.

But the tribunal's recent decision for the north Taranaki Te Atiawa tribe on the Motunui synthetic fuels plant — Chief Judge Durie's first decision as chairman — changed his mind.

In this the first real set of recommendations the tribunal has made in its six-year history, the quasi-judicial body took the unusual and successful step of holding its hearings on the tribe's marae at Manukorihi near Waitara.

"When I listened to those Te Atiawa people talking I was suddenly conscious

of the fact that what they were saying I had heard from my grandparents when I was very, very young.

"What they were saying was not new," says Chief Judge Durie, grandson of the late Mr Mason Durie, a widely respected elder of the Ngati Kawhata and Rangitane tribes.

"What was new was that they had the opportunity to say it in a public form. That's when it struck me that it is significant to have a Maori in a position to hear it.

"I've seen the relevance," says the 43-year-old Gisborne-born judge with renewed vitality at the end of a long interview.

"I think it is important when dealing with Maori things that you should have judges who can look at the law and look at the facts through the spectacles of the people they are dealing with... because they know those customs and habits."

Chief Judge Durie was educated at Fielding, Te Aute College, and Victoria University where he graduated with a

BA and LIB and was president of the New Zealand Federation of Maori Students.

The chief judge worked as a lawyer in Wellington and Tauranga before becoming a district Maori Land Court judge in 1974. He has also been active in church affairs.

The other two members of the tribunal Judge Durie chairs are New Zealand Maori Council chairman, Sir Graham Latimer, and Laurie Southwick QC. Judge Walter Willis substituted for Judge Southwick over the Taranaki decision only.

Tribunal chairman Chief Judge Durie hopes that future decisions can be issued with a Maori translation attached "so that some old (Maori) people can understand what it's all about."

He says the experience of hearing his first claim on the North Taranaki marae — regardless of the national furore that followed the Government's treatment of the tribunal's recommendations — was a feeling he personally could not describe.

"Overall, my feeling when I came away from there (the marae) was one of immense sadness," he explains, adding with a smile that "old Maori people are always looking back on old times."

Realisation

But the sadness came from his realisation that people of the "earlier generation were unable to say the sorts of things that these people can say today. It (the experience) was saying to me 'what a long way we have progressed in New Zealand that non-Maori are now receptive to these expressions'."

The Waitangi Tribunal established in 1975 as a brainchild of former Labour Maori Affairs Minister Mr Matiu Rata, has the power only to make recommendations to the Government.

Since it released its Taranaki decision recently, Mr Rata himself, now leader of the Mana Motuhake Party, has echoed calls of government ministers made when they were in opposition that the tribunal was toothless and needed retrospective powers to consider past acts and regulations.

Under the Treaty of Waitangi Act which set up the tribunal, it can look only at acts and policies of the Crown arising after enactment of the act in 1975.

Technicalities

The tribunal was able to adopt a very informal approach because it only has a power of recommendation, Chief Judge Durie says.

"If it had a power of final determination that would affect the rights and privileges and duties of individuals, then I think it would have been obliged to adopt a much more