

recognition of their cultural and spiritual values. That the love of their people should form part of law of the land. Laws which for too long, topsided.

Perhaps Te Atiawa were once again to become the focus of STATE intervention. It seems ironical, that the dispirited sale of the Waitara Block in 1858 led to the use of force by the Government. 29th March 1860 the British Warship "Niger" stood off the coast of Taranaki and for two days and nights pounded the Warea Mission station. Thus, began the New Zealand Land Wars. It was to be four years before military action in Taranaki subsided. Events of that time were quickly glossed over and even today such events make disturbing reading. Judging by present events it would seem little if any has been learnt from the sad legacy of the past.

Indeed I well recall reading of the process of extinguishing Parihaka. The Government's own "Atlas of New Zealand", the name of "Parihaka" was removed from all official maps and renamed "Newall". Named after the arresting office of Te Whiti and Tohu. In 1974 as Minister of Lands, I directed the New Zealand Geographic Board to restore the name of "Parihaka". That change appeared in the History of New Zealand by Dr. McClintock and all New Zealand maps to this day.

The discovery of oil and gas in Taranaki has prompted increase economic activity. Energy projects that even received the "Tapu ceremony" from Elders of Te Atiawa. That has now been removed.

Pollution has become a major problem as a consequence of increased activity. In March 1982 the first signs of serious pollution arose when the Natural Gas Corporation Treatment Plant in Hawera, spilled ammonia into the Kapuni Stream and killing fish in it. The spill was the result of an "accident".

In October 1982 over 20 km of the same stream was again polluted killing more fish. A situation described by the Corporation Lawyers as "purely and simply an accident and not serious". However, on the 6 April 1983 the Kapuni Stream was yet again polluted by ammonia seepage, with more fish dying. And yet again the Natural Gas Corporation General Manager Mr R.M. O'Gallagher describing the matter as, "one of those accidents".

Last December forty tanker loads of urea waste was wilfully and deliberately dumped over the cliffs and foreshore into the sea at Manaia.

While Government was embarrassed by the accident prone Corporations, little seems to have emerged that would allay the growing concern over pollution. Minister of Energy Bill Birch stated that there would be no further unauthorised discharges.

What was clearly emerging however, was not only the interest of Te Atiawa's traditional fisheries rights and the need to protect them. Safeguarding their rights would also serve the wider public interest against the persisting and growing levels of pollution. The need for energy and liquid fuels should not mean the destruction of our environment and cultural heritage. If anything it should aid our ability to safeguard and provide adequately for it.

On 17 March 1983 the Waitangi Tribunal filed their report and recommendations with the Government. Their findings were that the Reefs and Rivers referred to in the claim did contribute a significant and traditional fisheries of the Te Atiawa people. That the Tribes interests were being adversely effected by pollution and that such pollution was likely to continue. It was the Tribunal's further view that the construction and use of an ocean outfall at Motunui would lead to the reefs there being polluted by industrial waste and effluent.

The planning requirements for the region were regarded by the Tribunal as being

insufficient to provide the necessary safeguards for the protection of Te Atiawa's Fisheries interests, as the result of further development and growth in energy and industrial activity.

One of the profound findings of the Tribunal relates to the Treaty of Waitangi. The Tribunal asserts that the Treaty obliges the Crown to protect the Maori people in the use of their fisheries and the appropriate priority being afforded their area. Furthermore, the Treaty obliges the Crown to provide for legislative recognition of Maori fishing grounds and suggesting the need to confer an acceptable and practicable solution.

The Tribunal recommended that Government discontinue the proposed Motunui plant ocean outfall. And they seek an interim arrangement with the Waitara Borough Council for the use of their outfall at the mouth of the Waitara River to discharge the effluent from the Motunui plant. A Regional Planning and Co-ordinating Task Force be established to deal with the defective outfall and ultimately replace this with a regional land-base treatment plant.

Equally important has been the heartening attitude adopted by the Tribunal. A study of their report indicates a sensitive and practical appreciation of the Treaty of Waitangi and its relevance to our time. There is every reason to believe that given the power the Tribunal could deal with many of outstanding grievances that the Maori has had to endure. To make the due process of law work in a bi-cultural way.

Indeed it would not be an idle claim to suggest that the "findings" of a semi-judicial Tribunal had for the first time reflected and expressed a New Zealand experience of consequence. A ruling based upon our love and should be strengthened by the laws of the land. How much more would our Justice system mean if the administration and practice were to adopt the methods and approach used by the Tribunal. There is much to be gained from a system that is drawn from the practice and everyday usage of its people. There is much to be gained from it.

Every school library and New Zealand history and Maori Studies classes should have a copy of the Waitangi Tribunal Report. Knowledge of our country and the relevance of things "Maori" is not just a matter that is of interest to the Maori people, but is a matter of considerable public interest.

The reaction of the Government to the Waitangi Tribunal Report was hardly surprising. The Prime Minister did not even bother to read the Report before announcing that his Cabinet had declined the Tribunal's recommendation on the Motunui Outfall. A swift "No" from the Government was provocative and arrogant in the extreme.

Public reaction was equally as swift and vocal. It would have impressed the Government and in particular those Cabinet Ministers who had direct responsibilities who had remained silent on the issue. Te Atiawa sent a deputation to Wellington to meet with Prime Minister Muldoon.

Meantime, the Christchurch Engineering Firm of Consultants commissioned by the Department of Energy reported to Government on the Motunui plant and ocean outfall. The consultants supported the recommendations of the Waitangi Tribunal. The Government, although claiming that any delays could cost up to \$20 million a month, decided to back down. The Prime Minister suggested that Government was prepared to introduce the legislation provided the Maori Members of Parliament would assure him of their support. As the Bill was introduced without dissent we can assume that the call by the Prime Minister was purely diversionary.

The Synthetic Fuels Plant (Water Right) Bill is regarded as having major defects by the Coalition for Open Government as it fails to revoke the Fuel Corporation's

water right at Motunui. Instead of a temporary right to use the Waitara outfall the Bill provides a permanent right. The Bill is designed to meet the convenience of the Corporation and places no obligation on anyone to ensure a lasting solution as recommended by the Waitangi Tribunal.

Although the Fuels Corporation was not successful in seeking a 27 year water-right in 1982, the Planning Council did grant a 10 year water-right for a Motunui outfall. The provisions in the Bill will mean that the Corporation will not only have a duplicate water-right but one in perpetuity. A bonus.

The Government has again placed the interests of the Fuels Corporation above all else. The Bill goes nowhere near meeting the recommendations of the Waitangi Tribunal. Unless major amendments are made to the Bill the whole exercise will become yet another part in the continuing saga of fraud and deceit on the Treaty of Waitangi.

The Prime Minister was recently quoted as saying: "If they do not have a water-right at all times, they are in default of the loan agreement". The loan negotiated through Citibank for the construction of the Synthetic Fuel Plant at Motunui was for \$1.7 Billion.

The matter is far from over or likely to be resolved quickly. It remains for Parliament to ensure that it does so.

THINKING BIG  
AND TE ATIWA'S FISHERIES RIGHTS

by the Hon. Matui Rata, President Mana Motuhake

29 May 1983

The special legislation introduced to Parliament on Tuesday 3 May 1983 will provide the New Zealand Synthetic Fuels Corporation the legal right to discharge their effluent into the Tasman Sea. From their Motunui Petrol Plant the effluent will be piped through the existing Waitara Borough Council ocean outfall. Although defective and already badly polluted, the Waitara outfall arrangement will buy time for a Regional and lasting solution being effected.

In introducing the Bill the Minister of Energy, Bill Birch, stated that the Bill implemented certain recommendations of the Waitangi Tribunal. Furthermore, it would fulfill Prime Minister Muldoon's undertakings to the Te Atiawa deputation who saw him recently on the issue. Te Atiawa had met with the Prime Minister on two previous occasions asking that the Waitangi Tribunal recommendations including the Motunui outfall issue, be upheld and acted upon.

For Aila Taylor, a member of Te Atiawa Tribe, his application to the Waitangi Tribunal was one of simply stopping the Crown and others from dumping sewerage and industrial effluent into the sea along the Taranaki coast. With the Waitara foreshore already badly polluted and creating considerable health and recreational problems the move by Aila Taylor followed two unsuccessful approaches to other statutory authorities. Namely, the Planning Tribunal and the Court of Appeal. The submission of Te Atiawa were that pumping industrial effluent directly from the new petrol plant at Motunui into the sea would undoubtedly pollute their fisheries reefs along the North Taranaki coastline.

On the 2 June 1981 Aila Taylor filed an application with the Waitangi Tribunal claiming that the practices and policies of the Crown were failing to control the discharge of effluent into the sea and as such were inconsistent with the principles of the Treaty of Waitangi. The hearings began on the 5 July 1982 on the Manukorihi Marae, Waitara.

Te Atiawa were represented by Aila Taylor and 17 Tribal Elders and individuals. The Government had twenty-two Officials and officers from six State Departments. Public authorities, Recreation and interested individuals were also present to express their views. The Tribunal also visited the reefs and foreshores effected by pollution or were likely to be effected. Visits were also made to the local Freezing Works and the new Synthetic Fuels plant under construction at Motunui. A study of the literature regarding the issues before the Tribunal were also undertaken.

Clearly the Tribunal approach their task with considerable diligence. For Te Atiawa the opportunity was not lost in expressing their views about the complete disregard for their fisheries interests in the past. That problem was about to be aggravated further by the Think Big projects. Although willing to compromise in an interim arrangement for the existing outfall at Waitara they were opposed to any measures or proposals that would further pollute their reefs, off-shore fisheries and traditional rights.

Rights, which they believed were guaranteed under the Treaty of Waitangi. Rights which were and had been totally ignored and neglected. Rights which were now being prejudiced are under pressure from the State and then, "Think Big plans". They were adamant that the pollution should stop. That there must be the